

Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	111B Shirland Road, London, W9 2EL,		
Proposal	Demolition of the existing buildings and redevelopment of site to provide 84 bed care home (Use Class C2) and 31 self-contained residential flats (Class C3). The new building is part five and part four stories high, set over lower ground and four upper levels and includes balconies/terraces to the front and rear. New podium deck and associated landscaping and gardens at rear lower ground and upper ground floor levels. Associated alterations.		
Agent	Mrs Eve Ladden Timbers		
On behalf of	CityWest Homes		
Registered Number	16/10952/COFUL	Date amended/ completed	23 November 2016
Date Application Received	4 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a conservation area. The Maida Vale Conservation Area runs along the north western boundary and down Delaware Road, but includes the BBC TV studios.		

1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the satisfactory completions of a Section 106 legal agreement to secure the following:

- a) Provision of affordable housing in the form of 40 care bedrooms (equating to 1120sqm GEA) for the elderly (Class C2), to occupants who have been means tested by the City Council and satisfy the Council's funding criteria (as set out in section 8.1.4).
- b) Not to occupy the self-contained residential units until the care home is available for occupation.
- c) Highways works to facilitate the proposed development and including vehicular crossovers, reinstatement of redundant crossovers and paving.
- d) Car park strategy including car parking spaces on an unallocated basis.
- e) A financial contribution of £49,626 towards Carbon Offset Projects (index linked and payable on commencement).
- f) Lifetime Car club membership for the 31 self-contained residential units.
- g) Employment training and apprenticeships opportunities for residents of Westminster.

h) The costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:

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

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

2. SUMMARY

Planning permission is sought for the redevelopment of the existing Council buildings, which are currently largely vacant, originally constructed to accommodate a children's home. There is also a four storey block to the rear which was last used as temporary sleeping accommodation. The main building was last in use for care and social services facilities but has also recently been occupied by City Guardians and a pupil referral unit.

It is proposed to redevelop the site to provide a new building consisting of an 84 bedroom care home and 31 self-contained residential flats. The new building is set over lower ground, ground and four upper levels and features terraces at roof level and to the rear. A new podium deck is also proposed to the rear of the building at ground floor level maintaining an access route through the building to Oak Tree House to the rear. Landscaping is proposed both on the podium and at the eastern end of site for the new Care Home.

The proposals have raised concerns from surrounding residents in relation to construction, parking, on street parking stress levels, impact on amenity and design.

The key issues are:

- * The acceptability of the proposals in land use terms;
- * The impact of the new buildings on the townscape and adjacent conservation area;
- * The impact of the proposals on the amenities of adjacent occupiers;
- * The impact of the development on the highway network;
- * Whether Members agree that the 40 bedrooms in the care home is an appropriate form of affordable housing in this instance.

The application is recommended for approval as it is considered that, subject to conditions, the proposed development complies with policies in our Unitary Development Plan (UDP) and City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photographs of Shirland Road Frontage with Oak Tree House shown to rear below.



View from Delaware Road of existing vehicular entrance to underground car park adjacent to Oak Tree House (shown here behind the trees).



5. CONSULTATIONS

PADDINGTON AND MAIDA VALE SOCIETY:

Any response to be reported verbally.

HISTORIC ENGLAND:

No comment, application should be determined in accordance with national and local policy guidance.

THAMES WATER:

No objection subject to informatives in relation to waste and water.

ENVIRONMENT AGENCY:

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER:

Raise objection, as the security section of the Design and Access Statement is inadequate and it is unclear what security features are proposed.

HIGHWAYS PLANNING MANAGER:

Comment that any loss of existing parking is contrary to policy. Should parking be allocated to Oak Tree House, there is an under-provision of parking for the new residential accommodation. It is however noted that the existing parking may not be protected, which could make the garages usable through permitted development. Subject to conditions, no objection is raised in relation to the rest of the development.

BUILDING CONTROL:

No objection. Structural method statement is acceptable. Comment that the designer should be aware of maximum travel distance from communal lounge/balcony; how fire brigade access will be provided; and that provisions do not strictly comply with b5 of the building regulations and additional measures may be required.

CLEANSING:

Raise an objection as no waste management strategy is provided. Parking spaces are blocking access to the bin stores. Waste stores are not marked correctly.

ARBORICULTURAL OFFICER:

Raise an objection as it is not possible to determine the impact of the proposed works on trees within adjacent gardens prior to trial pits being undertaken. Should approval be given conditions are recommended.

ENVIRONMENTAL HEALTH:

Raise no objection subject to conditions and informatives. Comment that two duplex units appear to have remote rooms.

CITYWEST HOMES:

Any response to be reported verbally.

GO GREEN OFFICER:

Any response to be reported verbally.

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AFFORDABLE HOUSING OFFICER:

No objection. 40 affordable care beds has been formally agreed by the Cabinet Member for Housing Regeneration, Business and Economic Development.

HOUSING SERVICES:

Any response to be reported verbally.

CHILDRENS SERVICES:

Comment that they wish to be kept informed in relation to affordable housing and that they support mixed tenure housing; that the proposals will trigger the requirement for a contribution towards school through a s106; note that there will be increased pressure on existing childcare; play facilities should be included; recommend that funding is provided for local youth clubs; request for S106 used to secure employment opportunities; and request that all areas should be accessible to children and young people with disabilities.

CHILD PROTECTION SERVICES:

Any response to be reported verbally.

ADULT AND COMMUNITY SERVICES:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 559

No. of replies: 39 objections raising some or all of the following comments:

Land Use:

- Concerns on the amount of 2 bedroom accommodation, more family sized units should be provided.
- Query why some care units have more than one bedroom, which is unlikely to be required for this demographic who are either single or a couple.
- No affordable housing provided.
- Concerns in relation to the high density, which will fail to provide a high standard of design, which responds to local character and meets the needs and requirements of future residents in terms of both amenity and parking.
- Lack of provision of useable amenity space for future residents.

Amenity:

- Increased noise and disturbance to quiet residential street (Delaware Road) as a result of significant increase in the number of residents and occupiers on the site using the existing access.
- Overlooking and disturbance from vehicle lights and loss of views to/from Delaware Road.
- Loss of light to properties and gardens.
- Loss of privacy.
- Increased sense of enclosure

Design:

- Shirland Road frontage is overbearing and not in keeping with the Victorian terraces.
- Overdevelopment of site.
- Enclosing the gap between the Victorian terraces.

Highways:

- Increased congestion/traffic.
- Loss of and lack of parking and resultant increased stress on existing street parking.
- Insufficient parking provided, contrary to Westminster policy.
- Over provision of cycle parking.
- Increased traffic will worsen localised highways safety.
- The Transport Assessment has underestimated the trip generating potential of the development.

Other:

- Proposals will not benefit existing residents of the wider community.
- The Council has fallen short of its obligations and procedure to consult local residents.
- Increased air pollution.
- Access to the site should be solely from Shirland Road.
- Query as to what measures will be implemented to ensure that the existing overrun and abused waste/recycling unit on Delaware Road does not further deteriorate.
- Request to speak and for the application to be determined at planning committee.
- Recommendations in relation to what should be included within a S106 Agreement.
- Request for demolition to be swift and noise and dust controlled.
- Query in relation to party wall awards.
- Query how care staff will be requested to use public transport rather than drive.
- Noise and vibration disturbance during construction works to adjoining BBC building which is home to the Symphony Orchestra.

3 Letter of support with some or all of the following comments:

- Welcome the initiative to bring much needed provision for older people
- Welcome tidy up of existing buildings.
- Request for open gardens to be provided as presented by architects.
- Proposals will not cause overshadowing above any other local buildings.
- Suggest that a London cycle hire pitch is provided.

ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located just outside the Maida Vale Conservation Area, although its boundary adjoins the site. It is also outside of the Central Activities Zone (CAZ) and not located within a special policy area.

The site includes two main buildings, one which fronts Shirland Road, and one which is set back to the rear of the site adjacent to Rayne House (on Delaware Road). There is a raised podium deck, which provides pedestrian access from Shirland Road to Oaktree House, which is a residential building to the rear of the site fronting Delaware Road. There is an existing garage located under the podium deck which sits between Beechcroft House and Oak Tree

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House. Surrounding the buildings are areas of scrub planting and hard standing. There are also BBC studios located to the rear of the site on Delaware Road.

6.2 Recent Relevant History

Beechcroft House was originally built in the mid 1960's as a children's home (Use Class C2) which was last used as a Pupil Referral Unit. The Pupil Referral Unit is now located at Quintin Kynaston School in St Johns Wood. A four storey annex building at the rear which used to be part of the children's home and according to records, planning permission was granted in 1984 for alterations to this annex building in connection with its use as 29 units for temporary homeless family accommodation. Although the permission did not specify a use class, it would appear that this building was used as a hostel (now a sui generis use).

The planning history on the main building fronting Shirland Road is mixed. There would appear to have been a certificate of lawfulness application in 1995 in relation to the use of the ground floor as a family centre (a D1 use). Records however indicate that the ground floor of the building was last occupied as a Pupil Referral Unit (an educational D1 use). There was a permission granted on 27 June 2007 (07/04035/COFUL) for the use of part of the first floor as additional space for the Pupil Referral Unit (from the City Guardians) on the ground floor, granted on a temporary basis until 31 December 2010. As this was a temporary permission, the land must return to its previous condition and use. However, at the time of this application the first floor was in office use by Westminster City Guardians, who had previously been given permission for a temporary period up to 2005. The lawful use of this building would therefore appear to be as originally built, Class C2, with D1 on the ground floor.

There is an existing underground car park located to the rear of the site between Beechcroft House and Oak Tree House. It has not been possible to find the original permission for the development and therefore it is unclear if this car park is linked by planning condition to either of the properties.

