

56 Curzon Street, Mayfair

in the City of Westminster

planning application no. 12/11740/FULL

Strategic planning application stage II referral

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

The proposal (revised)

Demolition of 56 Curzon Street and redevelopment to provide a single building of four basement levels, garden level, raised garden level, ground and part six, part eight-storeys to include a restaurant (Class A3), 31 residential apartments (Class C3), associated residential facilities including a landscaped garden and basement parking accessed via car lifts on Bolton Street, together with public realm improvements and highway works.

The applicant

The applicant is **Brockton Capital**, and the architect is **PLP Architecture**.

Strategic issues

The outstanding strategic issues with respect to **loss of housing, absence of on-site affordable housing, residential quality, inclusive design** and **transport** have been resolved, and the application is now acceptable in strategic planning terms.

The Council's decision

In this instance Westminster City Council has resolved to grant permission subject to planning conditions and conclusion of a section 106 legal agreement.

Recommendation

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

Context

1 On 3 January 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. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008: "Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London."

2 On 13 February 2013 the Mayor considered GLA planning report PDU/3005/01, and advised Westminster City Council that the application did not comply with the London Plan for reasons with respect to loss of housing; optimising housing output; lack of on-site affordable housing; residential quality; inclusive design; transport; and, climate change. In particular, the Mayor emphasised his concern at the absence of a proposed on-site affordable housing provision (as set out within the covering letter to the above-mentioned report, reference PDU/3005/GK/01).

3 The application was reported to Westminster City Council's planning committee on 14 May 2013, with an officer recommendation to refuse the application for reasons with respect to: loss of housing units; failure to optimise the housing potential of the site; height and bulk on Curzon Street; and, (linked to the former) the response to designated heritage assets.

4 Westminster City Council's planning committee subsequently resolved:

- That the application be deferred to permit reconsideration of: optimising unit numbers and housing potential of site; a revised affordable housing offer (to be separate from the public realm offer which directly benefits the scheme); and, on-site car parking being made available to all flats.
- That the height and bulk of the proposed redevelopment is acceptable.

5 On 14 June 2013 the Mayor received advice from Westminster City Council that revisions to the planning application had been received. A copy of the revised plans was received from the applicant's planning consultant on 17 June 2013. On 15 July 2013 the Deputy Mayor and Chief of Staff, acting under delegated authority, considered GLA planning report D&P/3005/02, and advised Westminster City Council that whilst progress had been made in terms of reducing the net loss of units, and moving towards an optimised density for this scheme, assurances are sought before the proposed payment in lieu of on-site affordable housing can be accepted. Outstanding issues with respect to inclusive access and transport were also identified for resolution before the application is referred back to the Mayor at his decision making stage.

6 Copies of the above-mentioned reports are attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out within these, unless otherwise stated in this report. On 16 July 2013 Westminster City Council decided that it was minded to grant planning permission for the revised application (subject to planning conditions and conclusion of a section 106 legal agreement) and on 27 August 2013 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Westminster City Council under Article 6 to refuse the application, or issue a direction to Westminster City Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 9 September 2013 to notify the Council of his decision, and to issue any direction.

7 The decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Update

8 Having considered the applicant's revised plans for the proposal (refer to GLA planning report D&P/3005/02), the Deputy Mayor advised Westminster City Council that the following issues would need to be resolved to ensure that the application is acceptable in strategic planning terms:

- **Housing:** Whilst progress has been made in terms of reducing the net loss of units, and moving towards an optimised density for this scheme, various assurances are required

with respect to the proposed affordable housing contribution to ensure accordance with London Plan Policy 3.12.

- **Inclusive access:** The response to access and inclusion is broadly supported in accordance with the principles of London Plan Policy 7.2. Notwithstanding this, a clarification is sought with respect to on-street Blue Badge parking provision.
- **Transport:** The proposed level of car parking does not accord with the principles of London Plan Policy 6.13. Furthermore, the Council should secure the widening of the Curzon Street footway; the travel plan; a construction logistic plan; and, a delivery servicing plan. The applicant should also provide clarification of how cyclists enter the cycle store, and provide showering facilities for restaurant staff.

9 The response to addressing these issues is considered under the corresponding sections below.

Housing

10 As discussed within previous GLA planning reports PDU/3005/01 and D&P/3005/02, the existing building at the site is understood to provide 31 large units, which are sub-divided into 81 self-contained flats, and let on a short-term basis. The table below provides a comparison of the existing housing provision, against that proposed within the revised application.

Unit type	Existing provision (as subdivided)	Revised proposal	Net change
Studio	0	3	+3
One-bedroom	59	11	-48
Two-bedroom	20	9	-11
Three-bedroom	3	4	+1
Four-bedroom	0	4	+4
Total units	81	31	-50
Total habitable rooms	190	139	-51
Total residential floor space (GIA)*	4,195 sq.m.	6,950 sq.m.	+2,755 sq.m.

