

**Western District Office, 35-50 Rathbone Place**

**in the City of Westminster**

**planning application no. 13/04844/FULL**

**Strategic planning application stage 1 referral**

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

**The proposal**

Substantial demolition of existing buildings and redevelopment to provide two nine-storey buildings comprising 162 residential units and 32,972 sq.m. of office (B1) floorspace, together with ground floor retail and restaurant uses, basement cycle and car parking, and public open space.

**The applicant**

The applicant is **Rathbone Place Limited Partnership (Great Portland Estates)**, and the architect is **Make**.

**Strategic issues**

Whilst the principle of the development is strongly supported, strategic concern is raised regarding **residential quality**. Further discussion is also required regarding **affordable housing**, **climate change** and **transport**.

**Recommendation**

That Westminster City Council be advised that, while the application is supported in principle, the application does not comply with the London Plan, for the reasons set out in paragraph 70. However, the resolution of those issues could lead to the application becoming compliant with the London Plan.

**Context**

1 On 14 June 2013 the Mayor of London received documents from Westminster City Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 26 July 2013 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following Categories of the Schedule to the Order 2008:

- **1A:** “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.
- **1B:** “Development (other than development which only comprises the provision of houses, flats, or houses and flats), which comprises or includes the erection of a building or buildings in Central London (other than the City of London) and with a total floorspace of more than 20,000 sq.m.”.
- **1C:** “Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London”.

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

4 The Mayor of London’s statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

5 The 0.99 hectare site is located at the southern edge of Fitzrovia, in close proximity to Oxford Street, and at the administrative boundary between City of Westminster and London borough of Camden. The site is bound to the north by mixed-use commercial and residential properties, to the east by Rathbone Place, to the south by mixed-use commercial properties which front Oxford Street, and to the west by Newman Street. The site is located 150 metres from Tottenham Court Road London Underground station, which is served by Central and Northern lines, and will be served by Crossrail services from 2018. Further London Underground stations including Oxford Circus and Goodge Street are also within walking distance of the site. Numerous bus routes, including many 24-hour routes and night buses can be accessed from either Oxford Street or Tottenham Court Road, providing access to a variety of locations across London. Consequently, the site has an excellent public transport accessibility level of 6b, on a scale where one is low and six is high.

6 The site is currently used by Royal Mail for delivery services, and as headquarters for its letters business, and comprises a five-storey 1960s office building fronting Rathbone Place, together with an open service yard used for parking and loading of delivery vehicles, which fronts onto Newman Street. The existing building also comprises a substantial four-level basement, and includes a station on Royal Mail’s subterranean railway system, which closed in 2003. The quantum of existing office floorspace on the site is 8,291 sq.m., together with 21,568 sq.m. of storage and distribution floorspace associated with the delivery element of Royal Mail’s operations.

7 Whilst the site itself does not sit within a conservation area, or include any listed buildings, it does have a number of heritage assets within its immediate vicinity. The site is bound to the north by Charlotte Street West Conservation Area, to the east in-part by Hanway Street Conservation Area, and to the west in-part by East Marylebone Conservation Area. In the wider context, towards the north of the site sits Charlotte Street Conservation Area, which lies within the London borough of Camden, and towards the south sits Soho Conservation Area. A Grade II listed four-storey Georgian townhouse building fronts the site to the east at 11 Rathbone Place, in addition to a Grade II listed five-storey Portland Stone Edwardian building, which sits at the southern boundary of the site, at the corner of Oxford Street and Rathbone Place.

8 The site lies within Tottenham Court Road Opportunity Area, as identified in the London Plan, and is designated as a proposal site within the opportunity area in the Council's Core Strategy, identified for mixed-use redevelopment with housing. The site lies within the foreground of the London Panorama: Parliament Hill, both from assessment point 2A.2 (summit of Parliament Hill to the Palace of Westminster), and assessment point 2B.1 (east of the summit). Furthermore, part of the site is also safeguarded for the delivery of Crossrail 1 and 2.

