

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 th August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Westbourne	
Subject of Report	Taxi House, 11 Woodfield Road, London, W9 2BA		
Proposal	Variation of Condition 1 (approved plans and documents) of planning permission dated 3 July 2020 (RN: 19/04487/FULL) for: Demolition of existing buildings and structures and construction of a new mixed-use development comprising hotel and associated facilities (Class C1), flexible workspace (Class B1a / B1c), retail and food and beverage (Class A1 / A3), events space (Sui Generis) and a replacement street cleaning depot (Sui Generis) with associated new public realm and highways improvements. (Site includes Taxi House, Waterside House and Westminster Street Sweepers Depot). Namely, internal design changes to the lower amenity levels and the addition of a new floor level positioned between the previous level 03 and level 04, variation of building heights, increase in hotel rooms from 286 to 332 with the maximum number of storeys increasing from 11 to 12, within the maximum building height.		
Agent	Miss Victoria Orbart		
On behalf of	The Collective (Taxi House) Ltd		
Registered Number	21/02892/FULL	Date amended/ completed	30 April 2021
Date Application Received	30 April 2021		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

1. RECOMMENDATION

1. Grant conditional permission, subject to:-
 - a) the completion of a Deed of Variation to the original S106 legal agreement (as amended by 20/04322/MOD106)
 - b) a new additional planning obligation to secure a carbon off-set contribution of £656,000 (index linked and payable on commencement), as required to be amended in the event of further reductions in carbon emissions being evidenced.
 - c) An additional financial contribution of £100,956.72 towards the Westminster Employment Service (index linked and payable on commencement of development)

2.If the s106 agreement has not been completed within 3 months from the date of the Committee's resolution then:

a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that would have been secured; if so the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning act 1990 for the stopping up of parts of the public highway to enable this development to take place.

4. That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in connection with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant is to cover all costs of the Council in progressing the stopping up orders.

2. SUMMARY

This application seeks a variation of the planning permission granted in July 2020 for the redevelopment of the site to provide new buildings of 4,5,6, and 11 stories in height to accommodate a mixed-use development for Hotel, Offices, Retail, restaurant and event space, the re-provision of Westminster Street Cleansing depot, together with new Public Realm with soft landscaping and tree planting.

Following design development, the applicant is now seeking minor material amendments to the original permission. The key amendments involve an increase in the quantum of floorspace by the insertion of additional floor levels to a number of the buildings resulting in an increase of 46 hotel rooms and involving an increase in height of some buildings by up to 1.375m.

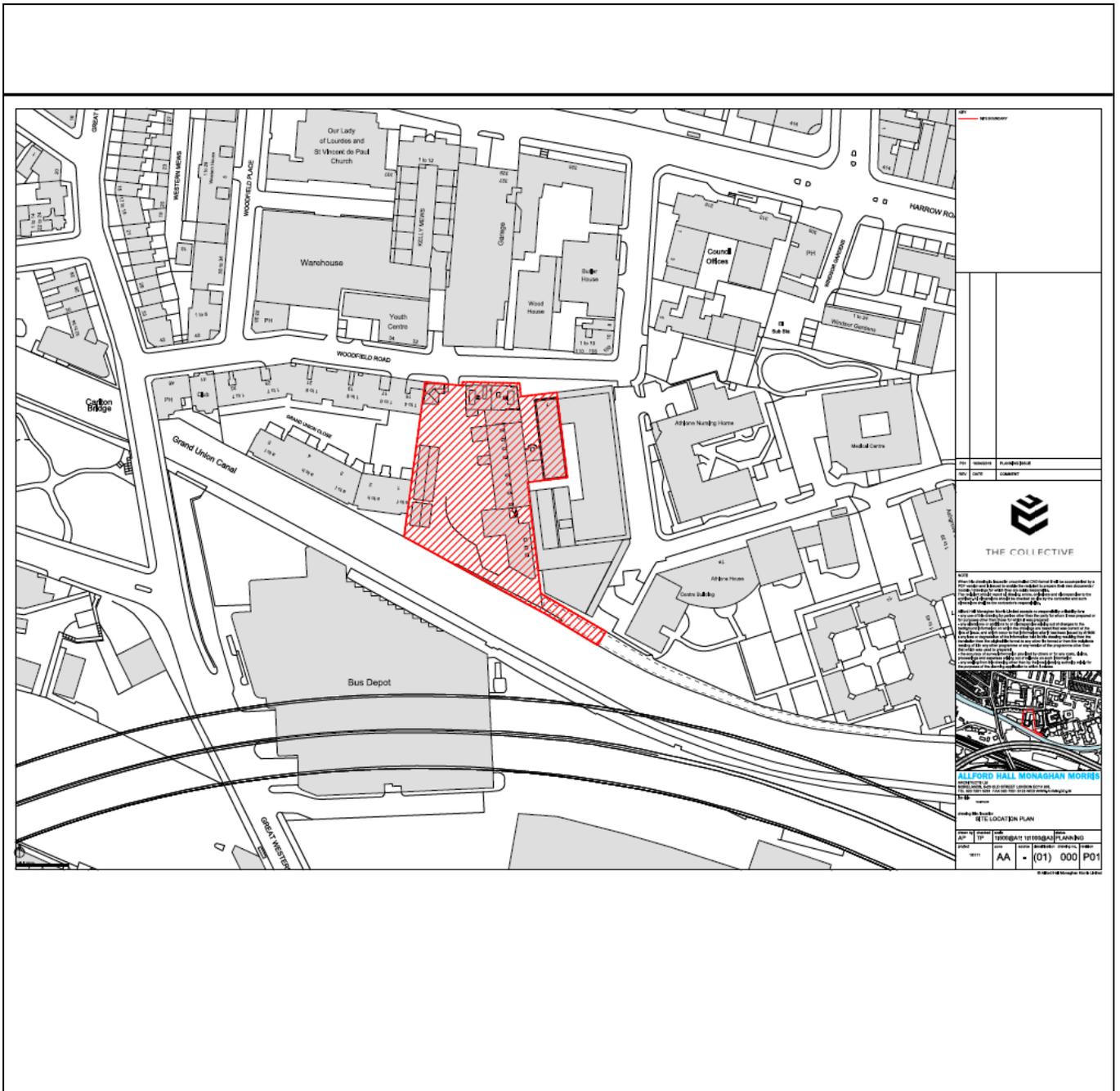
The application has brought about representations of objection from the Maida Hill Neighbourhood and Westbourne Forums and seven local residents. The key concerns suggest that the proposal is a backward step to the original planning permission, which had been amended by the applicant following resident's concerns, to reduce the height of buildings and control the intensity of the hotel use through control over the number of rooms/bedspaces to 286 to minimise transient population in the area.

Whilst the proposed amendments to these aspects of the development are regrettable, especially given the above, they are not considered to result in any significant further impact on resident's amenities to warrant withholding permission.

The increase in floorspace /hotel rooms is not considered significant given the scale of the mixed use scheme and in the absence of any significant change in highways and transportation terms. The amendments to the height of the buildings, whilst regrettable, especially given the reduction in height during the course of the original permission, does not result in any significant further impact on the amenities of surrounding residents.

Notwithstanding the objections raised, the amendments sought are considered to be acceptable and in accordance with our development plan policy and are not considered to result in any significant adverse environmental impacts. Given this and in the absence of any reasons not to grant this fresh permission a favourable recommendation is made subject to the completion of a Deed of Variation of the original S106 legal agreement together with an additional obligation to secure a carbon off-set contribution and an increased contribution to Westminster employment service, following the more stringent requirement of our new City Plan and increase in floorspace.

3. LOCATION PLAN



THE COLLECTIVE

ALLFORD HALL MONAGHAN MORRIS

AA - (01) 000 P01

4. PHOTOGRAPHS











5. CONSULTATIONS

THAMES WATER

Any response to be reported verbally.

CADENT GAS

Any response to be reported verbally.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Any response to be reported verbally.

GREATER LONDON AUTHORITY

Authorisation to proceed to determine the application without further reference to the GLA.

TRANSPORT FOR LONDON

Objection.

Non- compliance with London Plan cycle parking policy as follows. It is accepted that adequate provision is to be made within this number for all uses except the 'hotel'. Given the applicant has amended the proposal under the 20/04308/NMA to allow for stays over 90 days in half the rooms the use will operate like 'student accommodation' rather than a traditional hotel. Under the London Plan (2021) table 10.2 studio accommodation has a cycle parking ratio of 1 space per unit, this ratio should be applied. This would bring the total of long stay cycle parking spaces required for the 'hotel' to 332 spaces. The 131 spaces provide an unacceptable shortfall of 201 long stay spaces.

NB/ Cycle storage subsequently increased.

HISTORIC ENGLAND (LISTED BUILDINGS AND CONSERVATION AREAS)

No comment

HISTORIC ENGLAND (ARCHAEOLOGY)

Any response to be reported verbally.

ENVIRONMENT AGENCY

Any response to be reported verbally.

NATURAL ENGLAND

No comment.

CANAL AND RIVER TRUST

No comment.

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

No objection.

BRENT

No objection.

WARD COUNCILLORS FOR WESTBOURNE (COUNCILLOR BOOTHROYD, HUG AND QURESHI)

Any response to be reported verbally.

MAIDA HILL NEIGHBOURHOOD FORUM

Objection.

- The number of rooms was a key concern for local residents insuring the original consultation, because of the associated noise, traffic and deliveries. This resulted in a concession by The Collective reducing this. We are therefore very disappointed to see this concession withdrawn and indeed the total number potentially rising significantly. This invites cynicism.
- The height of the building on Woodfield Rd, and the removal of the recessed top floor, will increase the impact on residents and their feeling of being overlooked.
- The arch from Woodfield Rd down to the canal has got lower, making the public space less visible to passers-by. We had already advocated for this to be higher. So that is disappointing, and will reduce the usage of the space and sense of safety while increasing the risk of anti-social behaviour in a sensitive area.
- As far as we can tell the increase in rooms has been achieved by squashing existing rooms. They were already small and with not very high ceilings. Any further reduction could have an impact on the community as residents spend less time in their rooms and more either in community spaces or travelling to and from the hotel. It needs to stay liveable, rather than being a rabbit hutch.
- Concerned about anything that reduces the size and accessibility of the public space, E.g., re-siting of waste.
- The Collective's business model has proven robust to the pandemic and therefore trust that they will not seek to use this as an excuse to ignore input that residents made over an extended and demanding consultation period.

