

28 January 2016

Ilona Rose House, 111-119 Charing Cross Road**in the London Borough of Westminster****planning application no. 15/11234/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

Substantial demolition of existing buildings and redevelopment of the site to provide a mixed-use scheme accommodating a new building comprising basements, ground floor and part eight upper storeys plus rooftop plant with frontages to Charing Cross Road and Manette Street; refurbishment of buildings on Greek Street, in connection with use of the buildings for offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within basements of plant equipment, waste rooms and cycle parking; new public realm and pedestrian route through the site from Manette Street to Greek Street; and associated external works.

The applicant

The applicant is **Soho Estates Portfolio Ltd** and the agent is **Gerald Eve LLP**.

Strategic issues

The principle of 'mixed-use' development is supported in strategic planning terms. However, the proposal does not comply with London Plan policies on **historic environment**.

Further information and discussion is required on **affordable housing, urban design, inclusive access, sustainable development** and **transport** to ensure compliance with London Plan policies.

Recommendation

That Westminster Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 110 of this report.

Context

1 On 21 December 2015, 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 29 January 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 Categories 1B and 1C of the Mayor of London Order 2008:

- 1B “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings (b) in Central London and with a total floorspace of more than 20,000 square metres.”
- 1C “Development which comprises or includes the erection of a building of (c) 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 0.31 hectare site comprises the following building and addresses: 111, and 113-119 Charing Cross Road; 1-5 Manette Street (inclusive) Trefoil House; 6-12 Manette Street (inclusive) Goldbeaters House; 1-4 Wedgwood Mews (inclusive); 12, 13, 13a and 14 Greek Street.

6 The site is located within the Central Activity Zone (CAZ), the Tottenham Court Road Opportunity area (on the Charing Cross Road side), and the Greek Street side of the site is also located within the Crossrail Line 2 Safeguarding Zone.

7 Number 14 Greek Street is a Grade II listed building and 111-119 Charing Cross Road (including 1-5 Manette Street) and 12 and 13 Greek Street are identified as unlisted buildings of merit within the Soho Conservation Area (CA) Audit. A number of listed buildings also surround the development site. The site also lies within the Protected Vista of strategic view panorama 4A.2 from Primrose Hill to the Palace of Westminster, and Landmark Viewing Corridor, as identified in the Mayor’s ‘London View Management Framework’ SPG (2012). The site is also adjacent to a number of CAs including Denmark Street CA, Seven Dials CA, and Bloomsbury CA; which are within the London Borough of Camden, and the Hanway Street CA which is within Westminster Council’s boundaries.

8 The site fronts Charing Cross Road (A400) to the east, Manette Street to the north and has a small frontage onto Greek Street, all of which are borough roads, though the former road is part of the Strategic Road Network, where TfL are the traffic authority. The Transport for London Road Network (TLRN) lies one kilometre north and south of the site, at the Euston Road (A501) and the Embankment (A3211). Tottenham Court Road, Leicester Square and Piccadilly all lie within close walking distance to the site (at 330 metres, 490 metres and 710 metres respectively). National Rail and London Underground Services are available at Charing Cross Station, some 880 metres distant, and Crossrail services will be available from 2018 at Tottenham Court Road. The No. 16 bus services are also within reasonable walking distance. Consequently, the site benefits from an ‘excellent’ public transport accessibility level (PTAL) of 6b. The site also lies within the Mayor’s Cycle Hire network coverage area, with heavily used docking stations located at Soho Square, Bucknall Street and Old Compton Street.

Details of the proposal

9 Planning permission is being sought for substantial demolition of existing buildings to provide an office-led mixed-use scheme comprising in addition to the office accommodation, retail, residential, cultural and leisure uses. The proposal is for a new building on Charing Cross Road and the refurbishment of the site's properties on Greek Street, including rear extensions to some. A new route is also proposed to the rear of the Greek Street buildings, accessed from Manette Street and Greek Street.

10 The new building will provide basements, ground floor and part eight upper storeys plus rooftop plant (to provide a total height of 38.75 metres), and have frontage onto Charing Cross Road and Manette Street. The buildings on Greek Street will be refurbished. The development is intending to provide offices, retail, restaurants, art gallery/art education use, nightclub and eight residential dwellings; provision within the basements of plant equipment, waste rooms and cycle parking. The applicant is also proposing new public realm and pedestrian route through the site from Manette Street to Greek Street.

11 The proposal includes the demolition of the former Foyles and associated buildings, including 111 Charing Cross Road, 113-119 Charing Cross Road, Trefoil House, Goldbeater's House, and 1, 2, 3 and 4 Wedgwood Mews. Construction of an eight storey building fronting Charing Cross Road, with its top two storeys set back from the street line; the predominant facing material will be shaped terracotta tiles. Reconfiguration of 12 and 13 Greek Street, including demolition of the rear elevations and their replacement, and insertion of an additional storey and mansard roof.

12 Listed building consent is also being sought for 14 Greek Street for partial demolition to the rear of the building; rebuild of the rear facade and one storey rear extension; internal and external works; in connection with the use of the building as an art gallery/art education use.

