

**ENVIRONMENTAL ASSESSEMENT REPORT
SECTION 75W APPLICATION FOR MODIFICATION
SUBMITTED TO NSW DEPARTMENT OF PLANNING**

Mixed use serviced apartment hotel, residential apartment and retail/recreation building

61-79 Hall Street, Bondi Beach MP 09_0081

Prepared on behalf of
TOGA GROUP

DECEMBER 2010

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2	Area and apartment schedules, by Bates Smart
3	Section showing sightlines to proposed Level 04 plant area
4	Advice on parking, by Halcrow
5	BASIX certificate (No. 352864M_02)
6	Advice on plant, by AECOM

1.0 INTRODUCTION

This Environmental Assessment Report (**EAR**) has been prepared by Robinson Urban Planning Pty Ltd on behalf of Toga Development No. 45 Pty Ltd (the land owner and proponent). It describes an application to modify the approval for Major Project No. 09_0081 (the **approval**) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The modifications described in this EAR arise as the proponent has completed detailed design development in response to market advice, specific requirements from Medina (the serviced apartment operator), detailed plant and servicing design development, security assessments, further on-site geotechnical and ground water assessments, surveying of existing retaining walls as well as amendments to achieve compliance with relevant Australian Standards.

The submission also provides additional information on Condition B1, supplementing the previous correspondence submitted to the Department of Planning (**DoP**) on dated 16 September 2010.

This letter identifies the relevant aspects of the approval and describes the proposed modifications. It is accompanied by the following plans and information:

Separate Volume	Modified architectural plans, by Bates Smart which cloud the proposed modifications (differentiating proposed Section 75W modification (in black) and design changes that address condition B1 of the approval (in red)) (see Table 2 later), photomontages and other information
Attachment 1	Modified photomontages, by Bates Smart
Attachment 2	Area and apartment schedules, by Bates Smart
Attachment 3	Section showing sightlines to proposed Level 04 plant area
Attachment 4	Advice on parking, by Halcrow
Attachment 5	BASIX certificate (No. 352864M_02)
Attachment 6	Advice on plant, by AECOM

Modified landscape plans will follow.

2.0 THE APPROVAL

Major Project Number	09_0081
On land comprising	61-79 Hall Street, Bondi Beach
Local Government Area	Waverley Council
For the carrying out of	– The demolition of existing buildings and structures on site – Excavation for 3 levels of basement carparking – The construction of a mixed use serviced apartment hotel, residential apartment, and retail/recreation building including public through-site link – 3 levels of basement carparking, building services and plant area
Date Approval (by Planning Assessment Commission)	10 August 2010

3.0 PROPOSED MODIFICATIONS

The proposed modifications, shown on the architectural plans prepared by Bates Smart (separate volume) and illustrated by the photomontages (**Attachment 1**), comprise:

1. Minor changes to the building design including modifications to the following:
 - a) Amended apartment mix and total apartments as shown in **Table 1** and the modified apartment schedules at **Attachment 2** (from 44 apartments approved to 45 proposed)
 - b) Basement parking layouts including an increase from 39 residential spaces approved to 57 residential spaces proposed (plus four resident visitor spaces approved and proposed) and five dedicated service spaces
 - c) Rooftop plant at Level 04
 - d) Community room location (moved from Level 000 to Level 00)
 - e) Loading dock arrangement (including deletion of the turntable)
 - f) Roof top planters to O'Brien Street (changed from vegetation to decorative pebbles)
 - g) Retail tenancy layout, retail and DDA lifts and stairs
2. Modification of certain conditions of consent
3. Design modifications to address Condition B1 in the approval including provision of a roof overhang that extends beyond the red line prescribed by Condition B1(1) (as illustrated on the overlay plans at **Attachment 3**).

Additional information on the modifications follows.

3.1 Modifications to the approved plans

Table 1 compares the principal numeric aspects of the approved and modified developments. A detailed list of the proposed modifications to the approved plans (by level/drawing) follows in **Table 2**.