7. THE PROPOSAL

Permission is sought for the redevelopment of the site to provide an 84 bedroom care home (Class C2) and 31 self-contained residential flats (Class C3). The new building is set over lower ground, ground and four upper levels and features terraces at roof level and to the rear. A new podium deck is also proposed to the rear of the building at ground floor level maintaining an access route through the building to Oak Tree House to the rear. Car and bicycle parking is to be provided part under the podium deck and adjacent to Oak Tree House to the rear. Landscaping is proposed both on the podium and at the eastern end of site for the new car home.

Minor excavation is proposed across the site to lower the level of the lower ground floor.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed uses on site are set out within Table 1 below. It shows that there are existing social and community uses located on the site in the form of temporary sleeping accommodation (sui generis), children’s care facilities (Use Class C2) and a pupil referral unit (Use Class D1). The acceptability of the loss of these functions is considered below in parts 8.1.1 and 8.1.2. The principle of a new Care Home is considered to be consistent with Westminster Policies. Considerations in relation to policy COM 1 (B) which states that ‘community facilities will be required to be located as near as possible to the residential areas they serve; not harm the amenity of the surrounding area including the effect of any traffic generated by the proposal; be safe and easy to reach on foot, by cycle and by public transport’ is covered within the Amenity (8.3) and Highways (8.4) sections of this report.

Table 1 Existing and proposed floorspace figures (applicant’s figures in GEA sqm)

	Existing	Proposed	Difference
Temporary Hostel Accommodation (Sui generis)	1210	0	-1210
Care Home (C2)	342	4506	+4164
Residential (C3)	0	3111.8	+3111.8
Non-residential institutions (D1)	575	93	-482
Total	2127	7710.8	5583.8

8.1.1 Loss of specialist housing (C2) and temporary short term accommodation:

Currently there is a four storey building located to the rear of the site which is used as 29 temporary housing units for homeless families. Policy S15 within the City Plan, seeks to protect such uses and states ‘Hostels, Houses in Multiple Occupation, and specialist housing floorspace will be protected.’ It continues to state ‘All specialist housing floorspace and units will be protected to meet those specific needs except where the accommodation is needed to meet different residential needs as part of a published strategy by a local service provider. Where this exception applies, changes of use will only be to residential care or nursing homes, hostel, houses in multiple occupation or dwelling houses use.’

Westminster City Council has plans to deliver additional specialist housing for older people as set out within the ‘Specialist Housing Strategy for Older People (SHSOP) Programme’ dated June 2014. This SHSOP is being led by Westminster City Council in partnership with NHS Central London Clinical Commissioning Group and NHS West London Clinical Commissioning Group. The document sets out that there is an under-provision of places in residential and nursing homes in Westminster with the result that a significant number of places have to be commissioned from homes outside the borough. The document has identified this site as one which will provide new purpose built care facilities.

The proposals do result in the loss of one form of children’s care facility (Use Class C2), but this is no longer being used and is surplus to requirement. The provision of a much larger older people’s care facility is welcomed and will meet a recognised housing need. Policy SOC 4 in the UDP and S15 and S34 within the City Plan state that provision/redevelopment of the social and community uses will be encouraged that meet local needs.

As the site has been identified as a site to provide additional care facilities within the SHSOP, the loss of the existing hostel and children’s care facilities are considered to be acceptable and in accordance with S15, S34 (City Plan) and SOC 4 (UDP).

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8.1.2 Loss of D1 Floorspace

Policies SOC 1 (D) of the UDP seeks to protect all existing community facilities. Part (E) of the policy states that proposals which involve the redevelopment or change of use of community facilities will be required to include adequate replacement facilities.

The proposals do include the provision of a small amount of replacement D1 facilities in the form of a community room at ground floor level adjacent to the main entrance from Shirland Road. Given that the proposals result in a considerable uplift in the amount of social facilities on site, and given the provision of this small room for community use, the reduction in the amount of D1 floorspace is considered acceptable. No details of the type of D1 use have been provided or how it will operate, a condition is there recommended to ensure this D1 floorspace is provided and for the submission of details of how the use will operate.

8.1.3 Residential use

Policies S14, S15 and S16 of the City Plan and H3, H4, H5, H8, H10, H11 of the UDP are relevant to the consideration of this application

The provision of new residential accommodation is supported under Policies S14 of the City Plan and H3 of the UDP.

The applicant has undertaken a daylight and sunlight assessment to demonstrate the internal lighting for the proposed new care facility and residential units in line with BRE guidelines. Following officer comments that the results of this study indicated very poor internal lighting for the proposed residential units, the architect has undertaken some minor amendments to the scheme to include some new high level windows. The original analysis showed that a total of 39.3% of all habitable rooms in residential scheme (and 74.3% of the care home) would meet the Daylight (ADF) criteria. Following the mitigation measures, 75% of the residential block (and 100% of the care home), will now meet the ADF criteria. While it is noted that it would be preferable if more of the units passed this assessment it is largely due to the layout of the units, with open plan living / kitchen spaces with deep floorplates, with a single aspect. While more dual aspect flats would have been welcomed, given that the majority of the units do pass, it is not considered that refusal on these grounds could be sustained.

In order to ensure that the new residential accommodation does not suffer from excessive noise from either external or internal noise sources, the EHO has recommended Westminster's standard noise conditions, which are considered acceptable.

Density:

An objection has been received in relation to the high density of the proposals. Policy H11 within the UDP relates to housing density and recommends 200-350 habitable rooms per hectare in this location. The London Plan is also a relevant consideration and includes a recommendation for housing density in Suburban, Urban and Central locations. It is considered that this is an 'urban' location, identified as areas with predominantly dense development such as terraced housing, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four stories. For such areas a density of between 200-700 habitable rooms per hectare is recommended. The proposed density for this scheme is 570 habitable rooms per hectare. While this figure is above that set out within the UDP, given that the application is for the redevelopment of the site, and Westminster's aims to

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maximise housing delivery, the proposed density is considered to be acceptable in this instance.

Housing Mix:

The optimisation of housing delivery is a key strategic objective for the Council. Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. 31 private flats are proposed with the following mix:

- 19 x 1 bedroom flats (61%)
- 4 x 2 bedroom flats (13%)
- 8 x 3 bedroom flats (26%)

Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances. As only 8 of the 31 units have 3 beds or more, this policy has not strictly been achieved. Policy S14 within the City Plan also states that 'the number of residential units across development sites will be optimised'. While the proposals do fall short of policy H5, as a range of housing sizes are provided in the scheme and the benefits of providing more flats to help meet Westminster's Housing target and the provision of a care home, the proposed mix is considered, on balance, to be acceptable in this instance.

Outside Amenity Space:

Policy H10 within the UDP expects housing developments to include the provision of amenity space. All of the units have either a balcony or patio areas which is welcomed and considered to accord with this policy. The care home also has a dedicated new garden area which is welcomed.

8.1.4 Affordable housing

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of the City Plan. The City Plan requires housing developments of either 10 or more additional units or over 1,000sqm additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

The proposed residential floorspace is 3111.8sqm (GEA). Using the calculations set out in the Interim Guidance Note, this requires 35% of the total residential floorspace to be provided as affordable housing. This equates to 1089.13sqm or 13.6 units.

The applicant is proposing that the affordable housing is to be provided on site, within the care home. Of the 84 rooms, it is proposed that 40 are provided as affordable, equating to a floorspace of 1,120sqm. These rooms will be available to people that have their care funded by the Council. Anyone moving into these rooms with Council funding has to have been means-tested to demonstrate that they have savings below £23,250 and, at the very most, an income of £46,000.

While the provision of affordable care beds is not in accordance with the policy, it is considered that in this instance, it is an appropriate means for providing a form of affordable accommodation on site. This form of accommodation is fully supported by the Head of Affordable and Private Sector Housing. To ensure that 40 of the care home bedrooms will be for clients funded by the Local Authority or NHS, this will be secured by a legal agreement.

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8.2 Townscape and Design

8.2.1 Existing Buildings and Urban Design Issues

Both existing buildings on site date from the mid 20th century and they are considered of very poor architectural quality in their own right and at odds with the otherwise attractive Victorian character of Shirland Road.

In urban design terms, the existing arrangement of buildings is also considered harmful to the character of the area. Whereas the surrounding Victorian terraces present a continuous frontage with strong definition to the street scene, the existing buildings on this site are instead set back further from the pavement edge and designed as freestanding buildings in relatively poor landscaping, and with small windows to front first floor level and unkempt vegetation to ground resulting in a frontage providing little animation or enclosure of the Shirland Road street scene.

As a result, there is no objection to the loss of the existing buildings and the full redevelopment of the site, subject to a suitable replacement scheme which meets the tests set out in UDP policy DES 1 (A) (1) which states that development should be of the highest standards of sustainable and inclusive urban design and architectural quality.

8.2.2 Bulk and Massing

The front elevations of the Victorian terraced buildings adjoining the site both rise from ground to second floor levels, though the buildings to the north side rise higher due to their higher ground floor commercial units and higher front parapet. The development proposed incorporates a sheer elevation height which closely follows the Victorian buildings to both sides of the site. It achieves this by incorporating four floors of accommodation into the Residential Wing to the north side though with lower floor to ceiling heights allowing the elevational height to almost match the adjoining Victorian terrace. Though this gives rise to a Residential Wing which has floor levels which do not line up with those to the adjoining Victorian building, the impression of matching elevational heights is sufficient in this case to provide harmony between the two buildings. The Care Home wing adopts a height and floor levels which closely follow those of the Victorian terrace to the south side, including with the incorporation of a mansard to third floor level lined up with the roof structure and dormers of the adjoining building, and will thus integrate well with its neighbours.