Case history

13 On 2 November 2015, a pre application meeting was held at City Hall for the redevelopment of the site to provide a new 8 storey building, containing a gym, retail units, restaurant and offices, with new public realm, re-provided flats and a community facility. Several issues were raised during the meeting that required resolution prior to the application being referred back to the Mayor. These issues included housing, affordable housing, historic environment, urban design, transport and sustainable development.

Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

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|----------------------------|---|
| • Principle of development | <i>London Plan; the Mayor's Economic Development Strategy; Town Centres SPG</i> |
| • Housing | <i>London Plan; Housing SPG; draft interim Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG</i> |
| • Affordable housing | <i>London Plan; Housing SPG; draft interim Housing SPG; Housing Strategy</i> |
| • Historic environment | <i>London Plan</i> |
| • Urban design | <i>London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG</i> |

- Tall buildings/views *London Plan, London View Management Framework SPG*
- Inclusive 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*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy; Use of planning obligations in the funding of Crossrail and the Mayoral Community infrastructure levy SPG*

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's City Plan (2013); the saved policies in the Westminster Unitary Development Plan (2007, saved 2010); and 2015 the London Plan (Consolidated with Alterations since 2011).

- 16 The following are also relevant material considerations:
- National Planning Policy Framework and the accompanying National Planning Practice Guidance.
 - The draft Minor Alterations to the London Plan (2015).

Principle of development

17 The applicant is proposing an office-led mixed-use development. The indicative use classes, both existing and proposed, as well as the change in gross floor area (sq.m.) for the application is set out below.

Use Class	Existing	Proposed	Change
Class A1- retail	5,873	4,273	-1,600
Class A3 – restaurants and cafes	127	2,538	+2,411
Class B1 – offices	3,231	20,003	+16,772
Class C3 – residential	1,108	1,005	-103
Class D1 – non-residential institution	2,921	643	-2,278
<i>Sui Generis (nightclub)</i>	284	412	+128
Total	13,544	28,874	+15,330

Office-led, mixed-use development

18 The site is within the Central Activities Zone (CAZ) and the West End International Centre. Policy 2.10 'CAZ – Strategic Priorities' of the London Plan seeks to enhance and promote London as one of the world's most attractive, competitive business locations within the CAZ. The proposed office, retail and residential functions would contribute to the strategic functions of the CAZ and are supported in this location. Policy 4.5 'London's Visitor Infrastructure' and Map 4.2 identify the site as being within the West End Strategic Cultural Area, with the strategic aim to promote, enhance and protect the special characteristics of major clusters of visitor attractions.

19 The site is also located in the Tottenham Court Road Opportunity Area and the Charing Cross Town Centre. Policy 2.13 'Opportunity Areas and Intensification Areas' and Table A1.1 of the London Plan identify the Tottenham Court Road Opportunity Area for a minimum of 500 new homes and an indicative employment capacity of 5,000, and recognises the significant potential for integrated renewal across Westminster and Camden borough boundaries recognising the Area's strategic role as part of one of London's two 'International' shopping locations. These policies support redevelopment and recognise the need for an increase in retail, employment and residential accommodation. As such the principle of an office-led mixed-use development on the site is supported in strategic planning terms.

20 The current site includes 3,231 sq.m. (GEA) of B1 office space and the proposal would deliver 20,003 sq.m. (GEA), an uplift of 16,772 sq.m. This represents an improvement against existing provision and is welcome in line with Policy 4.2 'Offices' and CAZ policies. Policy 4.3 'Mixed Use Development and Offices' states that where development proposals increase office floorspace within the CAZ, they should include a mix of uses, including residential, unless such a mix would demonstrably conflict with other policies within the London Plan.

Retail and entertainment

21 London Plan Policy 2.10 states that within the CAZ the Mayor will, and boroughs should, support and improve the retail offer for residents, workers and visitors, especially the West End as a global shopping destination. As the table above indicates, there will be an increase in space for restaurants/cafes as well as the nightclub; however there is a loss of 1,600 sq.m. (GEA) of Class A1 retail uses. The applicant has indicated that the retail units will be of a higher quality than the existing provision. Overall there will be an uplift of 939 sq.m. (GEA) of retail and entertainment space on the site. Whilst the loss of A1 land uses is disappointing, GLA officers are of the view that provision of additional A3 use classes will increase activity at ground floor and improve the public realm. London Plan Policies 4.7 and 4.8 provide support for retail development in this location, and Policy 4.9 provides support for small and independent retailers. The quantum and nature of retail and entertainment floorspace in the proposal, including the change from existing provision, is supported in strategic planning terms.

22 London Plan Policy 4.6 offers support for arts and cultural facilities in major mixed use development. The applicant is intending to provide 643 sq.m. (GEA) of D1 uses which is intended to be provided as an art gallery and art education space. While there is a loss of D1 uses, the applicant has indicated that the current D1 uses on site have been vacant since September 2011 when the Central Saint Martin's (University of Arts London) vacated. The applicant's planning statement specifies that marketing for an alternative occupier of the D1 accommodation began in 2011; however there has been little interest. The applicant concludes that 'the D1 accommodation was surplus to the previous occupier's requirements, and has been shown through a marketing exercise that it is no longer likely to be used by another social and community use'. Provided Westminster Council has not identified local requirement for D1 land uses in the area, the loss of D1 floorspace is considered appropriate and the land uses proposed are supported.