WESTBOURNE FORUM

Objection.

- Densification of the hotel increases the transient population to the area with the potential harm to the local community.
- We would like to recall the response of the planning committee: "It is however considered necessary to restrict the capacity of the hotel to 286 guests in order to prevent any significant increase in hotel guests and potential intensification of hotel use of the site that maybe harmful" (Director of Place Shaping and Town Planning Report 28 January 2020). This amendment is in contradiction with Policy 15H from the Westminster Plan.
- The amendment includes adding an extra storey on the entrance building on Woodfield Road, from 4 to 5 storeys this would create a taller street frontage on this narrow street.
- Concerned that the modification would include reducing the height of the porch entrance on Woodfield Road from 4.20m to 3.975m. This entrance corridor is already very deep compared to its height and reducing it, would create an even darker passage.

THE SAFER NEIGHBOURHOOD PANEL FOR WESTBOURNE WARD

Any response to be reported verbally

NORTH PADDINGTON SOCIETY

Any response to be reported verbally

NOTTINGHILL EAST NEIGHBOURHOOD FORUM

Any response to be reported verbally

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally

ST JOHN'S WOOD SOCIETY

No comment. We defer to the opinions of Historic England, ward councillors, the amenity society and neighbourhood forum.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

QUEEN'S PARK COMMUNITY COUNCIL

Any response to be reported verbally

SOUTH EAST BAYSWATER RESIDENT'S ASSOCIATION

Any response to be reported verbally

HARROW ROAD LOCAL AREA RENEWAL PARTNERSHIP (LARP) CO-ORDINATOR

Any response to be reported verbally

PADDINGTON ARTS

Support.

- The site currently makes little contribution to the local area. This application builds upon the consented scheme, creating much needed activation and animation of the site for visitors and residents in the local area.
- The changes sought in the application are very minor and appropriate in the context of the consented development. We understand the additional rooms are fundamental to ensure the delivery of the development and we support their inclusion.
- The new rooms being delivered alongside the range of commercial spaces will bring a much-needed vibrancy to the site and local area.
- Full confidence in the operational plan for the building.
- Look forward to working with the Collective as part of their Community Investment Programme to strengthen our own offering, improving the cultural offer to local people and wider Westminster.

HIGHWAYS PLANNING MANAGER

No objection.

PROJECT MANAGER WASTE

No objection, subject to condition.

PUBLIC PROTECTION AND LICENSING ENVIRONMENTAL SCIENCES

No objection, following receipt of further information with respect to air quality.

ARBORICULTURAL MANAGER

Any response to be reported verbally

ECONOMY TEAM /INCLUSIVE LOCAL ECONOMY AN EMPLOYMENT

Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2019), this scheme needs to provide: An Employment & Skills Plan and a Financial Contribution of £ 463,203.72

BUILDING CONTROL

Any response to be reported verbally

PROPERTY

No objection.

DESIGNING OUT CRIME

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 736

Total No. of replies: 7

No. of objections: 7

No. in support: 0

Principle

- Despite major local objections, this original application was given the go-ahead.
- The Collective had published, before the previous planning application, that after serious consultation with locals and neighbours that they would decrease the size and number of rooms to that which they applied for. Now they seem to want to play us ? by reneging on this "consultation" where they pretend to placate us then re-apply with their original plans ?
- This is the 2nd planning application, plots next to each other, passed by Westminster Planning Committee which have gone against public opinion, and which are more than double the size of adjoining buildings!
- After extensive local consultation, the number of rooms and height of the building on Woodfield Road in the original scheme was reduced. Concerned parties were, to some extent, content to see their views listened to. This new application - as a 'minor variation' - makes a complete mockery of that planning process. The scheme is now back to its original number of rooms and overwhelming height on Woodfield Road. My objections and concerns therefore remain exactly as they were then - that the scheme is trying to squeeze every last room and bit of space on the site with no concern for the increased traffic and noise on Woodfield Road or how out of scale the new building is with its neighbours, much of which is residential.
- Our local community made our concerns about the size, scale and impact of the hotel very clear during the lengthy consultation for the original planning

application. We accepted the decision of the Planning Committee believing this to be the end of the matter, and we reconciled ourselves to coping with a huge hotel on our doorstep.

- But it seems all the effort and energy of consultation was pointless as The Collective owners are now ignoring what we said and what they agreed, along with the planning decision of January 2020.
- The addition of 46 rooms (16% increase), an extra floor on one of the Woodfield Road buildings and the other changes, aren't minor amendments.
- Residents in the area have been continually ignored over other similar developments such as Hathaway House.
- The developers have bided their time, no doubt hoping to get away with these controversial changes. I feel very strongly about this proposal, but even I have had to force myself to send in another objection because I am tired and busy, and I really didn't want to revisit these plans yet again. There are many complicated documents to read and understand, and we are all still coping with the events of the past year so while I do not believe that anyone who objected last time has changed their mind, it doesn't surprise me that only a few have managed to put in a comment on the planning portal. I hope the Planning Committee will not take the lack of comments as an indication of approval.
- It seems we were misled into believing the consultation meant something the first time around. This tactic of re-applying also undermines the planning process - making it less likely that local people will get involved in consultations in the future.
- As a direct neighbour of the LTDA land, and someone who objected to the Collectives original plan of such a size and scale, I am disappointed to see that it is now being applied for again, with the suggestion these are "minor amendments" .
- Planning Committee should put Westminster residents first and reject this new proposal.
- I object to the new proposed changes and feel they should honour their original plan.
- It is hard to see why the planners bother consulting locally at all.
- Please don't!

Design

- The developers should not be allowed to add any height to any section
- This hotel is already far too big for its location. We really cannot cope with it growing even more.
- The extra floor and pushing out of the street front block will give a more imposing structure impacting on all surrounding residents.

Amenity

- This building is too big and will adversely affect neighbouring homes' privacy and light and add noise pollution.
- Planned 15% increase in the hotel room allocation will seriously impact the noise levels in the community.
- Hathaway House took away a substantial portion of the morning sunlight to Grand Union Close , this enormous development will do exactly the same.
- It will completely overshadow our garden and Car Park.

- The originally proposed Woodfield Road frontage of Taxi House Hotel was already overbearing in scale given its position on this narrow cobbled street. We thought ALL the hotel buildings should have been lower, and on Woodfield Road all top storeys should have been set back because of the sense of enclosure. The applicant's only previous concession was to set-back one section and now we are going back to where we started.
- The extra floors and rooms will be overlooking our homes and gardens, obscuring the already limited daylight and sunlight we have. Creating extra noise and interfering with our privacy.

Transport/Highways

- Planned 15% increase in the hotel room allocation will create additional traffic burden on what is already a busy road at park times.
- There is already a chronic lack of street parking in the area and along Woodfield Road, since the terrible decision was made a few years ago to make the single lane road a two way system the road is increasingly congested and ever more dangerous.
- No suitable infrastructure for this development which is not something the area needs, wants or requires. But then neither were the million pound flats in Hathaway House, or the former police station (we would rather have our police station back).
- Development is far too big, and we do not have space for the associated traffic and footfall.
- The owners want provision for potentially another 92 guests (these are double rooms). A larger transient population coming and going will add to the already negative impact on pollution, traffic, noise and diminish the sense of community and belonging in our neighbourhood. The proposed hotel was viable the last time around, can the owners not just be content with what they already have instead of trying to squeeze even more from the site, and from the community.
- The impact of having more residents than originally proposed would severely impact on the already struggling traffic of the cobbled road of Woodfield Road with taxi, take-away food drop offs etc.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. **BACKGROUND INFORMATION**

6.1 **The Application Site**

The site

The site 7-11 Woodfield Road comprises several buildings of up to three stories and with a part basement. It is occupied by The Licensed Taxi Drivers Association (LTDA) as their head office with associated car parking, known as "Taxi House", however they are due to relocate to new premises in Southwark in 2020. A small building on the site is owned by Westminster City Council and operated as a City Council Street Sweepers Depot. A further building known as Waterside house is an office building. Due to neighbouring buildings to the east and west and the canal to the south the only vehicular and pedestrian access to the site is from Woodfield Road.

Surroundings

The site is bound to the east by the recently developed Hathaway House, which comprises of residential flats, offices and healthcare. To the west lies the residential properties of Grand Union Close and their central communal parking and amenity area. North of the site on the opposite side of Woodfield Road lie residential properties and some office use. Woodfield Road, which is a cobbled road is comprised of residential properties together with social and community uses including Paddington Arts Centre and further west are two public houses. Woodfield Road has direct access to Harrow Road and Great Western Road. Harrow Road District Shopping Centre is also within the vicinity.

To the south the site is bound by the Paddington Branch of the Grand Union Canal (the towpath lies to the south of the canal only), the Westbourne Park Bus Garage, elevated A40 Westway and further south, the Concrete Batching Plant, beyond which are the railway lines running into and from Paddington Station. Harrow Road District Shopping Centre is also within the vicinity located around 185m north of the application site.

Westbourne Park London Underground Station and Westbourne Park Bus Garage are located west within walking distance and the site has a Public Transport Accessibility Level (PTAL) rating of 5. Woodfield Road is restricted to vehicles of a maximum of 7.5 tons. The site is in Flood zone 1 (low risk of flooding)

The borough boundary with the Royal Borough of Kensington and Chelsea also lies along part of Great Western Road.

Proximity of Heritage considerations

None of the buildings within the site are listed and the site lies outside of any conservation area. The site is not designated as an area or site of special archaeological priority and potential. The closest heritage considerations within Westminster are Harrow Road Police Station (Grade II) located 60m north and a number of surrounding conservation areas which are 200m or further away from the application site. Within the adjoining Royal Borough of Kensington and Chelsea, Trellick Tower (Grade II*) is around 370m away and a number of conservation areas lie further away. A more detailed description of heritage assets is set out in the design section of this report.

Land use designations

The site lies within the designated North West Westminster Special Policy Area (NWWSPA) within our Unitary Development Plan (UDP) and within the North Westminster Economic Development Area (NWEDA) within Westminster's City Plan (the City Plan). The adjacent Grand Union Canal is part of the Blue-Ribbon Network and Site of Importance for Nature Conservation (SINC) The area is designated as an area of play space deficiency and priority area for additional play space.