## **Details of the proposal**

9 Rathbone Limited Partnership (on behalf of Great Portland Estates) is seeking full planning permission for the demolition of the existing building and construction of two L-shaped nine-storey buildings comprising 162 residential units and 32,972 sq.m. of office (B1) floorspace, together with an element of ground floor retail and restaurant use, and publicly accessible open space. The proposal results in an uplift of 24,681 sq.m. of office floorspace. The application includes the retention and expansion of the existing four-level basement, with the existing rail infrastructure also being retained. The basement will be utilised for car and cycle parking, in addition to plant and refuse facilities. An element of office, retail and restaurant space will also be accommodated at upper basement level.

### Additional residential applications

10 In response to policy requirements relating to affordable housing, the applicant has also submitted a further three planning applications for four sites at 88 Great Portland Street, 46 and 48-50 Mortimer Street, and Cavendish House at 51-55 Mortimer Street. The three applications are seeking planning permission for a combined total of eighteen residential units. All four sites are within 500 metres of the principal application site, which is considered in this report, and involve conversions of existing properties, with minimal intervention to the exterior appearance of the existing buildings. The three additional applications are not in themselves referable to the Mayor. However, issues relating to housing, including the units that are the subject of these additional applications, are discussed in detail in the relevant section of this report.

## **Case history**

11 The proposal considered here was the subject of formal pre-planning application discussions between GLA officers and the applicant, with meetings taking place on 2 November 2012 and 14 March 2013. Whilst officers advised that the principle of the proposal was supported, there were concerns regarding residential quality, which were required to be addressed prior to submission of a planning application. Further discussions were also required regarding housing, affordable housing, climate change and transport.

12 A planning application for the redevelopment of the site for residential and office purposes was submitted by Royal Mail in 2011, and considered by the Mayor at consultation stage on 13 July 2011 (PDU/2746). The Mayor concluded that whilst the principle of the site's redevelopment was acceptable, there were a number of outstanding issues relating to housing, climate change and transport. The application was subsequently withdrawn by the applicant, following the acquisition of the site by the current owner.

## **Strategic planning issues and relevant policies and guidance**

13 The relevant issues and corresponding policies are as follows:

- Mix of uses *London Plan*

- Housing *London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context, draft SPG*
- Affordable housing *London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy*
- Density *London Plan; Housing SPG*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context, draft SPG; Housing SPG; London Housing Design Guide; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Tall buildings/views *London Plan, London View Management Framework SPG*
- Access *London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*
- Transport *London Plan; the Mayor's Transport Strategy*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG*
- Parking *London Plan; the Mayor's Transport Strategy*

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2011 Westminster Core Strategy, the 2007 Unitary Development Plan, and the 2011 London Plan. The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework.
- The draft City Management Plan.
- The draft Revised Early Minor Alteration to the London Plan.

## **Principle of development**

15 The application site sits within the Central Activities Zone, as identified by the London Plan, and falls within the Tottenham Court Road Opportunity Area. London Plan policies support office rejuvenation within the CAZ to improve the quality and flexibility of office stock in order that it can meet the distinct needs of the central London office market. Strategic policy acknowledges the diverse range of uses that exist within the CAZ, and places particular importance on the strategically important, globally-orientated financial and business services centres within the City of London and the north of the Isle of Dogs (although formally outside the CAZ). The London Plan also recognises that the CAZ is a place where people live, and that having a range of homes within the CAZ helps to support its strategic function. In this context, the principle of a mixed-use development, comprising housing and a significant uplift in office floorspace, meets strategic objectives for the CAZ, and is supported.

16 Further to strategic policies promoting a broad mix of uses, the Council in its Core Strategy establishes a detailed requirement that where an increase in commercial floorspace is proposed, an equivalent amount of housing should also be provided. Taking into account the land use schedule across all four applications, which form the overall redevelopment proposal, the scheme will result in an increase in office floorspace of 24,160 sq.m. and a total of 24,811 sq.m. of housing floorspace. This constitutes an increase in housing floorspace above that of office accommodation.

17 Whilst both local and strategic policy makes clear that in the first instance policy requirements relating to housing should be delivered on-site, as is demonstrated in the table below, the majority of the housing is being delivered on the main application site (98% of the total proportion of housing proposed), with only a small proportion required to be delivered off-site.