Housing and affordable housing

23 London Plan Policy 3.8 'Housing Choice' encourages a choice of housing based on local needs, while affordable family housing is stated as a strategic priority. Policy 3.11 also states that priority should be accorded to the provision of affordable family housing. The existing residential mix is seven units comprising four 2-bedroom, two 3-bedroom and one 4-bedroom units. Of the existing units, four are currently occupied although GLA officers understand that the leases are due to end prior to development of the site. The applicant is intending to provide eight 2-bedroom residential units in 12-13 Greek Street. Whilst the loss of family sized units on the site is disappointing, the proposal is considered appropriate given the sites central location.

24 The site currently includes seven residential units with a floorspace of 1,108 sq.m. (GEA). London Plan Policy 3.14 'Existing Housing' states that loss of housing should be resisted unless the housing is replaced at existing or higher densities, with at least equivalent floorspace and better quality. The proposal will result in a loss of 103 sq.m. (GEA) of residential accommodation. The applicant states that the loss of residential accommodation has arisen from more efficient layout resulting in less corridor space. The applicant is also intending to provide an additional unit.

25 As stated above, Policy 4.3 requires that where proposals increase office floorspace within the CAZ, they should include a mix of uses, including residential, unless such a mix would demonstrably conflict with other policies within the London Plan. The proposal includes an uplift in office floorspace of 16,772 sq.m. and clearly comprises a broad mix of uses, including 1,005 sq.m. (GEA) of residential accommodation, although it is noted that this represents a reduction of 103 sq.m. of the existing floorspace. Westminster Council requires that where proposals increase the amount of commercial floorspace by 200 sq.m. or more, the provision of an equivalent amount of residential floorspace is required. In reflection of concerns about the loss of office space to residential, and as promoted by the Mayor's Draft CAZ SPG, the Council has published a draft Mixed Use Revision to Westminster's City Plan Strategic Policies, which requires increases in floorspace of more than 50% to be accompanied by an equivalent amount of residential floorspace, under a cascade mechanism, either on-site, off-site or payment in lieu.

26 The applicant has investigated a variety of options to test if it is viable to provide the required quantum of residential floorspace on the site. This exercise concluded that it was not considered appropriate to provide the required residential accommodation on-site. As such, the applicant has identified a donor site; 36-38 Dean Street which is located in the vicinity of the site, is in the ownership of the applicant and is currently used as office accommodation; 31 affordable units would be provided on this site in addition to a payment in-lieu. This is further discussed in the affordable housing section below.

Summary

27 Mindful of the comments made throughout this report, the principle of development is supported in strategic planning terms. The office-led mixed-use development is appropriate on this site and would support the strategic functions of the CAZ. The land swap use swap proposed by the applicant with the development site and identified donor site will result in an overall increase of office and residential accommodation, which GLA officers strongly support and is considered to be delivering London Plan policy.

Affordable housing

28 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so each council should have regard to its own overall target for the amount of affordable housing provision. This target should take account of the requirements of London Plan Policy 3.11, which includes the strategic target that 60% of new affordable housing should be for social rent and 40% for intermediate rent or sale.

29 While the Mayor has a set strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark for this spending round and not a planning policy target to be applied to negotiations on individual schemes.

30 Policy 3.12 is supported by paragraph 3.71, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit appraisal might need to be independently verified. Paragraph 3.75 highlights the potential need to re-appraising the viability of schemes prior to implementation in order to take account of economic uncertainties and ensure the maximum public benefit is secured over the period of the development.

31 Westminster Council has set an overall target as required by London Plan Policy 3.11, and aims to exceed 30% of new homes to be affordable. The Council has not proposed any tenure mix. Any variation from the London Plan will need to be robustly justified.

32 The applicant is not intending to provide any affordable housing on site, although the applicant has identified 36-38 Dean Street as a 'donor site' and is intending to provide 31 affordable residential units on this site.

33 Policy 3.12 of the London Plan expects affordable housing to be provided on-site, and the Mayor's Housing SPG reiterates this point, noting that on-site provision generally gives the greatest certainty of actual provision as well as meeting the Plan's policies on mixed and balanced communities.

34 In order to maximise affordable housing delivery, however, it is recognised that in exceptional circumstances and 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. However, off-site options should only be secured when it is fully demonstrable as to why on-site provision is not possible.

35 The policy lists a number of exceptional circumstances where off-site provision may be acceptable including:

- to secure a higher level of provision;
- better address priority needs, especially for family housing;
- to secure a more balanced community; and
- better sustain strategically important clusters of economic activities, especially in parts of the CAZ (land swap/housing credit).

36 It is acknowledged that the site's central location, with high property values and rent levels, could potentially make the scheme an unattractive investment for local registered providers. It is also acknowledged that the high values would mean it was not possible to provide intermediate homes within the GLA's income thresholds. It is acknowledged therefore, that a higher proportion of affordable dwellings could be provided off-site.

37 The applicant has undertaken a financial viability assessment (FVA) for both Ilona Rose House and the donor site at Dean Street. Westminster Council should undertake an independent assessment of both of these reports, and the results shared with GLA officers prior to the application being referred back to the Mayor.

