

Moxon Street Car Park, London W1 Planning Brief



Moxon Street Car Park Planning Brief

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Executive Summary

The council has been the freehold owner of the Moxon Street car park site since September 1991. Following slum clearance in 1966 the site was designated for educational use however, despite a series of school proposals for the site it has remained undeveloped. The site was transferred to the council from the London Residuary Body on the condition that the land cannot be disposed of before 31 August 2011 without the permission of the Secretary of State for Children, Schools and Families. The council has concluded that a new school is not needed in the area and as such has been considering the disposal of the site. The site is designated as an Opportunity site under Schedule 2 of the *City of Westminster's Unitary Development Plan (UDP)* with the preferred land uses being residential and community uses.

Westminster Adult Education Service (WAES) have considered their service strategy for the 21st Century and have concluded that their existing premises are poorly located and unsuitable for the range of activities that they wish to provide. In 2006 WAES developed a property strategy which concluded that by disposing of their two main sites in the north and south of the city funding could be raised to build a state of the art centre on the Moxon Street, Car Park site. On 10 December 2007 the council's Cabinet approved the principle of the strategy and agreed that further design work could be commissioned in respect of developing proposals for a new purpose built facility at the council owned site at Moxon Street, W1.

This planning brief has therefore been prepared in response to the development opportunities that have arisen as a result of the council's review of its operational requirements for WAES. It comprises one in a suite of interlinked briefs that have been produced in order to respond to the overall WAES Property Strategy. The purpose of the planning briefs is to set out the council's detailed planning considerations, giving a clear steer on the planning policy requirements for the various sites affected by the WAES property strategy

In addition to setting out the planning policy requirements for the site the brief aims to strongly encourage schemes to address the following key issues that were raised through consultation:

- that there be a comprehensive approach to the development of the site,
- that the WAES centre is located at the south end of the site,
- that the existing farmers market be located where it will continue to maximise its contribution to the economic regeneration of the area, and
- that there be the inclusion of some open space.

The Moxon Street site provides a rare opportunity in the Marylebone area to create a new development over an entire city block. Accordingly, the council requires a development of the highest quality of design and architecture which will complement and enhance the existing townscape qualities of the surrounding area and be of high quality sustainable design in its own right. Proposals will be expected to enhance the character and appearance of the Portman Estate Conservation Area.

1.0 Introduction

- 1.1 The site that forms the subject of this planning brief is predominantly used as a public car park and for a Farmers' Market which is held once a week. The site is also currently being used temporarily as a contractors' compound for 'Building Schools for the Future' works and as a playground for St Vincent's Primary School.
- 1.2 The site is located within the Portman Estate Conservation Area and is bounded by Moxon, St. Vincent, Aybrook and Cramer Streets and is located close to Marylebone High Street. An aerial photograph illustrating the site is included as Map 1.
- 1.3 The site is currently undeveloped and provides a rare opportunity in the Marylebone area to create a new development over an entire city block. Accordingly, the council anticipates a development which will complement and enhance the existing townscape qualities of the surrounding area and be of high quality sustainable design in its own right.
- 1.4 The brief has been prepared, in part, as a response to a property strategy which has been developed by the Westminster Adult Education Service (WAES). This property strategy concludes that by disposing of the services two main sites at Amberley Road W9 and Ebury Bridge SW1V, funding could be raised to build a state of the art centre on part of the Moxon Street car park site.
- 1.5 The purpose of this brief is therefore to set out the relevant planning considerations relating to the development opportunities that have arisen as a result of the council's review of its land ownership and operational requirements for WAES. The brief provides a site specific supplement to the provisions of the *City of Westminster Unitary Development Plan (UDP)* (Adopted 2007) and sets out the matters which would be required to be addressed in a planning application for the development of the site. Accordingly, it provides information for potential developers and their consultants and representatives, surrounding landowners, residents and other stakeholders.
- 1.6 This brief is a revised version of the draft planning brief for the Moxon Street Car Park site that was approved on 16 June 2008 by the Planning Sub-Committee (Planning Briefs and Local Development Framework). The draft brief was the subject of extensive consultation with key stakeholders and where appropriate the main issues raised have been addressed in the revisions to the draft brief. A full report setting out the planning considerations on the representations made was presented to the Planning Sub-Committee (Planning Briefs and Local Development Framework) on 14 October 2008. The report and appendices can be viewed on the council's website via the following link
http://www3.westminster.gov.uk/committee/index.cfm?c_docs=Planning_Sub-Committee_Briefs_LDF
- 1.7 On 14 October 2008 the Planning Sub-Committee (Planning Briefs and Local Development Framework) agreed to recommend to the Cabinet Member for the Built Environment that this revised brief be adopted as a Supplementary

Planning Document (SPD). Following the incorporation of amendments requested by the committee the Cabinet Member for the Built Environment agreed to adopt this brief as an SPD. It is therefore a material consideration in determining any planning applications for the site.

- 1.8 The brief has been produced in line with the procedures set out in *Planning Policy Statement Note 12 (PPS12 – Local Spatial Planning)* and is in accordance with the planning policies set out in the *City of Westminster UDP*. The Greater London Authority (GLA) has also confirmed that it is in general conformity with the *London Plan*.
- 1.9 Relevant Government legislation requires Development Plan Documents (DPD) and Supplementary Planning Documents (SPD) to be subject to a sustainability appraisal incorporating *Strategic Environmental Assessment (SEA)*. Included at Appendix 1 is an initial sustainability appraisal (SA) of this planning brief which has incorporated the requirements of *Planning Policy Statement 12 (PPS 12)* and the *SEA Directive*, and is based on the methodology set out in the ODPM document *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents* (November 2005). The SA process is integrated into the planning system to ensure that the results of the appraisal influence the choice of policy options as they emerge. Following consultation on the draft planning brief and on the associated draft *Sustainability Appraisal* it is considered that this brief has taken account of the sustainability objectives listed within the SA and any relevant issues that have been raised through consultation.

2.0 Background and Planning Brief Objectives

Site Background

- 2.1 The council has been the freehold owner of the Moxon Street car park site since September 1991 when the land title was transferred from the London Residuary Body. The site had been originally acquired by the Greater London Council in 1966 under slum clearance powers and apportioned for educational use namely, a county (now community) primary school. Since 1966 a series of school proposals for the site were considered, however, they were not given priority in the building schemes of the Inner London Educational Authority.
- 2.2 Upon abolition of the Inner London Educational Authority in 1990, the site was transferred to the London Residuary Body. The site was then transferred to the council on the condition that the land cannot be disposed of before 31 August 2011 without the permission of the Secretary of State for Education and Skills (now Secretary of State for Children, Schools and Families).
- 2.3 Subsequently, the council concluded that local demographic projections indicated that a new school was not needed in that area, and there is no longer an obligation to build a school on the site. The council therefore began to consider the disposal of this site.

Westminster Adult Education Service (WAES) Property Strategy

- 2.4 The Westminster Adult Education Service (WAES) is one of the largest providers of local authority adult education in the United Kingdom and has developed as a highly successful provider in the education and training sector gaining a reputation as one of the leading services nationally. This was externally verified following an inspection by the Adult Learning Inspectorate (ALI) in November 2005. The Inspectorate did however, highlight in the report the inadequacies of the accommodation within which WAES operates. In response, and as part of the 'One City' programme, the council has made a commitment to improve the accommodation for WAES.
- 2.5 The WAES *Property Strategy* (2006) provides a further assessment of the WAES estate in the context of the operational requirements and considers a number of options to improve the teaching facilities. The Strategy concludes that the council should sell both of their main Amberley Road and Ebury Bridge sites and use the capital receipts to provide a new, state of the art, purpose built main centre on part of the Moxon Street Car Park site along with three additional satellite centres across the city.
- 2.6 A joint report by the council's Director of Finance and Resources and Director of Adult Social Services on the status of the property strategy was presented to the council's Cabinet on 10 December 2007. Following their consideration the principle of the strategy was approved and it was agreed that further design work would be commissioned in respect of developing proposals for a new purpose built facility at the Moxon Street site. It was also agreed that an application be submitted to the Learning and Skills Council (LSC) for funding towards this Centre and that the matter be further considered in Spring 2008 in the light of the detailed feasibility. This report noted that following legal advice it was concluded that no consent is required by the Secretary of State

for the use of part of the Moxon Street site for the council's own educational purposes.

- 2.7 A further report on the status of the WAES property strategy was presented to the council's Cabinet on the 14th April 2008. This report confirmed that an application to the LSC for funding had been submitted in January 2008. Cabinet also reaffirmed its support for the location of the new WAES centre at Moxon Street.
- 2.8 On 29th April 2008 the National Committee of the LSC considered the application for funding and formally ratified the full amount sought of £9.2 million.

Planning Brief Objectives

- 2.9 This planning brief has therefore been prepared in response to the development opportunities that have arisen as a result of the council's review of its land ownership and operational requirements for WAES. It comprises one in a suite of interlinked briefs that have been produced in order to respond to the overall WAES Property Strategy. This brief should therefore also be read in conjunction with the planning briefs for the following sites:
- Ebury Bridge Centre, Sutherland Street, SW1V (February 2009)
 - Amberley Road Adult Education Centre, W9 (February 2009)
 - Prince of Wales Junction, Harrow Road, W9 (the possible location of a new 'satellite' centre will be considered in the draft planning brief which is currently being prepared for this site)
- 2.10 The purpose of the planning briefs is to set out the council's detailed planning considerations, giving a clear steer on the planning policy requirements for the various sites. In summary this brief seeks to:
- set out in detail the opportunities and challenges for the Moxon Street Car Park site's redevelopment providing site-specific planning policy guidance for the future development of the site and outlining the relevant planning context.
 - promote a mix of suitable land uses which adhere to the core components of the *UDP*.
 - enhance the quality of the built environment in the area by encouraging a development of the highest design quality in terms of the architecture and urban design which enhances the character and appearance of the Portman Estate Conservation Area, and with regard to sustainable development principles and green building technology.
 - identify the categories of planning obligations which may be sought by the council as part of the development of the site.
- 2.11 The council will expect any proposals for this site to take full account of the policies and guidance set out in this brief and the views of those who responded to the consultation draft. The comments received are set out in detail in the report that was presented to the Planning Sub-Committee (Planning Briefs and Local Development Framework (LDF)) at their meeting on 14 October 2008. In particular proposals are required to show how they meet the terms of the brief and deal with the land use issues set out in section

5. In planning terms a comprehensive approach to the site would be strongly encouraged. Any partial redevelopment scheme will be treated on its merits but it is important that it should not prejudice the future redevelopment of the rest of the site.

3.0 The Site, Planning History and Surrounding Location

Site description

- 3.1 The Moxon Street car park site is situated one block west of Marylebone High Street on a site bounded by Moxon, St. Vincent, Cramer and Aybrook Streets. The site has an area of 3,370 sq.m, is rectangular in shape, and has average dimensions of approximately 33m by 102m.

Figure 1: Aerial Photograph of Site



- 3.2 The site lies within the Portman Estate Conservation Area and is adjacent to the Harley Street Conservation Area and an Area of Special Archaeological Priority. There are no listed buildings on, or adjacent, to the site. The nearest

listed building is the Catholic Church of St James (Spanish Place) (1885-1890) in George Street by Edward Goldie which is listed Grade II*. This building is designated a 'Landmark' in the Conservation Audit for the Portman Estate Conservation Area. The façade of the Church is visible from Aybrook Street looking south. This is an important local view which should be respected as part of any development of the site.

- 3.3 The nearest public open space is the Paddington Street Gardens (the nearest entrance to the gardens from the site is on the corner of Moxon Street and Ashland Place).
- 3.4 The site is located outside of the Central Activities Zone as defined in the *UDP* and is designated in Schedule 2 of the *UDP* as an Opportunity Site with the preferred land uses being specified as residential and community uses.
- 3.5 The site is in use as a commercial car park and a Sunday farmers market. The site has been leased by the council to car park operators and used as a commercial car park since 1969. The car park is currently operated by Masterpark, has a capacity of 116 spaces and is primarily used for all day parking by commuters who work in the area. The Farmers' Market occupies part of the site on Sundays.
- 3.6 The southern end of the car park is currently being used as a temporary contractors' compound for the Building Schools for the Future (BSF) works and as a playground for St Vincent's Primary School, while their existing rooftop playground is out of use during construction works (see paragraph 3.13 for more details of the works). The use of this part of the site for these purposes has a temporary planning permission until March 2010.