Land use schedule on main application site only

Land use	Existing	Proposed	Change
Office	8,291	32,972	+ 24,681
Residential	0	24,290	+ 24,290
Difference			<b>Shortfall of 391 sq.m. of residential floorspace</b>

Land use schedule across all four application sites

Land use	Existing	Proposed	Change
Office	8,812	32,972	+ 24,160
Residential	2,014	26,825	+ 24,811
Difference			<b>Increase of 651 sq.m. of residential floorspace</b>

18 Furthermore, given that all applications have been submitted collectively, the deliverability of the wider land use schedule can be appropriately secured by the Council through legal agreement attached to any future planning permissions, and all five sites are within 500 metres of each other. On balance, the application therefore accords with both broad strategic objectives, and specific local requirements for mixed-use developments, and as such is supported.

## Housing

19 The application considered here includes 162 residential units. When taken together with the three additional applications, the total number of residential units proposed across all sites is 180. A detailed housing schedule of the overall housing package proposed is provided below:

	Rathbone Place (main application site)		Mortimer Street/Great Portland Street sites	Total
	Market	Intermediate	Affordable rent	
Studio	8			<b>8 (4%)</b>
One-bed	49	20		<b>69 (38.5%)</b>
Two-bed	50		10	<b>60 (33.5%)</b>
Three-bed	32		8	<b>40 (22%)</b>
Four-bed	3			<b>3 (2%)</b>
<b>Total</b>	<b>142 (79%)</b>	<b>20 (11%)</b>	<b>18 (10%)</b>	<b>180</b>

## Affordable housing

20 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, which Paragraph 3.74 of the Plan makes clear is normally required on-site. The Mayor's Housing SPG, together with the draft Revised Minor Alterations to the London Plan, solidify the Mayor's approach to affordable housing by establishing a clear hierarchy of provision, with a strong preference for on-site provision, with off-site provision and payment in lieu only to be considered in exceptional circumstances.

21 The application comprises 12% affordable housing, all of which are intermediate units. To address London Plan policy requirements regarding the need to ensure that the maximum reasonable amount of affordable housing is delivered, and that this housing delivers an appropriate mix of tenure, the applicant is proposing eighteen affordable rent units be delivered on four additional sites. This overall approach delivers 21% affordable housing at a 53:47 social housing:intermediate split (a 60:40 split is achieved when measured by floorspace).

22 The London Plan, together with the Mayor's Housing SPG, makes clear that housing proposed to address policy requirements is expected to be provided on-site, and that off-site provision is to be seen as truly exceptional, and is only acceptable where an alternative site or sites have been identified. Exceptional circumstances include scenarios where a higher level of affordable housing can be provided and where priority needs, such as those for family housing, can be better addressed. The SPG makes clear that where off-site provision is accepted it should be delivered prior to the on-site market housing being delivered and should ensure the maximum reasonable amount of affordable housing is provided, taking into account the overall total number of units being delivered.

23 The applicant has argued that due to financial constraints, it is not possible to provide a comparable level of affordable housing on site, and to maximise overall delivery it is necessary to deliver the affordable rent units on alternative sites. This is due to the reduced quantum of market sale units that could be provided on the main application site were the affordable rent units to be included, and the resultant loss in value of the market units and in overall development value, which would further constrain delivery. Furthermore, the applicant argues that should affordable rent be delivered on the main application site, Registered Providers would be exposed to the higher service charges resulting from the proposed central garden and the standard of accommodation proposed, which could further impact on overall viability.

24 As part of its planning submission, the applicant has submitted a financial viability assessment demonstrating a number of scenarios, including on-site provision of all housing. This is being independently assessed by the Council. Consequently, it is not possible at this stage to determine the validity of the applicant's arguments, and whether under the proposed scenario the maximum reasonable amount is being provided.