38 It is understood by GLA officers that the applicant has submitted the donor site proposal for planning permission with Westminster Council. The Design and Access Statement for Dean Street has been provided and includes the layout and mix of affordable units. The 31 proposed units comprises of 23 one bed and 8 two bed units. Westminster Council should confirm that this meets local housing needs. Further details of the tenure mix proposed for the affordable housing component should also be supplied to GLA officers.

39 Further details regarding the timescales for delivery of the donor site in the context of the phasing for the development on the application site should be provided. The London plan expects applications for donor sites to come forward concurrently with the substantive planning application for the development site. If this is not possible, GLA officers may require the section 106 agreement to include a cascade arrangement allowing for alternative options to be explored if the preferred donor site cannot be delivered.

40 The donor site currently provides office accommodation, and the off-site provision of residential and loss of offices on the donor site would constitute a land use swap which seeks to satisfy the housing requirement generated by the Ilona Rose House scheme. The applicant is intending to deliver the entirety of the donor site as affordable housing which is supported.

Historic environment

Historic environment – designated heritage assets

41 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 will have an impact on designated heritage assets, including the Grade I listed House of St Barnabas (1 Greek Street); and the Grade II listed buildings including 3, 6, 8, 17, 20, 21, 48, 50, 58 Greek Street; the Hospital for Women (29 and 30 Soho Square); 38, 38a, 37, 36 Soho Square; Statue of St Charles II; 14, 16 and 17 Manette Street; Phoenix Theatre, Charing Cross Road; 2, 4, 6, 99a and 101 Old Compton Street; the Grade II* 26 Soho Square; and the Soho CA within which the site is located. 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 CAs, special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"*.

42 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 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. Recent judgements have provided detailed consideration of the duty imposed on local planning authorities. The Court of Appeal in *Barnwell Manor* held that a finding of harm to a listed building or its setting is a consideration to which the decision-maker must give considerable weight, and that there should be a strong presumption against granting permission that would harm the character or appearance of a CA.

Historic environment – non-designated heritage assets

43 London Plan Policy 7.8 also applies to non-designated heritage assets. Within the site, 111 Charing Cross Road (formally the site of the Plough Inn), 113-119 Charing Cross Road, Trefoil House (1-5 Manette Street), and 12-13 Greek Street (previously known as Portland House) are identified as 'buildings of merit' in the CA, which are non-designated heritage assets. Neighbouring buildings of merit outside of the site include Nos. 2, 4, 5, 7 (Pillars of Hercules public house), 9, 10, 11, 15, 19, 20, 49, 51-57 consecutively, and 59 Greek Street; Prince Edward Theatre, and 8-16 (even) Old Compton Street; Nos. 1, 11, 14, 20 and 31-35 Soho Square; Nos. 103-107 (odd), and 125 Charing Cross Road. The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Assessment of the proposal

44 The restoration of 14 Greek Street is supported, subject to a separate listed building application to be assessed and determined by the Council. The proposal to add an additional floor to 12-13 Greek Street has been sensitively resolved, without causing harm to the townscape of this thoroughfare or the setting of its neighbours including the listed No. 14.

45 The Icen Heritage Statement pertaining to the proposed refurbishment of the Grade II listed 14 Greek Street is a thorough document and it is considered this provides sufficient justification for this part of the scheme including the removal of the rear extension.

46 Notwithstanding the above, this proposal would constitute a total demolition of a whole block in the Soho CA (including the five buildings on Charing Cross Road identified as Buildings of Merit in Westminster Council's Soho CA Audit) and on a street (Charing Cross Road) that has sustained extensive demolition in the 1970s and the more recent demolitions in association with the Crossrail 1 project to the north. The Greek Street properties remain which is appropriate, given that some of these date back to the late 1600s, so are very significant buildings. Whilst the unlisted 19th Century buildings on Charing Cross Road are not individually of the highest architectural quality, they are of significant townscape merit and make a positive contribution to this CA. The mid-20th Century (1950s and early 1960s) stone-fronted blocks (including Goldbeaters Court) on Manette Street are perhaps more neutral contributors but are nevertheless good examples of their period and neither overwhelm this part of the CA or the setting of the Grade I listed chapel, part of the House of Barnabas. The significance of the buildings formerly occupied by Foyles lies both in terms of their architectural character, but also, maybe even more importantly, their social historical significance as the purpose-built home of London's, if not the world's, most famous bookshop for over a century which by the 1930s had become an incredibly important cultural and literary landmark in the capital.

47 The Planning Statement rightly acknowledges that the proposed demolitions would cause harm in respect of the undesignated heritage assets (paragraph 8.50) and that the proposed development would impact upon the setting of the listed House of Barnabas from Soho Square (paragraph 8.54), though it is inconsistent regarding the significance of 12-13 Greek Street, describing it as making only a neutral contribution to the CA in paragraph 8.43 and as a positive contributor in paragraph 8.52. The conclusion is that on balance the proposed development would result in 'an acceptable degree of change and cause less than substantial harm to the character of the CA', therefore according with paragraph 134 of the NPPF. The statement also sets out the economic, social and environmental benefits of the scheme which include the high quality design of the replacement building, increase in employment space and a more energy efficient new building. In paragraph 8.83 however, the report does acknowledge that substantial harm would be caused by the demolition of the Charing Cross Road frontages.