Planning History

- 3.7 Planning permission granted on 4 December 2007 for use of the southern part of the car park as a temporary playground for St Vincent's Primary School, and contractors site office: erection of three storey site office and toilets, erection of a hoarding around the site. Temporary permission granted until 31 March 2010.
- 3.8 Planning permission granted on 9 December 2008 for continued use of car park on Sundays as a weekly farmers market until 2 August 2009 (RN 08/08411/FULL) 30 September 2008 (RN). This was essentially a renewal of earlier permissions (RN 07/06383/FULL, 06/03702/FULL 04/06482/FULL, 03/02370/FULL) each of which granted planning permission on a temporary basis so as not to prejudice the redevelopment of the site at a later date.
- 3.9 Certificate of Lawfulness issued on 7 February 1995 in respect of the existing use of the site as a single storey public vehicle park.
- 3.10 The council has previously prepared a planning brief for the site which was approved by the Town Planning (Applications) Sub Committee on 30 September 1999 for public consultation.

Surrounding Area

- 3.11 The area surrounding the site is quite varied in terms of land use and building design. Marylebone High Street, designated in the *UDP* as a District Centre

(*UDP* Map 7.5), is located one block east from the site. Marylebone High Street has been greatly improved in recent years and currently contains a wide variety of small shops, two supermarkets, restaurants and pubs. There are some retail uses on the northern side of Moxon Street (between Marylebone High Street and Cramer Street) which are designated secondary retail frontages in the *UDP* (Map 7.5). The remainder of the northern side of Moxon Street comprises residential uses including Moxon House and Osbourne House (dating from the late nineteenth century) and late twentieth century infill housing (Ossington Buildings).

- 3.12 The eastern side of Cramer Street comprises primarily residential uses, including residential flats above the Waitrose site and the adjacent late twentieth century infill building. A loading bay for the Waitrose supermarket is located at ground level on Cramer Street. There are residential buildings on the corner of St. Vincent and Cramer Streets.
- 3.13 The St Vincent's RC Primary School occupies the north east part of the site that is located on the southern side of St. Vincent Street opposite the car park. This site, which also has frontages on to Blandford Street, has historically been in use as a convent and hostel of the St Vincent de Paul Trust. In July 2005 the convent and hostel use ceased and in October 2005 the St Marylebone CE occupied part of the building on Blandford Street. Their main school building is located at the northern end of Marylebone High Street however, during a substantial programme of building works the school required additional accommodation and so occupied this part of the site. Planning permission for a permanent change of use to education was granted in April 2007.
- 3.14 On 20 December 2007 planning permission was granted for the demolition of the buildings at the western end of this site and the construction of a new school building for the St Marylebone CE School. This permission is currently being implemented and includes the refurbishment of much of the former convent building. The project also involves providing a Foundation Stage Unit (Nursery & reception) for the adjacent St Vincent's RC Primary School in the ground floor of the former convent.
- 3.15 These works form part of the Building Schools for the Future (BSF) programme which is a government initiative to transform educational standards for secondary school students. A key strand of the programme is to rebuild or refurbish all secondary schools over a 15-year period. Details of the planning application for this site can be viewed on the council's website quoting the planning application reference number 07/08000/COFUL and further information on BSF can be found on the national BSF website www.bsf.gov.uk or for a more local context on the council's website at <http://www.westminster.gov.uk/educationandlearning/schoolsandcolleges/schoolsinformation/bsf/index.cfm>
- 3.16 The western side of Aybrook Street contains residential and business uses in the buildings dating from the nineteenth and early twentieth centuries. The former London Electricity site is being redeveloped primarily for housing comprising 129 flats (including 38 affordable flats), a shop and underground car park; there is also a public house (the William Wallace Hotel) located in Aybrook Street.

3.17 Map 2 illustrates the predominant land use designation of the site and surrounding area.

4.0 Planning Policy Framework

- 4.1 This brief provides guidance to potential developers on the uses and form of development that may be considered acceptable on the planning brief site. The brief sets out the planning policies and other material considerations relevant to the development of the site, which will be taken into account by the council in considering any application. Proposals will be judged on their merits against the criteria set out in this planning brief, the current adopted *Unitary Development Plan (UDP)* 2007, the emerging *Local Development Framework (LDF)*, the *London Plan* and relevant national guidance notes, policies and instruments.
- 4.2 The statutory development plan for Westminster is the *UDP*, adopted January 2007. The council intends to “save” all the policies in the *UDP* for a minimum of 3 years, until at least January 2010. Some *UDP* policies may be saved beyond 3 years, subject to the approval of the Secretary of State. During this time the *Core Strategy Development Plan Document (DPD)* and *City Management DPD* are being prepared which when adopted, will supersede *UDP* policies.
- 4.3 The *London Plan (consolidated with alterations since 2004)* (2008) is the Spatial Development Strategy for Greater London and together with the *City of Westminster’s UDP*, they form the current as well as the most important development plans to be considered for the purpose of understanding the policy context for this planning brief.
- 4.4 The London Plan includes an indicative Central Activities Zone (CAZ), which extends a considerable way beyond Westminster’s CAZ shown in the *UDP*, and the previous version of the CAZ in the London Plan. Different *UDP* policies apply to sites inside and outside of the CAZ, for reasons explained in the *UDP*. The Moxon Street site is located outside of the CAZ as determined by the *UDP* however, it falls within the London Plan’s extended zone. The council has sought legal advice on the implications of this and has concluded that whilst this is a material consideration the London plan relies on forthcoming Development Plan Documents and other, as yet unpublished, policy documents for the implementation of the revised CAZ. In due course the council will need to define the boundary of the CAZ within its administrative area.
- 4.5 In addition to the strategic policy framework set out in the *London Plan* and the *UDP*, the following supplementary planning guidance and documents will also be pertinent to the development of this site.
- The Government’s Planning Policy Guidance (PPG) notes and replacement Planning Policy Statements (PPS), particularly:
 - *PPS1 (Delivering Sustainable Development)*,
 - *PPS3 (Housing)*
 - *PPS12 (Local Spatial Planning)*,
 - *PPG13 (Transport)*,
 - *PPG 15 (Planning and the Historic Environment)*
 - *PPG 16 (Archaeology and Planning)*
 - *PPS 23 (Planning and Pollution Control)*

- *The Mayor's Transport Strategy and revisions (2001 & 2004);*
- *The City of Westminster's 5 Year One City Programme, launched November 2005;*
- *The Westminster City Plan (Westminster's Sustainable Communities Strategy) adopted November 2006;*
- *The City of Westminster Open Space Strategy (February 2007)*
- *The City of Westminster's various other Supplementary Planning Guidance / Documents.*

5.0 Potential Land Uses

Introduction

- 5.1 This section considers the possible range of land uses which may be determined to be acceptable in future redevelopment proposals for the site. The land uses set out are not exhaustive and all proposals will be assessed on the overall balance of proposed uses and their impact on the townscape and amenity of nearby residential communities.
- 5.2 The Moxon Street site is identified in Schedule 2 of the UDP as an Opportunity Site. Policy *ENV 3* stipulates that appropriate uses will be sought for the sites identified in Schedule 2 in accordance with other policies in the UDP. *ENV 3* also states that the temporary use of vacant land for amenity open space and other uses of benefit to the public will be encouraged. Permission will not however preclude the ultimate grant of planning permission for other long-term use of the land.
- 5.3 The UDP states that planning briefs will usually be prepared for the sites listed in Schedule 2 and that comprehensive schemes would be favoured. In planning terms a comprehensive approach to the site would therefore be strongly encouraged. Any partial redevelopment scheme will be treated on its merits but it is important that it should not prejudice the future redevelopment of the rest of the site.
- 5.4 Where appropriate the priority development on sites identified in Schedule 2 will be for housing. The preferred long-term uses for the Moxon Street as identified in Schedule 2 are for residential and community uses.

The Marylebone Farmers Market

- 5.5 The Sunday Marylebone farmers market is a large market which has operated on the Moxon Street Car Park site since June 2003. The market takes place for 4 hours every Sunday with 30 to 40 stalls occupying the site each week. The London Farmers' Market (LFM) have advised that between 3,000 to 4,000 customers attend the market each week and of this 67% walk. A further 10% cycle to the market or use public transport.
- 5.6 It is clear through the responses received during consultation on the draft brief that the market is extremely popular with both the local community and visitors from further afield. The potential loss of the market from this site, as a consequence of its future redevelopment, has met with substantial opposition. The market is considered by Ward Councillors, local amenity societies, local residents, businesses and visitors to the area to be a significant community asset. It is also felt that the market has assisted greatly in the regeneration of Marylebone as it has had positive economic impacts on trade in the Marylebone High Street District Centre.
- 5.7 The majority of respondents to the consultation expressed a clear preference for the market to remain on the existing site and suggested that an open space, in the form of a public plaza, should be included in any redevelopment of the site. It was suggested that this open space could be used at other times for outside community events or even shared with the nearby school.

- 5.8 The market has benefited from the grant of temporary planning permission that has been renewed on an annual basis. In accordance with policy *ENV 3* permission has only ever been granted temporarily on the grounds that the site is identified in Schedule 2 as an Opportunity Site and therefore recognised for its potential of redevelopment for other uses.
- 5.9 UDP policy *SS 13* seeks to protect street markets however given that the Marylebone Farmers Market is located on private land, and does not require a street trading licence, it is not included within the list of street markets that are afforded protection under this policy. Notwithstanding, the Marylebone market is recognised for the valuable contribution that it makes to the variety and character of shopping in the area. The 16 June Planning Sub-Committee recognised the significance of the market to the local community and agreed that development proposals for the site will be expected to include arrangements for the continuation of the Farmers' Market. The sub-committee went further in their resolution to ensure that these arrangements should include either providing open space on-site for the provision of the farmers market or facilitating its relocation on a suitable site within the local area.
- 5.10 The use of part of the Moxon Street site by the Marylebone Farmers' Market would therefore be acceptable and encouraged in planning terms as would the inclusion of open space to accommodate it. The LFM have set out in detail their preferred design criteria and have expressed their desire, along with many other respondents to locate on the northern end of the site. Given the synergies of the market with the Marylebone High Street District Centre it is recognised that the northern end of the site would be the preferred location for the market. It is recommended that when considering the options for safeguarding the future of the market developers liaise closely with the LFM to ensure that their design requirements are taken account of.
- 5.11 If the replacement market is not located on the Moxon Street Car Park site it should be relocated to a site where it will continue to maximise its contribution to the economic regeneration of the area. Future planning applications to relocate the market will therefore be required to submit an assessment to demonstrate that the positive economic benefits of the existing market on the local area will not be diminished by its relocation. This assessment should also show that the positive economic impacts that the market has on the Marylebone High Street District Centre will continue.
- 5.12 Policy *SS 13* welcomes proposals for new street markets and therefore if the option to relocate the market within the area is considered, and this includes the use of public highway, it would be assessed in accordance with this policy. When identifying alternative sites there are many factors that require consideration including planning related issues, highways, licensing, land interests, economic impact (as outlined above) and the London Farmers' Market's (LFM) design criteria. At the time of writing this brief, a project group was established to consider alternative sites in the area. This is a multi disciplined team with officers from all of the relevant council departments. It would be premature of this brief to list alternative sites until this group has given them due consideration in terms of whether they meet the preferred design criteria. This group will liaise with the LFM and community on any options brought forward.

- 5.13 In the event that the market is retained on the existing Moxon Street site the council will seek to ensure that a temporary location is found on the site, or nearby, during construction works.
- 5.14 Proposals to accommodate the market will be considered with reference to impact on amenity, parking provision for market traders, servicing, highway, cleansing, refuse storage, recycling and licensing considerations. Access to public toilets and adequate storage and preparation space should be provided to meet public health requirements.

Public Off-Street Parking

- 5.15 In accordance with *policy TRANS 25* the council will usually permit the loss of public off-street parking and this is reflected in the long term vision of the council to dispose of the site for alternative preferred uses as identified in Schedule 2 of the *UDP*. Notwithstanding proposals will need to provide details as set out in *TRANS 25 (C)* to demonstrate that the loss of public parking in this location is acceptable.
- 5.16 It would however, be acceptable for development of the site to retain an element of public car parking for the use of short stay visitors to the area and local residents. Any proposal for commercial car parking will also need to be accompanied by an assessment of the traffic impacts on the local highway network of residential / business and public car parking on the site. This will need to consider the cumulative impact of all on-site car parking, that is the parking allocated for any other uses on site and the commercial car park. The assessment should analyse the impacts of any increased traffic generated upon surrounding residential amenity and traffic flows, as the council will require that any impacts upon residential amenity is minimised. The provision of commuter and/or contract parking should be avoided. Any increase in general public off-street parking over the existing level will not be acceptable.