To the rear, the proposed development does incorporate a building line notably more advanced than those found to the Victorian terraced buildings and also includes a large rear element projecting from the Care Home wing. To the rear however the townscape context is also defined strongly by the presence of the two relatively modern and large freestanding blocks (Oak Tree House and Rayne House), and it is of relevance that the existing site incorporates significant backland development. As such, the requirement to match the adjoining terraces is not considered required and the bulk proposed acceptable in this context.

The Residential Wing also incorporates a floor of accommodation at fourth floor level, set back from front and rear elevations. This floor level would break the consistent height to the Shirland Road townscape which the new development would otherwise achieve in context with the surrounding Victorian buildings. This floor level has a higher overall height than each of the floors below (due to the thicker build-up of the main roof structure), and is sited only 2m back from the front elevation and officers have some reservations about its visual presence on the

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skyline of the building. It is recognised however that though there is a high degree of uniformity to elevation heights in the street, a 20th century mansion block to the west side of this section of Shirland Road rises a floor above the prevailing building heights, as do the former dairy buildings closeby to the north-west side of the Shirland Road and Elgin Avenue junction. Though noting the general harmony of building heights to Shirland Road, such punctuations in heights do exist in places where buildings differ from being standard Victorian terraced housing, and as such there is considered some townscape justification for this fourth floor level in this context. The plant room above the Care Home wing is set sufficiently back from the front elevation to minimise its visual impact to roof level. The development proposed overall is considered in line with the criteria set out in Policy DES 4.

Several objectors have raised concerns about a new building enclosing the gap between the adjoining Victorian terraces appearing overbearing. In urban design terms however officers instead consider that the new building will repair the existing large unattractive gap in this section of Shirland Road street frontage. Policy DES 4 in the UDP relates to infill development and states as a criteria that development will be permitted as long as it conforms with established building and boundary lines. The front elevation of the proposed development successfully negotiates the slightly differing building lines of the adjoining Victorian terraces by recessing the Care Home wing slightly further back and it is thus considered in line with the policy test set out above. The development would also allow for the enclosing of the existing unattractive large blank party wall elevations of the Victorian buildings to north and south sides which face onto the site, which is welcome in townscape terms.

Overall, officers consider that the approach taken of forming a new frontage building to Shirland Road with rear projection and landscaped grounds behind will provide a significant public benefit in terms of the improved urban design to the site.

8.2.3 Architectural Approach

The development proposed is considered of sound architectural quality, and incorporates three distinct elements with sufficient variety of design approach between them to add to the interest of the development without breaking the overall visual harmony.

The Residential Wing is designed with a rhythm whereby the front elevation incorporates three window wide bays, which are separated and made more distinct from each other by larger gaps of brickwork between each incorporating narrow recessed slots set into the brickwork. This arrangement of three bay wide bays follows the basic rhythm of the Victorian buildings to the immediate north of this wing, and thus helps this element of the development to integrate successfully into its context. This building adopts the pre-cast stone cladding to lower ground and ground floor levels with brickwork above, giving a degree of grandeur to this composition and helping it integrate with the Victorian terraces adjacent to the north which have imposing ground floor commercial frontages. This wing incorporates a main residential entrance, and four entrances into flats accessed directly from the pavement, which will all provide interest and animation of the street scene.

The Care Home wing adopts a differing rhythm to its front elevation, with distinct bays defined by a paired arrangement of two prominently framed outer openings and two inner and narrower slot windows. This arrangement picks up on the similar rhythm found to the paired Victorian terraced properties to the immediate south which have outer bay extensions and inner smaller sash windows to each pair. The care home adopts brickwork to its full elevational height, giving it a softer visual aesthetic and one which integrates better with the brick faced residential

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terraced houses adjacent to the south side. Though principally separated from the street by the continuous front lightwell, this element of the building also incorporates a large community/activity room to the frontage with large windows out onto the street.

The main central focus to the composition is the three bay wing accommodating the main entrance to the development at ground floor level and with communal lounge areas for the Care Home above. This element is the main visual focus of the composition as befitting the main entrance to a substantial new development. The three storey pre-cast stone framed windows features are expressed as dormers to the roof level as the top floor angles back away from the main building line as a mansard storey.

To the rear the development adopts the same facing materials and the same general design approach, though with a somewhat reduced richness of detailing and instead an approach formed more with a simpler arrangement of windows openings set into the brickwork elevations and without the grander pre-cast stone window framing found to the front elevations. There is also more use of balconies facing onto these rear garden grounds. A simpler architectural detailing to rear elevations as compared to the grander street frontage is the same approach found to the surrounding Victorian buildings and the design still incorporates an attractive rhythm of windows and balcony openings.

The roof incorporates a significant space for green roofs, and further details will be sought of these features to ensure their successful integration into the development.

Generally, the scale of the windows is larger than that found on the adjoining Victorian terraced properties, though not excessively so, and the impression remains of an elevation with a good deal of visual solidity to it. Differing bonding is proposed to be used to make distinct the termination of the ground floor element to the Care Home and to cap the brickwork above second and third floor levels, providing some detail and greater texture to the composition.

The same palette of cladding materials is proposed across the development giving a good deal of visual harmony. The principal facing material is buff brickwork, with pre-cast stone framing to the ground floor of the Residential Wing and lower ground floor to the whole front elevation, and which is also used to frame and make more distinct the larger openings to the upper floors of the front elevation. Balconies will be in aluminium and the roof stories in zinc or aluminium. Full details of materials and detailing will be secured by condition. Though several surrounding residents raise concerns about the modern style of the building, the use of brickwork and pre-cast stone cladding, and the rhythm introduced into the elevations as described above will help integrate the building successfully into the townscape, and they are considered of sound architectural quality and a major improvement upon the existing buildings on site.

The normal expectation for a development of this scale is that a significant piece of public art be accommodated into the development. Notwithstanding this, given the positive urban design and architectural qualities of the scheme, the lack of public art is regrettable but not considered as a reason for refusal of the application proposals.

8.2.4 Design Summary

The new building is considered of sound architectural quality, and to represent a significant improvement in urban design terms as compared to the existing development on site. The proposed development overall represents an improvement in urban design and architectural

terms, and is in line with policies DES 1, DES 4 and DES 9 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

The development site is surrounded on all sides by existing residential properties. Policies ENV13 of the UDP and S29 of the City Plan, seek to protect residential amenity. Concerns have been raised by neighbours in respect of the impact of the proposed development on their light, outlook and privacy.

8.3.1 Sunlight and Daylight

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the affected residential properties on Shirland Road and to the rear of the site on Delaware Road, namely Oak Tree House and Rayne House.

The assessment notes that of the windows tested, 9 windows will experience a negative impact as a result of the development in relation to Vertical Sky Component criteria (VSC) as set out within the Building Research Establishment (BRE). Namely, 1 window within a rear ground floor bay window at 109 Shirland Road, 3 ground floor and 2 first floor windows within Oak Tree House, and 2 ground and one first floor window in Rayne House. The report notes that while the windows within Oak Tree House and Rayne house fail the BRE test, as the VSC values are reduced only marginally below the threshold of 0.8, the adverse impact is deemed to be minor. The table below sets out the worst affected windows in terms of daylight, which exceed 0.8 times reduction as recommended by the BRE.

Table 2: Existing and proposed windows which fail VSC test

	Existing VSC	Proposed VSC	Reduction
Oak Tree House			
GF 1	31.8	23.9	0.75
GF 2	29.6	21.5	0.73
GF 3	33.6	21	0.62
GF 4	19.6	14.9	0.76
FF 2	31.3	24.6	0.78
FF 3	35.5	25.4	0.72
Rayne House			
GF1	27.4	20.5	0.75
GF 2	27	21.1	0.78
FF 1	31.2	24.7	0.79
109 Shirland			
GF 6	29	22	0.76

The BRE guidelines set out that a conventional window design will usually give reasonable results if in excess of 27%. All of these windows within table 2 will experience a VSC of less than 27% as a result of the development. The worst affected windows GF3 and FF3 serve high level windows in what would appear from an officer site visit to serve living areas. However all of the windows on this side of Oak Tree House have internal window dressings making it hard to see what rooms the windows serve. The majority of these windows will remain well lit for a central London location and whilst a small number of windows will be

affected these losses are on balance outweighed by the benefits of a new care home and new flats.

The applicant has also undertaken tests in terms of the impact of the development on neighbouring windows sunlight as tested by Annual Probable Sunlight Hours (APSH). The proposals have an impact on similar windows to as above. The APSH values are assessed for facades that face within 90 degrees of due south and measure the percentage of sunlight in each applicable building façade. It is accepted that windows which do not face within 90 degrees of due south are likely to meet the recommended APSH. Despite this guidance the applicant has undertaken the test for all of the adjacent properties. As expected, properties which have windows which face in a north eastern direction on Shirland Road, have windows which fail the APSH test as a result of the development. These are generally located on lower levels. The only windows which are affected and face within 90 degrees of due south are located in Oak Tree House, as shown in table 3 below.

Table 3: Existing and proposed windows which fail APSH

	Existing winter	Proposed winter	Existing annual	Proposed annual	Reduction annual
Oak Tree House					
GF 2	14.46	2.69	43.31	28.87	14.44
GF 4	9.66	2.48	22.49	15.14	7.35
FF 4	13.67	5.95	28.21	20.52	7.69

While there will be an impact on the daylight and sunlight to ground and first floor windows within Oak Tree House it is not considered that this is so negative as to justify refusal as some of the windows are high level windows and as the windows currently experience exceptionally high levels of light due to the site being open directly in front of them. Such a situation would not normally be expected in an urban location such as this where a continuous terrace line is more characteristic.