48 The Heritage Impact Assessment for 111-119 Charing Cross Road concludes that these properties have low significance, contrary to Westminster Council's classification of them as Buildings of Merit. It seeks to justify the demolition on the basis of the proximity of the site to the new Crossrail station prompting an intensification of development in this area. It rightly concludes that none of the buildings merit statutory listing designation and considers that the association with Foyles has been negated by their relocation to the adjacent site to the south, summarising the contribution of these buildings to the CA as neutral or low, which GLA officers' dispute. This report also contains a useful analysis of the impact on the CA in terms of the site's relationship with neighbouring buildings and views; however its conclusion that the impact of the scheme on nearby listed buildings will be minimal is unconvincing. It concludes that the demolitions will cause 'some harm' but less than substantial.

49 The report also examines the Greek Street properties, stating that the unlisted 12-13 Greek Street date from the 17th century with a later 19th century stucco facade, concluding that it has a moderate significance, an assessment which is accepted, as is their verdict on Wedgwood Mews.

50 The first view in the TVIA clearly demonstrates the substantial increase in the height, scale and bulk of the proposed development as compared with the existing historic buildings on the site. View 4 does not allow an adequate assessment of the impact of the new development as it is a summer view when trees are in full foliage; GLA officers require a winter view of View 4. View 7 demonstrates a significant impact upon views from the middle of Soho Square looking towards its south-eastern corner, with the new development appearing to be much higher than the existing roofline, greatly altering the backdrop of the Grade II listed half-timbered 1920s centrepiece of the square. Views down Bateman Street where the new development appears over the existing roofscape are similarly affected.

51 The Design and Access Statement usefully sets out the different options considered for the redevelopment of this site, the drawbacks of the first three options are recognised and accepted by GLA officers. However, the dismissal of Option 4 which retains the most important facades in townscape terms on Charing Cross Road is regrettable and deserves further consideration. The argument that the retained facades cannot be reconciled with the floor to ceiling heights of the new development within the site could be overcome by the adaption of these frontages as has been achieved at Eagle Place, Piccadilly, designed by Eric Parry architects and completed in 2013 (GLA reference 2294, Westminster Council reference 09/01102/FULL).

52 Given the above considerations, GLA officers are of the view that the current proposal would cause significant harm to the CA, and that the public benefit of the proposal is not enough to outweigh this harm. Therefore, the scheme does not comply with London Plan policies or the NPPF.

Urban design

53 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 7 which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage, views, and public realm. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood (Policy 7.4).

54 London Plan Policy 7.7, which relates to the specific design issues associated with tall and large-scale buildings, is of particular relevance to the proposed scheme. This policy sets out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor. Policies 7.10 and 7.11, which set out the Mayor's approach to protecting the character of strategic landmarks as well as London's wider character, are also important considerations.

Layout

55 The number and variation of retail units proposed in the scheme is welcome. The smaller retail units along the proposed public route will create activity and locating the larger retail unit along Charing Cross Road is appropriate. The proposal has also minimised inactive frontages along public routes which is welcome. The applicant is intending to widen and enhance the pavement along Charing Cross Road and Manette Street. This will improve pedestrian amenity along these streets.

56 The applicant is seeking to provide a new public route through the site with the aim of connecting Greek Street and Manette Street. Whilst the concept of a new public route is welcome, as discussed at the pre application stage GLA officers have concerns regarding this space. The public realm does not appear to be adequate for a development of this size and the number of retail frontages proposed. The public square, which is intended to have some alfresco dining, appears to be small and constrained. The walkway from the public square through to Manette Street has a 'pinch point' where the route narrows significantly. GLA officers have concerns that this will reduce the legibility and use of the public route. The 'L' shape of the proposed public walkway will also impact on this, and not provide clear signposting that there is access through to Manette Street and on to Charing Cross Road.

57 As was suggested at the pre application meeting, the applicant should consider providing an additional route through to Charing Cross Road along the southern boundary of the site. This would provide clear line of sight through the block which would be legible and inviting. The narrowing of the walkway through to Manette Street should be addressed. This could be achieved by removing or relocating the retail unit located along the western side of the thoroughfare. This approach would also increase the size of the public square, as well as widening the public route.

58 GLA officers note that the applicant has provided details of public spaces of similar areas, however given the scale of this development; GLA officers are of the view that the public realm should be more substantial to provide greater public benefit.

Residential quality

59 London Plan Policy 3.5 promotes quality in new housing provision and sets out minimum space standards at Table 3.3. As of 1 October 2015 the Government's technical housing standards came into effect. The Mayor intends to adopt the new technical guidance through a minor alteration to the London Plan. In advance of this the Mayor has released a policy statement setting out that from 1 October 2015 the relevant London Plan policy and associated guidance in the Housing SPG should be interpreted by reference to the nearest equivalent new national technical standard.

60 The residential quality of the proposal is considered to be high. The proposed layout encourages a high residential quality, with all units being through units, only two units per landing and all units proposed exceed the Mayor's minimum space standards as set out in Table 3.3 of the London Plan. This high quality of units is supported by GLA officers.