Social and community facilities / Educational uses

- 5.17 Under Schedule 2 of the *UDP* the Moxon Street site is designated as an Opportunity Site with the preferred uses identified as residential and community uses. Paragraph 6.2 of the *UDP* sets out the type of 'social and community facilities' that the policies in Chapter 6 of the *UDP* cover. This paragraph is specific in that it states that the facilities listed are referred to as 'community facilities' throughout the rest of the chapter. In land use terms, subject to other policies of the plan, the uses set out in paragraph 6.2 would therefore in principle be acceptable land uses on the Moxon Street site. These include:
- social service uses;
 - education facilities (including primary, secondary and special schools; further, higher and adult education facilities; private education facilities and employment training facilities (paragraph 6.30 of the *UDP*));
 - childcare facilities;
 - health facilities;
 - some leisure and recreation facilities such as playgrounds, leisure centres, sports pitches and associated buildings, youth centres and local arts facilities;

- libraries;
 - places of worship;
 - general social uses such as community meeting facilities and community halls;
 - public toilets;
 - facilities for utilities, including telecommunications equipment, and for the emergency services, fire, ambulance, police.
- 5.18 The council therefore regards an educational use on part, or all, of the Moxon Street site as an appropriate land use. This is also reflected in the longstanding intention to use the site for a primary school. The council's approved School Organisation Plans have however previously confirmed that the need for a new primary school on the site had not been established.
- 5.19 The local amenity society and residents in the area are concerned that this site is not currently being considered by the council for school use. The requirements for secondary school places were however investigated in 2005 as part of the Building Schools for the Future (BSF) business case. The Department for Education and Skills (now superseded by the Department for Children, Schools and Families) accepted the findings of the review, and on the basis of it, have funded three new Academies in North Westminster, with further improvements to other schools in the City planned. The admissions data monitored by the council indicates that the position has not changed significantly since the review was conducted. Furthermore, it is considered that the site would be too small for a viable secondary school and in particular would not meet standards for external play-space required for new schools.
- 5.20 As highlighted in section 2 Westminster Adult Education Service (WAES) are currently developing proposals to locate a new, state of the art, purpose built main adult education centre on part of the Moxon Street Car Park site. Whilst this would provide new educational floorspace in the local area it would render two of the existing WAES sites, located in the north and south of the City, as surplus to their requirements. Any proposals to develop a new centre on the Moxon Street site would therefore need to be considered as replacement educational floorspace. Redevelopment proposals which include the loss of educational facilities on other sites in the City should therefore be accompanied by a full and detailed impact assessment of the overall WAES property strategy. This impact assessment will need to justify in detail the council's decision to locate the main WAES centre on the Moxon Street site and include an analysis of why alternative sites were not considered appropriate. It should also include in more detail information on why the existing sites are rendered unsuitable. This assessment must also incorporate the following information.
- Details of the existing and proposed availability, suitability and accessibility of WAES facilities to serve the needs of the whole community demonstrating how the proposed strategy provides an enhanced service for its users. This analysis should cover the whole of the City and information should be broken down on an area by area basis. It would be useful if information could be gathered by post codes to ensure that an accurate assessment is made. This assessment should also consider public transport accessibility for each area.

- Details of the existing adult education programmes on offer by other providers and their geographical distribution.
- Justification of why the loss of the service in each location of the City is considered to be acceptable demonstrating how the adult educational needs of the residents in each area of the City would still be met. This should also include consideration of adult education services by other providers.
- Information on how the proposed satellite centres would assist in meeting demand along with detail on what the commitment is to the location of the satellite centres.
- Review of existing floorspace against that proposed providing a full justification of any decrease or increase in floorspace. (the planning consideration normally relates to gross floorspace, but this review could also usefully assess the existing and proposed net usable WAES floorspace, given the inefficiency of the existing buildings).
- Details of how the WAES service will be maintained throughout the implementation of proposals for each site, including the construction period of the new main centre and various satellite centres. This should include details of overall project timescale and a clear commitment to demonstrate how a full WAES service is to be retained throughout the project.
Assurances would be sought to reflect the following:
 - that no existing sites will be closed until the new main purpose built centre has opened;
 - that the Amberley Centre will not close until the north satellite centre has opened (or if this centre is to be part of the Amberley site redevelopment, how services will continue to be provided in the north during the development work);
 - that the Ebury Bridge Centre will not close until the south satellite centre (within the redeveloped Pimlico School) has opened;
 - that the existing premises in Soho (Frith Street) will not close until a new Central satellite centre has opened (or if Frith Street is to be refurbished and reused, how services will continue to be provided in the area during the development work).
- Details of the public consultation exercise to be carried out by WAES in accordance with the resolution of the council's Cabinet on 10 December 2007. This should include full details of the extent of consultation and public responses.

5.21 The impact assessment should provide a means by which the effects of the WAES proposals on the community and how it functions can be better understood. In some cases this type of assessment can assist in supporting the case for an exception to be made to some relevant UDP criteria. The assessment should be written as a public document to be submitted as part of a planning application. The report, and consultation responses to it, will be taken in to account when making a decision on the merits of development proposals for the various sites implicated by the WAES property strategy and how they affect the community.

5.22 The current WAES proposals for Moxon Street show that the new adult education centre would be located on the northern end of the site. The southern part of the site has planning permission until March 2010 for use as a contractors' compound for the Building Schools for the Future Programme (BSF) and as a playground for the St Vincent's RC Primary School. It is

understood that the timing for delivering the new centre and completing the BSF works run in parallel and as such it was not considered appropriate in developing the WAES property strategy to consider the use of the southern end of the site for the new centre.

- 5.23 In planning terms it is considered that the southern end of the site would be a preferred location for the new WAES facility as it would allow educational uses to be located together and reduce the impact on the amenity of nearby residential premises. Furthermore, as set out in paragraph 5.9, if the farmers market was to be retained on the site given the synergies it has with the Marylebone High Street District Centre it is clearly more desirable and strongly recommended that it is located on the northern end of the site. This would also be appropriate for any proposed retail uses (see below). Whilst the timescales set out above are noted it is strongly advised that a solution to this issue is found and that they do not predicate the optimum benefits of locating long-term similar uses together.
- 5.24 In accordance with policy SOC 3 the council will seek to ensure that any educational facilities proposed on the site are designed so that they can be used for other community uses outside of teaching hours.
- 5.25 As set out in paragraph 5.17 provision of other “not for profit” social and community facilities that cater for local needs would be appropriate land uses on the site (SOC 1). Through extensive public consultation a variety of community uses have been identified by respondents as being required in the area. These include premises for the Primary Care Trust; educational facilities for the University of Westminster; relocation of the Marylebone Library; playground and hall for St Vincent’s Primary School; secondary school; nursery facilities; recreational use and adult education. It is recommended that in advance of submitting a detailed planning application for the site a thorough assessment of local community needs is undertaken. This should include liaising with appropriate organisations and any outcomes should assist in influencing the final mix of community uses on the site.
- 5.26 The draft version of this brief recognised in particular that there may be opportunities to permanently enhance the provision of facilities at St. Vincent’s Primary School as outdoor playspace for this school falls far short of the relevant government guidelines. This has been met with support from the Headteacher of the school.

Housing

- 5.27 As already stated, the site is located outside the Central Activities Zone as defined in the council’s *UDP*. The WAES proposals currently require only part of the planning brief site and in accordance with *Policy H3* the council will require that any remaining development on the site comprises primarily housing. The site is also designated in Schedule 2: Opportunity Sites of the *UDP* with the preferred land uses being residential and community uses. The provision of housing on-site should include private housing, affordable housing and key worker housing units. In addition student accommodation could be considered for the site.
- 5.28 A primary aim of the *UDP* is to both support and protect the residential environment of existing housing and to increase the amount of housing stock within the council area (*Policy STRA 14*). Consequently, the *UDP* contains

policies to encourage the provision of housing, to protect the amenity of existing residential communities and to create new affordable housing. As the site has been cleared of buildings for many years there is a significant opportunity to provide a net increase in new housing stock in the Marylebone area.

5.29 The future use of the site for housing will complement the surrounding land uses. There is a considerable amount of infill housing surrounding the development site such as in the ‘Waitrose Building’ on Cramer Street, Moxon House and Howard House on Moxon Street and the London Electricity site on Aybrook Street.

Affordable Housing

5.30 Under *Policy STRA 14: Protecting and Providing housing* and *H4: Provision of Affordable Housing* of the *UDP*, the council will require affordable housing units to be provided by the developer as part of any development on the site.

5.31 According to the requirements outlined in *Policy H4*, the site is classified as having a low existing use value as it is not currently built upon. Accordingly the number of affordable units should be in accordance with Table 3.2 of the *UDP* whose provisions are summarised as follows:

- Where the number of additional units proposed falls within the range from ten to 24, the proportion of affordable housing required on site is stepped from 10% to 50% as set out in the table below:

	Additional residential units in scheme	Affordable units sought
	10	1
	11	2
	12, 13	3
	14	4
	15	5
	16, 17	6
	18	7
	19, 20	8
	21	9
	22, 23	10
	24	11
50%	25 or more	50%

- Where the number of additional units proposed is within 25 or more, 50% of the additional units shall be affordable.

5.32 This policy recognises that the amount of affordable housing can impact upon the commercial viability of development schemes, therefore the amount of affordable housing to be provided increases with the number of units proposed to be constructed.

5.33 Future developers of the site are recommended to contact relevant council officers such as the Housing Association Supply Manager and possible Registered Social Landlord (RSL) partners at the earliest stage in the development planning process. This is because the developer should have

entered into an agreement with an RSL partner prior to the signing of a section 106 agreement with the council. The section 106 agreement will need to include all the details of the affordable housing provision and on-going management as their provision will be linked to other elements of the development scheme.

Housing mix and family housing

- 5.34 The council wishes to encourage families to live in Westminster and consequently *Policy H 5* requires a range of housing sizes. This will be applied to all housing on the development site, that is, both the affordable and private sector housing components. The council will require that 33 per cent of housing units on-site will have 3 or more bedrooms and 5 percent of this family housing to have 5 or more habitable rooms. A range of housing sizes is necessary in the city to ensure larger households, especially families, will not lose that chance to live in the city, where smaller accommodation is normally provided.
- 5.35 *Policy H10 (b)* stipulates that on sites where the amount of housing is likely to be 50 or more units the council will require the provision of community facilities. It should be borne in mind that the provision of a WAES centre on part of the site would not be considered as the community benefit required under policy *H10* as the new centre would constitute replacement floorspace for those WAES centres closed elsewhere in the city.
- 5.36 Where appropriate, regard should also be had to *Policy SOC 6 (A)* of the *UDP*, which requires children's play space and facilities to be provided as part of new developments which include 25 or more family housing units.

Mobility Housing

- 5.37 In accordance with *Policy H8*, all new housing units meet the Lifetime Homes Standard and that in housing development of 25 or more units that 10 percent of the dwellings should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. This percentage applies to both the market and affordable housing elements of the scheme. Dedicated off-street parking spaces must be provided in association with these units.
- 5.38 New dwellings are required to have access and facilities for disabled people under Part M of the Building Regulations. The council expects dwellings to be designed to the Lifetime Homes Standard to provide housing that is more flexible and adaptable than that required under Part M. Lifetime Homes make life as easy as possible for as long as possible because they are thoughtfully designed. They provide accessible and adaptable accommodation for everyone, from young families to older people and individuals with a temporary or permanent physical impairment. All public sector funded housing in England will be built to the Lifetime Homes standard from 2011 with a target of 2013 for all private sector dwellings. Further information can be found on the following website www.lifetimehomes.org.uk

Key worker Housing

- 5.39 The council will require key worker housing to be provided as part of the affordable housing component in any new development. As a general guideline, where 30% of affordable housing is provided on site, 5% of this housing will comprise key worker housing. In developments where the percentage of affordable housing is greater than 30%, the allocation of affordable housing units will be based on a housing needs assessment to be conducted in the context of the Housing sub-regional framework. The housing needs assessment will be undertaken to ensure that the mix of affordable housing will meet immediate and longer term needs of households requiring housing, including key workers.