25 It is acknowledged that a proportion of affordable housing will be provided on-site, which will help to ensure to some extent that a mixed and balanced community is created as part of this application, which in part responds to the thrust of London Plan Policy 3.9. Furthermore, the applicant has identified alternative sites within 500 metres for the remaining affordable housing, and submitted planning applications for that housing running parallel with the main proposal considered here. This will enable the Council to appropriately secure the deliverability of the off-site housing through legal agreement attached to any future planning permissions, and provides certainty of delivery. In addition, the applicant has stated that it has sought and received expressions of interest from Registered Providers for the off-site provision, and that given the limited work required on these sites, the affordable rent accommodation can be front loaded within the development programme.

26 Therefore, at this stage, whilst the principle of off-site provision may be acceptable in this instance, it is not yet possible to determine whether the approach will deliver a greater overall quantum of affordable housing, and whether the maximum reasonable amount is being proposed. As such, it is not possible at present to determine whether the application accords with London Plan policies 3.11 and 3.12. Further discussion is therefore required with the applicant and the Council once the viability report has been independently assessed.

#### Affordable rent

27 The applicant is proposing all of the off-site affordable units be affordable rent. As made clear in the Mayor's Housing SPG, for the purposes of affordable housing targets, and specifically the 60:40 affordable housing split, affordable rent is categorised as helping to meet the 60% social housing component. Given that, as noted in the SPG, for at least the duration of the 2011-15 investment round, Government anticipates that funding of social rent provision will only be supported in limited circumstances, in order to maximise overall delivery in line with London Plan requirements, the provision of eighteen affordable rent units is supported. It is understood that the applicant has sought and received expressions of interest from Registered Providers regarding the delivery of these units, which is welcomed.

#### Discount market sale units

28 All twenty of the proposed intermediate units are one-bed discount market sale units measuring between 40 and 45 sq.m. Discount market sale units are sold at a percentage of full market price, with the percentage discount being set to ensure the units affordability to those within agreed income eligibility ranges, and sold to those on the Council's housing waiting list. There is no requirement for the purchaser to pay rent for the remaining of the equity. The London Plan, together with the Mayor's Housing Supplementary Planning Guidance, makes clear that a wide variety of housing products can be defined as intermediate, based on discount market ownership, but that the acceptability of such products lies with the requirement to be affordable to those within agreed income eligibility bands and to remain at an affordable price for future eligible households, or for the subsidy to be recycled.

29 In this context, subject to the above tests being met, the principle of discount market sale units being defined as an affordable housing product is accepted, in accordance with London Plan policy. Whilst the applicant has stated that the units will meet the Council's income caps, further information is required regarding the income eligibility criteria being proposed for the units, as well as mechanisms for the long-term retention of these units as intermediate housing, based on guidance within the Housing SPG and the income ranges set out in the London Plan Annual Monitoring Report. Clarification is also required as to how the units will be secured through the legal agreement.

30 Given the nature of the affordable product being provided, and in order to reduce the percentage discount required to meet affordability criteria, the units are purposely limited in size. Whilst above London Plan space standard requirements for a single person dwelling (37 sq.m.), the units do fall below the requirement for a one bed, two-person unit (50 sq.m.). It appears from the application documents that the units are intended as one-bed, two-persons, and would therefore not comply with the space standards within the London Plan. Further clarification is therefore required from the applicant and the Council regarding the identified need that these units are intended to address, and consequently whether the units accord with the relevant space standards within the London Plan. For the avoidance of doubt, it would be expected that, if intended for two-person, the units should accord with London Plan policy requirements. Additional concerns regarding the quality of these units are also raised in paragraphs 34 to 38 below.

31 Notwithstanding concerns regarding housing quality, it is acknowledged that the wider development proposal includes the provision of affordable rented family accommodation, in addition to the discount market sale units included as part of the application considered here. This ensures that a wide range of affordable products will be delivered as part of the overall development. The proportion of smaller, pocket-type, intermediate units is limited and when taken across all four applications, the proposal accords with the London Plan strategic requirement for 60:40 social housing to intermediate housing, when measured by floorspace. Therefore, whilst there remain concerns regarding the overall residential quality of these units, the principle of their inclusion at the current proportion is acceptable in line with London Plan policy.