Height, massing and appearance

61 The visualisations of the proposed development indicate an interesting design, albeit on a significantly larger scale than the predominate four storeys (plus attics in the case of the adjoining new Foyles/ex St Martin's College building, plus three attics) on this stretch of Charing Cross Road, though the later 19th and 20th Century buildings reach heights of seven-plus storeys. The red-brick coloured elevations of concave and convex profiled patterned panels, bronze base and dove-grey metal top storeys would be highly distinctive as is the recessed cut-away ground floor retail frontage. The stepping down to three-storey frontage blocks on Manette Street is a good contextual approach given the much smaller scale of the listed and other very historic properties on Greek Street.

62 The applicant is intending to use a varied palette of materials along the Charing Cross Road elevation. This will differentiate the base, middle and top of the building. The distinction between the base and middle of the proposal is in keeping with appearance of surrounding development. However, subject to further consideration of development strategy option 4, the Charing Cross Road facade should have greater vertical demarcation. Providing vertical elements would break up the facade further and reduce the impact of the development on the surrounding area and recognise the finer urban grain of the sites context.

Strategic views

63 Part of the development site, the Greek Street side, sits within the Protected Vista of strategic view panorama 4A.2 from Primrose Hill to the Palace of Westminster, a Landmark Viewing Corridor, as identified in the Mayor's 'London View Management Framework' (LVMF) SPG (2012). Policy 7.12 'Implementing the London View Management Framework' states that development in the foreground and middle ground of a designated view should not be overly intrusive, unsightly or prominent to the detriment of the view. Policy 7.12 also states that where there is a Protected Vista, development that exceeds the threshold height of a Landmark Viewing Corridor should be refused. Paragraph 46 of the LVMF SPG also states that where existing buildings in a Landmark Viewing Corridor are demolished, any replacement building should be designed so that no part of the building envelope or element fixed to its structure exceeds the threshold plane, and that a proposal is 'hidden' behind an existing building is not exempt from this requirement.

64 The applicant has produced a Townscape and Visual Impact Study, which provides a set of verified views that have been agreed in conjunction with the Council from key locations. Whilst the townscape views are welcome the applicant has not provided any information regarding strategic view panorama A.2 from Primrose Hill to the Palace of Westminster. The Mayor's LVMF SPG outlines the assessment process for applications that could affect a Designated View. GLA officers note that the area which is included in the Landmark Viewing Corridor will only be increased by one storey and is unlikely to have any significant impacts; however, the applicant should confirm that the proposal will be below the threshold height of the Protected Vista of strategic view panorama 4A.2 from Primrose Hill to the Palace of Westminster.

Inclusive access

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

66 The applicant has engaged an access consultant, which is welcome, and a full access statement has been provided, demonstrating that the proposals generally reflect the principles of inclusive design. The Access Statement recognises the proposals are subject to the new technical housing standards and the residential units have been designed to meet building regulations M4(2) and M4(3). The Council should secure this compliance with Building Regulations M4(2) and M4(3) via condition. Given that the development is only intending to provide eight residential units, the applicant is not intending to provide any wheelchair accessible housing. London Plan Policy 3.8 'Housing Choice' states that 10% of new housing should be wheelchair accessible or easily adaptable for residents who are wheelchair users. In order to comply with London Plan Policy 3.8 the applicant should design one of the residential units to be wheelchair accessible or easily adaptable.

Sustainable development

Energy

67 The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole.

68 Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

Energy efficiency standards

69 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.

70 The demand for cooling will be minimised through solar control glazing, external shading and automated internal blinds. The applicant has undertaken dynamic thermal modelling using the CIBSE TM52 methodology and the London Design Summer Year (DSY) weather files. The results of the analysis demonstrate that with the measures proposed the cooling demand has been reduced; however mechanical cooling will be required to meet the CIBSE requirements. The applicant should confirm whether the rented apartments have been included in the overheating modelling.

71 The development is estimated to achieve a reduction of 153 tonnes per annum (26%) in regulated CO₂ emissions compared to a 2013 Building Regulations compliant development.

District heating

72 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 included correspondence with the local energy officer at Westminster confirming that there are currently no existing or proposed heat networks, this is welcomed. 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.

73 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. A drawing showing the route of the heat network linking all building uses on the site should be provided.

74 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

75 The applicant is proposing to install a 280 kW_e/350 kW_{th} 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.

76 The applicant has provided a cost benefit analysis which concludes that the inclusion of CHP will add value to the project.

77 The heat loads reported in the BRUKL provided are significantly lower than those used in the CHP analysis and there is concern that the CHP could be oversized. The applicant should therefore provide further information on how the heating load profile for the CHP has been determined. Monthly load profiles for space heating and hot water should be provided.

78 A reduction in regulated CO₂ emissions of 37 tonnes per annum (5%) will be achieved through this second part of the energy hierarchy.

Renewable energy technologies

79 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a 22kW_e Photovoltaic (PV) array on the roof of the development. A roof layout including the location of the PV panels has been provided.

80 The applicant is also proposing GSHP to supplement the communal heating network, with the CHP as the lead heating source. The GSHP will be a combination of open and closed loop system. The applicant has undertaken a desktop Hydrogeological Assessment, which has identified that the scheme lies above a chalk aquifer and has recommended flow rates to size the GSHP. Based on information from surrounding area the applicant is proposing a GSHP system with 380kW heating and 365kW cooling capacity.