Student accommodation

- 5.40 The council will also consider proposals to provide student accommodation on the site as it is located near to the University of Westminster in Marylebone Road. The council will not accept the provision of student accommodation to be included as part of the affordable housing component of the development proposal. Proposals for the provision of student accommodation will need to be undertaken in conjunction with nearby higher educational institutions such as the University of Westminster and the council will expect to be provided with proposed legal mechanisms for the protection of the units for student accommodation in perpetuity.

Density

- 5.41 The *UDP* Proposals Map identifies the site as being located in Zone 1 for the purpose of controlling housing density. Under the *UDP* between 400 and 850 habitable rooms per hectare are permitted in Zone 1.
- 5.42 Compliance with density controls is not the primary means by which the council will assess development proposals for the site. Primary significance will be placed upon the specific characteristics of the proposed development such as: height; bulk, layout, access, design quality and impacts on the surrounding streetscape.

Shopping and services

- 5.43 A small number of small scale retail units (Class A1, Class A2 and Class A3 uses) may be appropriate at ground floor level, where it is considered that they may complement the shopping character and function of Marylebone High Street (*Policies SS8, SS10*, also see Map 4). As with the Farmers' Market it is considered that these uses should be located on the northern end of the site as it is here where the synergies with the Marylebone High Street District Centre would be optimised. The existing retail units on Moxon Street already form part of the District Centre and it is considered that a small additional number of units could further enhance the vitality and viability of the centre. They could also reinforce the pedestrian links through from Paddington Gardens and Marylebone High Street by creating an active street frontage. This also accords with the principles of the Civic Streets programme and

policy SS 14 which seek to improve the townscape and environment of shopping areas.

- 5.44 Careful consideration and justification of any Class A3 units will be required to ensure that adjacent residential amenity is protected from adverse impacts. Careful consideration and justification must also be given to the design of on-site loading / unloading facilities and rubbish / waste storage to limit noise, odour and visual impacts upon adjacent residents and businesses.

Leisure activities

- 5.45 Small-scale leisure activities primarily to serve local residents and workers may also be acceptable on the site, subject to any amenity impact. The site is located outside the CAZ, and therefore is not appropriate for large-scale facilities as this would detract from the primarily residential nature of the area.

Open space

- 5.46 The provision of open space on the site would be strongly encouraged. There is scope to provide open space on the site for community uses such as the provision of open space for the weekend farmers market which currently occupies part of the site on a temporary basis. This open space could be provided either at the Moxon or St Vincent's Street frontages of the site. The council's adopted '*Open Space Strategy*' (2007) should be consulted for further advice and guidance.

Unacceptable land uses

- 5.47 As the site is located outside the Central Activities Zone (CAZ) the highest priority is to obtain additional residential accommodation. Office and hotel development, which should be located within the CAZ, is not considered to be appropriate by the council on this site. Proposals for a public house (Class A4) or hot food takeaways (Class A5) will not be viewed favourably by the council because of potential amenity impacts on nearby residents.
- 5.48 Proposals for private community and leisure facilities are regarded as inappropriate on this site. However, the council will support the provision of appropriate social and community uses on the site, as set out above, for the use of the building occupants and surrounding residents.
- 5.49 The council also considers the provision of superstores, supermarkets and other major retail developments on the site to be unacceptable because such uses would detract from the primarily residential nature of the area, and also because of the potential impact on the local highway network.

6.0 Transport, Highways and Parking

Relevant Policy

- 6.1 The council seeks to co-ordinate land-use and transportation policies so to reduce the need to travel and to ensure that the most appropriate means of transport is used for each journey. In pursuit of this objective, the transport policies set out in Chapter 4 of the *UDP* seek to increase accessibility, enhance and improve the environment, and maintain and improve the efficient operation of London's road and rail networks so as to ensure the continued attractiveness and economic viability of Westminster. .
- 6.2 The council will assess development proposals at this site for their individual and cumulative impact in contributing to traffic generation, and on congestion, parking, safety, public transport, cyclists and pedestrians in line with policy *TRANS 14(A)*. In accordance with this policy the council will require a Transport Assessment to be submitted in conjunction with any planning application(s) for the site. This assessment will be required to set out the details of the proposed development and its likely effects on the transport networks.
- 6.3 In cases where it is shown that the existing transport networks cannot cope planning permission would normally be refused unless it is possible to devise suitable transport improvements. Where necessary the council will impose conditions on a planning permission or will seek legal agreements to enable such improvements to be carried out in conjunction with the development.

Current Situation

- 6.4 As the Moxon Street site is surrounded on all four sides by public highway, highway issues are an important matter. Marylebone High Street is the nearest north / south traffic route. There is no direct nearby east / west traffic route. The development of the Moxon Street site may increase motor vehicle movements in the area which will impact upon the surrounding highway network. Albeit, this needs to be assessed against the current vehicle movements of the public car park. In addition, vehicle movements arising from the redevelopment of the site on the corner of Aybrook and Blandford Streets (which contains underground parking facilities) may have a cumulative impact upon vehicle movements in the immediate area of both development sites.
- 6.5 At the present time, the road network surrounding the site operates as follows:
- Aybrook street operates as one-way northbound between St. Vincent Street and Moxon Street and two-way between St. Vincent Street and Blandford Street.
 - Moxon Street operates as two-way east / west (however it is effectively no-through east of Ossington Buildings as Ashland Place is one way south bound and Aybrook is one way northbound).
 - Cramer Street operates as two-way north / south road.
 - St. Vincent Street operates one way west bound from Cramer Street to Aybrook Street and and one way east bound from Cramer Street to Marylebone High Street

- Current vehicular movements around the site are influenced by the location of the car park entrance on Moxon Street and the loading dock of the Waitrose Supermarket on Cramer Street.
- 6.6 The nearest public transport is located in:
- Bond Street Tube station for Jubilee and Central Line services and bus services).
 - Marylebone Road which is part of the Transport for London road network and a Red Route (Baker Street Tube station for Jubilee, Bakerloo, Metropolitan, Circle and Hammersmith & City Line services and bus services).
 - Regents Park Tube station (for a Bakerloo Line service).
- 6.7 The site is located near London Cycle Network routes, namely, Paddington Street, Ashland Place, Moxon Street, Marylebone High Street, Weymouth Street and New Cavendish Street which offer local and regional access in all directions.
- 6.8 For the purpose of on-street car parking, the site is located within the council's F Zone (for resident parking) where there are seventy-eight parking spaces available per one hundred permits issued. Resident car parking spaces are controlled from 8:30am to 8:30pm every day. Despite the high meter charges in this area and on-street car parking generally restricted to four hour stays, there is significant demand for car parking for visitors to the area. Controls on parking bays (other than for residents) and on most single yellow lines operate from 8:30am to 6:30pm from Monday to Saturday.

Highway and car parking issues

- 6.9 The council will expect that the off-street parking be provided for residential and non-residential uses on the site. Under *UDP Policy Trans 23: Off Street Parking: Residential Development* the council will require the following off-street car parking to be provided:
- One car park space per unit of residential accommodation containing two bedrooms or less
 - One or two car spaces per unit of residential accommodation comprising three bedrooms or more, providing that the aggregate provision does not exceed 1.5 spaces per dwelling
 - A parking standard of 1 space per 10 residential units will normally be applied for special needs housing (eg. sheltered housing and housing for people with disabilities) but this may be varied to suit particular cases.
- 6.10 Should off-street parking be provided for non-residential uses on-site, the *UDP (Policy Trans 24: Off-street Parking: Mixed Development)* specifies that a separate car parking entrance is to be provided to separate residential and non-residential use parking facilities.
- 6.11 All servicing for the site such as deliveries, servicing and waste management must be able to be undertaken on-site to minimise impacts on the public realm.
- 6.12 The council will consider the provision of commercial off-street car parking on the site to replace part or all of the existing temporary commercial car parking facility located on the site. Should commercial car parking be provided on-site,

it will be required to be accessed from a separate entrance from the on-site residential car parking.

- 6.13 Cycle parking facilities shall be provided on-site to meet the council standards relating to residential use, namely, the provision of one cycle space per residential unit. Cycle parking facilities should also be provided for any other proposed land uses approved for the site in accordance with the requirements contained in the *UDP Appendix 4.2: parking Standards Matrix, 2. Cycle Parking Standards*. These facilities shall be designed in such a way to ensure they cannot be used by motor vehicles or motor bikes.
- 6.14 With regard to footways, new footways should be a minimum width of 1.8m or 2.5m outside school buildings, and where retail frontage is provided, a minimum width of 3.3m. Given the restricted width of existing carriageways in this area it is unlikely that increases in the existing width of footways will be achievable by building out in to the carriageway and any proposed building may therefore need to be set back from the previous building line, particularly in St Vincent Street. Any footpaths to internal public space should be a sufficient width to make them attractive to the public at large (3.0m+) with a high standard of public lighting. Alignment of the paths should ideally follow the pedestrian desire lines through the site and maximise opportunities for natural surveillance. This could be achieved by the provision of entrances and windows on these routes.
- 6.15 Many consultation responses on the draft brief suggested a review of the existing roads with the aim that the council could consider schemes for pedestrian priority. Given the limitations set out above it is recognised that this could be difficult to accommodate. Notwithstanding if proposals were to be brought forward for the creation of pedestrian-only areas or areas of pedestrian priority, they would be assessed in accordance with part (B) of policy TRANS 3. This policy seeks to improve conditions for pedestrians and achieve a high standard of urban design. This policy takes several physical features into consideration when assessing pedestrian priority schemes including the displacement of parked vehicles and the accessing and servicing needs of traders.
- 6.16 Should non-residential uses of the site generate vehicular traffic by employees (such as retail or community uses) then car parking facilities will need to be provided for employees consistent with the relevant *UDP* provisions.

7.0 Conservation, Design and Sustainable Development

Relevant policy and site legal constraints

- 7.1 The site lies within the Portman Estate Conservation Area, and is adjacent to the Harley Street Conservation Area (see Map 3). A description of the conservation area and assessment of its townscape is found in the *Portman Estate Conservation Area Audit* (2003). The council's policies relating to urban design and conservation are set out in Chapter 10 of the *UDP*, and more detailed guidelines are set out in *Design Matters in Westminster Supplementary Planning Guidance on the Creation of Good City Architecture* (October 2001).
- 7.2 As the site is located within a conservation area the council's supplementary planning guidance, *Demolition and Development in Conservation Areas* is relevant. The advice of central government is set out in *Planning Policy Statement 1* (PPS 1) and *Planning Policy Guidance Note 15* (PPG 15) is also relevant (and in particular section 4 of PPG 15).
- 7.3 New development on the site is required to be of the highest standards of urban design and architecture. It should preserve or enhance the character and appearance of the Portman Estate Conservation Area. The council specifically included the site within the Portman Estate Conservation Area in July 1990 in order to help ensure that an appropriate development takes place on the site which is sympathetic to the architectural significance of the surrounding area. New development on the site should also respond to and respect the setting of the adjacent Harley Street Conservation Area.

Site Layout

- 7.4 New development should reinstate the historic building lines on all four streets which define the site (see Map 5). Significant deviations from the building lines, i.e. projections or recessions, will not be permitted. Existing public routes, i.e. the four streets which define the site, should be maintained, with no development on or overhanging them. All buildings should face onto existing streets, with entrances at pavement level. Any scheme that does not follow the advice to reinstate historic building lines would need to demonstrate that the benefits of so doing outweigh the disadvantages.
- 7.5 There may be scope to introduce new routes through the site, such as a new east-west route across the centre of the site. This would then divide the site into two separate street blocks. This new route should be for pedestrians only.
- 7.6 Any new space created should be of high urban design quality using high quality, durable materials. There is scope for significant improvements to the public realm at the southern end of the site along St. Vincent Street and adjacent to the school, and along Moxon Street as an approach to Marylebone High Street and link to Paddington Gardens open space.