An objection has been received from the resident within 109 Shirland Road, with particular concerns in relation to loss of light to their rear garden. Due to the orientation of the site, this garden only experiences sunlight at the end of the garden during the mornings, but with better coverage in the afternoon. The main concern was to ensure that sunlight at the end of the garden was protected. The proposals would have no impact in relation to sunlight from the morning sun, as this is provided over the existing terrace houses to the south east. The afternoon sun will be impacted as this is gained from over the development site. While the main garden will experience losses of sunlight in the afternoon, due to the infilling of the terrace block, it is not expected that the end of the garden would loose all sunlight in the afternoon as the proposed building is of a similar height to the existing terrace to the site (which does not block the morning light). Given that the garden currently enjoys an above average amount of sun, when compared to the gardens to the south east whose light is blocked by the existing terrace, it is not considered that refusal on the grounds of loss of light to the garden could be sustained.

8.3.2 Sense of Enclosure

The proposed development results in the infilling of the street block between 109 and 113 Shirland Road. The Care Home also projects out to the rear of the site towards Rayne House. Currently Beechcroft House is a low level building, set in the middle of the plot and therefore

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has a limited impact on the adjacent occupiers. The four storey block located to the rear of the site has more of an impact on adjacent occupiers due to its location, closer to the boundaries and given its relationship with Rayne House.

Due to the additional bulk, the proposed building will have an impact on the properties on the other side of Shirland Road, however given the separation, it is not considered that this will be so significant as to justify refusal.

The properties on either side at 109 and 113 Shirland Road have windows which look directly to the rear. 115 Shirland Road also has windows in the side elevation of its rear closet wing which look out towards the development site. Due to the location of the new buildings, which effectively carry on the line of the terrace, and the removal of the existing 4 storey building, it is not considered that these properties will experience a considerable increased sense of enclosure, indeed in the case of 109 Shirland Road, while the garden is likely to feel more enclosed due to the infilling of the terrace, the outlook from rear windows may well improve due to the relocation and pulling back of four storey building.

The main impact will be on occupiers in Rayne House and Oak Tree House respectively. Rear windows within Rayne House currently look out over their communal garden towards the application site boundary, a distance of approximately 8m. Beyond this is the existing four storey temporary housing building. The proposals will considerably reduce the breadth of bulk along this boundary, from 28m to 16m, but will pull the building line from 6.6m to 3.7m from the boundary. The replacement building will also be an additional storey or approximately 4.2m higher than the existing building. While this will result in some additional sense of enclosure, given the distance, and the reduction in the breadth of the building, it is not considered to be so significant as to justify refusal.

In relation to Oak Tree House, it is not considered that the new five storey rear wing will have a significant impact on the windows which face in a south eastern direction, given the small amount of additional depth (3m) and given their separation, which will be increased by approximately 1m to approximately 15.5m. The windows in this elevation at ground level (below the new podium level) will experience an increased sense of enclosure when compared to the windows on the upper level, as the proposals include the extension of the podium to part of the way down its boundary, however given existing planting along this boundary, it is not considered that the proposed new boundary wall would give rise to such a negative impact as to justify refusal. The windows which face in a south western direction in Oak Tree House will also experience an increased sense of enclosure, due to the infilling of the street gap. However, given their separation of approximately 14m and as these windows currently experience a better than what would be expected outlook, it is not considered that the impact will be so severe as to justify refusal.

8.3.3 Privacy & Noise

Privacy:

Objections have been received in relation to increased overlooking and loss of privacy, largely from properties on the other side of Shirland Road. The proposals will result in increased overlooking to both the front and rear, due to the addition of a considerable number of windows. Terraces are also proposed to the front elevation at fourth floor level at the north western end of the site, and to the rear at first, second, third and fourth floor levels for the new self-contained residential accommodation. No terraces are proposed for the new Care Home.

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The proposals do however include a new podium level at rear ground floor level and a new garden adjacent to the care home on the eastern side of the site.

In relation to overlooking to the front, across Shirland Road, given the separation and as mutual overlooking from one side of the road to the other is commonplace, it is not considered that refusal on these grounds could be sustained.

The new rear terraces and podium will look out over towards Oak Tree House, and also, but to a lesser extent, towards the rear gardens along Shirland Road and Elgin Avenue. Given their separation from these windows and gardens, and the benefits of providing outside amenity space for the flats, the terraces are considered acceptable. The most affected properties will be at ground (podium level) and lower ground level (below podium) within Oak Tree House. Subject to a condition for the submission of details to be provided to demonstrate the provision of a screen along the edge of the podium deck to protect the privacy of these residents, it is not considered that the impact will be so significant as to justify refusal.

It is considered that the development will result in an improved environment to the occupiers of Rayne House, which is currently overlooked by the existing temporary hostel accommodation, as the replacement building is to be significant reduced in breadth and as there are only high level windows and a windows to the stairs and corridor proposed in this end elevation.

A new stair is proposed to run adjacent to 109 Shirland Road, providing access down to the care home garden. This is contained between boundary walls and is not considered to have a negative impact on adjacent occupiers.

Noise:

Concerns have been received from residents on Delaware Road in relation to increased noise as a result of increased comings and goings to this frontage. While it is agreed that there will be an increase in vehicular activity on this frontage, given that this is an existing residential street, it is not expected that this will be so severe as to cause demonstrable harm above the existing situation.

The proposals include the provision of new gardens to the rear of the Care Home at both podium and lower ground floor levels. The main lower ground floor level is slightly lower (approximately 1m) than the existing hard standing in this location. Given the proposed use, and existing boundary walls it is not considered that this garden will result in a significant increase in noise to adjacent occupiers. In relation to the podium this includes terraces for the ground floor residential units, access to Oak Tree House, and an additional seating area for the Care Home. This level replaces an existing podium level, which is currently just used for access from Shirland Road to Oak Tree House, however is publically accessible. The new podium will be a more managed space than currently, as access to Oak Tree House is gained through the secure foyer between the Care Home and the flats. Subject to the aforementioned condition to secure a screen along the edge of the podium, it is not considered that the replacement podium will give rise to a significant impact in terms of increased noise.

8.4 Transportation/Parking

Strong objections, including representation made on behalf of residents from a transport consultant, have been received from residents location on Delaware Road. Their main issue is in relation to the impacts of the development to on street parking stresses.

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8.4.1 Loss of Car Parking

The application documents indicate that there are 19 existing garage spaces and 4 off-street car parking spaces on the site below the podium deck. Following an inspection of the planning history files for the site, it has not been possible to locate the original planning permission for the development. It is therefore unclear whether these existing parking spaces have been secured through a suitable condition, to link them with the existing residential building at Oak Tree House. The applicant has also undertaken a review, and has similarly not been able to find any records relating to this parking.

The applicant has undertaken a review of the existing garage parking and who they are currently used by. They note that all of the spaces are on tenancies with a one week break clause. Currently 1 of the spaces is occupied by CityWest Homes, 5 are rented by tenants who do not live in Oak Tree House, and 11 are used by Oak Tree House residents.

The proposal includes the provision of a total of 24 car parking spaces, of which are proposed for Oak Tree House residents and 13 to provide for the new market residential units. This is a reduction in car parking to existing provision by 8, with only 11 of the existing 19 parking spaces being re-provided (on the assumption the 4 external spaces are not linked to existing residential use).

TRANS23 of the UDP states “The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.”

The Highways Planning Manager has noted that the loss of the car parking, if it is protected by a planning condition or similar, will add to existing on-street parking pressures and be contrary to TRANS23. However, he recognises that if such protection does not exist, that the garages may have been able to be made unusable through permitted development. As it has not been possible to find the original permission, both situations must be considered.

8.4.2 Car Parking Provision – Care Home

TRANS23 of the UDP requires 1 car parking space per 10 residential units for Special Needs Housing, however this is assessed on a case by case basis. While the applicant has provided limited justification and information on this particular matter, on balance, given the location of the site and having regard for the proposed use, with occupants who are unlikely to have a car, no objection has been raised in this case to the non-provision of car parking. It is noted that two servicing bays are provided for the care home, which are able to be used for parking if they require. Any visitors would have to ask to either use one of these spaces, or park in the street in accordance with existing restrictions.

8.4.3 Car Parking Provision – Residential Units

A minimum of 13 car parking spaces are provided for the new 31 residential units. This is 0.42 car parking spaces per unit. If a lower number of car parking spaces are provided for the existing residential users (Oak Tree House), then the maximum (ie if all 24 basement car parking spaces were only available to the 31 new residential units) then the ratio of car parking spaces per unit would be a maximum of 0.77.

The impacts of high parking demand are well known and include:

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1. drivers being forced to circulate around an area seeking empty spaces which causes unnecessary congestion, environmental pollution and noise disturbance;
2. drivers being tempted to park in dangerous or inconvenient locations, such as close to junctions or on pedestrian crossing points;
3. drivers having no choice but to park some distance from their homes causing inconvenience and more serious problems for elderly or disabled residents.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 90%. TRANS23 includes all legal parking spaces (eg Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 87% - still over the UDP stress threshold.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 66%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential Bays and Shared Use Bays.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the Maida Vale Ward is 44% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

Based on the census data of car ownership, 31 residential units would be expected to generate approximately 14 vehicles. Therefore, if all 11 car parking spaces are allocated to existing Oak Tree House residents, then at least 1 vehicle would be expected to be required to park on-street. If less car parking spaces are allocated to Oak Tree House, while this will reduce the impact of the new residential units on-street, it will increase the impact of the existing residential units on-street – the same overall outcome in car parking terms and TRANS23.

The applicant has confirmed that existing leases in the garage can be re-provided within other parking within the vicinity and will therefore not have a negative impact on on-street parking. This is not however considered to be justification enough to allow for a variation away from policy.