*Based on unit size figures

11 As discussed in GLA planning report D&P/3005/02, the revisions to the application increase the number of units proposed (+6 units), and ensure that all of the proposed dwellings will now meet the London Plan's minimum space standards. This is supported in principle, however, whilst the scheme generates an uplift in residential floorspace, the proposed provision of 31 units results in a net loss of 50 units (and 51 habitable rooms) when compared to the existing (sub-divided) provision of 81 flats. This does not comply with London Plan Policy 3.14.

12 Notwithstanding this, given the quality and nature of the existing residential provision (46 units do not have adequate kitchens; 84% of the 81 units are below current minimum space standards; and, 73% of the 81 units are one-bedroom dwellings), GLA officers accept that residential redevelopment at this site may necessitate the loss of some units - to ensure suitable residential quality, prioritise family housing, and provide an appropriate design response to the Mayfair Conservation Area context. However, the consideration of any such loss is linked to the extent to which the associated development proposal can be shown to be optimising density, prioritising family housing, and maximising affordable housing provision. These matters are considered below.

Density

13 The London Plan density matrix (Table 3.2 in support of Policy 3.4) indicates a residential density of between 140 to 405 units per hectare (u/ha) or 650 to 1,100 habitable rooms per hectare (hr/ha) for a site of this nature (central location with a public transport accessibility level of between four to six).

14 It is noted that the revised proposal achieves a residential density of 182 u/ha, or 818 hr/ha. This represents an increase of 50 u/ha and 42 hr/ha over the original proposal reported to the Mayor on 13 February 2013, and now brings the scheme into the broad range identified by London Plan Table 3.2. Having also had regard to the residential quality and proposed design and response to context (refer to the urban design assessment within previous GLA planning report D&P/3005/02), GLA officers are of the view that the proposed residential density is now acceptable in strategic planning terms, and in broad accordance with the aims of London Plan Policy 3.4.

Affordable housing

15 At consultation stage the Mayor raised particular concern at the absence of a provision of on-site affordable housing within the scheme (refer to paragraph 2 of this report). The Mayor's initial representations, nevertheless, stated that viability constraints to on-site provision may be considered a valid reason for an off-site solution. In this context it is noted that the subsequent findings of Westminster City Council's independent viability assessment support the applicant's assertion that it would not be viable for this scheme to provide on-site affordable housing. Therefore, in the absence of a suitable donor site/scheme, a payment in lieu of on-site affordable housing provision is proposed by the applicant. The London Plan position on this (Policy 3.12, reinforced by the Mayor's 'intend to publish' Revised Early Minor Alterations) makes clear that a payment in lieu will only be acceptable in exceptional circumstances, and subject to assurances with respect to ring-fencing and, if appropriate, pooling to secure additional affordable housing either on identified sites elsewhere, or as part of an agreed programme for the provision of affordable housing.

16 In view of the conclusions of the Council's independent financial assessment, GLA officers are satisfied that there are valid viability reasons for a financial contribution in lieu of on-site provision, in this case. Accordingly, the negotiated contribution is £5 million. However, the Deputy Mayor's representations of 15 July 2013 sought discussion with the Council's housing team - with a view to identifying a suitable housing site and/or programme to directly benefit from this contribution. A draft of the section 106 legal agreement was also sought, in order to assure the Mayor that the payment would be appropriately ring-fenced for the delivery of additional affordable housing units.

17 Following discussions on the matter, Westminster City Council has provided a copy of its memorandum of understanding with respect to affordable housing fund spending parameters, as well as a copy of the draft section 106 agreement. As part of broader discussions on the issue of off-site affordable housing contributions, the Council has also provided the GLA with information on the scope and progress of its housing delivery programme. Having reviewed this information, GLA officers are now satisfied that the proposed affordable housing contribution will be suitably ring-fenced for the delivery of additional affordable housing as part of the Council's housing programme. The application is, therefore, acceptable in accordance with London Plan Policy 3.12.

Residential mix

18 The revised proposal makes provision for eight family sized homes - an increase of five units over the existing situation. Overall, this equates to a 26% provision of family sized units at the site, which is supported in accordance with the aims of London Plan Policy 3.8.

Residential quality

19 The revised plans ensure that all units would now meet or exceed the London Plan minimum space standards. It is also noted that the applicant has increased the number of dwellings within the scheme by splitting a number of the largest units (including a four-bedroom duplex unit at the garden level, and a four-bedroom unit on the second level). This approach is supported, and has been executed in a way which would allow for high residential standards throughout the scheme. The application now accords with London Plan Policy 3.5.

Children's play space

20 Notwithstanding the introduction of six additional units, the expected child population of the development remains below ten, and, therefore, a dedicated on-site provision of children's play space is not required under the Mayor's supplementary planning guidance 'Shaping Neighbourhoods: Play and Informal Recreation'.