Height, bulk and scale

- 7.7 The height, massing and scale of any new buildings should respect the prevailing character of the surrounding area.
- 7.8 Building heights should vary across the site, reflecting the variety of the existing building heights on Aybrook Street and Moxon Street, and creating a varied and interesting skyline. Facades should be three and four storeys in height (including ground floors). Buildings should generally not exceed four storeys, including roof storeys. Proposals for buildings which exceed this will be subject to assessment of their relationship with adjacent buildings, impact on local views and the amenity of adjacent occupiers. Any plant areas at roof level should be screened and set well back from the street facades.
- 7.9 Part of the site which fronts Aybrook Street and St. Vincent Street is affected by a Deed which restricts building height for development purposes of 57ft 9ins (approximately 17.5m) from the ground level to the top of the parapet. Also under this Deed, should the building height be increased above the restricted height, then the building must be set back to not infringe upon an angle of fifty-seven degrees measured by the pavement line in front of the proposed building. This requirement is outlined in a Deed between the General Real Estates Investment and Trust Limited and the (former) Metropolitan Borough of St. Marylebone in 1938. The purpose of the Deed was to control building 33 to 45 Aybrook Street, including the gateway between numbers 40 and 41 Aybrook Street, 28 Blandford Street, 6 to 17 Aybrook Street, St Vincents School and 26 Blandford Street. The provisions of the Deed will need to be met in any proposals for the site unless it can be clearly demonstrated that it is no longer legally in force.

Design and materials

- 7.10 Facades should be designed to respond to the existing character and appearance of this part of the Portman Estate Conservation Area. They should generally have high solid: void ratios. Large expanses of glazing are unlikely to be acceptable. Given the size of the site and the length of the frontages along Aybrook Street and Cramer Street, variation in the design of the facades along these streets would be desirable. Facades should exhibit a degree of richness and modelling similar to that of traditional buildings in the conservation area. They should also feature a rhythm similar to that of the historic plot width pattern (see Map 5). Furthermore, the building facades should demonstrate a vertical emphasis; building facades with a strong horizontal emphasis will be inappropriate.
- 7.11 Materials used should reflect those prevalent in the conservation area. This includes yellow and red bricks, with Portland stone dressings, terracotta and faience for facades, and natural slates and lead roof structures. Any external metalwork, such as area railings, should generally be painted black.
- 7.12 If an underground car park is to be provided then this should be fully below ground level with little or no expression on the street facades, except for the entrance. The entrance should be designed with sensitivity to reduce its visual impact.
- 7.13 High quality modern design may be acceptable provided that it takes into account the advice above. Further advice can be found in the council's

supplementary planning guidance *Development and Demolition in Conservation Areas* (1996) and *Design Matters in Westminster* (2001).

- 7.14 Should retail units be proposed, the design of any shopfronts should comply with the council's supplementary planning guidance, *Shopfronts, Blinds & Signs A guide to their Design*. Any external signage and outdoor seating proposals associated with proposed A1 and A3 commercial units will require separate planning permission. All proposals for external signage or outdoor seating will be required to comply with the council's specific supplementary planning guidance prepared to regulate these matters.

Noise Transmission

- 7.15 The development should be planned and designed to minimise noise transmission and breakout between dwellings in the development and surrounding area. Noise standards to be met are set out in *UDP Policy ENV 6: Noise Pollution* and *ENV 7: Controlling Noise from Plant, Machinery and Internal Activity*. These standards are intended to prevent increases to ambient noise levels and to enable a reduction in ambient noise levels over time, to ensure liveability for those who work or live in the area.

Public Art

- 7.16 Public art can play a valuable role in enhancing the fabric of the physical environment and in promoting the cultural image of the city. *Policy DES 7(A)* of the *UDP* encourages the provision of suitable public art in development schemes and the council's booklet, *Public Art in Westminster* (1994), should be referred to for guidance. Works of public art should be integrated properly into the architectural design of the public facades of new buildings. Architects and artists are encouraged to work together from the start of any project. Works of public art may include decorative stone, metal, brick or terracotta work. Free-standing statues or sculptures are unlikely to be appropriate, unless they form an integral part of any new public space. The council's Public Art Advisory Panel should be consulted on the commissioning and use of public art.

Archaeology

- 7.17 The site is also adjacent to the Marylebone Village Area of Archaeological Importance whose boundary is located on the northern side of Moxon Street. It is unlikely that significant archaeological remains are present on the site. However, developers are advised to contact English Heritage for advice about potential archaeological remains which may be present and undertake any evaluation and investigative work which is recommended.

Access for All

- 7.18 Any new development should be fully accessible to all, including people with disabilities, elderly people and carers with children in buggies and prams. Access should be considered from the outset. It should be remembered that disabilities can be sensory as well as physical. Good provision should include

not only access and car parking but also internal circulation, lighting, signing, and surface and colour choices.

7.19 Planning applications for the redevelopment of the site will need to conform with the following requirements:

- An Equality Impact Statement will be required to be submitted with any planning application under the provisions of the Disability Discrimination Act 2005.
- *British Standard BS8300: 2001* – Design of buildings and their approaches to meet the needs of disabled people – Code of Practice and *The Building Regulations 2000: Access to and use of buildings*, Approved Document M set out the minimum standards for access and facilities for people with mobility and sensory disabilities.

Further information and advice can be found in the following documents:

- The council document *Inclusive Design and Access – Supplementary Planning Guidance (March 2007)* and
- the Department of Transport document *Inclusive Mobility (2002)*.

Crime and Security

7.20 The council will seek to ensure high standards of security and crime prevention measures are incorporated into any development (in accordance with *Policy DES 1*). Attention should be given to the opportunities for natural surveillance and lighting, particularly of entrances and pedestrian routes. The council's booklet *Designing out Crime in Westminster (1997)* should be referred to for guidance. The council will also have regard to the advice of the Metropolitan Police Crime Prevention Design Advisor when considering any proposals for the site and seek to incorporate the Advisor's recommendations into schemes where appropriate.

Environmental Improvements

7.21 The development should make provision for environmental improvements, such as improved pedestrian facilities, street furniture, and improved lighting. Any new hard or soft landscaping works should be carefully designed, using traditional materials, and be of high quality.

7.22 Developers should refer to the council's emerging guidance on street furniture *The Westminster Way* (draft 2004). This document establishes principles for the design, location of street furniture and hard surface materials in the public realm which are appropriate to the city. The document is currently being applied as a design guide but will be re-issued to form part of a wider public realm strategy.

7.23 The location of any mechanical plant or telecommunications devices should not be visible from the street or any adjoining dwellings or businesses. All plant should be screened by a well designed and appropriate enclosure.

Sustainable Development

- 7.24 The site represents an excellent opportunity to demonstrate best practice in the design and construction of new buildings which utilises sustainable design and construction principles. The council has stated a clear policy aim to promote the efficient use of materials and the reduction of energy and water consumption in the *UDP (Policy STRA 33: Sustainable design, construction and management of buildings)*. Accordingly, the council will strongly encourage that best practice sustainable development principles are adhered to in the design and construction of any future development on the site.
- 7.25 The development of the site should conform to all relevant aspects of the City of Westminster Supplementary Planning Guidance on *Sustainable Buildings (2003)*. Accordingly the design and construction of the development should conform with each section of the guidance, namely: design, energy, air, water and drainage, land, landscape and wildlife, transport, waste, materials, noise and site practices.
- 7.26 Appropriate independent environmental appraisals should be carried out as part of the design and construction of the development using a well recognised environmental assessment methodology, such as the Building Research Establishment Environmental Assessment Method (BREEAM). This appraisal is to achieve an 'Excellent' or equivalent rating.
- 7.27 Any development of the site will generally be expected to comply with the council's policies regarding the protection of the residential environment, daylight and sunlight (*Policy ENV 13*). Recommended standards for daylight and sunlight for residential accommodation are set out in the Building Research Establishment (BRE) publication *Site Layout Planning for Daylight and Sunlight (1991)*.
- 7.28 Although the site is located in a conservation area characterised by slate pitched roofs and there is an assumption that this townscape characteristic is reflected in any new development on site, there is potential to incorporate a green roof into a development proposal. Green roofs have several environmental benefits including: encouraging biodiversity in urban areas, attenuating storm water run-off, providing an attractive open space for building residents / users, insulating the building from temperature extremes and absorbing air pollution and dust. However, consideration will need to be given to the design of the roof that is visually related to the roofscape characteristics of the surrounding area when viewed from the street.
- 7.29 The design of new development should incorporate the installation of a Sustainable Urban Drainage System (SUDS) to minimise rainwater run-off. The SUDS could either ensure that rainwater run-off either soaks away on-site or is re-used. As stated a 'green roof' could retain water on-site.
- 7.30 The development should achieve a high standard of potable water conservation through proven technology such as low flush or dual flush toilets, water saving taps and shower heads and grey or black water recycling on-site.
- 7.31 The Code for Sustainable Homes measures the sustainability of a new home against categories of sustainable design, rating the 'whole home' as a complete package. The Code uses a 1 to 6 star rating system to communicate the overall sustainability performance of a new home. The Code sets minimum standards for energy and water use at each level and, within England,

replaces the EcoHomes scheme, developed by the Building Research Establishment (BRE).

- 7.32 On the 27 February 2008 the Government confirmed that a mandatory rating against the Code for Sustainable Homes will be implemented for new homes from 1 May 2008. All social housing now must be built to Code 3, with all housing to follow in 2010. From 2013 the target is that all housing built will meet Code 4 as a minimum, and from 2016 all housing will need to meet Code 6. Therefore, depending on when proposals come forward for this site, they will need to respond to those standards and their successors.

Biodiversity

- 7.33 Green roofs have a role in attenuating storm water run off and also have a number of wider sustainability benefits. They can attract local biodiversity by providing important habitats for wasteland flora, invertebrates and birds. The council encourages measures such as this to provide habitats that will encourage local biodiversity. It is recommended that developers consult the English Nature report *Green Roofs: their Existing Status and Potential for Conserving Biodiversity in Urban Areas* (Report Number 498) for further information.

Waste

- 7.34 The council will expect that the design of the building will allocate sufficient space for the temporary storage of recycled materials and domestic refuse on-site for collection. The main requirements regarding this matter are set out in the *UDP Policy ENV 12: Waste and Recycling Storage* and more detailed requirements are contained in the council booklet *Waste & Recycling Storage Requirements (March 2005)*. These measures will improve the amenity of the public domain (that is, no refuse placed on the public footpath and to encourage recycling among building occupants).

Land Contamination

- 7.35 Owing to the long history of land uses associated with the site (most recently a commercial car park), there is a possibility that the site might be contaminated. The council has a duty to bring to the attention of developers that this site may suffer from land contamination and that mitigation works may be required to be undertaken as part of the development process. The council will treat any land contamination in accordance with relevant statutory and planning guidance provisions, namely, the Environmental Protection Act 1995, the Contaminated Land Regulations 2000 and the *Planning Policy Statement 23: Planning and Pollution Control (PPS23)* including *PPS23 Annex 2: Development on Land Affected by Contamination*. Accordingly, the council will expect that the site undergo testing to ascertain whether or not the site is contaminated. Should the site be contaminated, then remedial works will need to be undertaken and in granting planning permission, the council may impose remediation requirements as condition(s) of consent.

Code of Construction Practice

- 7.36 Conformity with the Code of Construction Practice to manage the impact of construction, particularly traffic and noise, will be expected. A contribution to the funding of the Environmental Inspectorate will also be expected.

8.0 Planning Obligations

- 8.1 The aim of this planning brief is to enable the development of the site to proceed in accordance with the requirements outlined in the brief and to ensure that any development meets the objective of the UDP, 2007, and the needs of the public and other stakeholders. The council encourage pre-application discussions with its Planning and City Development Department who may draw on specialist advice from statutory consultees or other local stakeholders as appropriate.
- 8.2 The brief also gives the opportunity to establish any necessary planning benefits at an early stage taking into account the needs and requirements of key stakeholders. There is a balance to be struck between the need for schemes to mitigate the impacts which they give rise to, contribute to the City and promote economic prosperity. Planning benefits would usually be secured as 'Planning Obligations' through the use of planning conditions or Section 106 (S106) Legal Agreements.
- 8.3 The Planning Act (2008) contains provisions for local planning authorities to introduce a community infrastructure levy (CIL). CIL is a charge on developments that would be used to fund supporting infrastructure. If implemented it would be used to replace those aspects of the current s106 arrangements related to infrastructure contributions. Detailed regulations are expected in 2009. The council's general approach to planning obligations is set out in UDP Policy STRA 7 and further site specific issues are detailed in individual planning briefs. The council's guidance will be reviewed once more information on CIL and any change to the scope of planning obligations becomes available. If implemented, under the new system the council will produce an annual investment plan for the Community Infrastructure Levy.
- 8.4 The council's guidance on planning obligations, *Supplementary Planning Guidance on Planning Obligations*, was Adopted in January 2008. Future updates to this Supplementary Planning Guidance will depend on the progress of the council's emerging *Local Development Framework (LDF)* and greater clarity of Central Government's views.
- 8.5 Accordingly, the council will use the existing national and local guidance available at the time to negotiate the best method of addressing and ameliorating the impacts of any proposal submitted in accordance with this brief.
- 8.6 In summary the following list provides the details of the types of planning benefits and policy requirements that may be sought from the redevelopment of the site. These are not in order of priority and will of course be dependent upon the final type of development that comes forward.
- highway and footway improvements including improvements in accordance with the Civic Streets programme for improvements to District Shopping Centres;
 - Timing and securing of any affordable housing provision provided as part of the residential elements of the development
 - Code of Construction Practice and contributions towards the Environmental Inspectorate
 - Education financial contributions / provision of student accommodation

- community facilities
- Public realm improvements such as street furniture, lighting and repaving, provision of CCTV
- Open space improvements / provision in accordance with the council's *Open Space Strategy (2007)*
- Public art
- Tree planting.
- Arrangements for the continuation of the Farmers' Market which could include providing open space on-site or the relocating the market on a suitable site within the local area.