6.2 **Recent Relevant History**

Original permission

Conditional planning permission was granted on 03.07.2020 for the demolition of

existing buildings and structures and construction of a new mixed-use development comprising hotel and associated facilities (Class C1), flexible workspace (Class B1a / B1c), retail and food and beverage (Class A1 / A3), events space (Sui Generis) and a replacement street cleaning depot (Sui Generis) with associated new public realm and highways improvements. (Site includes, Taxi House, Waterside House and Westminster Street Sweepers Depot).(19/04487/FULL)

This is subject to a S106 agreement which secured the following obligations:

- i. Provision and management of the public realm areas within the application site, which for the avoidance of doubt extends to the canal side and provides public access along the canal side to link up with the public access provided by the adjacent site at Hathaway House, to Elmfield Way, including associated street furniture, paving, landscaping, drainage, service diversions.,
- ii. Allow public access to the public realm areas via a walkways agreement that shall be submitted for approval.,
- iii. Prior to commencement, the developer to enter into a property arrangement/agreement with the City Council as Westminster Property Department, which for the avoidance of doubt, must include, but not limited to the following:., a) Provision of a new Westminster Street Sweepers depot on terms acceptable to the City Council as depot owner and operator., b) The retention of the existing street cleansing depot and the ability for it to function and operate unabated during the construction of the development, until the new street cleansing depot is built, fully fitted out and ready for use., c) The provision of a new street cleansing depot on site, fully fitted out and ready for use, and the relocation of operations from the existing depot, all at the developers cost.,
- iv. Submission of a finalised Community Investment Programme (CIP) for approval.,
- v. Provision of not less than 20% of Class B1 office space as affordable workspace at rent maintained below the market rate for that space and managed by a workspace provider.,
- vi. Provision of highways works surrounding the site necessary for the development to occur, including but not limited to; new crossover to servicing bay, existing crossover returned to footway, repaving of footway adjacent to the development in Woodfield Road, amendments to parking bays and on-street restrictions.,
- vii. Provision of street tree outside of site on adjacent side of Woodfield Road or if this is not practical, elsewhere within the vicinity of the site.,
- viii. A financial contribution of £362,247 towards the Westminster Employment Service (index linked and payable on commencement of development).,
- ix. Provision of an Employment and Skills Plan for approval and adherence with the approved plan.,
- x. Monitoring costs of £500 for each of the above clauses.,

Previous Amendments to original permission & S106 legal agreement

A Non-Material Amendment and S106 modification were agreed on 18.08.2020 under reference 20/04308/NMA & 20/04322/MOD106. The application amended the requirement under condition 34b) that prevented any guests staying for more than 90 days. A proposed strategy was put forward by making two applications in tandem; a S96A Non-Material Amendment to revise the wording of Condition 34b) and a Section 106 modification application to the existing legal agreement dated 03.07.2020 to secure an additional obligation, which would sit alongside condition 11 (Operational Management Plan for all uses) and provide an additional level of comfort for the City

Council.

Condition 34 now requires:-, The hotel shall operate in accordance with the following unless otherwise agreed by us in writing:-,

- a) No more than 286 bed spaces,
- b) "Records of all bookings must be provided to the City Council on an annual basis and at any other time upon specific written request and must clearly stipulate bookings of a guest for 90 or more days in any calendar year".,
- c) No conference facilities,
- d) No coach bookings/parties.

The modification to the S106 legal agreement dated 03.07.2020 included a new additional obligation as set out below:-

"The hotel shall not be occupied until a Hotel Management Strategy (HMS) has been submitted to the LPA for approval. The Hotel Management Strategy shall as a minimum set out detailed proposals for the following (including the those already set out in your draft HMS):,

- The overall objectives of the HMS including that the Hotel is required to be used solely in accordance with the Planning Permission.
- An obligation for the Hotel operation to share booking records with the LPA on an annual basis or at any time upon specific written request by the LPA, of any bookings of a guest for 90 or more days in any calendar year.
- Details of the hotel booking system and check in/check out process,
- Confirmation that no Assured Shorthold Tenancies will be granted by the hotel operator (or an assignee) to any hotel guests.
- Confirmation that no hotel guests will be apply for residents parking permits".,

Collectively the strategy was considered appropriate mechanisms to provide comfort to the City Council, that the use will operate within a hotel use (Class C1) for the lifetime of the development. And sufficiently detailed to prevent a hostel/residential use of the site and the benefits that such uses would ordinarily bring to those occupiers. It is also robust enough to enable monitoring of the hotel use to enable the City Council to use its enforcement powers, should it be considered that there is a material change of use of the site.

Development Schemes in the vicinity of the site

Hathaway house, 7D Woodfield Road, W9

Planning permission was granted on 01.02.2017 for redevelopment of the site to provide buildings of ground and 4 storeys and ground and 3 storeys, for mixed use comprising B1, D1 Healthcare, and 74 residential units (including 19 affordable units), with associated car parking, Cycle parking and hard and soft landscaping. (16/02091/FULL). This permission has been implemented and construction works are nearing completion. The development will provide a number of planning obligations including: -Affordable housing; public access to 2m depth canal side; financial contributions to public realm; public art, play space, carbon offset, employment and training; highways work; carpark strategy and car club.

Harrow Road Police Station, 325 Harrow Road, W9

Planning permission was granted on 02.04.2015 for the redevelopment of the site at 325 Harrow Road, comprising the retention, refurbishment, and conversion of the Grade II Listed Building and cell blocks to accommodate 25 residential units; demolition of the ancillary outbuildings to the rear of the main building, and the erection of two buildings comprising ground, first, second and third floors to accommodate 38 residential units (63 residential units in total); creation of a basement car park accessed via Woodfield Road to the rear of the site to provide 32 spaces; and provision of 144 cycle parking spaces, refuse facilities, hard and soft landscaping and associated works. Following various amendments, the permission has been implemented and the development has been completed. (14/10440/FULL- as amended).

7. THE PROPOSAL

Background

What type of application is this?

Section 73 of the Town and Country Planning Act 1990 allows applications to be made to amend proposals that have planning permission. Central Government Guidance on this matter was issued in March 2014- Flexible options for planning permissions. The guidance advises that:-

“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”.

The guidance also advises that the application should be considered against the :

“Development plan and material considerations under section 38(6) of the 204 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of planning permission”.

The Proposal

This current application is a S73 application which seeks permission for Minor Material Amendments to the July 2020 permission (As Amended).

The applicant has stated that the application relates to design amendments that have emerged during design development and that *“These amendments have been included to maximise buildability, optimise the proposals, reduce time on site whilst retaining approved design strategies and intent previously approved by WCC”.*

A summary of the key proposed amendments is set out below:-

Layout and use

- Increase in hotel floorspace to create an additional 46 hotel rooms
- Changes to floorspace of uses
- Internal layout changes to hotel
- Relocation of refuse store location
- Revised cycle storage provision including shared community and hotel guest

- cycle hub/workshop and rental bike provision
- Insertion of addition level of floorspace to a number of buildings

External Design

- Reduction in footprint of the building in various locations including basement footprint.
- Variations to heights of buildings
- Design articulation of flank wall to Woodfield Road
- Revised courtyard layout and rooflights including relocation of attenuation tank within canal side hard landscape.
- External amenity space at level 9 relocated to level 10
- Additional green/brown roofs to 2nd, 3rd and 7th floors

8. DETAILED CONSIDERATIONS

Given the nature of this application as a S73 application to make Minor Material Amendments to an extant permission, this report sets out an assessment of the amendments sought only and does not reassess the core /principle issues relating to the extant permission, although does assess the relevance of any change in policy since the original decision, taking into account, the City Council adoption of its new development plan in April 2021 “City Plan 2019-2040, the publication of the new London Plan on 2nd March 2021 and the revised NPPF on 20th July 2021.

8.1 Land Use

The mix of land uses remains unchanged, but with an increase in hotel floorspace and a reduction in retail floorspace.

Table 1 – Approved & Proposed land use (Internal m2)

	Approved	Proposed	Change
Hotel/hotel rooms	9547m2 (286 rooms)	10729m2 (332 rooms)	1182m2 +46 rooms
Back of House	2635m2	1637m2	-728m2
Office floor space	837m2	859m2	+22m2
Flexible workspace	237m2	239m2	+2m2
Retail/restaurant	433m2	243m2	-190m2
Performance/events	123m2	123m2	None
Street Sweepers Depot	463m2	462m2	+2m2
Total	14005m	14292m2	287m2

NB/ Hotel floorspace includes all ancillary use, pool, gym etc & proposed areas include a reduction in basement footprint and overall small reduction to each floorplate on all levels together with insertion of additional floor to each four buildings.

Mixed use

This application seeks to amend an extant permission for which the principle of a hotel-led mixed-use development has already been established at this site within the North Westminster Economic Development Area (NWEDA). As such the loss of the existing London Taxi Drivers Association office use (& their relocation to premises in Southwark)

and replacement with mixed use for hotel, office, flexible workspace, retail/restaurant, performance and events space as well as the re-provision of the Street Cleansing Depot remain acceptable.

Furthermore, the proposed land use mix remains acceptable and in accordance with policy 13 (Supporting Economic Growth), 15 (Visitors), 16 (Food, Drink & Entertainment), 17 (Community Infrastructure and facilities) of our current City Plan (April 2021).

The original planning permission secured through a S106 legal agreement, the re-provision of the street sweepers depot and associated property arrangement/agreement with the City Council as Westminster Property Department. As such, this application would require a Deed of Variation of that legal agreement to ensure that this application is linked to that obligation.

With respect to the hotel use the original planning permission was varied to ensure that the hotel would be operated in a specific way.

This includes the following secured under condition 34:-

- a) No more than 286 bed spaces, (Nb/, see below proposed change to this)
- b) "Records of all bookings must be provided to the City Council on an annual basis and at any other time upon specific written request and must clearly stipulate bookings of a guest for 90 or more days in any calendar year".,
- c) No conference facilities,
- d) No coach bookings/parties.

And the following obligation:-

"The hotel shall not be occupied until a Hotel Management Strategy (HMS) has been submitted to the LPA for approval. The Hotel Management Strategy shall as a minimum set out detailed proposals for the following (including the those already set out in your draft HMS):

- The overall objectives of the HMS including that the Hotel is required to be used solely in accordance with the Planning Permission.
- An obligation for the Hotel operation to share booking records with the LPA on an annual basis or at any time upon specific written request by the LPA, of any bookings of a guest for 90 or more days in any calendar year.
- Details of the hotel booking system and check in/check out process, o Confirmation that no Assured Shorthold Tenancies will be granted by the hotel operator (or an assignee) to any hotel guests.
- Confirmation that no hotel guests will be apply for residents parking permits".,

These requirements would remain under this proposed amendment application, apart from the restriction on bedspaces which is proposed to increase from 286 to 332 bedspaces.