It is however considered that a pragmatic view must be had in relation to the parking provision on this scheme. It is clear that there are considerable benefits in the provision of a new purpose built 84 bed Care Home. The 31 new residential flats are required to partially fund this new facility and are therefore a crucial part of the development. It is considered that the benefits of providing this new facility outweigh the potential negative impact to on street parking. A legal agreement is proposed which will help to alleviate this pressure, which will seek to allow the existing 11 Oak Tree House residents to park vehicles in the first instance and then the remaining spaces to the new residents within the residential development. It will also secure the provision of membership car club membership for all of the new residential flats.

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8.4.4 Cycle Parking

In relation to the Care Home, London Plan Policy 6.9 requires 1 cycle parking space per 5 staff and 1 space per 40 beds. The applicant has indicated that there would be up to 30 full time staff. This would require a minimum of 6 cycle parking spaces for staff and 3 for visitors. The proposal includes 11 cycle parking spaces within the basement for the care home. This is welcomed and consistent with the required amount.

The London Plan Policy 6.9 requires 1 cycle parking space per 1 bedroom residential unit and 2 spaces per 2 plus bedroom unit. For the 31 residential units 43 cycle parking spaces are required. The submitted drawings indicate 43 cycle parking spaces – although only 32 are marked on the drawing (allowing for tandem would increase the level to 64). On balance, it is accepted there is sufficient space for a minimum of 43 cycle parking spaces.

8.4.5 Vehicle Access and Ramp Gradient

The Highways Planning Manager has raised no objection in relation to the use of the existing access from Delaware Road: The gradient and geometry of the vehicle access ramps are considered functional and acceptable; the width of the ramp is sufficient for two way vehicle flow, which is welcomed.

They also note the existing vehicle access to Shirland Road is to be removed. While this is welcomed and considered an improvement for pedestrians, the reinstatement of the redundant crossover should be secured by legal agreement.

8.4.6 Travel Plan

The applicant has submitted a travel plan. This will assist in ensuring staff associated with the care home use are encouraged to travel to the site sustainably and not have an adverse impact on on-street parking. It is expected that the Travel Plan should only apply to the Care Home element of the development and only to staff.

In parts, the Travel Plan relies on outdated information (eg 2001 Census data rather than 2011 data). The funding commitment is not specific within the Travel Plan or related to any of the proposed measures. A revised Travel Plan is therefore recommended to be secured by condition and be agreed prior to occupation/operation of the Care Home.

8.4.7 Electric Car Charging Points

The London Plan requires at least 20% active provision of EV points and 20% provision of passive EV points. While the applicant confirms that this will be provided, there is no indication that EV points will be provided or indicated on the submitted drawings. It is recommended that this is secured by condition prior to commencement of development to ensure adequate provision in accordance with policy requirements.

8.4.8 Servicing

S41 of the City Plan and TRANS20 of the UDP require off-street servicing. Besides refuse collection (see below) there is limited details of servicing for the subject site. There are two areas marked within the basement for care home servicing. Provided it is conditioned that all servicing occurs off-street and that all vehicles enter and exit the site in forward gear (other than refuse and recycling collection vehicles – see discussion below), then the proposal is consistent with S41 and TRANS20.

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8.4.9 Waste storage

Waste stored on the public highway creates an obstruction to pedestrians and other highway users. It would also have an adverse impact on the public realm. The proposal includes refuse storage for the residential uses and car home which is welcomed.

The applicant has provided vehicle tracking indicating that a refuse vehicle could collect the refuse from within the site, however the vehicle will be required to reverse into the site, as insufficient space has been provided to enable a vehicle to turn. While this is disappointing, given it is largely to be only the refuse collection vehicle that will need to reverse into the site, this is, on balance considered acceptable, provided all other servicing occurs on-site and vehicles enter and exit in forward gear.

It is noted the existing on-street Recycle Centre on Shirland Road is retained in the current position and remains unchanged as part of the development proposals and consistent with S44 (which protects Micro Recycling Centres).

8.5 Economic Considerations

Any economic benefits resultant of the development scheme are welcomed.

8.6 Access

Objection has been received in relation to the use of Delaware Road as the point of access to the site who request that Shirland Road is used instead, mainly due to the Shirland Road being a busier street. It is not considered that the intensification of this entrance would be so severe as to justify refusal.

Policy H8 of the UDP requires residential developments of 25 or more units to provide 10% of the units to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The application confirms that this is to be provided with 10% being capable of being adapted to meet Building Regulations Standard ADM (3) 'wheelchair user dwellings.' This is to be secured by condition. All of the units have level access, either directly from the street or via the lower ground floor car park.

Access to Oak Tree House from Shirland Road is being re-provided at ground floor level. During construction works, there is an existing access to Oak Tree House at lower ground floor level which will not be affected.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Excavation and demolition

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material

consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016.

Concerns have been raised in relation to building works, particularly from the BBC buildings adjacent. While the proposals are not for the excavation of a basement, it is proposed to lower the level of the existing lower ground floor across the site by approximately 1m. Given the level of demolition and this excavation work, it is recommended that Westminster Code of Construction Practice condition is attached the decision.

8.7.2 Plant

Plant equipment for both uses is proposed at basement and roof level for both mechanical ventilation and heating / cooling. Environmental Health officers have assessed the acoustic report submitted with the application and additional information in relation to ventilation and subject to conditions consider that the proposals are unlikely to result in any harm to the amenity of neighbours and the proposals are therefore considered to comply with S31 of the City Plan and ENV7 of the UDP.

8.7.3 Refuse /Recycling

The Cleansing Manager has requested the submission of a Waste Management Strategy. While this has not been provided with the application, the lower ground floor plans do indicate dedicated waste and recycle stores for both the flats and the Care Home. A condition for the submission of a Waste Management Strategy is considered acceptable, to be provided prior to occupation.

Following officer comment the lower ground floor plans have also been amended slightly so that access routes are provided through the parking to the proposed waste stores.

A comment has been received that the existing on street waste/recycling facilities on Delaware Road should not be affected by the development. As the proposals include provision of dedicated waste facilities, it is not expected that existing on street waste facilities will be affected.

8.7.4 Trees

The site is not in a conservation area and there are no Tree Preservation Orders either on the site or within adjacent gardens, however there are trees adjacent to the site that make a significant contribution the area.

An arboricultural report has been submitted with the application and notes that the proposal intends to remove the lower quality trees in the site and protect higher quality trees around the perimeter on adjacent land. No objection is raised in relation to the loss of the existing trees within the development site. Discussions have taken place between the Arboricultural Officer and the applicant, as it was not considered that sufficient information had been submitted to demonstrate the impact of the works (namely the excavation works) on adjacent trees.

The arboricultural officer does not consider that the trial holes undertaken to be sufficient to demonstrate the impact on these adjacent trees. While trees within the rear gardens of Elgin Avenue are protected due to their location within a conservation area, other trees are not protected due to their location outside of a designated conservation area and as they are not protected by a TPO. Notwithstanding this, some trees are of good value and are considered to contribute to the amenity of the area. Conditions are therefore recommended for the

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submission of details of how these will be protected. An informative is also recommended to advise the applicant that should works be required to be undertaken to trees, the applicant will need to come to an arrangement with their respective owners and the relevant application made to the City Council.

8.7.5 Landscaping:

The proposals include the provision of a new garden to the Care Home. This is welcomed, replacing existing hard standing and increasing greening. The Arboricultural Officer has requested a condition in relation to hard and soft landscaping to this area. In order to ensure that suitable planting is provided and subsequently maintained, such a condition is considered acceptable. They have also request a condition in relation to the planting to the podium deck and an informative of how this will be irrigated. In order to ensure that planting at this level is proposed and properly maintained, such a condition is also considered acceptable.

8.7.6 Sustainability

The proposals have been submitted with an Energy Assessment for both the new Residential accommodation and the New Care Home. The reports demonstrate that the proposals achieve the required 35% CO₂ reduction over Part L (2013) for both uses. However, in order to achieve the 'zero carbon' standard as outlined within the Housing SPG (March 2016), 827.1 tonnes of CO₂ are to be offset through a cash in lieu payment (for the residential use). Based on the London Plan standard of £60 per tonne of CO₂, £49,626 is to be paid to the Council. This is to be secured by legal agreement.

A condition is also recommended to ensure that a Combined Heat and Power unit is provided.

8.8 London Plan

The application does not raise any significant strategic issues and is not referable to the Mayor due to the size and height of the development. Where relevant, considerations involving London Plan policies are dealt with in other sections of this report.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The proposed planning obligation requirements are considered to meet these tests.

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Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject. In this case, the principal 'Heads of Terms' of the legal agreement are proposed to cover the following issues;

- a) Provision of affordable housing in the form of 40 care bedrooms (equating to 1120sqm GEA) for the elderly (Class C2), to occupants who have been means tested by the City Council and satisfy the Council's funding criteria (as set out in section 8.1.4).
- b) Not to occupy the self-contained residential units until practical completion of the care home.
- c) Highways works to facilitate the proposed development and including vehicular crossovers, reinstatement of redundant crossovers and paving.
- d) Car park strategy including car parking spaces on an unallocated basis.
- e) A financial contribution of £49,626 towards Carbon Offset Projects.
- f) Lifetime Car club membership for the 31 self-contained residential units.
- g) Employment training and apprenticeships opportunities for residents of Westminster.
- h) The costs of monitoring the S106 agreement

Officers consider that these 'heads' satisfactorily address the City Council policies, the Supplementary Planning Guidance and the CIL Regulations.

The estimated CIL payments for this development are expected to be £188,065 for the London Mayor and £1,504,520 for Westminster unless otherwise agreed that exceptions can be applied.

Children's Services have requested that benefits such as a contribution towards local schools is provided. However, the proposals are of insufficient scale (less than 50 residential units) to require such benefits and therefore they have not been included within the draft heads of terms.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Crime and security

An objection has been received from the Designing Out Crime (DOC) Officer in relation to insufficient information to confirm what security measures are proposed. A condition is recommended for this to be provided, in consultation with the DOC Officer prior to occupation to address this concern.