81 A reduction in regulated CO₂ emissions of 208 tonnes per annum (26%) will be achieved through this third element of the energy hierarchy.

Overall carbon savings

82 Based on the energy assessment submitted at stage 1, the table below shows the residual CO₂ emissions after each stage of the energy hierarchy.

	Total residual regulated CO₂ emissions	Regulated CO₂ emissions reductions	
		(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building regulations	795		
Energy Efficiency	642	153	19%
CHP	605	37	5%
Renewable energy	587	18	2%
Total		208	26%

83 A reduction of 208 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 26%.

84 The on-site carbon dioxide savings fall short of the targets within Policy 5.2 of the London Plan. While it is accepted that there is little further potential for carbon dioxide reductions on-site, in liaison with the Council the developer should ensure the short fall in carbon dioxide reductions, equivalent to 70 tonnes of CO₂ per annum, is met off-site.

Flood risk

85 The Flood Risk Assessment (FRA) prepared by Civil Engineering Solutions confirms that the site is within Flood Zone 1 and is at a limited risk of significant surface water flooding. The immediate surrounding area is also at limited risk of significant surface water flooding.

86 The FRA states that residential areas will be located above the ground floor and recommends that warning notices are clearly displayed within the development, particularly in the basement levels.

87 The development proposals are compatible with London Plan Policy 5.12.

Sustainable drainage

88 The FRA states that the proposed development will not increase the impermeable area of the site and consequently no increase in the amount of run-off from the site.

89 No consideration has been given to reducing the volume of surface water run-off within the FRA. However, London Plan Policy 5.13 requires that developments aim to achieve greenfield run-off rates. As a result, consideration of sustainable drainage measures will be required as part of any stage 2 referral.

90 The design and access statement proposes planted roof terraces and green walls. Given these and the new public realm proposed, potentially suitable sustainable drainage measures could include:

- permeable paving;
- rainwater harvesting (e.g. for irrigation of the roof terraces); and
- water storage features, such as swales (these could be ornamental).

Climate change adaptation

91 Westminster Council should secure through planning condition that the application responds to strategic policies regarding climate change adaptation, including use of low energy lighting and energy efficient appliances, metering, high levels of insulation, low water use sanitary-ware and fittings, in addition to biodiverse roofs.

Transport

Car and cycle parking

93 No car parking is being proposed. This is appropriate and welcomed by TfL.

94 The applicant is proposing 16 long stay cycle parking spaces to serve the eight dwellings. This is the minimum required level of provision and is accepted.

95 An analysis based on proposed commercial floorspace generated cycle parking levels cannot yet be properly completed as the Transport Assessment (TA) has purposely exclude some parts of the GEA floorspace proposed within the building. The London Plan cycle parking standards require such spaces to be included within floorspace totals, with any shared plant/ancillary areas allocated to individual uses, or split pro-rata to the 'usable' floor area (as appears to have been the case upon the submitted application forms, albeit in GIA form).

96 The TA confirms that London Plan compliant levels of long term cycle parking are to be provided, but given that the floor area has been purposely miscalculated, contrary to the London Plan, this is not the case. When including all GEA floorspace associated with or able to be allocated pro-rata to the relevant use, the development is liable to fall significantly below the London Plan minimum levels in regard to office floorspace in particular.

97 Upon receiving a correct analysis of proposed GEA floorspace, TfL will identify the appropriate levels of long and short stay cycle parking, and the applicant will be expected to identify that additional provision within the scheme. It is noted that using the artificially lowered floorspace totals set out in the TA, the applicant already identified that short stay cycle parking provision would not meet the London Plan minimums. TfL will therefore expect, once the correct requirement has been identified, in regard to shorty stay cycle parking, this element will need to be increased on site to meet the minimum required level, a review of the capacity of the surrounding public realm should be undertaken with a view to proposing to Westminster that public on street provision be accordingly increased, or a combination of both measures explored. This should be undertaken and it should demonstrate that the minimum required additional cycle parking spaces can be accommodated in close proximity to the site.

98 The proposed development would increase the demand for use of the Mayor's Cycle Hire scheme, in a location where particular strain already exists upon the local stations. As such a section 106 contribution of £100,000, in order to accommodate the additional operational and maintenance demands of local stations (and thus increase effective capacity) is necessary to mitigate the impact of the proposed development, and to ensure accordance with Policy 6.9 (B,e) of the London Plan (2015).

Trip generation

99 Analysis of TRICS and Census data has informed conclusions on trip generation and mode share. The methodology used is acceptable, though it is unclear whether the use of artificially lowered 'net' GEA floor areas to identify total trip rates has distorted the outcome of this exercise, as it is unclear whether the survey sites in TRICS also utilise distorted GEA floor area totals.

Public transport

100 By virtue of the predicted impact upon mechanised public transport services, informed by the improvements arising from the Crossrail scheme in particular, no section 106 contribution for those services is considered to be appropriate.

Pedestrian environment and highway alterations

101 The development would contribute to a number of public realm enhancements and rationalisation and relocation of on street car parking in Manette Street, which is welcomed by TfL. Servicing implications on the Charing Cross Road frontage are discussed below.