The increase of 46 rooms/bedspaces equates to a 16% increase in hotel bedspaces. However, this is not considered to significantly change the mix of uses within the development and appropriate mechanisms remain in place to provide comfort to the City

Council, that the use will operate within a hotel use (Class C1) for the lifetime of the development.

In connection with this, the number of larger rooms are increased. Originally the proposed room sizes ranged from 14m² to 25m². They are now proposed to range between 12m² and 31.7m². Under the original permission 89% of units were 14-15.9m² and 16-19.9m², with 11% between 18-19.9m² and 20+m². Under this proposal around 38% are of the larger sizes between 17.2m² and -31.7m² (including wheelchair accessible). This does not raise any concerns in land use terms.

The other uses and associated benefits they bring remain in place under this amendment application and include 20% of flexible office and light industrial floorspace as affordable floorspace and a community investment programme for public use of areas of the development including flexible events/performance space for community use and nil cost (performance spaces, use of wellness facilities, public access to events).

In relation to the community investment programme, the applicant has indicated that they are keen to enhance their offer to the local community and are now proposing an additional £200,000 of community benefits including an extra £150,000 towards the local Enterprise, Innovation and Community Fund (to be released as annual £30,000 grants) alongside specific contributions towards local sustainability and education projects. This is welcomed.

The public realm with public access and canal-side access along the canal and link to Hathaway House and Elmfield Way together with replacement and new tree planting, soft landscaping and greening are retained under this proposal in accordance with policy 34 (Green Infrastructure).

Overall, the planning benefits of the scheme (social, economic, regenerative) remain under this proposal & include:-

- New public realm with public access
- Canalside access along the canal and link to Hathaway House and Elmfield Way
- Replacement and new tree planting and soft landscaping and greening
- Flexible /affordable workspace (20% affordable)
- Flexible events/performance space for community use and nil cost (performance spaces, use of wellness facilities, public access to events)
- Community Investment Programme.
- Employment opportunities during construction and operation including local training initiatives.
- 360 new jobs in construction and £280k local expenditure
- 295 new jobs in the operation of the development (150 associated with the hotel)
- £19m expenditure by hotel guests and £18, gross value added by the hotels.
- New replacement street cleaner's depot future proofed for electrical vehicles.
- Investment into the area

The applicant has stated their proposed Community Investment Programme CIP (which is to be finalised and secured as part of a planning obligation "maintains the contribution of £150,000 towards an Enterprise, Innovation and Community Fund which will provide

grants of £15,000 per annum to the local community, to promote economic opportunities and entrepreneurialism and the current commercial offer which includes an extensive affordable workspace arrangement alongside this fund will provide a significantly positive impact on the local economy.

Change in legislation

Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. Under Class E, the use of a building can flip flop back and forth between any of these uses without the need for planning permission, on the basis that it is not development and does not therefore require planning permission.

Office uses as defined within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the Use Classes Order") are those that are capable of being accommodated in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Accordingly, the proposed office use should not harm the amenity of future nearby residents. The proposed retail/restaurant uses were considered to be of a suitable size, location and use so as not to cause harm.

However, other uses within Class E may have different and potentially more harmful amenity impacts than the proposed office, retail/restaurant uses. For example, creche, day nursery, gym and some sport uses (or a combination of these uses) may be open early or late at night and have large numbers of people congregating on and around the site. Furthermore, the applicant has not provided any information to demonstrate that the potential impact of these other uses within Class E would be adequately mitigated in the event of a change of use. Accordingly, a condition is attached to prevent changes of use within Class E without the consent of the City Council.

For the reasons set out above, the proposal is acceptable in land use terms.

8.2 **Townscape and Design**

Legislation

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

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

Section 66 of the same Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special*

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

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

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

Background

In granting permission for the original development, it was considered that the redevelopment of unlisted buildings outside of a conservation area was acceptable and would have no impact upon strategic views, no adverse impact on the character and appearance of surrounding conservation areas, no adverse impact on the setting of the Grade II listed former police station and was considered to enhance the setting of the canal.

Given that the site lies within the north-west quadrant of Westminster and in this particular townscape context, it was considered that the higher building could be treated as an exceptional case and given the existing townscape quality and bearing in mind the wider townscape context, it was concluded that the proposed tower would not have any significantly harmful impacts upon the character and appearance of the area and instead was capable of defining a site which has regenerative benefits to the wider area.

In design and townscape terms the proposed development was considered acceptable. And whilst acknowledged that it introduces a greater density, height and mass to the site, it was achieved in a way which minimised townscape harm.

Proposed revisions to Height, Massing and Detailed Design

Following design development, a number of amendments to the height, massing and detailed design are proposed together with some reductions in the footprint of the building/s in various locations including the basement. The key changes arise from a reduction in floor to floor heights, which has resulted in a proposal to insert an additional level of floorspace within some of the buildings, with some increases and decreases in height of elements, but with no increase in the overall maximum height of tower.

Table 2: Approved and Proposed Development heights AOD

Building	Approved	Proposed	Change	Comment
Tower overall maximum	69.350	69.350	No change	Increase
Tower- south/canal/ step back	44.950	44.075	-0.875m	n/a

Tower- middle	57.550	58.325	+0.775m	n/a
Pavilion	38.700	38.375	- 0.325m	n/a
Link building /Grand Union Close main	51.250	52.625	+1.375m	n/a
Link Building/Grand Union Close/set back storey	54.600	55.475	+0.875m	Set back remains
Woodfield Road West	48.100	46.925	-1.175m	All floors remain sheer
Woodfield Road Central	51.250	52.625	+1.375m	All floors remain sheer
Woodfield Road East	51.250	52.625	+1.375m	Height to eaves increased Top floor (now 5th floor) remains set back.

With respect to the tower building, the building would change from an 11 to 12 storey building (Increase from basement, ground and 9 upper floors to 10 upper floors) and whilst some minor increase in height of the lower elements (less than 1m), there would be no increase in the overall height of the building and it would remain at its originally approved height (69.340AOD), with consequential repeat of the approved fenestration to accommodate the additional floor and relocation of the amenity space from 9th to 0th floor level. As such, the proposed would not result in any significant change to its appearance when compared to the approved building and consequently no impact on strategic views, no adverse impact on the character and appearance of surrounding conservation areas, no adverse impact on the setting of the Grade II listed former police station or the setting of the canal.

Woodfield Road buildings would also be amended in a similar way, with a reduction in floor to floor height and the insertion of an additional floor to two buildings (east and central buildings), The eastern building would increase from ground and 4 upper floors to 5 upper floors, its eaves height would be increased to create a sheer storey to the new inserted floor, but the top floor would remain set back, within an overall height increase of 1.375m.

The central building would increase from double basement, ground and 4 upper floors to 5 upper floors and an increase in height by 1.125m with all floors remaining sheer as in the original permission. Its exposed flank to the west, resultant from the reduction in the height of the adjoining building (western building) is proposed to contain recessed brick panels to add design articulation which is welcomed.

The transition or link building (links Woodfield Road buildings to the Tower) would increase from basement, ground and 6 upper floors to 7 upper floors and an increase in height of 1.375m.

In the case of the western building (adjacent to Grand Union Close, it would reduce in height by 1.175m remaining as ground and 3 upper floors.

The changes in footprint, height and fenestration in comparison to the approved scheme are not significant in design and townscape terms and would not unduly impact on the proportions of the buildings, the overall quality of their design or their townscape impact.

The reduction in the height of the pedestrian entrance into the development from 4.20m to 3.975m, has brought about objection from the Maida Hill & Westbourne Forums on grounds that the view down to the canal would be less visible to passers-by and would make it darker and increase potential for anti-social behaviour. The reduction of just over 20cm in height is considered to be minor and does not raise design concerns with respect to the appearance of the development from Woodfield Road. The amendment is not considered to result in any significant change in visibility of the canal or the potential for anti-social behaviour. As in the case of the original planning permission a Secure by Design Certification is required by condition.

The incorporation of additional green roofs within the development are welcomed and soften and add attractive greening and visual interest to the development. And the revised courtyard layout and rooflights are minor in nature and do not raise design concerns.

None of these changes raises any design concerns and arguably reflects a design refinement albeit creating additional floorspace. Overall, the proposed design changes are acceptable and reflect a process of design development and in purely aesthetic terms, most of the proposed changes would not change the nature of the impacts and simply be a different arrangement of the same consented elements,

As such, the proposal is considered acceptable, mindful of policies 38;39,40,41,43 City Plan 2019-2040 a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Physical impact

A secondary daylight and sunlight assessment has been undertaken with respect to the proposed amendments. This indicates that there would be both a number of small improvements and small further losses of daylight and sunlight when compared to the original planning permission. However, Overall, however, it is not considered that impact of this current proposal would result in any significant change to the impact of the original planning permission for the reasons set out below.

Representations of objection have been received by the Naida Hill and Westbourne Forums and local residents on ground that's the additional height of some buildings of up to 1.375m, the change to the set-back storey to the eastern building on Woodfield Road and the additional fenestration would result in a further loss of amenity to residents. However, for the reasons set out in the following paragraphs, whilst some change would result, there would be no significant detrimental impact on local residents when compared to the original planning permission, to warrant withholding permission on this ground.

Sunlight and Daylight

In granting planning permission for the original development, it was both acknowledged and accepted that several existing surrounding properties would see a reduction in daylight and sunlight following construction of the development compared to that which they currently receive. But that not all of the reductions were significant and that even once the development was constructed, that surrounding properties would continue to receive satisfactory levels of daylight and sunlight and the impact was not considered significant.

It was acknowledged that the most affected property would be Hathaway House, which was under construction at the time of the consideration of the original planning permission, but which is not completed and occupied. But that whilst a number of residential units would see a reduction in daylight and sunlight above the guidelines set out in the BRE guide, it is likely that any development of this site, due to its proximity to adjacent residential properties would result in some loss of daylight and sunlight to these residential units, especially given the design and location of the properties close to the application site. The benefits of the proposal including regeneration benefits was weighed in this context and despite the limited loss of daylight and sunlight identified it was not considered to be a sustainable reason for refusal in isolation given the wider general regeneration benefits of the redevelopment.

In support of this minor material amendment application, the applicant has submitted an Addendum Daylight and Sunlight and Overshadowing Report. The report sets out the existing situation (current site) compared to the now proposed development (this application), but also compares the impact of the originally approved development (the original planning permission) with the now proposed development (this application).