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Building Regulations:

The building control officers and the EHO has noted that the proposals do not comply with all building regulations. As these issues are covered under separate legislation, it is not considered that refusal on these grounds could be sustained. These matters are being dealt with by way of an informative.

Other:

Objections have been received that the Council has not met its obligations in terms of public consultation. As part of the application process, letters were sent out to neighbours, a site notice displayed in the street and an advert placed in the local paper. While residents may wish for a wider consultation area, letters were sent out to neighbours far in excess of what is statutorily required. Given the level of response received in relation to the development proposals, it is known that letters were received by residents. It is considered that the Council has undertaken in excess of what is statutory required.

A query in relation to party wall awards has been received. This is a private matter between the applicant and any adjacent occupiers who are affected.

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England, dated 28 November 2016
3. Response from Thames Water, dated 16 December 2016
4. Response from Designing Out Crime Officer, dated 25 November 2016
5. Response from Highways Planning, dated 17 February 2017
6. Response from Building Control, dated 13 December 2016
7. Response from Cleansing, dated 5 December 2016
8. Response from Arboricultural Officer, dated 17 February 2016
9. Response from Environmental Health, dated 20 February 2017
10. Response from Children's Services, dated 1 December 2016
11. Response from Affordable Housing Supply Manager, dated 6 February 2017
12. Cabinet Members Statement of Decision for Beechcroft House, dated 16 December 2016
13. Letter from Stonehall building services, received 28 December 2016
14. Letter from occupier of 9 Delaware Mansions, dated 3 December 2016
15. Letter from occupier of 82 Delaware Mansinos, dated 3 January 2017
16. Letter from occupier of 96 Shirland Road, Maida Vale, dated 3 December 2016
17. Letter from occupier of 131 Delaware Mansions, dated 5 December 2016
18. Letter from occupier of 206 Crowmarsh Hill, Crowmarsh Gifford, dated 5 December 2016
19. Letter from occupier of John Ratcliffe House, Chippenham Gardens, dated 6 December 2016
20. Letter from occupier of 114 Delaware Road, dated 6 December 2016
21. Letter from occupier of Deerings Drive, Pinner, dated 6 December 2016
22. Letter from occupier of 52 Delaware Mansions, dated 6 December 2016
23. Letter from occupier of 94, Delaware Mansions, dated 11 December 2016
24. Letters from occupier of Carringtons, 318 Kensal Road, dated 12&14 December 2016
25. Letter from occupier of 64 Delaware Mansions, dated 12 December 2016
26. Letter from occupier of 146 Delaware Mansions, dated 12 December 2016
27. Letter from occupier of 146 Delaware Mansions, dated 12 December 2016
28. Letter from occupier of a165 Delaware Mansions, dated 12 December 2016
29. Letter from occupier of Flat 53 Delaware Mansions, dated 12 December 2016
30. Letter from occupier of 58 Delaware Mansions, dated 12 December 2016

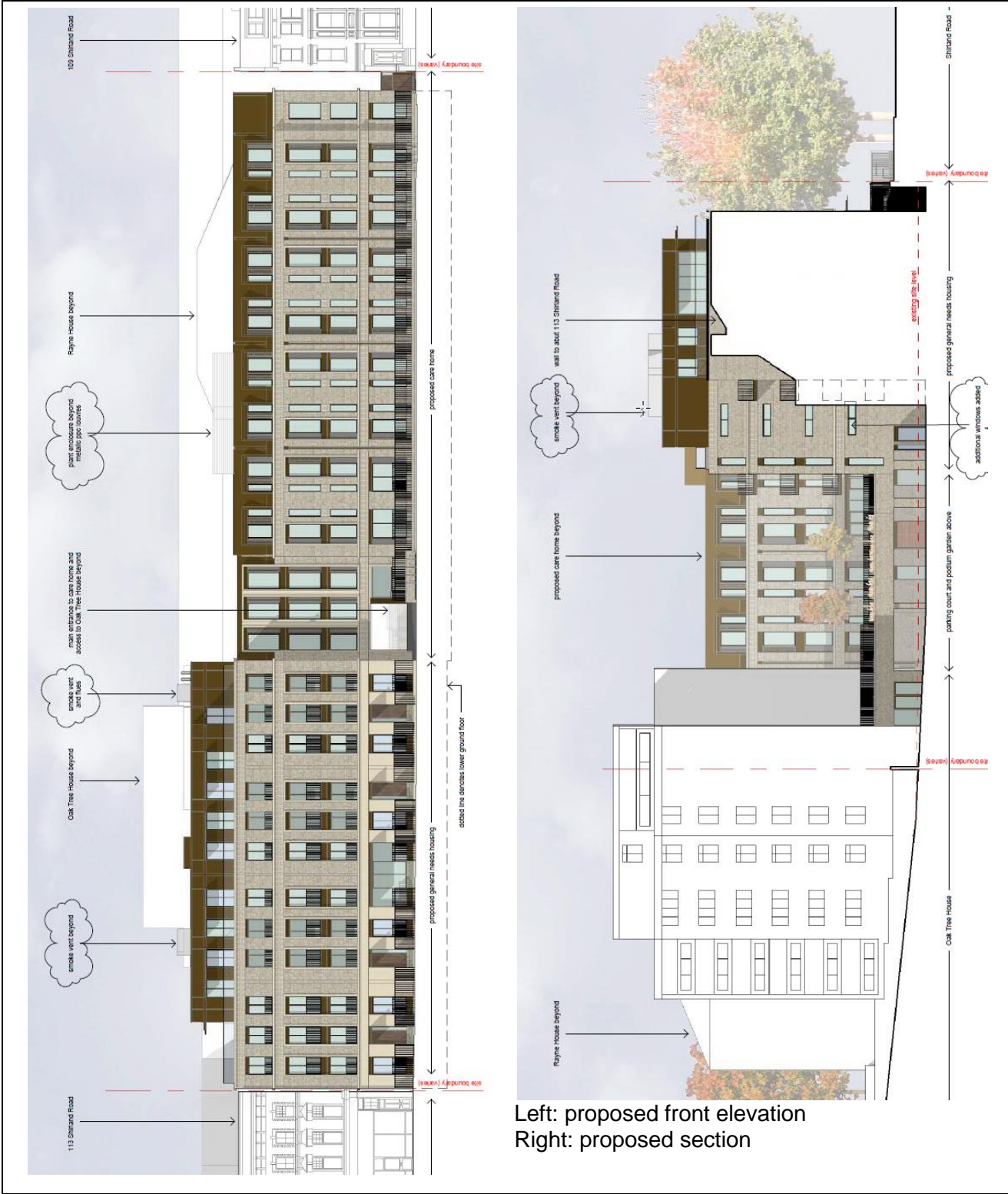
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31. Letter from occupier of 30 Delaware Road, dated 12 December 2016
32. Letter from occupier of 76 Delaware Mansions, dated 12 December 2016
33. Letter from occupier of 27 Delaware Mansions, dated 12 December 2016
34. Letter from occupier of 84c Shirland Road, dated 12 December 2016
35. Letter from occupier of 151 Delaware Mansions, dated 12 December 2016
36. Letter from occupier of 151 Delaware Mansions, dated 12 December 2016
37. Letter from occupier of 162 Delaware Mansions, dated 12 December 2016
38. Letter from occupier of 166 Delaware Mansions, dated 12 December 2016
39. Letter from occupier of 56 Delaware Mansions, dated 12 December 2016
40. Letter from occupier of 167 Delaware Road, dated 12 December 2016
41. Letter from occupier of 33 Delaware road, dated 12 December 2016
42. Letter from occupier of 5 Linslade Close, Pinner, dated 12 December 2016
43. Letter from occupier of 59 Delaware Mansions, dated 13 December 2016
44. Letter from occupier of 104 Delaware mansions, dated 13 December 2016
45. Letter from occupier of 163 Delaware Mansions, dated 13 December 2016
46. Letter from occupier of 148 Delaware Mansions, dated 13 December 2016
47. Letter from occupier of 148 Delaware Mansions, dated 13 December 2016
48. Letter from occupier of 30 Delaware Road, dated 13 December 2016
49. Letter from occupier of 67 Delaware Road, dated 14 December 2016
50. Letter from occupier of 72 Marylands Road, top flat, dated 14 December 2016
51. Letter from occupier of 67 Delaware Mansions, dated 14 December 2016
52. Letter from occupier of Garden Flat, 109 Shirland Road, dated 15 December 2016
53. Letter from occupier of 130 Delaware Mansions, dated 26 December 2016
54. Letter from the BBC, 201 Wood Lane, dated 21 February 2017
55. Letter on behalf of occupiers of Delaware Mansions, dated 20 February 2017