Housing conclusion

21 The proposal results in a net loss of 50 private residential units - which does not comply with London Plan Policy 3.14. Nevertheless, following the introduction of six additional units, and having also had regard to the residential quality of the new homes proposed, and the response of the design to its context - GLA officers are now satisfied that the residential density of the scheme has been optimised in accordance with London Plan Policy 3.4. Furthermore, following the necessary assurances discussed above, GLA officers accept the proposed £5 million affordable housing contribution in lieu of on-site provision, in line with London Plan Policy 3.12. Therefore, whilst the application does not comply with London Plan Policy 3.14, having had regard to the considerations above, and the overall design quality of the scheme (discussed within GLA planning report D&P/3005/02), GLA officers are content that the loss of private housing at this site is, on balance, acceptable in strategic planning terms.

Inclusive access

22 The proposed response to access and inclusion within the scheme was broadly supported at consultation stage. Nevertheless, in response to the Mayor's initial representations the applicant has confirmed that the highway design proposals include provision for an on-street Blue Badge car parking bay, in addition to those provided within the basement parking area. This is supported in accordance with the aims of London Plan Policy 7.2.

Transport

23 At consultation stage Transport for London (TfL) raised concern at the proposed level of car parking (one space per dwelling) given the high public transport accessibility of the site. Accordingly, Westminster City Council, and the applicant, were encouraged to reduce parking provision in accordance with the aims of London Plan Policy 6.13. However, as discussed within the Council's 16 July 2013 committee report, Westminster City Council is of the view that the proposed parking provision is appropriate for this development. Having considered this, and also noting that the anticipated vehicular trip generation of the scheme is unlikely to cause any significant impact on the strategic highway network, TfL has accepted the level of car parking proposed in this instance.

24 TfL is also content for the details and layout of electric vehicle charging point provision; access; basement car park lift; and, provision of cycling facilities (including 60 cycle parking spaces) to be secured by way of planning condition - and it is noted that the draft decision notice reflects this accordingly. TfL also supports the Council and applicant's joint agreement to ensure that servicing arrangements, along with construction management and logistics plans, will be secured by way of the section 106 legal agreement.

25 It is further noted that Westminster City Council has secured costs associated with public realm improvements, including necessary highway works at Curzon Street, within the section 106 agreement. This is supported in response to the Mayor's initial representations.

Response to consultation

26 Westminster City Council publicised the application by sending notifications to 448 addresses in the vicinity of the site, and issuing site and press notices. The relevant statutory bodies were also consulted. The representations received in response to the Council's local consultation process are considered in detail within the Council's committee report of 16 July 2013, and all representations made on the application have been made available to the Mayor.

27 In response to the public consultation the Council received two representations of objection, and one representation indicating no objection. In summary, the local objections raised related to dust and noise issues associated with demolition and construction works.

Responses from statutory bodies, local groups and other organisations

English Heritage

28 English Heritage initially raised concern with the proposed height of the building along Curzon Street, and the treatment of the western elevation relative to the setting of 55 Curzon Street (Grade II). However, following the submission of revisions (which include changes to the treatment of western elevation), English Heritage stated that, whilst there may be further heritage benefits in reducing the scale and massing of the proposed building, its initial concerns had been reduced to a level where the application could be determined in accordance with relevant planning policy and guidance.

Other consultees and local groups

29 The Council also consulted the Residents Society of Mayfair and St. James's, and The Royal Parks Agency, both of which raised no objection to the application.

Response to consultation - conclusion

30 The statutory and non-statutory responses to the Council's consultation do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report.

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

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

Legal considerations

32 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local

authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

33 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*Costs Awards in Appeals and Other Planning Proceedings*) emphasises that parties usually pay their own expenses arising from an appeal.

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

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

Conclusion

The outstanding strategic issues with respect to loss of housing, absence of on-site affordable housing, residential quality, inclusive design and transport have been acceptably resolved, and the application is now acceptable in strategic planning terms.

for further information, contact Development & Projects:

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Graham Clements, Strategic Planner (case officer)

020 7983 4265 email graham.clements@london.gov.uk

56 Curzon Street, Mayfair

in the City of Westminster

planning application no. 12/11740/FULL

Strategic planning application stage 1 referral (new powers)

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

The proposal

Demolition of 56 Curzon Street and redevelopment to provide a single building of 4 basement levels, garden level, raised garden level (all below street level), ground and part 6, part 8 upper storeys to include a restaurant (Class A3), 25 residential apartments (Class C3), associated residential facilities including basement parking accessed via car lifts on Bolton Street and landscaped garden, together with public realm improvements and highway works (including extending the building line forward on Curzon Street).

The applicant

The applicant is **Brockton Capital** and the architect is **PLP Architecture**.

Strategic issues

The main strategic concerns are the proposed **loss of housing** which will not be replaced at a higher density and that the proposal therefore does not optimise housing output. The lack of **onsite affordable housing** is also a significant concern.

Further information is also required regarding **residential quality, inclusive design, transport and climate change**.

Recommendation

That Westminster City Council be advised that the application does not comply with the London Plan, for the reasons set out in this report; but that the possible remedies set out in paragraph of 90 this report could address these deficiencies.

Context

1 On 3 January 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 13 February 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 Category 1C of the Schedule to the Order 2008:

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

3 Once Westminster 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.

Site description

5 The 0.2 hectare corner site is located in Mayfair close to Green Park. Westminster Council designates the site as being part of the CAZ and within the Mayfair Conservation Area.