Overall, the development now proposed would generally result in a similar impact on daylight and sunlight to surrounding properties when compared to the original planning permission. The amendments to the original development result in both improvements to the impact on daylight and sunlight to some surrounding properties as well as some further losses in other cases. A full assessment of the current proposal compared to the existing site was undertaken. However, the improvement and reductions set out below relate only to windows which would not receive daylight to the value of 27 VSC, as this was considered the most straight forward way of indicating the differences. These are summarised below:-

Daylight

3-5 Union Close

Thirteen windows would see further very insignificant minor reductions in daylight of between 0.01-0.05 VSC. Twenty five windows would see insignificant minor improvements in daylight of between 0.01 and 0.93 VSC.

15-25 Woodfield Road

Ten windows would see further very insignificant minor reductions in daylight of between 0.01-0.20 VSC.

331-333 Harrow Road/Kelly Mews

This window would see a very insignificant minor improvement in daylight of 0.08 VSC.

327-329 Harrow Road

Five windows would see further very insignificant minor reductions in daylight of between 0.08 -0.24 VSC. Two windows would see very insignificant minor improvements in daylight of between 0.09-0.20 VSC.

325 Harrow Road

Five windows would see further very insignificant minor reductions in daylight of between 0.06-0.73 VSC.

10 Woodfield Road

Twelve windows would see further very insignificant minor reductions in daylight of between 0.06-0.33VSC.

Hathaway House

Fifty three windows would see further very significant minor reductions in daylight of between 0.02-1.11VSC. Nine windows would see very insignificant minor improvements in daylight of between 0.04-3.51VSC.

Sunlight

In terms of sunlight, only Hathaway House would see some changes to sunlight. However, in granting planning permission for Hathaway House, it was accepted that due to its proximity to this site, it was likely to be affected by any future development. However, the impact is not considered to be significantly different to the impact of the original planning permission. Furthermore, as set out in the officer's report relating to the original planning permission, it was acknowledged that any development of this site, due to its proximity to adjacent residential properties would result in some loss of sunlight to these residential units, especially given the design and location of the properties close to the application site. Despite the limited loss of sunlight identified it is not considered to be a sustainable reason for refusal in isolation given the wider general regeneration benefits of the redevelopment.

Overshadowing

This current development continued to meet with the BRE Guidelines with respect to the sunlight received by the adjacent gardens/amenity spaces between 3-5 Grand Union Close and 15-25 Woodfield Road.

Given the minor amendments to the impact of the proposed development on the daylight and sunlight received by surrounding residential properties, officers remain of the view that the impact of the development in daylight and sunlight terms is not significant and remains acceptable.

Sense of Enclosure & Privacy

These matters among others were carefully considered under the original planning permission. The proposed amendments to the height of the various buildings are set out above in table 2. Taking into consideration the approved height and scale of the buildings, together with the additional height now proposed; 1.375m to Woodfield Road and Grand Union Close, as well as the distance to surrounding residential properties,

officers are of the view that the proposed increase in height would not result in such a significant increase in sense of enclosure.

Whilst the insertion of additional floors of accommodation increases the fenestration on the buildings, the mitigation measures secured under the original permission, including the hotel fenestration within reveals and fixed shut and obscure glazed glazing remains under this current proposal and is controlled by condition/s.

Woodfield Road properties

It is acknowledged that the building facing Woodfield Road properties was under the original permission revised during the course of the application following resident's concerns with the building reduced in height and set-back. A set-back remains under this proposal, however the overall height is proposed to be increased by 1.375m. Whilst it is disappointing that there has been a flip flop in the proposed height of buildings, the amendment must be assessed in planning terms and on the basis of whether any significant harm would arise from this. Compared to the original permission it is not considered that the overall additional height would have any significant further impact on neighbouring residents in which to withhold permission on this ground. The additional fenestration matched with the approved fenestration, set within reveals comprises of glazed windows with side vertical fixed metal panel with ventilation behind. Furthermore, as in the case of the original permission in order to further minimise the potential for noise and light escape and feeling of overlooking it is proposed again to require the glazing to be fixed shut and obscure glazed. Subject to this, the proposal is considered to be acceptable in amenity terms

Grand Union Close (3-5 Grand Union Close and 15-25 Woodfield Road)

15-25 Woodfield Road and 3-5 Grand Union Close are part of the same development. The Woodfield Road properties front Woodfield Road and their rear elevation faces the front elevation of 3-5 Grand Union Close, which are located to their rear. Between the two lies their communal landscaping and car parking area.

The four-storey element of the proposed development to be attached to the flank of 15-25 Woodfield Road and align with its rear elevation, is proposed to be reduced in height by 1.175m. The six-storey element of the proposed development which is set back from the boundary with this neighbour extends between the four-storey element on Woodfield Road and the taller eleven storey element to the rear, which attaches to the flank of 3-5 Grand Union Close, this building is proposed to be increased in height by 1.375m.

The basement, lower ground and upper ground floors of the flank of the hotel would continue to be set back from and predominantly screened by the boundary with this adjoining site, the upper five floors would be further set back, providing an area of green roof at first floor level. This set back provides for a view radius distance of 18-21m to the communal landscaping/car parking area of this adjacent site. The taller element of the hotel building towards the rear where it adjoins Grand Union Close does not extend beyond the footprint of this neighbour.

The reduction in height of the Woodfield Road element of the building is welcomed, it is regrettable that an increase in height of the central link building is proposed, where it faces the communal landscaping/car parking area of this adjacent site (the windows to this adjacent property do not directly face the proposed development). However, given

the minor increase in height of the building proposed 1.375m compared to the original permission it is not considered that the overall additional height would have any significant further impact on neighbouring residents in which to withhold permission on this ground.

The additional fenestration matched with the approved fenestration, is further set back from the elevation within deep reveals. The fenestration comprises of glazed windows with side vertical fixed metal panel with ventilation behind and glazed ceramic planters

Furthermore, as in the case of the original permission in order to further minimise the potential for noise and light escape and feeling of overlooking it is proposed again to require the glazing to be fixed shut and obscure glazed. Subject to this, the proposal is considered to be acceptable in amenity terms.

Hathaway House

The closest part of the development to Hathaway House is the 5-storey building on Woodfield Road, which extends to the rear at 3 storeys (housing the depot) and the two storey (upper and lower ground floor) pavilion building.

Given the minor increases in height of some elements of the development and some reductions in other areas, as set out in table 2 above, it is not considered that the proposed development would have any further significant impact on Hathaway House.

The relationship of the development and its fenestration/material/and measures to mitigate overlooking/ light pollution /sense of enclosure remain acceptable.

Two small terraces proposed at level 9 are relocated to level 10 which, due to their location, height and relationship with neighbours are considered to remain acceptable, subject to a condition to restrict their hours to 09.00-21.00 daily. All other flat roofs are to be prevented from use, apart from maintenance and escape in emergency.

Operational

A key consideration in this proposal relating to the operational impact of the development is the potential impact 46 additional hotel room/bedspaces and associated comings and goings to and from the site in highways and transportation terms and also on residential amenity.

Both the Maida Hill Forum and Westbourne Forum together with local residents have raised objection on the ground that additional rooms increase transient population and is potentially harmful to the local community. They also state that the intensity of the site for hotel use was a key concern for residents under the original planning permission and are disappointed that the applicant has gone back on their reduction in rooms during the course of the original application to now proposing more.

A condition (no.34) of the original planning permission controls the number of room/bedspaces to 286 to ensure that any future proposed change would have to be assessed and considered under a new planning application, to ensure that any increase in numbers would not be harmful.

A supplementary transport assessment has been submitted to evidence the anticipated intensity of use and the City Council's Highways Planning manager has advised that the proposal is not significantly different to the original permission in Highways terms. Given this, and notwithstanding the objections raised, it is not considered that the increase in intensity of the hotel aspect of the development would result in any further significant impact in environmental terms to warrant withholding permission on operational amenity grounds.

8.4 **Transportation/Parking**

The original planning permission controls, under condition 34, the use of the hotel to no more than 286 bedspaces. This current proposal seeks to increase the number of hotel rooms/bedspaces by creating 46 additional rooms (increase from 286 to 332 or 16%) and to amend the size mix of units. A Transport Assessment Update has been submitted in support of the proposal in association with the floorspace set out in Table 1 and taking into account the original planning permission as amended by the non-material amendment and S106 modification, as set out in under the relevant history section of this report. The conclusion of the report is that due to more up to date and relevant transport data (that was not available at the time of the original permission), that the hotel would generate fewer trips than originally anticipated and as such this proposal for 332 rooms would generate less trips than was considered under the original permission.

The City Council's Highways Planning Manager has advised that the proposal is not hugely different to the original permission and that the development remains acceptable from a highways point of view given the number of taxis that used to attend Taxi House and that this development is largely car-free and that the servicing impact would be insignificant.

As originally submitted, this application sought to reduce the provision of cycle parking within the site. However, following concerns raised by officers in light of our Highways Planning Manager & TFL objections, additional provision has been made for an additional 50 cycle parking spaces at lower ground floor level through the reconfiguration of back of house areas.

Subject to the above, the principle of the increase in rooms and unit size mix is considered acceptable. However, as is the case with the original planning permission, a maximum bedspace capacity (now 332) would be secured by an amendment to condition 34, in order for the City Council to retain control over any future intensification of the hotel use of the site, which could be harmful in transport and or amenity terms. All other transport and highways conditions and obligations would remain as per the original permission.

8.5 **Economic Considerations**

The economic considerations are set out throughout this report.

8.6 **Access**

Any access considerations are set out throughout this report.

8.7 Other UDP/Westminster Policy Considerations

Energy/Sustainability

The adoption of the City Council's City Plan 2019-2040 and London Plan 2021 introduced a greater emphasis on energy, sustainability and biodiversity, when compared to the City Plan 2016, UDP and earlier London Plan, which were all relevant at the time of the assessment of the original planning permission.

Policy 36 (Energy) of our city Plan 2019-2040 promotes zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved (following the principles of the Mayor of London's energy hierarchy). Only where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment.

As such a further consideration of these aspects of the development have been undertaken and the applicant has submitted an Energy and Sustainability Strategies Addendum Note.