#### Housing choice

32 London Plan Policy 3.8, together with the Mayor's Housing SPG, and the draft Revised Housing Strategy, seek to promote housing choice and a balanced mix of unit sizes in new developments, with particular focus on affordable family homes. The Council requires 33% family accommodation, although acknowledges that a lower level of family accommodation may be acceptable where the proposed housing is in a very busy environment. Overall the proposal includes 24% family sized units, and within the affordable rent element 44% of the units are family provision.

33 The strategic priority is for family affordable units, and in that respect the provision of 44% of the affordable rent units as family accommodation is welcomed. Overall the scheme provides an appropriate balance of units given the context of the site and the nature of the development, and prioritises family affordable provision, and as such is supported.

#### Housing quality

34 The London Plan, together with the Mayor's Housing Supplementary Planning Guidance, gives strategic priority to securing new housing of the highest quality.

35 Overall the scheme comprises 80% single aspect units, a significant proportion of which are north-facing. Furthermore, all of the affordable units are single aspect. Whilst a limited number of single aspect dwellings are expected as a consequence of delivering high-density schemes in central London, the proportion of these are to be restricted, and as set out in the Mayor's baseline standard 5.2.1 in the Housing SPG, north-facing single aspect dwellings are to be avoided. Consequently, the proportion of single aspect, particularly single aspect north-facing units, raises serious strategic concern, and could adversely impact on the quality of the proposed accommodation. As such, the applicant should review flat and core layouts to ascertain whether the overall proportion can be reduced.

36 In this context, it is noted that within the private accommodation the westernmost private residential core serves up to thirteen units a floor, which is significantly higher than the good practice standard in the Housing SPG, which recommends no more than eight units from a single core. This core also serves a high number of north-facing single aspect units. The applicant is advised to consider adding a second core to this block to reduce the number of units sharing the same landing, and subsequently reduce the number of north-facing single aspect units.

37 With regards to the affordable units, all of which are single aspect, the applicant is also required to review alternative flat and core layouts to reduce the proportion of north-facing single aspect units. An alternative approach could be to consider using a deck access typology, so that all units can receive daylight and ventilation from both sides.



38 The high proportion of single aspect north-facing units has been raised consistently by both GLA and Council officers through the pre-planning application process. GLA officers would welcome the opportunity to engage further with the applicant to fully explore all opportunities to reduce the proportion of single aspect units, including those suggested above. Following a thorough review of the layout of the residential accommodation with officers, should it be concluded that it is not possible to significantly reduce the proportion of single aspect units, the applicant should note the Mayor's Housing SPG, which makes clear that *"The design of single aspect flats will need to demonstrate that all habitable rooms and the kitchen are provided with adequate ventilation, privacy and daylight and the orientation enhances amenity, including views"*. A more detailed assessment of the overall standard of accommodation being proposed will therefore be required in order to demonstrate that, notwithstanding orientation, the residential quality of the units has been maximised in all other respects, and that all units exceed minimal standards.

### Density

39 Taking the proportion of the site which will be developed for residential purposes, the density of the development is 980 habitable rooms per hectare. This is within the London Plan guidance range for highly accessible central sites, as set out in Policy 3.4. Given the high public transport accessibility of the site, and its location within Tottenham Court Road Opportunity Area, it is acknowledged that it is an appropriate location for a high density development. However, whilst within the guidance range set out in the London Plan, the applicant should note concerns raised regarding the quality of the proposed accommodation and be mindful of the strategic priority, as established in Policy 3.4, that housing output should be optimised taking into account, amongst others, the design principles of the London Plan.

### Children's play space

40 Policy 3.6 of the London Plan seeks to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG. The development is predicted to be home to eighteen children, of which eleven will be under five years old. In accordance with the Mayor's SPG, there is a requirement for 110 sq.m. of on-site play space, in addition to the need to ensure adequate off-site facilities for older children.

41 The application includes a resident's garden, which will be 215 sq.m., and will be designed to include playable features. The applicant has also identified a number of existing areas of open space that are intended to meet the need for any older children as part of this development, and has proposed a financial contribution to the Council towards off-site provision. Given that the nature of the development is unlikely to attract any significant amount of children, the provision of an element of playable space on-site, and the identification of off-site facilities, together with a proposed financial contribution, the proposed approach to children's play space appropriately accords with London Plan policy and is supported.