Table 1 – Comparison of approval and Section 75W

	Approval		Section 75W modification		Change
Number & mix of residential apartments					
– One bedroom	15	(34%)	17	(38%)	+2
– Two bedroom	16	(36%)	18	(40%)	+2
– Three bedroom	13	(30%)	10	(22%)	<u>-3</u>
Total residential apartments	44		45		+1
Number of serviced apartments					
	113		113		0
GFA (m ²)					
	14,822 ¹		14,920		+98 (+0.66%)
Parking					
– Non residential spaces	141		141		0
– Residential spaces	39		57		+18
– Residential visitor spaces	4		4		0
Total (including 20 accessible spaces)	184		202		+18
Service spaces					
	Loading dock		Loading dock + 5 spaces on Level B1		

¹ This is the total GFA shown in the Preferred Project Report. It does not exclude areas at Level 07 that were to be deleted to achieve compliance with Condition B1(1).

Table 2 – Summary of proposed modifications by drawing number

Drawing number and title	Rev	Proposed amendments
A0.01 – Drawing Schedule	5	New Revision number
A1.01 – Location Plan	5	Updated to reflect amended plan
A2.201 – Level 003 Basement	5	New layout increasing the number of spaces from 69 spaces (approved) to 70 spaces (proposed) and modifying the access ramp, core, storage and plant arrangements
A2.202 - Level 002 Basement	5	As above - the number of spaces has changed from 65 spaces (approved) to 75 spaces (proposed)
A2.203- Level 001 Basement	5	As above plus the number of spaces has changed from 50 spaces (approved) to 62 spaces (proposed) and substation chamber designed to meet Energy Australia requirements Five dedicated service vehicle spaces
A2.204 – Level 000	5	Modified loading dock (turntable deleted), access ramp, waste/garbage rooms, through site link entry from Hall Street, DDA lift at O'Brien Street moved to increase activation on O'Brien Street, other retail lifts, retail tenancy layout, Male/Female amenities, Community Meeting Room relocated to Level 00
A2.205 - Level 00	5	Minor changes to serviced apartment layout (17 approved and proposed), Community Room relocated from Level 000, gym relocated, modified Male/Female amenities, frontage of serviced apartment lobby reduced, Male/Female amenities, DDA lift and retail lifts, new landscape plan for pool deck including relocation of spa
A2.206 – Level 01	5	Minor changes to serviced apartment layout (50 approved and proposed), modified plant, staff/maid rooms, awning/canopy shown to Hall Street, Condition B1 changes
A2.207 – Level 02	5	Minor changes to serviced apartment layout (46 approved and proposed), modified plant, staff/maid rooms, Condition B1 changes
A2.208 – Level 03	5	Minor changes to Apartment layout (18 approved and 19 proposed), O'Brien street planter removed and replaced with decorative pebbles. Modified plant, Condition B1 changes
A2.209 – Level 04	5	Minor changes to Apartment layout (8 approved and proposed), new VRV plant room (behind 1.9m screen) on roof of Level 03
A2.210 – Level 05	5	Minor changes to Apartment layout (8 approved and proposed)
A2.211 – Level 06	5	Minor changes to Apartment layout (8 approved and proposed)
A2.212 – Level 07	5	Condition B1 changes (resulting in deletion of one apartment, 2 proposed)
A2.213 – Roof Plan	5	Condition B1 changes (subject to roof overhang beyond red line)
A5.101 – North West Elevation Hall Street	6	Amended to reflect changes above
A5.102 – South West Elevation Hall Street	5	Amended to reflect changes above
A5.103 – North Elevation O'Brien Street	6	Amended to reflect changes above
A5.104– South East Elevation	5	Amended to reflect changes above
A5.601– Section AA	5	Amended to reflect changes above
A5.602– Section BB	5	Amended to reflect changes above

Table 2 – Summary of proposed modifications by drawing number (continued)

Drawing number and title	Rev	Proposed amendments
A5.603 – Section CC	5	Amended to reflect changes above
A5.604– Section DD	5	Amended to reflect changes above
A5.605 – Section EE	5	Amended to reflect changes above
A5.606– Section FF	5	Amended to reflect changes above
A5.607– Section GG	5	Amended to reflect changes above
LA01 – Landscape Plan – Hall Street and O'Brien Street Streetscape	5	Modified plans to follow subject to resolution of public domain design with Waverley Council
LA02 – Landscape Plan – Level 00	5	As above
LA03 - Landscape Plan – Upper Levels	5	As above