9.0 Contacts and Further Information

CITY OF WESTMINSTER CONTACTS

Department of Planning and City Development

Rachael Ferry-Jones	Policy, UDP and planning brief issues	020 7641 2481
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Department of Transportation

Sean Dwyer	Highways Planning	020 7641 3326
Brent Turton	Construction Impact Management	020 7641 2581

Department of Environment and Leisure

Rebecca Cloke	Open Space / Public Realm	020 7641 3433
Paul Akers	Trees	020 7641 6096

Department of Finance

Andrew Holdsworthwild, Access and Inclusion Manager		020 7641 6347
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Map 5 – Historic Map of Site

Map 1:

MOXON STREET CAR PARK AERIAL VIEW



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Map 2:

MOXON STREET CAR PARK: PREDOMINANT LAND USES



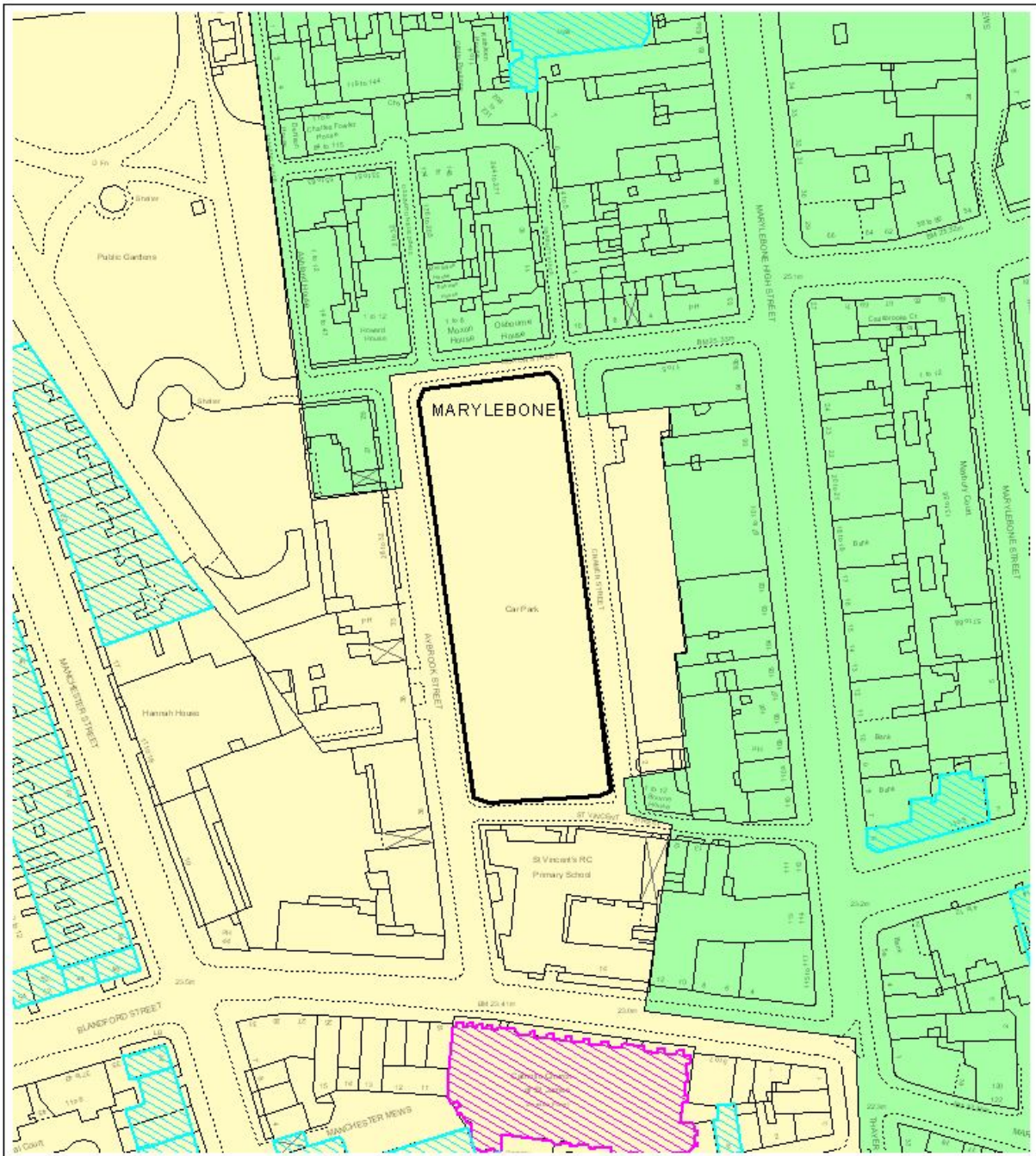
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 City of Westminster LA088592 City Planning Group Fung-Yee Cheung Jan 05 J:\D_City Planning Group\gis\PLANNING BRIEFS\moxon st\moxon street.apr

Predominant Land Use		 Moxon Street Site			
	COMMERCE				RESIDENTIAL
	EDUCATION				RETAIL
	GREEN/OPEN SPACE				TRANSPORT
	HEALTH				UTILITY
	INDUSTRY				VACANT
	OFFICE				WATER
	PUBLIC BUILDING				HOTEL
					Source: Land Use Survey 2002 & Pipelines Survey 2007









Moxon Street Car Park Planning Brief

Map 3:

MOXON STREET CAR PARK: LISTED BUILDINGS & CONSERVATION AREA DESIGNATIONS



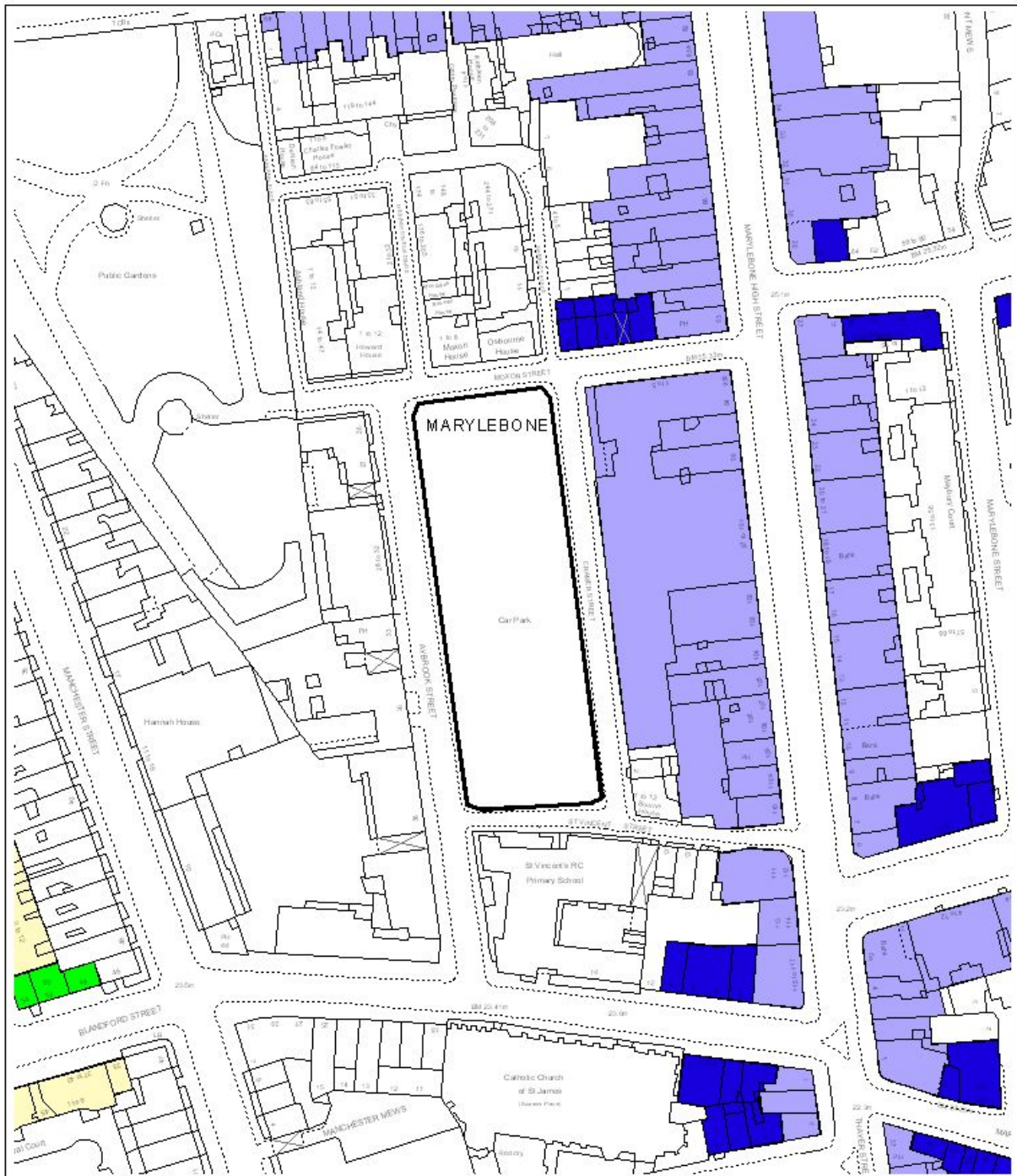
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Listed Buildings		Conservation Areas		 
 Grade I  Grade II  Grade II*	 Harley Street  Portman Estate	 Planning Brief Site		

Source: Adopted UDP January 2007

Map 4:

MOXON STREET CAR PARK: SHOPPING POLICY DESIGNATIONS



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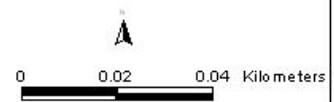
Marylebone High Street District Centre