## **Urban design**

42 Good design is central to all objectives of the London Plan. The proposal has been discussed extensively at pre-planning application stage and is generally very well thought out, providing a good mix of uses, a new route between Newman Street to Rathbone Place, and a secluded public garden.

43 The Council has identified in its Core Strategy a number of key policy priorities for the opportunity area, which includes the need to improve pedestrian circulation and movement. The proposal includes a pedestrian route through the site, linking Rathbone Place and Newman Street. Significant thought was given to the width and legibility of the proposed route, and GLA

officers are satisfied that, despite the threshold created by the undercroft entrances, the clear line of site across the block, the quality of the internal garden, the articulation of the passageway on the facades, and the provision of retail uses along it, will all ensure this route will be well used, and a genuine improvement to the permeability of the area.

44 The provision of a public garden is strongly supported. This will be well overlooked and activated by retail and commercial uses along the inside of the block, and the three points of entrance ensure that the space is used as a through route, as well as a place of rest. Careful thought has been given to the landscaping and use of this space in relation to sunlight, which is welcomed.

45 Along the Rathbone Place and Newman Street edges of the scheme the proposal effectively repairs the broken street frontage of the existing development by providing a strong building line inhabited by active retail uses along it, generating pedestrian activity and overlooking, making the streets feel vibrant and well used. Servicing uses have been screened with a small retail unit along Newman Street, and by the office lobby within the courtyard itself, which is particularly welcomed.

46 The height of the scheme varies between six to eight storeys, which is in keeping with the overall context of the area, and acceptable. Its massing is arranged to ensure that enough daylight will reach the courtyard whilst maximising floorspace, which is welcomed. The architecture of the scheme has been carefully designed, driven by the sensitive location, adjacent conservation areas and listed buildings, and presents no strategic concern.

47 However, strategic concern is raised regarding the proportion of single aspect units, particularly the high levels of single aspect north-facing units. Further detail is provided in paragraphs 34 to 38. The applicant is strongly encouraged to review the layout of the residential accommodation with a view to reducing the overall amount of single aspect dwellings, taking account of the strategic guidance provided in section 5.2.1 of the Mayor's Housing Supplementary Planning Guidance.

48 Whilst the site is in the foreground of London View Management Framework London Panorama: Parliament Hill, both from assessment point 2A.2 (summit of Parliament Hill to the Palace of Westminster), and assessment point 2B.1 (east of the summit), a townscape and visual impact assessment has been provided illustrating that the scheme does not have a significant detrimental impact to these views.

## **Inclusive design**

49 In accordance with London Plan policies 3.8 and 7.2, all of the residential units meet Lifetime Homes standards, 10% of units are capable of easy adaptation for wheelchair users, and the proposal appropriately responds to the principles of inclusive design throughout.

## **Climate change**

### Climate change adaptation

50 The proposal includes a number of measures in response to strategic policies regarding climate change adaptation, which are welcomed. Measures proposed include rainwater harvesting, using low energy lighting, energy efficient appliances, metering, high levels of insulation, low water use sanitary-ware and fittings, in addition to the inclusion of a biodiverse roof.

## Climate change mitigation

51 The applicant has broadly followed the London Plan energy hierarchy to reduce carbon dioxide emissions. An appropriate range of passive design features, and demand reduction measures, have been included. The applicant should confirm how the carbon dioxide emission savings reported from these measures have been derived through either SAP or SBEM modelling, after energy efficiency measures alone have been accounted for.

52 The applicant is proposing to install a site-wide heat network, and to design this to allow for future connection to a district heating network. Two possible positions for a potential district heating network heat exchanger, and connecting pipework, have been identified, and consequently the applicant should clarify where the heat exchanger would be located. The applicant is proposing to install a gas-fired combined heat and power unit as the lead heat source for the site-wide network, which is supported in accordance with London Plan policy. With regard to renewable technologies, the applicant is proposing the use of photovoltaic panels. An assessment of the roof areas free from overshadowing and other limitations has been carried out and a plan of the proposed panel installation provided, which is welcomed.