The development is now expected to achieve a 60% reduction in carbon emissions (35% minimum target) and a BREEAM excellent rating by reducing operational emissions from all regulated uses (i.e. heating, lighting, hot water and ventilation), by proposing the following:-

- Energy efficient building fabric and services including lighting, variable speed drives to pumps and fans, water saving technologies (low flow shower & taps) & air permeability
- Central Hot water system
- Air source heat pumps for heating and cooling and hot water
- Mechanical ventilation with heat recovery system and mixed mode ventilation
- Maximum solar gain for daylight and to minimise energy use
- U values exceeded
- Reduction in surface run off (Drainage strategy designed for 1 in 100 -year storm + 40% climate change)
- Cycle parking
- All waste streams including recycling
- Greening, within the public realm including tree and shrub planting and additional roofs as living roofs.

The strategies for both domestic water and heating/cooling remain consistent with the original permission. Gas (previously only proposed for kitchen use) has been removed entirely from the proposal which is welcomed.

The City Council's replacement Street Sweepers Depot is designed to accommodate electric carts. Construction and demolition waste and recycling/reuse are considered under the Code of Construction Practice, which is required by condition.

Whilst the proposal achieves a 60% reduction in Carbon emissions it does not achieve net Zero carbon. As such a carbon off-set contribution of £656,000 is required and would be allocated to projects that will reduce carbon emissions elsewhere in Westminster. The level of contribution payable would be amended to reflect any further reductions in carbon emissions being evidenced, given the applicants intention to continue to seek further reductions through ongoing design processes.

In this particular case, there are two material considerations, the extant planning permission which was granted under a different policy requirement (35% reduction in carbon emissions) and the now adopted City Plan 2019-2040 which puts a greater emphasis on reduction of carbon emissions (net zero carbon emissions). As such, the proposal set out above, which provides a greater reduction in carbon emissions than the original planning permission, is considered to be acceptable given these two factors. The applicant has indicated that they intend to further refine their strategy for the site and make the building more energy efficient if at all possible. As such they will seek further on site carbon reductions as the design progresses to seek to get closer to net zero and therefore to reduce the payable contribution.

Air Quality

In addition to the expectation of zero carbon development, is the requirement under policy 32 (Air Quality) for development to be at the very least Air Quality Neutral and further, for major developments within opportunity areas such as this, to demonstrate how local air quality can be improved across the proposed development as part of an air quality positive approach. Following additional clarifications from the agent during the course of the application, the City Council's EH officer has confirmed that the air quality neutral calculation demonstrates that the development meets the relevant benchmarks for both transport and building emissions and consequently does not raise any objection to this current proposal. In addition, the applicant has set out in their revised CIP a "commitment to local air quality initiatives in/around the site to improve air quality for visitors and local people" £20,000. This is welcomed and they have been advised to liaise with officers in EH to feed into this and advise on current projects that may benefit from such a contribution.

Greening/Trees/Biodiversity

City Plan Policy 34 (Greening) requires developments to contribute to the greening of Westminster by way of Incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the development.

The original development set out a soft landscaping strategy which details proposed replacement tree planting as part of the soft landscaping of the proposed development. The introduction of new soft landscaping and trees, green roofs, walls and planters and a new street tree. These remain under this current proposal but with additional provision of green roofs to reflect the greater emphasis on greening and under the current City Plan policy.

The site is currently of low ecological value but with significant opportunities to improve this and it is considered that the proposal meets with this aspiration with significant greening and biodiversity net gain in the proposed development.

Fire Strategy

The applicant has stated that as part of the design development and consultation with the London Fire Brigade (including a meeting on 15.04.2021) that “enhancements” have been made to the fire strategy submitted as part of the original planning permission. This includes a reduction in travel to the south core of the main hotel building and access to the fire-fighting lifts, evacuation lifts and stair cores is now provided at upper ground floor level. The building is to be served by two fire-fighting cores and be provided with a commercial standard sprinkler system and each core served by a wet fire main and fire main inlets and fire hydrants located at suitable points in the locality of the development.

8.8 **Westminster City Plan**

At the time of determination of the original planning permission in July 2020 Westminster’s Unitary Development Plan adopted in January 2007 and Westminster’s City Plan Strategic Policies adopted in November 2016 were relevant. At that time the City Council was working on a complete review of its City Plan, and it held limited weight in the determination of the that application.

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

This application has therefore been considered under this current development plan.

8.9 **Neighbourhood Plans**

Not applicable. The development plan for Westminster comprises the City Plan 2019-2040 (April 2021) and the London Plan (March 2021). The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF.

8.10 **London Plan**

The original application was referred to the Mayor of London under category 1B (Floorspace over 15,000m²) and 1C (Building over 30m in height) of the Mayor of London Order 2008. For consistency and for the avoidance of doubt, the mayor was consulted on this S73 (Minor Material Amendment) Application. The mayor gave authorisation to proceed to determine the application without further reference to the GLA.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the pre-commencement conditions set out in the draft decision notice. All such conditions were imposed on the original planning permission. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

The original planning permission in July 2020, as amended, secured a number of planning obligations which must be linked to this current application through a Deed of Variation.

Additionally, this current application brings about a requirement for an additional planning obligation to secure a Carbon Offset payment of £656,000.

The City Council's Economy team has confirmed that the revised proposal (changes to the floorspace) requires a larger financial contribution of £ 463,203.72 towards the Westminster Employment Service (index linked and payable on commencement of development) when compared to that secured as part of the original planning permission (£362,247). An increase in £100,956.72.

New obligation/s

- Carbon Off-set contribution of £656,000 (index linked and payable on commencement), as required to be amended in the event of further reductions in carbon emissions being evidenced.
- Additional financial contribution of £100,956.72 towards the Westminster Employment Service (index linked and payable on commencement of development)

Original obligations to be secured by a Deed of Variation

- i. Provision and management of the public realm areas within the application site, which for the avoidance of doubt extends to the canal side and provides public access along the canal side to link up with the public access provided by the

- adjacent site at Hathaway House to Elmfield Way, including associated street furniture, paving, landscaping, drainage, service diversions.
- ii. Allow public access to the public realm areas via a walkways agreement that shall be submitted for approval.
 - iii. Prior to commencement, the developer to enter into a property arrangement/agreement with the City Council as Westminster Property Department, which for the avoidance of doubt, must include, but not limited to the following:
 - a) Provision of a new Westminster Street Sweepers depot on terms acceptable to the City Council as depot owner and operator.
 - b) The retention of the existing street cleansing depot and the ability for it to function and operate unabated during the construction of the development, until the new street cleansing depot is built, fully fitted out and ready for use.
 - c) The provision of a new street cleansing depot on site, fully fitted out and ready for use, and the relocation of operations from the existing depot, all at the developers cost.
 - iv. Submission of a finalised Community Investment Programme (CIP) for approval.
 - v. Provision of not less than 20% of Class B1 office space as affordable workspace at rent maintained below the market rate for that space and managed by a workspace provider.
 - vi. Provision of highways works surrounding the site necessary for the development to occur, including but not limited to; new crossover to servicing bay, existing crossover returned to footway, repaving of footway adjacent to the development in Woodfield Road, amendments to parking bays and on-street restrictions.
 - vii. Provision of street tree outside of site on adjacent side of Woodfield Road or if this is not practical, elsewhere within the vicinity of the site.
 - viii. A financial contribution of £362,247 towards the Westminster Employment Service (index linked and payable on commencement of development).
 - ix. Provision of an Employment and Skills Plan for approval and adherence with the approved plan.
 - x. Hotel Management Strategy (HMS)
 - xi. Monitoring costs of £500 for each of the clauses.

Table 3:- Expected CiL contributions

CIL	Approved scheme	Proposed scheme
Westminster	£ 631,402.97	TBC
Mayoral	£1,478,361.25	TBC

8.13 Environmental Impact Assessment

The original application was not EIA development, and neither is this S73 application . It is not considered to meet the threshold and criteria to constitute EIA development and the proposed development does not exceed the threshold set out for its category in Schedule 2 is not actually in one of the “sensitive areas” and is not considered likely to have a significant effect on the environment under The Town and Country Planning

(Environmental Impact Assessment) Regulations 2017. However, environmental impacts are assessed where relevant elsewhere in this report.

8.14 **Other Issues**

None

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

9. KEY DRAWINGS

TAXI HOUSE - Woodfield Road Bay Study/Elevation

The drawing set includes a bay study on the left and a main elevation on the right. The bay study shows a grid of columns and levels. The elevation shows a multi-story building with a brick base and a lighter upper section. A red line on the right side of the elevation indicates the approved height. The title block at the bottom contains the following information:

PROJECT	18111 AA (00) 601 P05 to the left and P06 (latest) to the right
DATE	18111 A (00) 6 01 P06
DESIGNER	THE COLLECTIVE
ARCHITECT	THE COLLECTIVE
ENGINEER	THE COLLECTIVE
PLUMBER	THE COLLECTIVE
ELECTRICIAN	THE COLLECTIVE
Mechanical	THE COLLECTIVE
Structural	THE COLLECTIVE
Interior	THE COLLECTIVE
Exterior	THE COLLECTIVE
Site	THE COLLECTIVE
Other	THE COLLECTIVE

AS APPROVED AND AS PROPOSED – RED LINE ON RIGHT HAND DRAWING DENOTES APPROVED HEIGHT



WOODFIELD ROAD AS APPROVED LOOKING WEST



WOODFIELD ROAD AS PROPOSED LOOKING WEST



WOODFIELD ROAD AS APPROVED LOOKING EAST



WOODFIELD ROAD AS PROPOSED (LOOKING EAST & FLANK TO CONTAIN BRICK PANELS)

TAXI HOUSE - Additional Green Roofs



Drawing 18111 AA (00) 113 P06



Drawing 18111 AA (00) 113 P10 (latest) with additional green roofs (outlined in red)