- Core Frontage
- Non Core Frontage

Chiltern Street/George Street/Blandford Street Local Centre

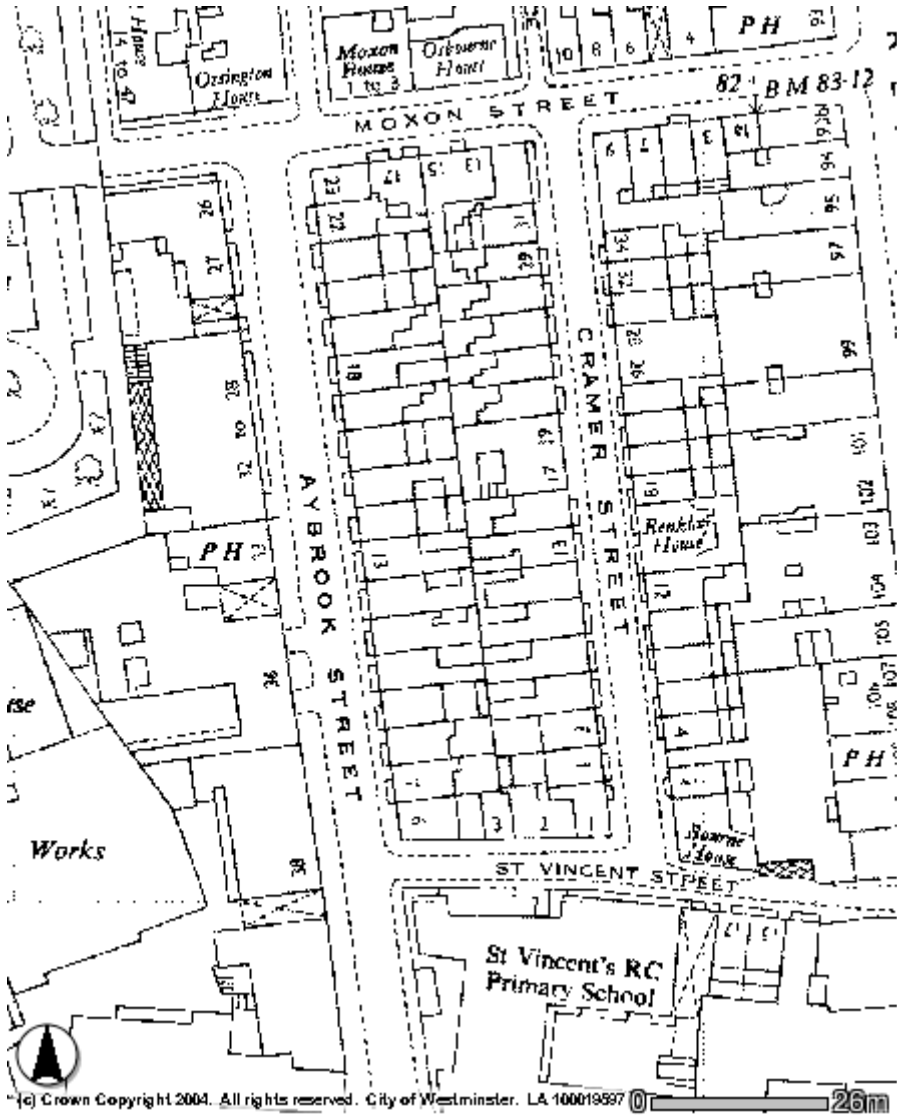
- Core Frontage
- Non Core Frontage

Moxon Street Site



Source: Adopted UDP January 2007

Map 5 Historical Map of Site



Source: Westminster City Council, historical map circa 1970s

Appendix 1 – Sustainability Appraisal

Sustainability Appraisal

Moxon Street Car Park, London, W1
Planning Brief



1. Introduction

- 1.1 This report comprises a sustainability appraisal of the planning brief for the Moxon Street car park site. An initial sustainability appraisal was undertaken of the draft planning brief and was the subject of consultation with statutory consultees and other stakeholders. Consultation responses received have been considered in this revised sustainability appraisal.
- 1.2 Westminster Adult Education Service (WAES) have considered their service strategy for the 21st Century and have concluded that their existing premises are poorly located and unsuitable for the range and activities that they wish to provide. In 2006 the service developed a property strategy which concluded that by disposing of their two main sites in the north and south of the city funding could be raised to build a state of the art centre on the Moxon Street car park site.
- 1.3 The purpose of the planning brief is to set out the City of Westminster's planning considerations relating to the disposal and potential redevelopment of the Moxon Street car park site. On 14 October 2008 the Planning Sub-Committee (Planning Briefs and Local Development Framework) agreed to recommend to the Cabinet Member for Built Environment that the planning brief be adopted as a Supplementary Planning Document (SPD). Following the incorporation of minor amendments requested by the committee the Cabinet Member for Built Environment agreed to adopt the brief as an SPD.
- 1.4 By undertaking a sustainability appraisal the council has been able to assess the options set out in the planning brief for their likely economic, environmental and social impacts and their consequential influence on the achievement of sustainable development. The purpose of the appraisal is to ensure that the provisions set out in the planning brief assist in the aim of achieving sustainable development. It is important for the council (as well as a statutory requirement) that future change and development is sustainable and avoids or minimises negative impacts on the environment.
- 1.5 This sustainability appraisal fulfils the requirements set out in the *Planning and Compulsory Purchase Act 2004* and incorporates requirements for Strategic Environmental Assessment as set out in the *Environmental Assessment of Plans and Programmes Regulations 2004*. The appraisal complies with *Planning Policy Statement 12 (PPS 12)* and the *Strategic Environment Assessment Directive*, and is based on the methodology set out in the *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents* (ODPM, November 2005).

2. Policy Context - Westminster's Local Development Framework

- 2.1 Westminster City Council is drawing up a new plan to guide future development in Westminster. The new plan is called the *Local Development Framework (LDF)*. It will be made up of a portfolio of planning documents that together will set out the planning policies for Westminster. The most important of these is the *Core Strategy*. This will contain the overall planning vision and strategic policies for the City. The other planning documents will flow from it, and will contain more detailed policies and proposals to implement its strategy.

- 2.2 The current development plan for Westminster is the *Unitary Development Plan (UDP)*. It was adopted in January 2007 and will remain in force until it is superseded by the *Core Strategy* and other Development Plan Documents that form part of the *LDF*.
- 2.3 The Moxon Street car park planning brief provides a site specific supplement to the provisions of the *City of Westminster Unitary Development Plan (UDP)*, (*Adopted 2007*), and sets out the matters which would be required to be addressed in a planning application for the redevelopment of the site. The planning brief has been developed so as to be consistent with the emerging Core Strategy and has been prepared in line with the process for preparing LDF Supplementary Planning Documents.

3. Approach to Sustainability Appraisal

- 3.1 An initial sustainability appraisal of the Westminster's *LDF Core Strategy Preferred Options* has already been undertaken. The first stage in the appraisal process was the production of a *Scoping Report*. The *Scoping Report* sets out the context and baseline information in order to provide a starting point from which to appraise the effects of implementing the *LDF*. To provide a sound base for analysis the report identified relevant plans and strategies, programmes, key sustainability issues and problems, and set out a detailed sustainability framework through which the appraisal of the *LDF* can take place. Westminster's *Draft Sustainability Appraisal Scoping Report* was made available for consultation in April 2007. It can be downloaded from the council's website.
- 3.2 The *LDF Core Strategy* will contain the overall planning vision and strategic policies for the City, and therefore acts as the principal plan for which development proposals will be assessed against. On this basis the sustainability framework developed through the *Scoping Report* on the *Core Strategy* will become common to all Development Plan Documents and Supplementary Planning Documents, including the Moxon Street car park Planning Brief.
- 3.3 The sustainability issues identified in the *Scoping Report* are (in Summary):
- Increasing pressure on the natural and built environment – air quality, open space, biodiversity, historic buildings and sites
 - Waste and recycling
 - Road transport and congestion and need for better provision for pedestrians and cyclists
 - Noise and its impact upon human health
 - Climate change; climate change adaptation
 - Sustainable building policies
 - Supply of appropriate housing type and tenure
 - The creation of sustainable, cohesive and inclusive communities
 - Maintaining economic diversity and improve local opportunities
- 3.4 The *Scoping Report* identifies 17 sustainability objectives which provide a framework for assessing Development Plan Documents and Supplementary Planning Documents:

1. To create cohesive, inclusive and safe communities with appropriate levels of social and community facilities
2. To reduce the fear of crime and actual crime
3. To ensure the provision of appropriate housing types to reduce homelessness; reduce overcrowded households and meet the demand for affordable housing and family-sized units
4. To promote and improve health and well-being
5. To reduce greenhouse gas emissions and support climate change adaptation
6. To require the application of sustainable design and construction in all new developments and refurbishment of existing buildings.
7. To a) minimise flood risk and promote sustainable urban drainage and b) protect surface and ground water quality
8. To protect, enhance and create environments that encourage and support biodiversity
9. To improve air quality
10. To reduce noise and the impact of noise
11. To reduce the need to travel; the use of private motorised vehicular transport, as well as encourage walking, cycling and the use of public transport
12. To reduce waste production and increase recycling, recovery and re-use of all waste
13. To protect and enhance the historic environment and architectural, archaeological and cultural heritage
14. To enhance the public realm and street environment
15. To protect, enhance, and seek opportunities to increase, open space throughout the City
16. To ensure equality of opportunity and improve opportunities for education, training and employment
17. To maintain economic diversity, increase local opportunity and support sustainable economic growth

3.5 The policy assumptions set out in the planning brief have been appraised against each of the 17 sustainability indicators, tabled 1 to 17 in a central column in the table attached. The results are expressed as follows:

- +** denotes a broadly positive effect
- denotes a broadly negative effect
- =** denotes an uncertain effect, or perhaps a combination of positive and negative effects
- =/+** uncertain, but perhaps becoming more positive over time

These are intended to be indicative only of possible overall cumulative effects. Following consideration of the results aggregated, an overall “score” is given in the three boxes labelled economic, social and environmental beneath the narrative. Again, these results represent a broad indication only.

3.6 The results of the assessment against this framework of 17 sustainability objectives are set out in the next section 4 of this report.

4. Sustainability Appraisal Matrix of the Moxon Street Car Park Planning Brief

<p>The purpose of the Moxon Street Car Park Planning Brief is to set out the council's detailed planning considerations, giving a clear steer on the planning policy requirements for the various sites.</p> <p>The preferred land use mix on this site, and that which will be strongly encouraged, should include education / social and community facilities and residential.</p> <p>Redevelopment of the Moxon Street site provides a rare opportunity in the Marylebone area to create a new development over an entire city block. Accordingly, the council anticipates a development which will complement and enhance the existing townscape qualities of the surrounding area and be of high quality sustainable design in its own right. Proposals will be expected to enhance the character and appearance of the Portman Estate Conservation Area.</p>	Sustainability Objective summarised	Score	<p>Commentary</p> <ul style="list-style-type: none"> • Development of the site could have short term negative environmental impacts but mitigation measures could be imposed through planning conditions and if appropriate planning obligations. • Intensification of development of this site invariable lead to increased and potentially adverse environmental pressures. However, the brief sets out requirements for sustainability design measures. These may minimise the overall environmental impact of any development at the site. • Increased residential development, could contribute to meeting housing need, but could lead to increased pressure on social and physical infrastructure. Appropriate measures will be needed. • The site is in a sensitive location in conservation terms, but the brief advocates a development that complements and enhances the townscape. The brief explicit reference to public realm issues and designing out crime/ safety issues. • Site is in a location of high public transport access and could have significant positive impacts on economic growth and equality issues. Reducing need to travel needs to be considered in the context of the wider Westminster Adult Education Service property strategy. <p>Overall Aggregate Assessment Rating Environmental =/+ Social + Economic +</p>
	1. cohesive, safe communities	+	
	2. reduce crime/ fear	+	
	3. housing types	+	
	4. health and well-being	=	
	5. climate change	=	
	6. sustainable design	=	
	7. flood risk and water quality	=	
	8. biodiversity	=	
	9. air quality	=	
	10. noise	=	
	11. reduce travel	+	
	12. reduce waste	=	
	13. cultural heritage	=/+	
	14. public realm/streets	+	
	15. open space	=	
	16. equality of opportunity	+	
17. economic diversity and growth	+		

5. Conclusions

- 5.1 The initial appraisal of the brief against the sustainability objectives suggests that the provisions of the Moxon Street car park planning brief will have a positive impact on sustainable development.
- 5.2 The introduction of a state of the art WAES facility is likely to have impacts at this location on the attainment of objectives related to economic development and potentially to ensuring equality of opportunity. However this assessment needs to be made in the context of any wider changes to WAES provision. For this reason the detailed impact assessment advocated in the brief is essential element in understanding the social impacts of the development.
- 5.3 During construction negative impacts on local air quality, noise, biodiversity may occur. However, these impacts may be minimised and potentially mitigated through control of construction. The impacts on environment is assessed as neutral as although the intensification of development will have environmental impacts the brief encourages the incorporation of sustainable design measures in any new building or building redevelopment to meet UDP standards. In addition, bring the site intensification of development on an arguably underutilised car parking site which is an area of very high public transport access contributes to wider sustainability objectives.
- 5.4 This public transport links make the site a good location for development with high trip generating characteristics such as an educational establishment like a WAES centre. However, this is tempered by the fact that service users in the vicinity of the residents in the immediate area using the existing adult education facility may have to travel further.
- 5.5 The building is in a sensitive location in terms of the historic environment. It is in the Portman Estate Conservation Area and an Area of Special Archaeological Priority. This is recognised in the brief and detailed specific guidance in relation to massing and scale is included. Development at the site will increase natural surveillance onto the surrounding Streets (Moxon Street, Cramer Street, and Aybrook Street). The development at the site could also positively impact on the sustainability objective concerned with improving the public realm. The brief highlights to scope for significant public realm improvements at the Southern end of the site and along Moxon Street itself.
- 5.6 A residential or residential led development would contribute to meeting housing need, a key sustainability objective in Westminster. The requirements for housing types is set out in line with the UDP; this reflects the housing need in Westminster in terms of tenure and unit size mix.
- 5.7 The sustainability appraisal demonstrates that for options that involve more development, higher densities and increased activities, whether relating to housing or other land uses can have negative impacts. This is not just against the environmental baseline as discussed above but also against the

social baseline, for example lack of adequate infrastructure and additional pressures on existing public services and facilities.