53 The overall approach will deliver carbon dioxide emission savings of 31.8%, which exceeds the targets within the London Plan, and is supported. However, clarification is required regarding the savings achieved from the proposed energy efficiency measures.

## **Transport**

### Crossrail safeguarding

54 The site falls within the area safeguarded for Crossrail 2, and supporting infrastructure around Tottenham Court Road London Underground station, as set out in the Safeguarding Direction issued by the Secretary of State for Transport on 30 June 2008. Discussions between Crossrail and the applicant are on-going as to how Crossrail's requirements can best be accommodated in the development. Crossrail will require a legal agreement to secure its requirements, which is currently being negotiated, and will need to be progressed to the satisfaction of TfL, prior to determination by the Council. In accordance with London Plan Policy 6.2 'Providing public transport capacity and safeguarding and for transport,' which states that development proposals that do not provide adequate safeguarding for the schemes outlined in Table 6.1, which include Crossrail 2, should be refused, TfL recommends that a Grampian style planning condition or obligation with TfL is imposed ensuring that the aforementioned legal agreement between Crossrail and the applicant is completed prior to commencement of the development.

### Trip generation and modal split

55 The trip generation methodology is acceptable and forms an appropriate basis for determining the impact of the proposed development on the transport network. In relation to public transport, TfL considers that the additional public transport trips generated by this development can be accommodated on the network. In addition, the site will benefit from the opening of Crossrail in 2018 with direct access from Tottenham Court Road. Given the site's current use as a Royal Mail delivery centre the proposals will generate a net decrease in vehicle trips.

### Car parking

56 The application includes 79 residential car parking spaces, including 17 accessible disabled spaces. This equates to approximately 0.49 spaces per residential unit. One on-street disabled parking bay for the office use is proposed. TfL welcomes the commitment to provide

electric vehicle charging points in line with replacement London Plan standards at 20% for active charging, plus 20% for passive charging provision. London Plan Policy 6.13 does state that all developments in areas of good public transport accessibility should aim for significantly less than one space per unit, and in locations with high public transport accessibility, car free developments should be promoted. On balance, the level of car parking, combined with a robust travel plan and car park management plan, is acceptable and strikes a balance between the objectives of Policy 6.13 and the Council's own approach to car parking.

57 There are several existing car club bays in close proximity to the site. TfL recommends that discussions between the applicant, Council and car club operator take place in order to establish if the additional demand generated by this development would justify the need for additional bays in the area. It may be necessary to secure space or funding for additional bays to meet demand. As a minimum, car club membership for occupants of the development should form part of the overall package of travel planning measures to be secured in the section 106 agreement.

58 No parking for motorcycles is proposed. TfL recommends that some motorcycle parking is provided within the development.

### Pedestrians

59 The proposals to improve permeability and connectivity through the site are welcomed by TfL. TfL requests that Legible London wayfinding is incorporated into the public realm, and surrounds, to support journeys on foot, and to complement the enhanced walking routes through the site. The cost of Legible London wayfinding is on average £7,000 per sign, and TfL requests a section 106 contribution is made to the Council towards implementation.

### Cycling

60 Cycle parking for all land uses in excess of the standard required by the London Plan is proposed, which is welcomed by TfL. TfL would welcome the opportunity to discuss options for land and/or funding for a TfL Cycle Hire Docking station either on or near to the site. As a minimum in relation to Cycle Hire, TfL expects Cycle Hire membership to be included as a travel plan measure to be secured in the section 106 agreement, in order to promote sustainable travel.

### Freight

61 A construction logistics plan has been submitted in support of the application setting out measures to minimise the impact of construction vehicles on the highway network. However, it does not go into sufficient detail regarding commitments to maintain safe pedestrian and cycle routes during the construction period. It is important that cycle safety measures are enforced during construction. In particular, TfL wishes to ensure that construction vehicles are fitted with cycle specific safety equipment, including side-bars, blind spot mirrors and detection equipment to reduce the risk of collisions on the capital's roads. TfL requests that these requirements be secured in the section 106 agreement and are to be included in the final construction logistics plan to be submitted for approval by the Council prior to commencement.