6 The site is situated on the corner of Curzon Street and wraps round onto Bolton Street. The area has a mixture of architectural styles, heights and uses. Curzon Street has a number of taller buildings between six and eight stories but also immediately west of the site are three Georgian townhouses. Bolton Street generally has a more domestic scale and on the east side of Bolton Street, opposite the site, is a largely intact row of five-storey Georgian townhouses. Only two townhouses remain on the west side of the street and these abut the proposal site. The site forms the northern portion of a large rectangular perimeter block. The southern part of the perimeter block fronts onto Piccadilly and overlook Green Park and whilst it is currently occupied by an office block, it has permission to be redeveloped as a mixed-use residential/office scheme.

7 The site is currently occupied by an L-shaped red brick building which dates from the 1930s. The building is eight-storeys high with the top storey set back. The applicant states that it is residential, let on short-term tenancies and is therefore a C3 use. The applicant states that the building has undergone numerous internal alterations and currently includes 31 self contained physically separate residential units but that these units can be subdivided into 81 smaller studios or apartments. However, there are currently 78 council tax registrations (with three pending), which suggests there are 81 residential units on the site. The building was also originally designed as a number of studios, one-beds and two-bed serviced apartments, although some alterations have taken place and the interconnecting doors linking units have been added.

8 The 'Mirabelle' restaurant once occupied the ground floor/basement corner of the building but the unit is currently vacant.

9 The site is approximately 170 metres to the north of the A4 Piccadilly, part of the strategic road network. The nearest part of the TfL road network is Hyde Park Corner, approximately 500 metres to the south west. Curzon Street, a borough road, is also part of the London Cycle Network. The nearest cycle docking station is Clarges Street which provides 16 docking points and is located 14 metres to the northwest of the site.

10 The nearest Underground station is Green Park, which is approximately 170 metres to the south. Hyde Park Corner station is approximately 580 metres to the west. The nearest bus stops are located on Piccadilly at Green Park station. The site is also within 500m of bus stops on Park Lane which provide access to a further 12 bus routes. As such the site achieves an excellent public transport accessibility level (PTAL) of 6b, on a scale where 1 is lowest and 6 is highest.

Details of the proposal

11 The proposal is for the demolition of the existing building and redevelopment of the site to comprise 25 residential units (4 x studio, 6 x one-bed, 3 x two-bed, 6 x three-bed, 6 four-beds) and a restaurant (A3). The proposed building is eight storeys in height with four basements levels.

12 The proposal also includes:

- 25 basement car parking spaces, including three space suitable for disabled residents
- Cycle parking for 60 bikes
- Residents' dining, cinema, gym, pool and spa facilities in the basement.
- Public realm improvements

Case history

13 A pre-application meeting was held on 14 August 2012.

Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Housing *London Plan; Housing SPG; Housing Strategy; Providing for Children and Young People's Play and Informal Recreation SPG;*
- Affordable housing *London Plan; Housing SPG; Housing Strategy;*
- Density *London Plan; Housing SPG;*
- Historic Environment *London Plan; World Heritage Sites SPG; Circular 07/09*
- Tall buildings/views *London Plan, Revised View Management Framework SPG*
- Urban design *London Plan;*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Transport *London Plan; the Mayor's Transport Strategy;*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy;*
- Climate change *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*

15 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2011 Westminster Core Strategy and the 2011 London Plan.

16 The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework and the Early Minor Alteration to the London Plan are also material considerations.

Principle of development

Housing

17 The proposal involves the demolition of the existing building and replacing it with a new building comprising a ground floor A3 use and 25 residential units. The applicant states that the

existing building comprises 31 self-contained residential units which can be subdivided into 81 smaller studios/apartments. However, this is disputed. The proposal seeks to increase residential floorspace by 5,388 sq.m. from the existing 6,291 sq.m. to 11,679 sq.m.

18 The applicant acquired full ownership of the building in 2011 and currently provides residential accommodation on short term tenancies (minimum of 90 days) and states at this time, due to the poor state of the building and to allow for redevelopment, that there are currently no significantly longer tenancies. The applicant states that no one is registered to vote at the address. There are currently 78 Council Tax registrations (with 3 pending) in relation to the site, which the applicant disputes but has paid since taking full ownership of the site in 2011.

19 The applicant has provided a schedule of accommodation which sets out the size of the existing 81 units and also the 31 'self contained units'. It has also provided a schedule of accommodation setting out the size of the 25 proposed units.

20 London Plan Policy 3.14 'Existing housing' clearly states that the loss of housing should be resisted unless the housing is replaced at existing or higher densities with at least the equivalent floorspace.

21 The floorspace in the proposed development has almost doubled, but as some of the proposed units are very large, the overall number of units has reduced and the density has gone from 915 habitable rooms per hectare to 776 units per hectare. Whilst there is no objection to increasing the floorspace on the site, in order to optimise its use and achieve a qualitative improvement to the residential offer, the current configuration does not provide onsite affordable housing. To be acceptable in policy terms, the delivery of both private and affordable residential accommodation needs to be optimised.