5.8 The planning brief encourages the use of planning benefits to ensure that either 'in kind' works or financial contributions are sought from any future development of the site to mitigate any adverse impacts of the development. In summary the following list provides the details of the types of planning benefits that may be sought from the redevelopment of the site. These are not in order of priority and will of course be dependent upon the final type of development that comes forward:

- highway and footway improvements, including pavement widening
- timing and securing of any affordable housing provision provided as part of the residential elements of the development
- Code of Construction Practice and contributions towards the Environmental Inspectorate
- Education financial contributions / provision of student accommodation
- community facilities
- public realm improvements such as street furniture, lighting and repaving, provision of CCTV
- Open space improvements / provision in accordance with the City Council's *Open Space Strategy* (2007)
- public art
- tree planting
- arrangements for the continuation of the Farmers' Market which could include providing open space on-site or the relocating the market on a suitable site within the local area.

5.9 This sustainability appraisal has ensured greater consideration of how adverse impacts can be minimised and has led to amendments to the brief which will potentially lead to beneficial impacts on the 17 sustainability objectives.

5.10 The significant sustainability effects of implementing the SPD will be monitored to help identify unforeseen adverse effects and to enable remedial action to be taken. These effects will be monitored using Local and/or Core Indicators. The council prepares an Annual Monitoring Report to assess the implementation of the Local Development Scheme and the extent to which policies in the Local Development Documents are being achieved. The Moxon Street Car Park Planning Brief SPD will be included in this process.

Glossary

This glossary contains words, phrases and names of organisations that are mentioned in this Guidance and are relevant to the planning process.

Affordable housing

Subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. The accommodation is usually managed by an registered social landlord (RSL)

Change of use

Planning Permission is required for a change of use unless it falls within the same use class or it is allowed by the General Permitted Development Order.

Character

The distinctive or typical quality of an area as described by its historic fabric; appearance; townscape; and other land uses.

Circulars

Government publications explaining procedural matters and legislation.

City Plan

The 'community strategy' for the City of Westminster, prepared under s4 of the Local Government Act 2000, and agreed by the Westminster City Partnership in 2002, which is intended to promote the economic, social and environmental well-being of the city. The strategic policies in the Unitary Development Plan reflect the six aims set out in the City Plan. A new community strategy was published in November 2006.

Code of Construction Practice

A code of practice setting out environmental standards and constructions procedures for major developments.

Commercial Floorspace

Floorspace utilised by the following uses: offices, industry, warehousing, showrooms, hotels, retail, entertainment and private educational, health and leisure facilities, other than social and community uses that are principally provided by the public sector. This does not include residential use.

Committee

(Planning and City Development Committee, Planning Applications Sub-Committee and Planning Sub-Committee (Planning Briefs and Local Development Framework))

The above Committees have powers to make most decisions in respect of planning applications, planning policy, planning briefs and other development control matters. Made up of elected councillors in proportion to the political complexion of the council. Members of the Committees are not bound to follow the recommendations of planning officers when taking their decisions.

Commuted sum

A financial payment made, in accordance with a planning agreement, by a developer towards the provision of, for example, affordable housing.

Conditions

A restriction or qualification imposed when planning permission or other consent is granted under the Planning Acts. Conditions are required in law to be necessary, relevant to planning, directly related to the development to be permitted,

Conservation Area

An area of special architectural or historic interest designated by the local planning authority under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the character or appearance of which it is desirable to preserve or enhance.

Department of Communities and Local Government (DCLG)

Government department, established in 2006, responsible for community cohesion and equality, for housing, urban regeneration, planning and local government.

Development

The carrying out of building, engineering, mining or other operations in, on, over or under the land; or the making of any material change in the use of any buildings or other land, as defined in the Town and County Planning Act 1990 as amended. Unless it is defined under the Act as 'permitted development', planning permission is required for the carrying out of any development of land.

Development Briefs

A form of supplementary planning guidance that sets out the council's preferred development options for a site. Also known as planning briefs.

Development Plan

Under the Planning and Compulsory Purchase Act 2004, in Greater London the development plan comprises the spatial development strategy prepared by the Mayor of London (known as the London Plan) and until they are replaced by development plan documents prepared under that Act, the unitary development plans prepared by the London Boroughs. If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

Entertainment Use

Uses within Class A3 (Restaurants and Cafes) A4 (Drinking Establishments) and A5 (Hot Food Take-Aways) and other entertainment uses where the primary activity is use as a nightclub, live music and dance venue, discotheque, entertainment centre, dance hall, casino or bingo hall. These are mostly uses where the greatest attendances occur during the evening or at night. Most of these uses fall within Class D2 of the Revised (2005) Use Classes Order 1987. It does not include theatres.

Environmental Inspectorate

Council Inspectors operating in relation to the construction of major developments, to agree routine working arrangements for individual sites and ensure compliance with the Code of Construction Practice.

Greater London Authority (GLA)

The GLA is part of the strategic government of London established on 3 July 2000. It is made up of a directly elected mayor and a separately elected Assembly. The Mayor prepares plans on issues from transport to the environment and from culture to land use, directs the GLA and sets budgets for the GLA, Transport for London, the London Development Agency, the Metropolitan Police and London's fire services. The Assembly is also able to investigate other issues of importance to Londoners, publish its findings and recommendations and make proposals to the Mayor.

Gross Floorspace

Method of assessing the extent of building (or land) occupied by a use. This should be measured to include the overall dimensions of the building on each floor both above and below ground, including the thickness of all internal walls, half the thickness of party walls and the full thickness of external walls. If a site covers more than one property, party walls should be measured as internal walls except those party walls to properties not falling within the site. Gross floorspace should include all the following:

- stairs and lift shafts (to be measured for each floor);
- lobbies, corridors, reception areas;
- cloakrooms and toilets;
- storage and roofed plant areas (but see 'k' below);
- kitchens, cafeterias etc;
- operational voids e.g. for air conditioning ducting (to be measured for each floor);
- vaults.

Gross floorspace should exclude all the following:

- voids in atria;
- internal lightwells;
- double or triple height areas should be measured only once e.g. conference halls, theatres
- screened but unroofed plant area or plant areas and other operational voids which are not reasonably capable of commercial or residential use;
- car parking space, loading/ servicing bays and areas exclusively reserved for refuse storage.

In assessing entertainment uses against Policies TACE 8, TACE 9 and TACE 10, gross floorspace will be taken, in addition, to include open areas within the curtilage of the premises, such as forecourts, which are to be used for as the positioning of tables and chairs for customers' use. Such open areas will be excluded from the calculation of gross floorspace under Policy CENT3.

Key workers

Person having skills in an employment sector important to the functioning of Central London in which employers have severe difficulties in recruiting and retaining staff. Some categories of key worker are eligible for special forms of housing assistance.

Listed building

A building contained in a list of buildings of special architectural or historic interest prepared by the Secretary of State for the Environment. Before any work can be carried out which affects the character or appearance of a listed building, inside or out, listed building consent is required.

Local Area Agreement

Three-year agreement setting out key priorities for the local area agreed between government (GoL), Westminster City Council and the Westminster City Partnership.

Local Development Framework (LDF)

The new plan-making system, introduced by the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare a local development framework, which will comprise development plan documents, which will form part of the statutory Development Plan and supplementary planning documents which will provide additional detail. The framework will also include the statement of community involvement, the local development scheme and the annual monitoring report.

London Plan

Title given to the spatial development strategy for Greater London prepared by the Mayor of London under Part VIII of the Greater London Authority Act 1999 and published by the Greater London Authority in February 2004 (consolidated with changes since 2004 and published in 2008). Unitary Development Plans prepared by London Boroughs are required to be in general conformity with the London Plan.

Material considerations

A factor which a local planning authority may take into account in making a decision on a planning application before it. In certain circumstances, such a factor, or a combination of them, may be sufficient to lead the authority to determine the application other than in accordance with the provisions of the development plan. Where that occurs, the factor or factors involved must, by law, be genuine planning matters, relating to the development and use of land, and must fairly and reasonably relate to the application concerned.

Mayor of London

The mayor has an extensive strategic planning role, in particular producing the Spatial Development Strategy for London. Westminster's UDP has to be in general conformity with the London Plan.

Office of the Deputy Prime Minister (ODPM)

Government department responsible between 2002 and 2006 for regional and local government (including the regional Government Offices), housing, planning, regeneration and neighbourhood renewal. The ODPM is now the Department for Communities and Local Government.

Permitted development

Some development does not require planning permission from the council. Blanket permission is given by the General Permitted Development Order.

Planning agreement

See planning obligation.

Planning Brief

A form of SPG that sets out the council's preferred development options for a site. Also known as development briefs.

Planning obligation

A form of planning benefit secured through a legal agreement or undertaking within the provisions of s106 of the Town and Country Planning Act 1990. This may be either an agreement between a local planning authority and an organisation or individual having an interest in land; or a unilateral undertaking given by an applicant for planning permission. An obligation usually involves a restriction on the use or development of land; or a specific requirement about an operation or activity to be carried out on land; or a requirement that land should only be used in a specified way; or the payment of a sum or sums of money.

Planning permission

A written consent to the carrying out of development issued by a local planning authority or, on appeal, by a Planning Inspector or the Secretary of State. The permission is normally subject to conditions and will lapse if the development is not started within a stated period of time. Planning permission for buildings may be in outline where the principle is approved, subject to the later submission of further applications for the approval of reserved matters.

Planning Policy Guidance Notes (PPG)

Government policy notes which contain advice on a wide variety of planning issues. PPGs are being replaced by PPSs.

Planning Policy Statements (PPS)

Government policy statements (replacing PPGs) which contain guidance on planning issues.

Public Art

Permanent or temporary physical works of art visible to the general public, whether as part of a building or freestanding: can include sculpture, lighting effects, and the designed treatment of street furniture, paving, railings and signs.

Registered Social Landlord (RSL)

Organisation registered with the Housing Corporation under the provisions in Chapter 1 of the Housing Act 1996. The organizations concerned may be housing

associations which are registered charities, or non-profit-making provident societies or companies. They must provide housing kept available for letting, and meet other requirements set out in the Act.

Residential Use

As set out in the Use Classes Order (C3) Dwelling Houses unless otherwise stated.

Section 38(6) (formerly 54A)

The provision within the Planning and Compulsory Purchase Act (2004) which contains the principle of the development plan-led system. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Section 106 agreement

An agreement or undertaking made under s106 of the Town and Country Planning Act 1990 to secure planning obligations. Sections 46 and 47 of the Planning and Compulsory Purchase Act (2004) give the Secretary of State the power to make regulations to replace S106, but these powers have not yet been taken up.

Social, Community and Cultural Facilities

Most social, community and cultural facilities are in classes C2, D1 and D2 of the Use Classes Order. Such facilities can include social service uses, health facilities, some leisure and recreation facilities such as libraries, theatres and general social uses such as community meeting facilities and community halls etc.

Spatial Development Strategy (SDS)

Document setting out a broad strategy for land use and development in Greater London prepared by the Mayor of London under Part VIII of the Greater London Authority Act 1999 and published as the London Plan by the Greater London Authority in February 2004. Unitary Development Plans prepared by London Boroughs are required to be in general conformity with the London Plan.

Supplementary Planning Documents (SPD) (formerly SPG)

Formally adopted policy statements that either elaborate key policies set out in the UDP/LDF or set out how policies apply to a particular site. They are prepared to cover particular development topics, or area-based issues, such as planning briefs. SPDs will consist of the main document, a sustainability appraisal, an equalities impact assessment and a consultation plan. Recent SPDs are a material consideration in the determination of planning applications.

Transport for London (TfL)

TfL is a functional body of the Greater London Authority, accountable to the Mayor with responsibility for delivering an integrated and sustainable transport strategy for London.

Westminster City Partnership

The Westminster Local Strategic Partnership that produces the City Plan, which is the Community Strategy for Westminster.

UDP (Unitary Development Plan)

Plan prepared under Part II, Chapter 1 of the Town and Country Planning Act 1990 by a local planning authority for its area. Every London borough was required to prepare a unitary development plan for its area under the provisions of that Act. Unitary development plans will be replaced by a local development framework prepared under the provisions in the Planning and Compulsory Purchase Act 2004. Westminster's Unitary Development Plan (UDP) was adopted by Full Council on the 24 January 2007.

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City of Westminster

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