3.2 Modifications to the conditions of consent

Application is made to modify Conditions A1, A2 B1, B25 and B36 as set out below (new words are shown in **red bold** and deleted words in ~~strike through~~):

Condition A1

A1 Development Description

Development approval is granted only to carrying out the development described in detail below:

- a) *The demolition of existing buildings and structures on site;*
- b) *Excavation for 3 levels of basement carparking; and,*
- c) *The construction of:*
 - (i) *113 room serviced apartment hotel;*
 - (ii) *44 **45** residential apartments;*
 - (iii) *~~3,448~~ **3,511 m²** of retail/recreation (restaurant/café/bar/gym) floorspace;*
 - (iv) *Publicly accessible through-site link; and,*
 - (v) *levels of basement carparking for ~~184~~ **202** vehicles, building services and plant area.*

Reason for modification: Condition A1 is to be modified to reflect the modified project description.

Condition A2

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP09_0081 and the:

- *Environmental Assessment dated December 2008 prepared by Robinson Urban Planning Pty. Ltd., except where amended by the Preferred Project Report;*
- *Preferred Project Report dated March 2010 and prepared by Robinson Urban Planning Pty. Ltd.*
- *Amended Design Report dated March 2010 prepared by Bates Smart Architects.*
- *Crime Prevention Through Environmental Design Report dated June 2010 and prepared by Robinson Urban Planning Pty. Ltd.*
- *Amended BASIX Certificate No. ~~302562M~~ **352864M_02**;*
- *The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2006; and,*
- ***Section 75W Modification approved on _____***

- The following drawings:

Architectural Plans prepared by Bates Smart		
Drawing No.	Revision	Date
A0.101	3 5	26.03.2010 06.12.2010
A1.101	3 5	26.03.2010 06.12.2010
A2.201	3 5	26.03.2010 06.12.2010
A2.202	3 5	26.03.2010 06.12.2010
A2.204	3 5	26.03.2010 06.12.2010
A2.205	3 5	26.03.2010 06.12.2010
A2.206	3 5	26.03.2010 06.12.2010
A2.207	3 5	26.03.2010 06.12.2010
A2.208	3 5	26.03.2010 06.12.2010
A2.209	3 5	26.03.2010 06.12.2010
A2.210	3 5	26.03.2010 06.12.2010
A2.211	3 5	26.03.2010 06.12.2010
A2.212	3 5	26.03.2010 06.12.2010
A2.213	3 5	26.03.2010 06.12.2010
A5.101	3 6	26.03.2010 06.12.2010
A5.102	3 5	26.03.2010 06.12.2010
A5.103	3 6	26.03.2010 06.12.2010
A5.104	3 5	26.03.2010 06.12.2010
A5.601	3 5	26.03.2010 06.12.2010
A5.602	3 5	26.03.2010 06.12.2010
A5.603	3 5	26.03.2010 06.12.2010
A5.604	3 5	26.03.2010 06.12.2010
A5.605	3 5	26.03.2010 06.12.2010
A5.606	3 5	26.03.2010 06.12.2010
A5.607	3 5	26.03.2010 06.12.2010

Landscape Plans prepared by Taylor Brammer Landscape Architects		
Drawing No.	Revision	Date
LA01	F TBA	TBA 26.03.2010
LA02	F TBA	TBA 26.03.2010
LA03	F TBA	TBA 26.03.2010

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Condition B1

B1 Design Modifications

Prior to the issue of the first Construction Certificate, the design of the building shall be amended as follows:

- (1) *Level 7 shall be modified by deleting the areas shown hatched in red on 'Sketch Plan A' attached to this approval. Any articulation of the alignment of the remaining walls on Level 7 must be made within the floor plan area south-west of the area hatched in red. **A roof overhang, with a maximum depth of 1.9m may protrude into the areas shown hatched in red on 'Sketch Plan A'.***
- (2) *Level 2 of the western podium 'wing' shall be setback a minimum of 3.4 metres from the O'Brien Street alignment to match Level 3 of the podium 'wing' above;*
- (3) *High level windows with a minimum sill height above finished floor level of 1650mm shall be installed in the north - western (side) wall of Levels 2 and 3 of the western podium 'wing';*
- (4) *The private open space of Apartment ~~2.32~~ **2.34** shall be located on the O'Brien Street elevation and be a maximum of 8.1metres measured from the dividing balustrade separating the private outdoor space of Apartment ~~2.33~~ **2.35** from Apartment ~~2.32~~ **2.34**. The eastern portion of the terrace adjoining Apartment 2.32 shall be made non-trafficable to ensure that there are no adverse acoustic or privacy impacts on No. 8 O'Brien Street.*
- (5) *Translucent skylights shall be installed to Apartments ~~3.04, 3.05, 3.06, 3.17, 3.18,~~ **3.11, 3.12, 3.13, 3.14, 3.15**, 7.01 and 7.02 to increase solar access to these apartments and to enhance amenity for future occupants.*

Details demonstrating compliance with Condition B1 shall be submitted to and approved by the Director, Metropolitan Projects of the Department of Planning prior to the issue of the first Construction Certificate.

Reason for modification: Condition B1(1) is to be modified to allow a roof overhang to encroach into the red hatched area (the red line was governed by the position of a service riser which establish the facade edge). The proposed eave beyond this facade edge (to Apartment 7.02) is required to meet BASIX and Part J3 of the BCA. It also improves the appearance of the building. As shown by the photomontages at **Attachment 1**, the roof overhang has a very small visual impact. Condition B1(5) is to be modified to reflect changes to the numbering of apartments. Subject to approval of this Section 75W application, Condition B1 has been satisfied.

Condition B25**B25 Number of Car/Motorcycle Spaces**

The maximum number of car/motorcycle spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Car parking allocation	Number
<i>Non – residential car parking spaces</i>	141
<i>Residential car parking spaces (including 4 visitor spaces)</i>	43 61
<i>TOTAL (including 20 accessible car parking spaces for the disabled)</i>	184 202
<i>Motorcycle parking spaces</i>	10
<i>Service vehicle parking</i>	1 dock 5 spaces

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Reason for modification: Condition B25 is to be modified to reflect the provision of additional residential. This increase is justified at Section 4.2 and in the Advice from Bruce Masson of Halcrow (**Attachment 4**). The modification also provides for dedicated service vehicle parking in Level B1

B36 BASIX Certificate Requirements

*Prior to the issue of a Construction Certificate, details of all amendments and treatments outlined in the BASIX Certificate No. ~~302562M~~ **352864M_02**, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the Certifying Authority.*

Reason for modification: Condition B36 is to be modified to make reference to the modified BASIX certificate (**Attachment 5**).

4.0 ENVIRONMENTAL ASSESSMENT

The key environmental assessment issues that are relevant to the proposed modifications are addressed in this section of the EAR.

4.1 Residential amenity

Table 3 provides an updated assessment of compliance with the Residential Flat Design Code (**RFDC**) that accompanies State Environmental Planning Policy 65 - Design Quality of Residential Flat Buildings (**SEPP 65**) (based upon the schedule of apartments at **Attachment 2**). It demonstrates that the modified project is generally in accordance with the RFDC with the exception of the following rules of thumb:

- **Internal circulation** – The number of units accessible from a corridor in four of the five residential levels comply (with two or eight units accessible from the corridor). With 19 units accessible from one corridor, the lowest residential level (Level 03) does not comply. The approval provides 18 units at Level 03. This minor non-compliance is reasonable given that it occurs at just one level and that the non-complying level combines the tower and podium footprint making compliance difficult.
- **Daylight access** – The daylight access rule of thumb suggests that (in dense urban areas), 70% of apartments should receive at least 2 hours of sunlight in midwinter between 9am and 3pm (32 apartments required). 69% of the proposed apartments (31 out of 45 apartments) comply. This is generally consistent with the approval. The shortfall of one apartment is considered reasonable given that all apartments have internal and external areas that exceed the RFDC minimum areas. Additionally, all of the proposed apartments will have access to the internal courtyard (that has excellent solar access) and swimming pool.
- **Natural ventilation** – The natural ventilation rule of thumb suggests that 60% of apartments should be cross ventilated (28 apartments required). 38% of the approved and proposed apartments (17 of 45 apartments) have excellent cross ventilation. Given the narrow apartment depth (8m or less), other apartments are capable of natural ventilation.