22 The applicant has sought to justify the current scheme by stating the existing accommodation is of very poor quality comprising narrow, single aspect units with no private amenity space and basic kitchen facilities, which does not meet the current requirements for housing. The applicant has assessed the existing against the benchmark quality set out in the Mayor's Housing SPG (2012) and found that only 20% the high priority criteria are addressed by the units. It also argues the existing accommodation does not comply with the space standards 6 of the 81 units are well below the current requirements and around half of the units are under 40 sq.m.

23 It is the applicant's view, therefore, given the transient nature of occupation and its assessment that the existing units are inadequate as residential accommodation, that the proposal will not result in the loss of accommodation that meets the reasonable definition of 'housing' or a 'home' and therefore the proposal does not contravene London Plan Policy 3.14. It also states that the proposal will not prejudice London Plan Policy 3.3 because Westminster City Council has historically met or exceeded its London Plan annual target for housing delivery.

24 However, the applicant as the owner has control over the length of lease to an extent and therefore the short-term nature of lettings are in a large part due to its own choice to let on short-term contracts because it wishes to redevelop the site. Equally, the applicant could undertake internal cosmetic improvements to increase the desirability of the units for long term let but has chosen not to.

25 Furthermore, whilst the existing accommodation may be of a lower quality in comparison to current standards, and this may be a reasonable argument for 'in principle' redevelopment or refurbishment, the quality and design standards for new development proposals within the Mayor's Housing SPG (2012) were not formulated to be applied to existing development and do not

provide a legal or other definition of 'housing.' Based on this argument a significant proportion of existing housing stock across London would not meet the applicant's definition of 'housing.'

26 Whilst the principle of redeveloping with replacement restaurant and residential development is acceptable, the proposal does not comply with London Plan policy because it results in a loss of housing due to the applicant choosing to include several exceptionally large units within the development. Whilst there is no 'in principle' objection to this typology, in this instance, it means the scheme will result in a loss of residential units and density and does not optimise housing delivery on the site, and therefore does not comply with London Plan Policy 3.14, 3.3 and 3.4.

Affordable housing

27 Westminster City Council has set an overall borough affordable housing target of 30% in its Core Strategy. The London Plan seeks a 60:30 split between affordable rent and intermediate accommodation.

28 The applicant is not proposing any onsite affordable housing but intends to provide a cash-in-lieu payment to the Council. Paragraph 3.74 states that affordable housing provision is normally required on site and only in exceptional circumstances may it be provided off-site or through a cash-in-lieu contribution ring fenced, and if appropriate 'pooled' to secure efficient delivery of new affordable housing on identified sites elsewhere. The revised early alterations to the London Plan (at EIP stage) strengthens this position and states that *"In exceptional cases where it can be demonstrated robustly that this is not appropriate in terms of policies in this Plan, it may be provided off-site. A cash in lieu contribution should only be accepted where this would have demonstrable benefits in furthering the affordable housing and other policies in this Plan, and should be ring fenced and, if appropriate, pooled to secure additional affordable housing either on identified sites elsewhere or as part of an agreed programme for provision of affordable housing."*

29 The applicant has stated that onsite provision of affordable housing would result in significant design inefficiencies due to the need for separate entrances and building cores and there would be deficiencies in the quality of affordable accommodation. Furthermore, it states that the provision would impact on the viability of the scheme and that the high level of service charge is unlikely to be attractive to a registered provider. The applicant states it has also explored opportunities for offsite provision but has not found a donor site.

30 Officers do not accept the points raised above constitute an exceptional circumstance that justifies the lack of onsite provision of affordable housing. Whilst it is accepted that the affordable element would require an additional core and entrance, as discussed above, the proposal does not optimise the potential of the site due to the very large units proposed and the argument that there is lack of space to comply with policy objectives, is not justified.

31 Officers agree that the service charge is likely to be too high for registered providers in the current scheme but a scheme with affordable housing located within a self contained block would not require such a high charge and the applicant should demonstrate why such a scheme has not been considered. Viability may be considered a valid reason for offsite provision and the applicant has submitted a viability appraisal to demonstrate that it is not viable to provide onsite affordable housing. Westminster Council is in the process of having this assessment independently assessed and further discussion with the Council, applicant and GLA officer will be required when the findings of the assessment are known.

32 If the applicant were able to justify that exceptional circumstance do exist and a cash-in-lieu payment was acceptable then this payment must be tied to a particular site or housing delivery programme through the Section 106 and should only be used to deliver new affordable housing.

33 Further information and discussion is required to determine whether the application comply with London Plan affordable housing policy 3.12. The Council should provide officers with a copy of the independent assessment of the viability appraisal when it has been completed.

Density

34 The density matrix (table 3.2 of the London Plan) indicates that the appropriate density for a centrally located site with a PTAL of between 4 and 6 should be between 650 and 1100 hr/per hectare or between 140 and 405 units per hectare

35 The applicant has calculated the density of the existing scheme to be 915 habitable rooms per hectare and the density for the proposed scheme to be 776 habitable rooms per hectare or 132 units per hectare.