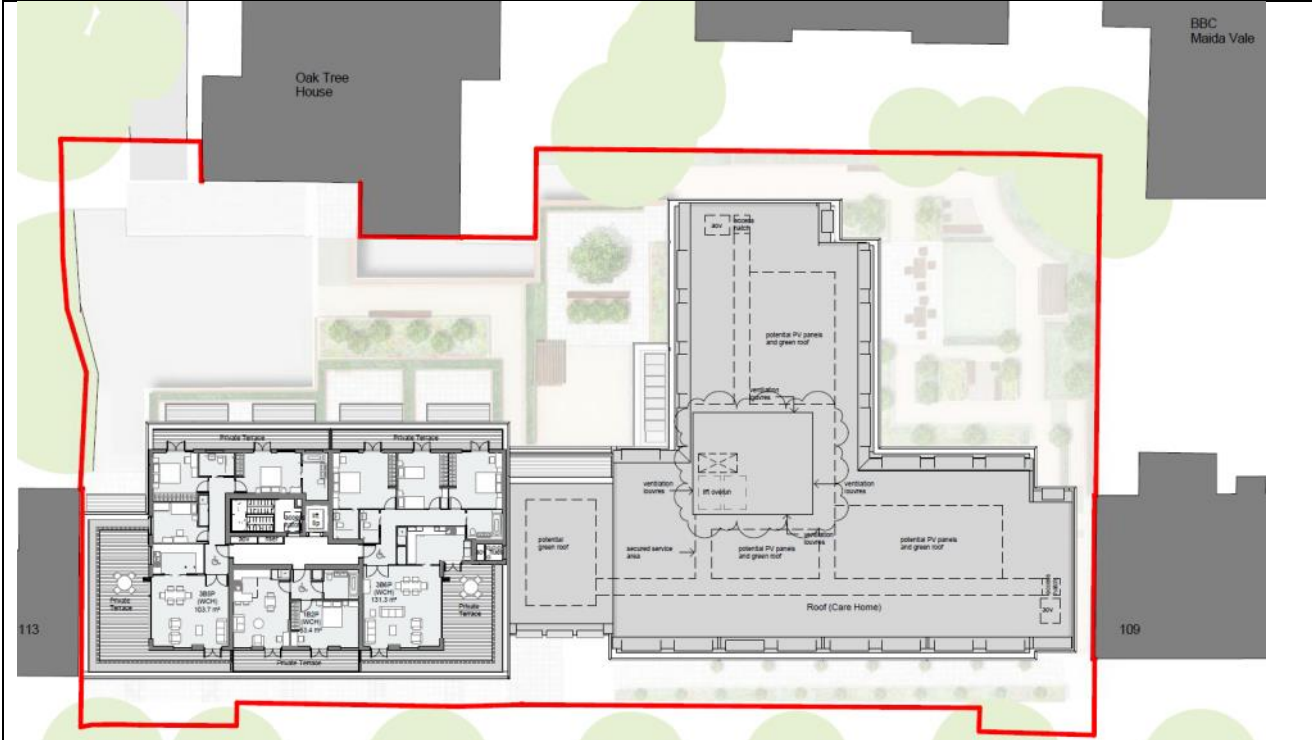
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk .
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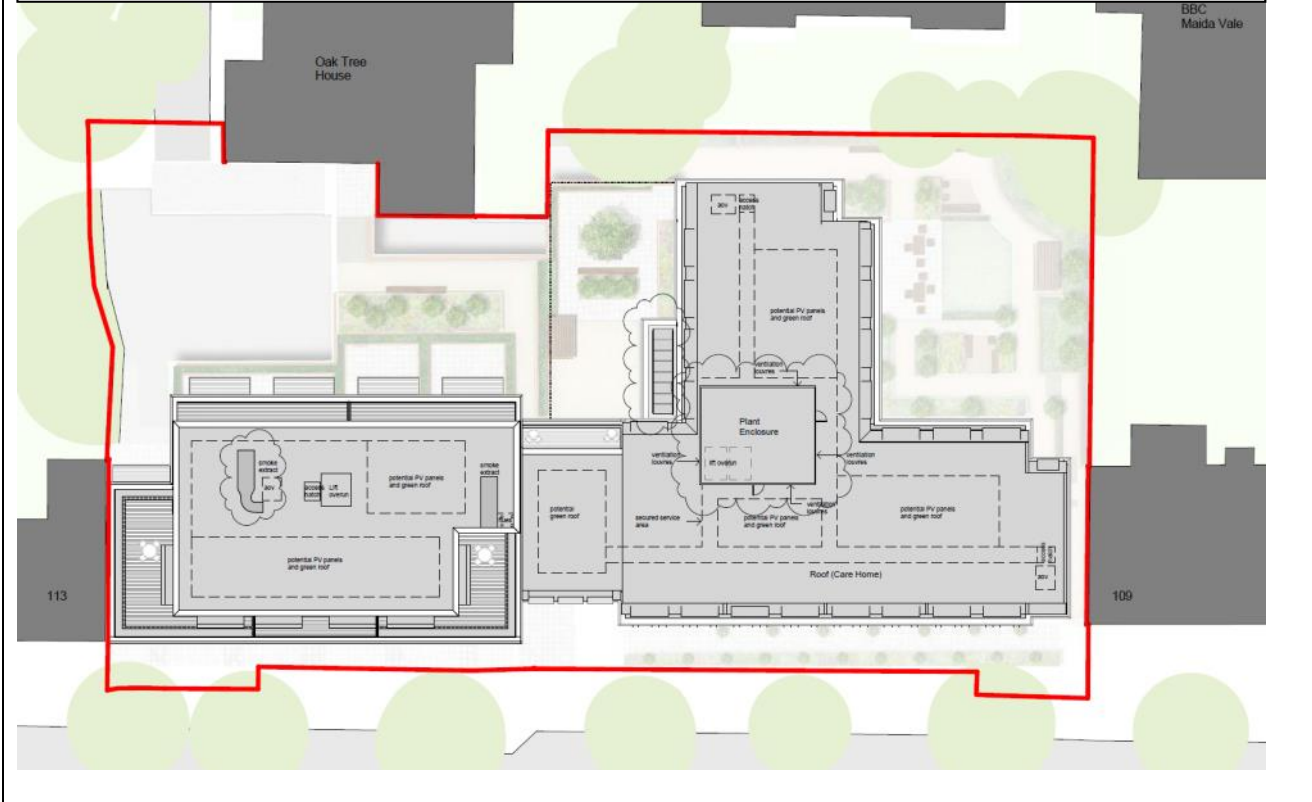
10. KEY DRAWINGS



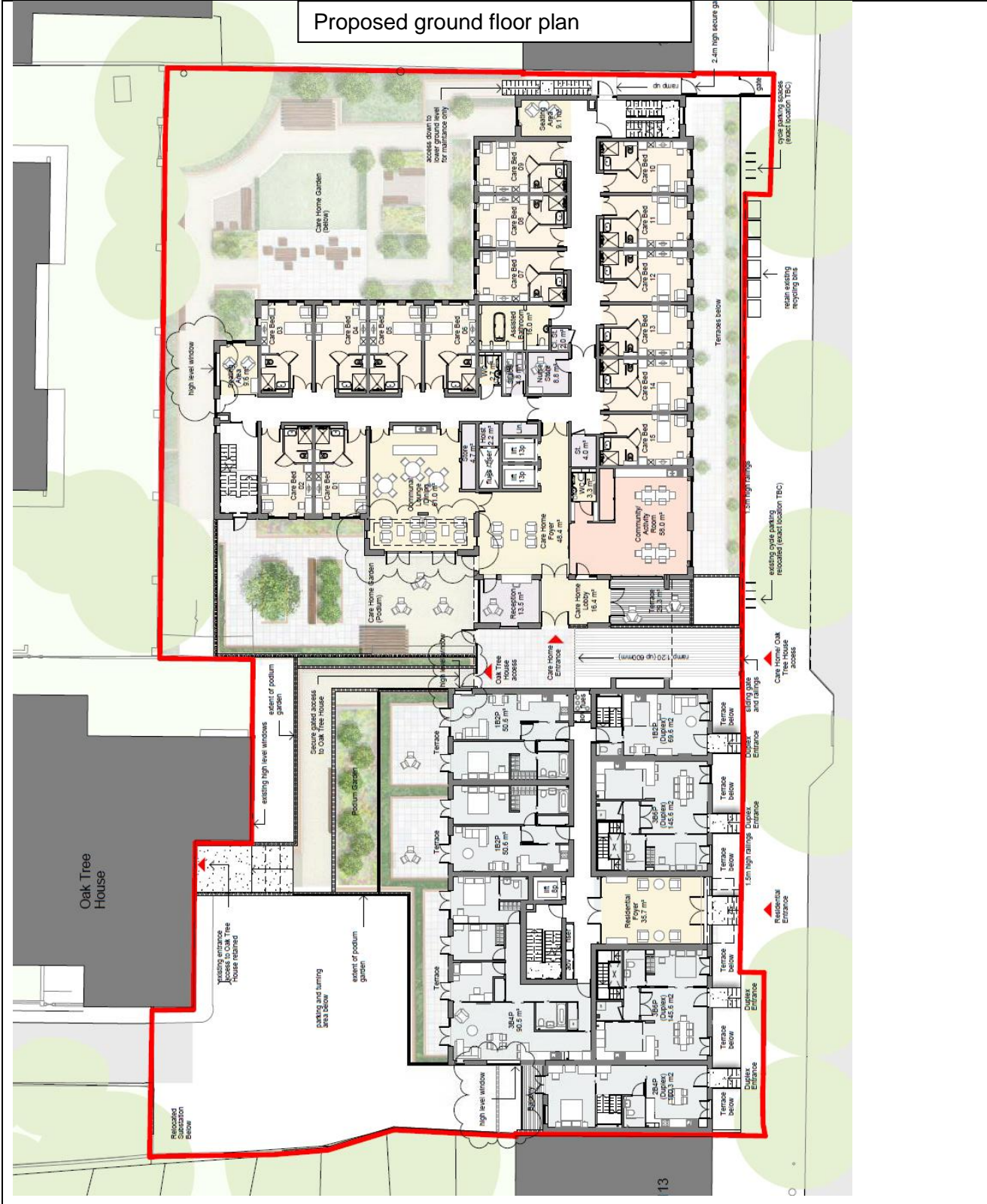
Left: proposed front elevation
 Right: proposed section



Above: Proposed fourth floor Below: Proposed roof



Proposed ground floor plan



DRAFT DECISION LETTER

Address: 111B Shirland Road, London, W9 2EL,

Proposal: Demolition of the existing buildings and redevelopment of site to provide 84 bed care home (Use Class C2) and 31 self-contained residential flats (Class C3). The new building is part five and part four stories high, set over lower ground and four upper levels and includes balconies/terraces to the front and rear. New podium deck and associated landscaping and gardens at rear lower ground and upper ground floor levels. Associated alterations.