DRAFT DECISION LETTER

- Address:** Taxi House, 11 Woodfield Road, London, W9 2BA
- Proposal:** Variation of Condition 1 (approved plans and documents) of planning permission dated 3 July 2020 (RN: 19/04487/FULL) for: Demolition of existing buildings and structures and construction of a new mixed-use development comprising hotel and associated facilities (Class C1), flexible workspace (Class B1a / B1c), retail and food and beverage (Class A1 / A3), events space (Sui Generis) and a replacement street cleaning depot (Sui Generis) with associated new public realm and highways improvements. (site includes Taxi House, Waterside House and Westminster Street Sweepers Depot). Namely, internal design changes to the lower amenity levels and the addition of a new floor level positioned between the previous level 03 and level 04, variation of building heights, increase in hotel rooms from 286 to 332 with the maximum number of storeys increasing from 11 to 12, within the maximum building height of +69.350 AOD.
- Reference:** 21/02892/FULL
- Plan Nos:** 18111_A_(00)_001P06; 100P14;101P13: 102P13;103P12;104 P11;105P10; 106P10; 107P10; 108P10;109P09: 110P09;111P12; 112P09;113P10;200P10; 201P09;202P08;203P08;300P10;301P10;302P11:303P12;304P08; 305P08;306P07; 307P08; 60001P04; 60102P06; 60203P04;60304P03;604P01. 18111_A_(00)001; 100;101;102;103;104;105;106;107;108;109;110;111;112;113;200;201;202;203;300; 301;302;303;304;305;306;307;600;601;602;603;604 ORIGINAL PLANS AND DOCUMENTS (19/04487/FULL), 18111_A_(01)_000 Site Location Plan P01, 18111_A_(01)_001 Existing Site Plan P01, 18111_A_(01)_200 Existing Elevation - North Woodfield Road P01, 18111_A_(01)_201 Existing Elevation - West Grand Union Close P01, 18111_A_(01)_202 Existing Elevation - South Regents Canal P01, 18111_A_(01)_203 Existing Elevation - East Hathaway House P01, 18111_A_(12)_001 Demolition Plan P01, 18111_A_(00)_001 Proposed Site Plan P05, 18111_A_(00)_100 GA Plan Basement Plan P06, 18111_A_(00)_101 GA Plan Lower Ground Plan P08, 18111_A_(00)_102 GA Plan Upper Ground Plan P08, 18111_A_(00)_103 GA Plan Level 01 P07, 18111_A_(00)_104 GA Plan Level 02 P07, 18111_A_(00)_105 GA Plan Level 03 P07, 18111_A_(00)_106 GA Plan Level 04 P07, 18111_A_(00)_107 GA Plan Level 05 P07, 18111_A_(00)_108 GA Plan Level 06 P06, 18111_A_(00)_109 GA Plan Level 07 P06, 18111_A_(00)_110 GA Plan Level 08 P06, 18111_A_(00)_111 GA Plan Level 09 P07, 18111_A_(00)_112 GA Plan Level 10 P06, 18111_A_(00)_113 GA Plan Level Roof P06, 18111_A_(00)_200 Proposed Elevation North Woodfield Road P08, 18111_A_(00)_201 Proposed Elevation East Grand Union Close P06, 18111_A_(00)_202 Proposed Elevation South Regents Canal P06, 18111_A_(00)_203 Proposed Elevation West Hathaway House P07, 18111_A_(00)_300 Proposed Section AA P06, 18111_A_(00)_301 Proposed Section BB P06, 18111_A_(00)_302 Proposed Section CC P07, 18111_A_(00)_303 Proposed Section DD P07, 18111_A_(00)_304 Proposed Section EE P07, 18111_A_(00)_305 Proposed Section FF P07, 18111_A_(00)_306 Proposed Section GG P06, 18111_A_(00)_307 Proposed Section HH P07, 18111_A_(00)_600 01 Tower Bay Study P03, 18111_A_(00)_601 02 Woodfield

Road Bay Study P05, 18111_A_(00)_602 03 Union Close Facade Study P03, 18111_A_(00)603 04 East Building Bay Study P02
 Design and Access Statement (May 2019) and Addendum (September 2019), prepared by AHMM, Planning Statement (May 2019), prepared by DP9, Landscape Statement (May 2019) and Addendum (September 2019), prepared by Fabrik [note they provided a combined November 2019 version too), Operational Management Plan (May 2019), prepared by the Collective, Townscape, Heritage and Visual Impact Assessment (May 2019) and Addendum (September 2019), prepared by Tavernor Consultancy, Transport Assessment (May 2019) and Addendum (September 2019), prepared by Caneparo Associates, Delivery and Servicing Plan (May 2019), prepared by Caneparo Associates, Draft Travel Plan (May 2019) , prepared by Caneparo Associates, Outline Construction Logistics Plan (May 2019), prepared by Caneparo Associates, Updated Daylight, Sunlight and Overshadowing Assessment (September 2019), prepared by Point 2 Surveyors, Energy Strategy (September 2019), prepared by Hoare Lea, Sustainability Strategy (September 2019), prepared by Hoare Lea, Historic Environment Assessment (including Archaeological Desk-Based Assessment) (May 2019), prepared by MOLA, Air Quality Assessment (September 2019), prepared by Hoare Lea, Noise and Vibration Assessment (May 2019), prepared by KP Acoustics, Update Note on Noise and Vibration Impact Assessment (September 2019), prepared by KP Acoustics, Wind Microclimate Assessment (May 2019), prepared by BMT, Ventilation / Extraction Statement (May 2019), prepared by Hoare Lea, Preliminary Light Pollution Assessment (May 2019), prepared by Hoare Lea, Draft Construction Sequencing Plan, prepared by Constructure, Statement of Community Involvement (May 2019) and Addendum (September 2019), prepared by Kanda Consulting, Regeneration Statement (Economic Impact Assessment) (May 2019) and Addendum (September 2019), prepared by Volterra, Geotechnical / Basement Impact Assessment (including Ground Investigation Report) (May 2019), prepared by Constructure, Updated Flood Risk Assessment & Drainage
 1ST AMENDMENT- PART SUPERSEDED BY 20/04308/NMA & 20/04322/MOD106, Site location plan; The Collective letter 03.07.2020
 FURTHER PART SUPERSEDED BY 21/02892/FULL, Design and Access Statement ('DAS') Addendum including Appendix;, o Townscape, Heritage and Visual Impact Assessment ('THVIA') Addendum;, o Transport Assessment Update;, o Daylight, Sunlight and Overshadowing Report Addendum;, o Statement of Community Involvement ('SCI') Update; and, o Energy and Sustainability Strategies Addendum Note., Air Quality Addendum Report prepared by Hoare Lea.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
07866036375

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

As requested by Thames Water as Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents

- 5 No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

As requested by Thames Water as the development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

- 6 Prior to use of the development you shall submit for our approval a detailed internal and external lighting scheme for the development to show its impact on surrounding residential properties, Site wide/sky glow and Ecology (Grand Union Canal and Bats). This must include details of the following:- , A. Number and position of lighting , , B. Design and appearance including dimensions of the light fixtures and fittings, , C.Manufacturers specification, , D.Level, extent and colour of Luminaries, , E. Energy efficiency, , F. Hours of use , , G. Staff operational management of lighting. , , The agreed lighting strategy shall be installed and thereafter operated and maintained in accordance with the agreed details.

Reason:

To ensure that there are no adverse impacts on residents' amenity or the ecology of the canal in accordance with policy 7, 31 and 33 of the City Plan 2019 - 2040., ,

- 7 Prior to the commencement of the development hereby approved, a survey of the condition of the waterway wall and a method statement and schedule of works identified shall be submitted to and approved in writing by the Local Planning Authority. The repair works identified shall be carried out in accordance with the agreed method statement and repairs schedule by a date to be confirmed in the repairs schedule. Following the completion of the works and prior to first occupation, a further survey of the waterway wall shall be carried out, and the details submitted to the LPA, to demonstrate that any necessary repair works have been carried out and that no additional damage to the wall has occurred.

Reason:

To ensure that the structural integrity of the Grand Union Canal is retained in accordance with policy 31 of the City Plan 2019 - 2040.

- 8 Prior to the occupation of the development hereby permitted, full details of measures to ensure the continued enjoyment of the adjacent moorings, such as facilities, security and privacy enhancements, shall be submitted to and approved in writing by the Local Planning Authority, and implemented as agreed.

Reason:

To ensure that there are no adverse impacts on the adjacent moorings from the approved

development in accordance with policy 31 of the City Plan 2019 - 2040.

- 9 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained, and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 10 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 11 You must apply to us for approval of an operational management plan for All proposed uses of the development. This must include details of the following:- , a) Hours of the operation, staff and customers., b) Details of all servicing to use the internal loading bay accessed from Woodfield Road including hours of servicing, staffing process, internal storage locations, scheduling of deliveries., c) No home deliveries option., d) Procedure to minimise impact on residential amenity and environmental quality., e) Details of public access and access control arrangements , f.)Capacity, covers, ancillary bar, control of smoking areas, door supervision, queuing, take away, contact details for complaints., g) operation in accordance with waste strategy, , h) Details of how you will prevent coach party bookings and prevent coaches from attending the site. , You must not start any the uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that any of the uses are in operation (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area including the general public's use of the public realm. This is as set out in policy 7, 16, 33 of the City Plan 2019 - 2040 (April 2021)

- 12 You must apply to us for approval of a Servicing Management Plan for the servicing of the development itself. The plan should identify process, storage locations, scheduling of deliveries and staffing. In particular this should give further comfort over how the developer would ensure that :- , a) No more than two servicing vehicles would arrive at any one time., b) The doors to the servicing area would only be opened prior to vehicles' arrival (so that, vehicles did not arrive and have to wait on the highway for the doors to open, and block the carriageway) and closed at all other times, apart from when vehicles are arriving or leaving the servicing area. , c) Freight is consolidated as far as possible., d) Servicing only takes place between 07.00-19.00 Daily and avoids peak times., The plan must be approved prior to occupation of any part of the development and

followed/maintained for life of development, unless revised strategy is approved (in writing) by the Local Planning Authority.

Reason:

To ensure that all of the uses within the building are appropriately serviced in accordance with policy 29 of the City Plan 2019 - 2040 (April 2021)

- 13 You must provide the waste and recycling store shown on drawing 101 P13 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the development;. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

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

Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 15 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement

recorded under (c) above;, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;, (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 16 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 17 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 18 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:, , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises., , (2)

The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 20 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 21 All servicing must take place between 07.00-19.00 daily. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 22 The following uses shall only be operated within the following hours:-, , a) Office/workshops - 06.00-22.30, b) Retail/Restaurant - 07.00-22.30, c) Performance/event space (Sui Generis) - 09.00-22.30, d) Public Realm- 06.00-22.30, e) Hotel use by visiting members of the public (non-hotel guests) 07.00-22.30

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18BB)

- 24 The office/workshop floorspace shall be provided and operated in accordance with the following unless otherwise agreed by us in writing:-, , a) A minimum of 50% of the floorspace shall be used as workshop space, , b) a Minimum of 20% of the Class B1 floorspace shall be provided as affordable workspace.