Table 3 - Compliance with RFDC

Rule of Thumb		Compliance/Comment	
Building depth			
Apartment building depth maximum 18m glass line to glass line.		✓	All apartments comply
Building separation		✓	Residential levels commence at Level 03 which is higher than the adjoining building at 59 Hall Street.
Safety		✓	Windows/balconies look towards the adjoining streets and internal courtyard.
Apartment layout (internal)			
Studio	38.5m ²	n/a	
1 bedroom	50m ²	✓	50 - 83m ²
2 bedroom	70m ²	✓	70 - 119m ²
3 bedroom	95m ²	✓	120 - 225m ²
Apartment layout (external)			
1 bedroom	8-10m ²	✓	9 - 41m ²
2 bedroom	11-33m ²	✓	18 - 45m ²
3 bedroom	24m ²	✓	32 - 414m ²
Single aspect apartment depth limited to 8m from a window.		✓	All habitable areas <8m from a window
Back of kitchen no more than 8m from window.		✓	All kitchen areas <8m from a window
Balconies - minimum depth of 2m.		✓	Principal area of balconies (adjoining living areas min 2m wide)
Ceiling height			
2.7m min. residential habitable rooms.		✓	2.7m
2.25m min. non-habitable rooms.		✓	>2.25m
Internal circulation			
8 units (max) accessible from corridor.		x✓	Levels 04, 05, 06 and 07 comply (with 3 to 8 units off the corridor). With 19 units accessed from one corridor, Level 03 does not comply.
Storage			
Studio/1 bed 6m ³ , 2 bed 8m ³ , 3 bed 10m ³		✓	All units able to comply with internal and basement storage
Daylight access			
Living rooms & private open space of 70% of apartments receive 3 hours sun between 9am and 3pm in mid winter. May be reduced to 2 hours in dense urban areas		x	31 of 45 apartments (69%) receive two hours of solar access to their living rooms.
Max 10% single southerly aspect units		✓	Only 4 of 45 apartments (9%) have a southerly (only) aspect.
Natural Ventilation			
Building depths 10 – 18m.		✓	All apartments comply.
60% of apartments cross ventilated.		x	17 of 45 apartments (38%) are cross ventilated. Given the narrow apartment depth (8m or less), all other apartments are capable of natural ventilation.
25% of kitchens naturally ventilated.		✓	More than 25% kitchens are able to be naturally ventilated.

4.2 Parking

The approval provides 39 resident parking spaces and the application for modification proposes 57 resident parking spaces (plus the four approved resident visitor spaces). The modified number of resident parking spaces does not comply with Waverley Development Control Plan 2010.

Bruce Masson of Halcrow has prepared advice justifying the proposed variation to the maximum parking control (**Attachment 4**). In his conclusion, he notes that:

The approved provision of only 39 parking spaces (or slightly more for the modified mix) would be well below market expectations and is based on Waverley Council's very generic parking code that does not take into account the circumstances of a particular development. The important circumstances in this case are that:

- It is essential that residential parking needs be fully met on site given the strong concerns expressed by residents in relation to possible impacts on the already congested on-street parking in the area.*
- The Hotel Bondi (178 Campbell Parade) redevelopment was approved by Waverley Council in 2009 to provide 1.5 parking spaces per unit. The provision rate by unit type was:*

1 bedroom – 1 space per unit

2 bedrooms – 1.4 spaces per unit

3 bedrooms – 1.75 spaces per unit

For the subject proposal, this would equate to 60 parking spaces.

- Considering the matter from first principles, the two bedroom units in the subject development would typically require more than one parking space/unit because of their size.*
- A three bedroom unit in Bondi in a prestigious new development would require a minimum of two spaces (penthouses quite often seek more).*
- The City of Sydney LEP allows considerable more car parking in the Sydney CBD although public transport is very much better than at Bondi Beach. This recognises that people in convenient locations still tend to own cars and want off-street car parking although they use their cars much less than people living in outer suburban areas. The Sydney LEP allows the following car parking:*
 - 1 bedroom – 0.5 space per unit*
 - 2 bedrooms – 1.2 spaces per unit*
 - 3 bedrooms – 2.0 spaces per unit*

For the modified mix of apartments 50 resident spaces would be allowed and 9 of the one bedroom apartments would need to rely on on-street parking.