### Delivery and servicing

62 TfL welcomes the submission of a delivery and servicing plan, and is satisfied with the level of detail provided at this stage. The delivery and servicing plan should be secured through an appropriate planning condition.

## Travel planning

63 A residential travel plan and framework commercial travel plan have been submitted in support of the application. Both are of a good standard and have passed the ATTrBuTe assessment, which TfL uses to assess travel plans. Both travel plans should be secured, including travel planning measures, through the section 106 agreement.

## Mayoral Community Infrastructure Levy and Crossrail contribution

64 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail. The Mayor has arranged boroughs into three charging bands. The rate for Westminster is £50/sqm. The required CIL should be confirmed by the applicant and council once the components of the development or phase thereof have themselves been finalised. See the 2010 regulations:

<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents> as amended by the 2011 regulations: <http://www.legislation.gov.uk/ukxi/2011/987/made>.

65 The site is within the area where s106 contributions for Crossrail are sought in accordance with London Plan Policy 6.5 and the associated Supplementary Planning Guidance (SPG) 'Use of planning obligations in the funding of Crossrail' (April 2013). In these situations, the Mayor's CIL charge (but not the Council's) will be treated as a credit towards the s106 liability. The practical effect of this will be that only the larger of the two amounts will normally be required. The table below sets out the amount payable under the SPG.

Land Use	Existing (sq.m. GIA)	Proposed (sq.m. GIA)	Net change (sq.m. GIA)	Crossrail charge per sq.m.	Crossrail charge (£)
Office	7,902	31,393	23,491	140	3,288,740
Retail	0	5,450	5,450	90	490,500
<b>Total Crossrail charge</b>					<b>3,779,240</b>

66 As the Mayoral CIL charge will not be confirmed until development is about to commence, the section 106 agreement will need to be worded so that if the section 106 contribution based on the assumed CIL proves incorrect the contribution is adjusted accordingly (assuming it is still more than the CIL).

## **Local planning authority's position**

67 The application has yet to be considered formally by the Council. Council planning officers have previously raised concerns regarding residential quality and aspect, and the affordable housing strategy, among other issues.

## **Legal considerations**

68 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft

decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

69 There are no financial considerations at this stage.

## Conclusion

70 London Plan policies on Central Activities Zone, opportunity areas, housing, urban design and inclusive design, climate change and transport are relevant to this application. Whilst the application is supported in principle, there are outstanding strategic planning concerns. Further discussion is therefore required regarding the following issues:

- **Affordable housing:** whilst the principle of the proposed affordable housing strategy is acceptable, at this stage it is not possible to determine whether the proposal accords with London Plan Policy 3.12. Further discussion with the applicant and the Council is therefore required, following completion of the independent assessment of the applicant's financial viability report. Clarification is also required regarding the proposed discount market sale units to ensure that these comply with the affordability criteria set out in London Plan Policy 3.10.
- **Housing quality:** serious concern is raised regarding the significant proportion of single aspect units, and particularly the large quantum of north-facing accommodation. In order to ensure that the accommodation is of a sufficiently high standard, in accordance with London Plan 3.5 and the Mayor's Housing Supplementary Planning Guidance, the applicant should fully explore opportunities to reduce the quantum of single aspect units.
- **Climate change:** the proposal responds positively to London Plan climate change policies, which is welcomed. Clarification is sought regarding the carbon emissions savings reported from the proposed energy efficiency measures, and the location of the proposed heat exchanger.
- **Transport:** in accordance with London Plan Policy 6.2, the legal agreement safeguarding the requirements for Crossrail 2 needs to be agreed prior to determination of this application, and completed prior to commencement of development. Furthermore, the full Crossrail and Mayoral CIL contribution needs to be secured, as detailed in this report, in addition to contributions towards TfL's Cycle Hire Scheme, and Legible London wayfinding. Both the residential and commercial travel plans should be secured, and funded, through the section 106 agreement, together with the construction logistics plan (including cycle safety measures), delivery and servicing plan, and car park management plan, which should all be secured by condition.

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