36 The proposed density based on units per hectare is below the appropriate density range set out in the London Plan whilst density based on the units by habitable room is just above it. Given the site's central location and the excellent transport accessibility of the site and the existing density on the site, officer would expect the proposed density to be towards the upper end of the density scale. Whilst the table is not intended to be applied mechanistically, in this instance, officers are concerned that the applicant's decision to include a number of very large units on the site is not optimising its potential for housing delivery and is possibly preventing the delivery of onsite affordable housing.

37 The application does not comply with London Plan Policy 3.4 as the proposal does not optimise the potential for housing delivery.

Children's play space

38 Policy 3.6 of the London Plan sets out that "development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs." Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' the applicant anticipates that there will be approximately 2 children within the development, of which 1 is expected to be under-five.

39 Developments with a child yield of less than 10 are not required to provide on-site provision. However, the aspiration to deliver 20 sq.m. of on-site playspace is welcomed and encouraged.

Heritage

40 The existing red brick building was designed by Messr's Henry Tanner Architects and dates from the late 1930s. It was originally laid out as small serviced apartments.

41 The site is located within the Mayfair Conservation Area and is therefore part of a designated heritage asset. However, the loss of the existing building is unlikely to cause substantial harm to the significance of the Conservation Area as the existing building does not make a significant positive contribution to the Conservation Area and the proposed building is of a higher architectural quality than the existing building.

42 Therefore, there is no strategic concern regarding the loss of the existing building and the application complies with London Plan heritage Policy.

Urban design

43 The proposed development is reasonably well designed, providing a range of good quality accommodation and improved public realm which is welcomed. The following comments refer to aspects of the proposal that are either particularly welcomed or require further consideration.

Layout

44 The site sits on the corner of Curzon Street and Bolton Street. The scheme is arranged in an L shape building that creates a strong building line to this corner and completes the perimeter block which is welcomed. The curved alignment of the Curzon Street frontage and public realm modifications increase the width of the footway which is supported as it helps improve the pedestrian environment along it.

45 The ground floor is reasonably well laid out ensuring most of the public realm around the site is well overlooked. The main entrance to the commercial unit is from the corner of the site and the residential entrance is from Curzon Street respond well to the hierarchy of the surrounding streets. Only a small amount of the Bolton Road frontage is taken up by service and inactive uses and this is well located at the rear of the site.

46 The L shaped building creates a small courtyard that is used as private amenity space for the residents on the lower floor which is welcomed. Whilst this space is likely to be compromised by overlooking and overshadowing officers are satisfied that the designers have attempted to mitigate these issues.

Residential quality

47 London Plan Policy 3.5 sets out requirements for the quality and design of housing developments including minimum space standards for new development. Whilst a number of the units significantly exceed the minimum space standards (11 of the units exceed 300 sq.m.), three of the units do not meet the minimum space standards within the London Plan. Units 2B, 3B and 6A fail to comply with the space standards and the applicant is required to address this.

48 The residential layout of the scheme is served by a single core accessed from Curzon Street and all floors have less than eight units which is welcomed.

Scale height and massing

49 The proposed L shaped building is seven storeys high along Bolton Street and eight and nine storeys high along Curzon Street. The two upper storeys are each set back from the floor below creating a two tiered set back and a shoulder height of five storeys along Bolton Road and seven storeys along Curzon Street. The Curzon Street element steps down to meet the existing buildings to the west.

50 The overall height does not depart significantly from surrounding building heights which is welcomed and there are no significant concerns with its overall massing.

Appearance

51 The building's subdued aesthetic and use of Portland Stone cladding as the main material creates a familiar and friendly appearance appropriate to a residential development which is

welcomed. However, despite the historical context of the site, care needs to be taken to avoid creating a building which is a historical pastiche.

Inclusive design

52 The applicant is proposing level access into the building, restaurant and all apartments and this is supported.

53 The applicant has stated that all of the properties are to be designed to Lifetime Home standards. The applicant has indicated that the properties (except studio apartments) will be designed to 'easily adaptable wheelchair housing standards', with the exception of the requirement for one designated disabled persons parking bay per unit. The applicant has included a table setting out how the units comply with lifetime homes standards and this is welcomed.

54 The applicant has marked out three spaces for wheelchair units and a single lifetime homes standard bay. The applicant states that a car park management plan will be prepared after permission is granted which will ensure that these bays are available for any wheelchair users who move in to the various units in the future and this should be secured via condition. The applicant has confirmed that the floor to ceiling height of their car parking level and the car lift will have vertical clearance of 2.6m to ensure that people with high top vehicles or vehicles accommodating a roof box can use the car park.

55 The applicant states that it has raised the option of providing an on-street blue badge parking bay near the site with Westminster's highways officer. The applicant should confirm whether or not this has been achieved.