Plan Nos: Design and Access Statement Revisions A dated November 2016; Arboricultural Implications Assessment dated 04 November 2016; Aspect arboriculture BS 5837:2010 Tree Schedule; Arboricultural Note dated February 2017; Acoustic Assessment dated 1 November 2016; Geo environmental and Geotechnical Desktop Study dated November 2016; Transport Assessment dated November 2016; AV5302 – Transport Further Information reports dated 21/12/2016, 13/01/2017 and 10/02/2017; Travel Plan dated January 2017.

AA5302-2000; AA5302-2002; AA5302-2003 A; AA5302-2011 A; AA5302-2012 A; AA5302-2013 A; AA5302-2014 A; AA5302-2015 A; AA5302-2016 A; AA5302-2017 A; AA5302-2020 A; AA5302-2021 A; AA5302-2022 A; AA5302-2030 A; AA5302-2031; AA5302-2032; 9056 TCP 01; AL5320_2009 A; AL5320_2010 C; 12395/JW/1; 12395/JW/2; 12395/JW/3; 12395/JW/4; 12395/JW/5; 12395/JW/6; 12395/JW/7; 12395/JW/8.

For information only: Structural Methodology Statement dated November 2016; Surface Water Management Plan dated November 2016; Overheating Study dated 4 November 2016; Residential Apartments Energy Assessment 03 November 2016; Care Home Energy Assessment dated 03 November 2016; Preliminary Ecological Appraisal dated October 2016; Flood Risk Assessment dated November 2016; Daylight, Sunlight and Overshadowing Analysis dated 3 November 201; Daylight Analysis Revision dated 6 February 2017; Planning and Affordable Housing Statement dated November 2016.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing and paving to both lightwell floors, to the Care Home/Oak Tree House access route and to the Duplex Entrance bridges, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of two separate sample panels of brickwork to be erected on site with a photograph of each panel submitted to the City Council. One of the panels shall be no smaller than 1.5m x 1.5m and shall show the brickwork to the main elevation, and the other shall be no smaller than 1m x 1m and shall show the brickwork to the top of the sheer front elevation to the development (ie the band of brickwork immediately beneath the coping stone to the front parapet. Each of these samples shall demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints).

You must not start any work on the cladding of the development until we have approved the sample panels. You must then carry out the work according to these approved sample panels.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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5 You must apply to us for approval of detailed elevation and section drawings of the following parts of the development:

- (a) Brickwork detailing to:-
 - (a1) to vertical slot/shadow gaps,
 - (a2) to window openings,
 - (a3) to the junction between the brickwork band beneath the parapet coping and the main brickwork elevations, and
 - (a4) the detailing to the soffits of door/main entrance openings (including its detailing and materials if not faced in brickwork)
- (b) Methodology for ensuring visual impact of expansion joints in brickwork is minimised;

You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings/ samples. (C26CB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

6 You must apply to us for approval of detailed drawing (and samples where appropriate) of the following parts of the development:

- (a) Metalwork to elevations (comprising both lightwell and balcony railings) and including elevations to show the height of the front boundary railings;
- (b) Balcony decks (including method of drainage);
- (c) Elevations to front lightwells, with drawings to include any detailing and to be annotated to show cladding materials;
- (d) Sections to show relationship of doors and windows to walls/roof (both recesses and the relationship of pre-cast window surrounds, windows and brickwork);
- (e) Cladding detailing to roof storey including jointing between panels (ie. 4th floor level to the Residential Wing and 3rd floor level to the main entrance and Care Home wing);
- (f) Windows (including window cills and window reveals) and doors, with all drawings annotated to show materials;
- (g) Ventilation and other services terminations at façade and roof;
- (h) Shadow gap details to front elevation (to include those on the residential wing and the care home wing);
- (i) Any integral lighting, including around main entrance;
- (j) Detailing of pre-cast stone cladding to front elevation showing size of panels/jointing of panels;
- (k) Dormer windows (including the projecting elements to third floor level of the three bay wide central entrance bay);
- (l) Details of any centralised satellite dish and tv system(s) to serve the development;

You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings/ samples. (C26CB)

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must put up the plant screen to main roof level shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You must apply to us for approval of detailed elevation and section drawings, or manufactures specifications including clear photographs of the plant screen to be erected to main roof level. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings or specifications/photographs. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of details of the following parts of the development - the pedestrian access from Shirland Road for residents of Oak Tree House. You must not occupy the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To protect the environment of residents as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development

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Plan that we adopted in January 2007. (R26AD)

- 11 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings or as approved under condition 6 of this approval. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 13 You must apply to us for approval of plan and section drawings showing the extent of green roofs to main roof level. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 14 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

Green roofs, in the locations shown in drawings secured by condition 13 of this permission

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 15 Unless otherwise shown on the drawings hereby approved, you must not use the roof of the buildings for sitting out or for any other purpose. You can however use the roof to escape in an

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emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 16 You must apply to us for approval of detailed drawings (plans, sections and elevation) of the following parts of the development - a privacy screen around the podium level on the frontages facing Oak Tree House. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 17 You must apply to us for approval of details, in consultation with the Designing Out Crime Officer, of the proposed security measures. You must not occupy any part of the development until we have approved what you have sent us. You must then retain these measures.

Reason:

To ensure that the development is suitably secure, as set out in S29 of Westminster's City Plan (November 2016)

- 18 All servicing (excluding refuse and recycling collection) must occur within the site and not from the highway.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 19 All vehicles must enter and exit the site in forward gear (except refuse and recycling vehicles).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 20 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without

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the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 21 Prior to occupation of the development a minimum of 20% of the car parking spaces to have electric vehicle points available for use within the basement car park and thereafter maintained in working order.

Reason:

To provide electric vehicle charging for people using the development as set out in Policy 6.13 of the London Plan 2015.

- 22 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 24 You must apply to us for approval of details of a Waste Management Strategy. You must not occupy any part of the development until we have approved what you have sent us. You must then retain these facilities.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 25 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the development. You must not use the waste store for any other purpose. (C14CD)

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Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 26 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. For the podium level you must include details of planter sizes, their soil volume and the proposed irrigation. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within two years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 27 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 28 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records, in accordance with the Geo environmental and Geotechnical Desktop Study by Campbell Reith dated November 2016.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

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Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

29 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic

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survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 30 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 31 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 29 & 30 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 32 (1) Noise emitted from emergency plant and generators shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators may be carried out only for up to one hour in a

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calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 33 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 34 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 35 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 36 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement before you occupy the buildings.

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Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 37 You must not use the Class D1 floorspace hereby approved, until further details of the proposed occupier / operation of the floorspace have been submitted to and approved by us in writing. The further details shall include information on the nature of the Class D1 use, hours of use, numbers of staff and customers/visitors and indicative layout plans for the premises. The Class D1 use must thereafter operate in accordance with these details.

Reason:

Because this is a residential neighbourhood, we need to prevent use of the property for any unsuitable purposes. This is as set out in S29 and S34 of Westminster's City Plan (November 2016) and SOC 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R10AC)

- 38 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the C2 use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regards to conditions 3 and 4, you are advised that the strong expectation is that the details submitted will show both front and rear elevations clad in complete bricks, and not brick slips or other panelised systems

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- 3 With regards to condition 5, the strong expectation is that the railings generally, and especially the railings to the front boundary of the site, will accommodate some design detailing/interest and not be designed in a strictly orthogonal manner with plain vertical uprights.
- 4 With regards to condition 5, the height of front boundary railings appears relatively high to achieve the required edge protection to the front lightwells, and you are urged to consider this issue further with a view to proposing shorter railings
- 5 The trees within the rear gardens of Elgin Avenue are within a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922.
- 6 Condition 27 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 7 You should include an environmentally sustainable system of irrigating the planting on the podium level. For more advice on this, please see the Mayor of London's supplementary planning guidance: Sustainable Design and Construction, April 2014. It will need to consider rainwater harvesting and storage or grey water filtration and storage to minimise the use of potable mains water for irrigation. However, if any features materially (significantly) affect the appearance of the

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outside of the building, this is likely to need planning permission.

- 8 In relation to condition 16, you are advised that the privacy screen should be a hit and miss timber trellis, similar to that shown in photograph 3 on page 63 of the design and access statement.
- 9 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for

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Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 11 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 13 The term 'clearly mark' in condition 25 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 14 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 16 You should include an environmentally sustainable system of irrigating the planting on the podium level. For more advice on this, please see the Mayor of London's supplementary planning guidance: Sustainable Design and Construction, April 2014. It will need to consider rainwater harvesting and storage or grey water filtration and storage to minimise the use of potable mains water for irrigation. However, if any features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission.
- 17 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)

- 18 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 19 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 20 The City of Westminster is an air quality management area, Environmental Science will require an air quality assessment. The Air Quality Assessment (AQA) should:

- Assess the existing air quality in the study area (existing baseline);
- Predict the future air quality without the development in place (future baseline);
- Predict the future air quality with the development in place;
- Describe the demolition and/or construction impacts;
- Identify mitigation measures; and
- Assess the significance of the developments impact on air quality

An air quality neutral assessment is also required for this development as set out in the GLA SPD on Sustainable Design and Construction.

- 21 For lifts associated with the development they should follow guidance within British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings section 7.7.3.4.1 table 5.

- 15 Please refer to legal agreement to view parking arrangements for the development.
- 22 Condition 28 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 23 You are advised that the Environmental Health Officer and Building Control Officer have commented that some of the proposals do not meet Building Regulations. You will need to address these points within any application for Building Control Approval.