102 The development would create a new route from Greek Street diagonally across to Manette Street from the south. The proposal for a new public route is supported, subject to the comments made previously in this report. TfL also requests that the pinch point be modified to increase its width, and at least a further metre would appear to be beneficial to create a greater prospect of usable and welcoming environment for both pedestrians and patrols of the indicated external seating areas shown.

Servicing and construction

103 Servicing is proposed to continue to occur from within a double length loading bay formed within a widened (overall) footway area on Charing Cross Road, and from an on street location on Greek Street. As the ground level facade on Charing Cross Road has been set back from the existing position, the formation of a loading bay would not reduce the available retained pavement width, and it would also be of a form to contribute to pavement capacity when the loading bays are not in use. Whilst the proximity of the loading bay to the junction with Manette Street is not ideal, and inter vehicle sightlines are compromised, given the low level of traffic using that road, no objection on safety grounds is raised.

104 A draft Delivery and Servicing Plan (DSP) has been submitted, as have limited details regarding construction logistics/programme. The securing by section 106 /condition of a detailed Construction Logistics Plan (CLP), in addition to the detailed DSP would allow the development to accord with London Plan Policy 6.14. The CLP should be submitted and agreed prior to commencement of development and the DSP prior to first occupation. In regard to the CLP, TfL wishes to ensure that construction vehicles are fitted with cycle specific safety equipment, including side-bars, blind spot mirrors and detection equipment to reduce the risk of collisions on the capital's roads. TfL requests that these requirements be secured in the section 106 agreement.

Travel Plan

105 The submitted framework Travel Plan is of a satisfactory quality and includes specific mode share targets, which is welcomed. Whilst the Plan sets out a range of measures proposed to encourage the use of more sustainable means of travel, including cycling, no mechanisms to support the use of the Mayor's Cycle Hire network appear to have been fully considered. Notwithstanding this omission, detailed Travel Plan, related to the proposed office and retail uses, must be secured, enforced, funded and monitored as part of the section 106 agreement, to ensure compliance with London Plan Policy 6.3.

Mayoral CIL and Crossrail Levy

106 In accordance with London Plan Policy 8.3 'Community Infrastructure Levy', and following consultation on both a Preliminary Draft, and then a Draft Charging Schedule, the Mayor's CIL came into effect on 1 April 2012. The proposed development is within the London Borough of Westminster where the Mayoral Charge is £50 per square metre of additional gross internal area. The site is also in the area where section 106 contributions for Crossrail will be sought in accordance with London Plan Policy 6.5 and the associated Supplementary Planning Guidance 'Use of planning obligations in the funding of Crossrail' (April 2013).

Local planning authority's position

107 It is understood by GLA officers that Westminster City Council will present the application to their planning committee in March 2016.

Legal considerations

108 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

109 There are no financial considerations at this stage.

Conclusion

110 London Plan policies on mixed-use office-led development, housing, affordable housing, historic environment, urban design, inclusive design, sustainable development and transport are relevant to this application. The principle of development is supported in strategic planning terms. However, the proposal does not yet comply with the London Plan for the reasons set out below:

- **Principle of development:** The principle of office-led, mixed-use development on this site is supported in strategic planning terms. The provision of a mix of uses including residential, retail, leisure and cultural facilities on the site is welcome.
- **Affordable housing:** Further details, as outlined in this report, are required regarding the proposed donor site for the affordable housing provision. Westminster Council should undertake an independent assessment of the applicant's viability appraisal, the results of which should be shared with GLA officers prior the application being referred back to the Mayor.
- **Historic environment:** The restoration of 14 Greek Street is supported. Further consideration should be given to 'Option 4 – Facade Retention' development strategy of the applicant's Design and Access Statement. GLA officers are of the view that the proposal would cause significant harm to the Conservation Area and the public benefit of the scheme does not outweigh this harm. Given this, the proposal does not comply with London Plan policies or the NPPF.
- **Urban design:** The residential quality of the proposal is high which is welcome. However GLA officers request further work and information (detailed in the body of this report) with regards to the layout; height, massing and appearance; and strategic views. This should be supplied prior to the application being referred back to the Mayor.
- **Inclusive access:** The applicant's Access Statement demonstrates that the proposals generally reflect the principles of inclusive design, which is welcome. The Council should secure compliance with Building Regulations M4(2) and M4(3) via condition. In order to ensure compliance with London Plan Policy 3.8, the applicant should provide one wheelchair accessible or easily adaptable unit.

- **Sustainable development:** Whilst the proposals are compliant with London Plan Policy 5.12 'Flood Risk', they are not yet compliant with Policy 5.13 'Sustainable Drainage'. The proposal therefore requires more detailed consideration of sustainable drainage techniques. Further information and discussion (detailed in the body of this report) are required before the proposals can be considered acceptable and the carbon dioxide savings verified. This should be submitted for assessment before the application is referred back to the Mayor. The applicant should ensure the shortfall in carbon dioxide reductions is met off-site. Conditions securing commitment for climate change adaptation should be included when the application is referred back to the Mayor.
- **Transport:** Further information and discussion, outlined in this report, is required regarding transport matters prior to the application being referred back to the Mayor. TfL requests a section 106 contribution of £100,000 in order to accommodate the additional operational and maintenance demands of the local stations that are part of the Mayor's Cycle Hire scheme.

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