Transport

56 Trip generation assessment undertaken in the transport assessment, as well as the one undertaken in-house using TRAVL database with more comparable sites by TfL, indicated that a limited number of vehicular trips would be generated for a proposal of this scale and nature. Given the modest scale of the development and range of travel choices available in this area; that impact of this development on the public transport network is unlikely to require mitigation.

57 Whilst there is no dedicated off street parking associated with the existing 81 flats and restaurant, a total of 25 underground parking spaces are proposed as part of the development. This equates to an average of 1 space per dwelling (though three spaces are allocated to the proposed 'Curzon Street Penthouse' and both the 'Curzon Street Townhouse' and 'Garden Unit A' have been allocated two parking spaces each), which corresponds to the Westminster City Council maximum standard. On the basis of the information submitted with this application, there is no justification for providing such excessive parking.

58 The site is well located; within walking distance of a range of employment, retail, leisure and travel facilities (including car clubs). There is spare capacity within existing on street resident permit bays, allowing for a 'car free' redevelopment proposals on the existing site. A high proportion of the proposed dwellings are non family; 10 of the 25 dwellings would be either studio or one bed units. Furthermore, the 2011 census data reveals that current average car ownership in this part of Mayfair to be 46%.

59 The site by its nature and scale would generate a limited number of vehicular trips. In light of the parking survey result showing that there are spare capacity for existing on-street parking facilities in the vicinity of the site, there is no need to provide further parking for the proposed development.

60 In addition, Westminster City Council's Core strategy advises that around 680 new dwellings are expected to be delivered across the borough per year. For the current plan period, up to 2017, that could result in 3,400 additional dwellings. If the maximum parking standard were applied in each instance, up to 3,400 new parking spaces could be created in Westminster, with the associated impact on vehicular trip generation, traffic congestion and air quality.

61 Therefore, the applicant should reduce parking levels for this development, while allowing for the provision of disabled parking spaces; towards significantly less than one space per unit to comply with London plan policy 6.9 'Parking'

62 Regardless of the level of parking that is ultimately agreed, the provision of electric vehicle charging points at a ratio of 50% is welcomed.

63 The proposal to widen the footway of Curzon Street adjacent to the site and to improve the public realm within the vicinity of the site is welcomed and it will encourage sustainable modes in line with London Plan policy 6.9 'Cycling' and 6.10 'Walking'. The proposed improvements should be secured by section 278 obligation by Westminster City Council as being the local highway authority.

64 It is also proposed that 60 cycle parking spaces at the basement level will be provided, which complies with London Plan policy 6.9 'Cycling'. These facilities should be secured and covered, and be located in a safely and conveniently area. Shower and changing facilities should also be provided for the restaurant to encourage staff cycle to/ from work.

65 However, it is not clear from the transport assessment how cycle access to the basement level cycle parking area will be achieved and this should be clarified. For safety reason, cycle access should be separated from the vehicular access.

66 To encourage uptake of the cycle hire scheme among residents and users of the building, robust measures should be included in the travel plan. This is to satisfy the applicants' requirement to facilitate enhancement of the cycle hire scheme as set out in the London Plan 2011 policy 6.9 'cycling.'

67 The applicant's commitment to provide a full travel plan is welcomed. The travel plan should be produced in accordance with TfL's travel plan guidance; and final submission of the travel plan should be secured and monitored by section 106 obligations. This complies with London Policy 6.3 'Assessing effects of development on transport capacity',

68 The current proposal does not provide an off-street servicing facility. In order to minimise kerb side activities and highway and traffic impact to the local highway network off street servicing facility should be provided where possible. Otherwise, servicing must be undertaken in accordance with existing on-street parking/waiting/loading restrictions.

69 In order to manage the impact of construction and servicing traffic on the TfL road network and strategic road network, a construction logistic plan and a delivery servicing plan should have been included with the transport assessment. Both can be secured by planning condition.

70 In accordance with London Plan policy 8.3 'Community infrastructure levy', the Mayor has agreed a CIL Charging Schedule which came into operation on 1 April 2012. It will be paid by most new development in Greater London. Boroughs are arranged into three charging bands with rates of £50 / £35 / £20 per square metre of net increase in floorspace respectively. The proposed charge within Westminster is £50 per square metre.

71 The site is located within the Central London charging area, as identified in the Crossrail SPG/London Plan reference etc. However, it is noted that the proposed level of chargeable retail floorspace (884 sq.m GEA) is lower than the existing building (1,472 sqm GEA), therefore no contribution will be required in this instance.

72 In conclusion, the application does not comply with London Plan transport policy. Whilst the modest scale of the proposed development is unlikely, by itself, to have a significant impact on the transport networks, the cumulative impact of maximum parking provision in this part of Central London is an concern and therefore parking for this scheme should be reduced significantly to below the level of one space per dwelling in line with London Plan policy. Furthermore, the Council should secure the widening of the Curzon Street footway, the travel plan; a construction logistic plan and a delivery servicing plan. The applicant should provide clarification of how cyclists enter the cycle store and provide showering facilities for restaurant staff.