- *Census statistics indicate that even for established normally sized older style apartments, the Waverley DCP would under provide parking by about 12 percent.*
- *The proposed apartments in the Hall Street development would be of a much higher standard than the average walk up unit in Bondi and hence would generate a higher need for car parking, and*
- *Importantly, it is not necessary to severely constrain car parking provision in a high density residential development as there is an inherent tendency in these for low traffic generation, irrespective of the car parking provision.*

From the above we conclude that it would not be unreasonable for the project to provide 60 resident spaces as per the approved Bondi Hotel development. However a practical compromise provision that would minimise impacts on the local on-street parking situation would be 57 resident parking spaces

4.3 Loading

The loading dock arrangement has been modified to eliminate the need to provide a mechanical turntable (which poses potential operational issues in the event of mechanical failure or improper usage) and to enable satisfaction of Energy Australia requirements for the basement substation. As shown by Drawing A2.204, adequate manoeuvring areas are provided.

The modification also provides for five dedicated service spaces on Level B1 to provide for deliveries by smaller vehicles. This ensures that adequate service parking is provided on-site.

4.4 Level 07

As demonstrated by the marked up plans and elevation at **Attachment 3**, a roof overhang encroaching into the red hatched area described at Condition B1(1) is proposed to meet BASIX and Part J3 of the BCA. It also improves the design of the tower top.

Attachment 1 includes photomontages of the modified development viewed from the pedestrian crossing near the intersection of Hall and O'Brien Streets and further west. The images demonstrate that the roof overhang at Level 7 (encroaching into the hatched area prescribed by Condition B1 (1)) will have a negligible impact on the perceived bulk of the tower element.

4.5 Level 04 plant

The modified project includes a new plant room at Level 04 (on the roof of Level 03).

As detailed in the advice of AECOM (**Attachment 6**), the proposed plant system offers health and energy efficiency benefits:

The VRV system will provide the following benefits:-

- Eliminates any potential risk associated with Legionnaires' disease as the system is air cooled and does not require cooling towers*
- The VRV has heat recovery benefits and offers higher energy efficiency*
- The air conditioning units condensers / compressors are all located outside of the apartments in an acoustically treated enclosure so as not to affect the residents of the development nor the neighbouring Serviced Apartments.*
- Maintenance is largely undertaken outside of the apartments where the plant is located in the roof.*
- The air conditioning system is separate for each of the separate areas that it serves. As such the air conditioning in one section of the development will not affect the rest of the building. It allows for independent control for each functional area.*

Attachment 3 includes a section showing that there will be no close sightlines from Hall or O'Brien Streets to the proposed Level 04 plant.

The photomontages at **Attachment 1** show that the proposed Level 04 plant will be visible from the west. Bates Smart also remodeled the closer Hall Street photomontage of the project (as shown in the original EAR and PPR) and found that the proposed Level 04 plant is not visible. The more distant western photomontages show that the visual impact is reasonable given that the plant room is visible within the profile of the approved building behind. As a consequence there is little apparent change in bulk or scale. The proposed plant room also has a height comparable with the plant room adjoining serviced apartment/retail building at 81 Hall Street.

In light of the reasonable visual impact of the plant room and the energy and health benefits, the modification is reasonable.

4.6 Planters

Approved planters at Level 03 were to be planted with vegetation. Given that access to these planters is only available via the adjoining residential apartments, maintenance of the vegetation would be difficult. The Section 75W replaces the approved planters with decorative pebbles.

Note that the design of the project, as viewed from O'Brien Street, does not warrant screening with planting (and photomontages included in the Preferred Project Report did not show vegetation in the Level 03 planters).

Planting along the eastern boundary, at Level 00, has been retained.

5.0 CONCLUSION

The Section 75W application for modification proposes a number of minor changes that respond to design development issues. As modified, the project is substantially the same as the approval and has minor and reasonable environmental impacts.

As modified, the project also fully addresses the design modifications described at Condition B1 of the approval.

The Section 75W application therefore has planning merit and is worthy of consent.