Reason:

To provide a range of flexible floorspace to contribute to providing a variety of tenants needs, including local start-ups and small and medium enterprises within the NWEDA in accordance with policies 5,13,18 of the City Plan 2019 - 2040 (April 2021).

- 25 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and

the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 26 You must plant new trees to replace those which are shown to be removed. The replacement trees must be planted in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 27 You must apply to us for approval of samples of the facing materials you will use, including glazing and hard landscaping, and elevations and plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 28 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development: i) typical facade bays. The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the external cladding of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 29 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development: i) each window type; ii) external doors; iii) typical lintels, cills and reveals; iv) treatment to soffit and side walls of main entrance archway off Woodfield Road; v) location and size of movement joints; vi) step backs in façade; vii) interfaces with windows; viii) interfaces with landscaping; ix) interfaces with architectural metalwork; x) ventilation and other services terminations at façade and roof; xi) gates; xii) handrails, railings and balustrades; xiii) integrated planters; xiv) integral lighting; xv) location and appearance of BMU. You must not start any work on these parts of the

development until we have approved what you have sent us., You must then carry out the work according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 30 You must apply to us for approval of detailed drawings including details of finishes to the proposed rooftop plant. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 31 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 32 When not in operation the BMU shall be returned to its parked position.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 33 You must not paint any outside walls of the building without our written permission. This is despite the fact that this work would normally be 'permitted development' under Class C of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any order that may replace it). (C26WC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 34 The hotel shall operate in accordance with the following unless otherwise agreed by us in writing:- , a) No more than 332 bedspaces, b) Records of all bookings must be provided to the City Council on an annual basis and at any other time upon specific written request and must clearly stipulate bookings of a guest for 90 or more days in any calendar year, , c) No conference facilities, d) No coach bookings/parties,

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 35 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application., , a. bird and bat boxes/structures, , You must not remove any of these features. (C43FA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 36 You must apply to us for approval of details of a security scheme for the development which evidences Secure By Design accreditation You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AC)

Reason:

To reduce crime in accordance with Policies 38 and 43 of the City Plan 2019 - 2040 (April 2021). (R25GC)

- 37 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living and intensive roofs to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 38 No development shall take place, until the following plan has been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:- , a) Delivery and Service Plan, b) Construction Logistic Plan, , You must not start work until we have approved what you have sent us. You must then carry

out the development in accordance with the approved details.

Reason:

In order to appropriately manage any potential adverse effects on the local road network, as requested by Transport for London.

- 39 No tables and chairs shall be placed outside of the restaurant, retail or office premises hereby approved within the hard or soft landscaping of the public realm without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures, such as enclosure around tables and chairs or sun shades, that you propose to place within the hard or soft landscaping comprising the public realm. You must not place the table and chairs or associated structures outside the premises until we have approved what you have sent us. You must then place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of the public realm and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with policies 3,5,15, 24,25,33, 38,43 of the City Plan 2019 - 2040 (April 2021)., , ,

- 40 You must apply to us for approval of a Public Realm strategy for the public realm area. This must include details of the following:-, a) Details of type and hours of public events, b) Details of maintenance, c) Details of street cleaning, d) Details of drainage, lighting, street furniture, crowd control, pedestrian flow, smokers, development evacuation, signage, telecommunication, wayfinding., , You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times., (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area including the general public's use of the public realm. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 41 Apart from level 10 external terraces which can be used between 09.00 and 21.00 hours daily, you must not use the remaining roofs of the buildings for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance purposes. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 42 The glass that you put in the west and north elevation of the buildings facing Grand Union Close and Woodfield Road must not be clear glass, and you must fix it permanently shut.

You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 43 You must carry out the development accordance with the submitted Fire Strategy, unless otherwise agreed in writing us or as required to meet up to date fire safety measures,

Reason:

As requested by the Greater London Authority, to protect the safety of people using the buildings , as set out in policy 7 of the City Plan 2019 - 2040 (April 2021), ,

- 44 A minimum of 10% of the hotel rooms must be wheelchair accessible.

Reason:

As requested by the Greater London Authority, to make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in policy 38 and of the City Plan 2019 - 2040 (April 2021).

- 45 You must apply to us for approval of a post construction monitoring of the performance of the heat pump system. , , "The developer is required to:, . monitor the performance of the heat pump system post-construction. , . submit a Heat pump monitoring report to the LPA annually, for the first 5 years after development occupation, to outline the performance of the heat pump system and compare this to the performance approved during planning., . undertake remedial works as required to ensure the heat pump system performance during occupation is achieving the expected performance approved during planning., . where required submit evidence to the LPA on any remedial works undertaken."

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 46 The Retail, Restaurant and the Office/workshop units shall not be used for any other uses, and only the use shown on the approved plans, You must not use them for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it) without the approval of the Local Planning Authority.

Reason:

To protect neighbouring residents from noise nuisance, avoid blocking surrounding

streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site and or uses that would have a significant adverse effect on air quality, as set out in policies 16, 7, 33, 32,24,25,29,28 of the City Plan 2019 - 2040 (April 2021).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a Deed of Variation to the original legal agreement dated 03.07.2020 between the applicant and us under Section 106 of the Town and Country Planning Act 1990 to secure the following:
 - a) the completion of a Deed of Variation to the original S106 legal agreement (as amended by 20/04322/MOD106)
 - b) a new additional planning obligation to secure a carbon off-set contribution of £656,000 (index linked and payable on commencement), as required to be amended in the event of further reductions in carbon emissions being evidenced.
 - c) An additional financial contribution of £100,956.72 towards the Westminster Employment Service (index linked and payable on commencement of development,

The obligations of the original planning permission are set out below:-

 - i. Provision and management of the public realm areas within the application site, which for the avoidance of doubt extends to the canal side and provides public access along the canal side to link up with the public access provided by the adjacent site at Hathaway House to Elmfield Way, including associated street furniture, paving, landscaping, drainage, service diversions.
 - ii. Allow public access to the public realm areas via a walkways agreement that shall be submitted for approval.
 - iii. Prior to commencement, the developer to enter into a property arrangement/agreement with the City Council as Westminster Property Department, which for the avoidance of doubt, must include, but not limited to the following:
 - a) Provision of a new Westminster Street Sweepers depot on terms acceptable to the City Council as depot owner and operator.
 - b) The retention of the existing street cleansing depot and the ability for it to function and operate unabated during the construction of the development, until the new street cleansing depot is built, fully fitted out and ready for use.
 - c) The provision of a new street cleansing depot on site, fully fitted out and ready for use, and the relocation of operations from the existing depot, all at the developers cost.
 - iv. Submission of a finalised Community Investment Programme (CIP) for approval.
 - v. Provision of not less than 20% of Class B1 office space as affordable workspace at rent maintained below the market rate for that space and managed by a workspace provider.
 - vi. Provision of highways works surrounding the site necessary for the development to occur, including but not limited to; new crossover to servicing bay, existing crossover returned to footway, repaving of footway adjacent to the development in

Woodfield Road, amendments to parking bays and on-street restrictions., , vii. Provision of street tree outside of site on adjacent side of Woodfield Road or if this is not practical, elsewhere within the vicinity of the site., , viii. A financial contribution of £362,247 towards the Westminster Employment Service (index linked and payable on commencement of development)., , ix. Provision of an Employment and Skills Plan for approval and adherence with the approved plan. , , x. Monitoring costs of £500 for each of the above clauses. , , (I55AA)

- 3 THAMES WATER ADVICE, Waste Comments, Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided., , Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for surface water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents." The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval., , Water Comments, Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval., , Supplementary Comments, , Wastewater: Based on the info received; FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY, REF : 010219A, DATE : May 2019, STATUS

PLANNING APPLICATION the Foul water discharging by gravity to combined sewer in Woodfield Road via 150mm connection at the entrance to the site. This discharge is within sewer threshold hence capacity for Foul exists., Thames Water expects all Surface Water to be directed to the local watercourse following London Policy 5.13 The surface water drainage strategy for this development should follow policy 5.13 of the London Plan., 1. Rainwater harvesting (including a combination of green and blue roofs) 2. Infiltration techniques and green roofs 3. Rainwater attenuation in open water features for gradual release 4. Rainwater discharged direct to watercourse (unless not appropriate) 5. Rainwater attenuation above ground (including blue roofs) 6. Rainwater attenuation below ground 7. Rainwater discharge to a surface water sewer or drain 8. Rainwater discharge to a combined sewer, , Thames Water, Development Planning,, Thames Water,, Maple Lodge STW,, Denham Way,, Rickmansworth,, WD3 9SQ, Tel:020 3577 9998, Email: devcon.team@thameswater.co.uk

- 4 ADVICE FROM CADENT , ****PLEASE NOTE** - the below information is related to Low and Medium Pressure Assets. You may be contacted separately by our engineers regarding High/Intermediate Pressure Pipelines.** , Considerations in relation to gas pipeline/s identified on site: , , Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. , , If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays., , If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required., , All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. , , Email: plantprotection@cadentgas.com Tel: 0800 688 588 , , Plant Protection, Cadent Gas Ltd, Block 1, Floor 1, Brick Kiln Street, Hinckley LE10 0NA, T 0800 688 588 , plantprotection@cadentgas.com, cadentgas.com
- 5 "The applicant/developer should refer to the current Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained, and liaise with the Trust's Work's Engineer: <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice.>", "Any access to, or oversailing, the Canal & River Trust's land or water during the construction must be agreed in writing with the Canal & River Trust before development commences. Please contact Bernadette McNicholas in the Canal & River Trust's Estate Team at Bernadette.McNicholas@canalrivertrust.org.uk for further information." , , "Any surface water discharge to the waterway will require prior consent from the Canal & River Trust. Please contact Chris Lee from the Canal River Trust Utilities Team (Lee.Chris@canalrivertrust.org.uk)."
- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit

our website: www.westminster.gov.uk/street-naming-numbering (I54AB)

- 7 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 8 The term 'clearly mark' in condition 13 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 9 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 10 This site is inside an 'area of nature deficiency' as set out in Policy 34 of our City Plan 2019-2040 that we adopted in April 2021. So, you should include environmental features that enhance biodiversity, particularly for priority species, when designing the development and any open areas pursuant to the requirements of any relevant conditions attached to this planning permission.
- 11 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. (I81DA)
- 12 You are encouraged to set up a neighbour liaison group including details of emergency site /contractors numbers the proposed demolition and construction works so as to inform and discuss how best to minimise the effect of demolition and construction work on neighbours and the local community.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.