Climate change

Energy efficiency standards

73 A range of passive design features and demand reduction measures are proposed to reduce the CO2 emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include high efficacy lighting, mechanical ventilation with heat recovery (MVHR) and variable speed drives on fans and pumps. The demand for cooling will be minimised through facade design and solar control glazing

74 Based on the information provided, the proposed development does not appear to achieve any carbon dioxide savings from energy efficiency alone compared to a 2010 Building Regulations compliant development.

75 The applicant should model additional energy efficiency measures and commit to the development improving on the 2010 Building Regulations compliance level through energy efficiency alone.

District heating

76 The applicant should investigate whether there are any existing or planned district heating networks in the vicinity of the development and provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

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

Combined Heat and Power

78 The applicant is proposing to install a 70 kWe gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated carbon dioxide emissions of 55 tonnes per annum (23%) will be achieved through this second part of the energy hierarchy (see table below).

Renewable energy technologies

79 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a 400 kW closed-loop ground source heat pump (GSHP) system. The applicant should state how the GSHP and CHP will operate together to provide space heating and hot water to the development. A reduction in regulated carbon dioxide emissions of 6 tonnes per annum (3%) will be achieved through this third element of the energy hierarchy (see table below).

Summary

80 Based on the energy assessment submitted at Stage I, the table below shows the residual carbon dioxide emissions after each stage of the energy hierarchy and the carbon dioxide emission reductions at each stage of the energy hierarchy.

Table: CO2 emission reductions from application of the energy hierarchy

	Total residual regulated CO2 emissions	Regulated CO2 emissions reductions	
	(tonnes per annum)	(tonnes per annum)	%
Baseline i.e. 2010 Building Regulations	242		
Energy Efficiency	242	-	-
CHP	187	55	23
Renewable energy	181	6	3
Total		61	25

84 A reduction of 61 tonnes of carbon dioxide per year in regulated emissions compared to a 2010 Building Regulations compliant development is expected, equivalent to an overall saving of 25%.

85 Whilst the carbon dioxide savings exceed the targets set within Policy 5.2 of the London Plan, further information is required to ensure the proposal complies with London Plan policy. The applicant should investigate whether there are any existing or planned district heating networks in the vicinity of the development and provide a commitment to ensuring that the development is designed to allow future connection. The applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network. Further information on the size and location of the energy centre should be provided. The applicant should state how the GSHP and CHP will operate together to provide space heating and hot water to the development

Local planning authority's position

86 Westminster City Council's view is not known at this time.

Legal considerations

87 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

88 There are no financial considerations at this stage.

Conclusion

89 London Plan policies on housing, affordable housing, heritage, design, inclusive design, transport and climate change are relevant to this application. The application does not comply with the London Plan; however the following changes might lead to the application becoming compliant with the London Plan:

- **Principle of development/ housing:** Whilst the principle of redeveloping with replacement restaurant and residential development is acceptable, the proposal does not comply with London Plan policy because it results in a loss of housing due to the applicant choosing to include several exceptionally large units within the development. Whilst there is no 'in principle' objection to this typology, in this instance, it means the scheme will result in a loss of residential units and does not optimise housing delivery on the site, and therefore does not comply with London Plan Policy 3.14, 3.3 and 3.4.
- **Affordable housing:** Further information and discussion is required to determine whether the application complies London Plan affordable housing policy 3.12. The Council should provide officers with a copy of the independent assessment of the viability appraisal when it has been completed. If a cash-in-lieu payment is justified, then this payment must be tied to a particular site or housing delivery programme through the Section 106 and should only be used to deliver new affordable housing.
- **Heritage:** There is no strategic concerns regarding the loss of the existing building and the application complies with London heritage Plan Policy.
- **Urban design:** Whilst the design is generally of a high quality, three of the proposed residential units do not comply with space standards in the London Plan and this is not acceptable.
- **Inclusive design:** The application largely complies with London Plan inclusive design policy. The applicant should seek to secure an on street blue badge parking bay outside the site.
- **Transport:** The application does not comply with London Plan transport policy. Whilst the modest scale of the proposed development is unlikely, by itself, to have a significant impact on the transport networks, the cumulative impact of maximum parking provision in this part of Central London is an concern and therefore parking for this scheme should be reduced significantly to below the level of one space per dwelling in line with London Plan policy. Furthermore, the Council should secure the widening of the Curzon Street footway, the travel plan; a construction logistic plan and a delivery servicing plan. The applicant should provide clarification of how cyclists enter the cycle store and provide showering facilities for restaurant staff.

- **Climate change:** Whilst the carbon dioxide savings exceed the targets set within Policy 5.2 of the London Plan, further information is required to ensure the proposal complies with London Plan policy. The applicant should investigate whether there are any existing or planned district heating networks in the vicinity of the development and provide a commitment to ensuring that the development is designed to allow future connection. The applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network. Further information on the size and location of the energy centre should be provided.

for further information, contact Planning Decisions Unit:

Colin Wilson, Senior Manager - Planning Decisions

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Gemma Kendall, Case Officer

020 7983 6592 email gemma.kendall@london.gov.uk
