

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	Keith House, 47 Carlton Vale, London, NW6 5EX,		
Proposal	Demolition of single storey garages and erection two buildings ranging between one and three storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.		
Agent	Metropolitan Workshop		
On behalf of	City West Homes		
Registered Number	17/06180/COFUL	Date amended/ completed	18 July 2017
Date Application Received	12 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, including a Grampian condition to secure the removal and replacement of trees adjacent to the site in Paddington Recreation Ground.

## 2. SUMMARY

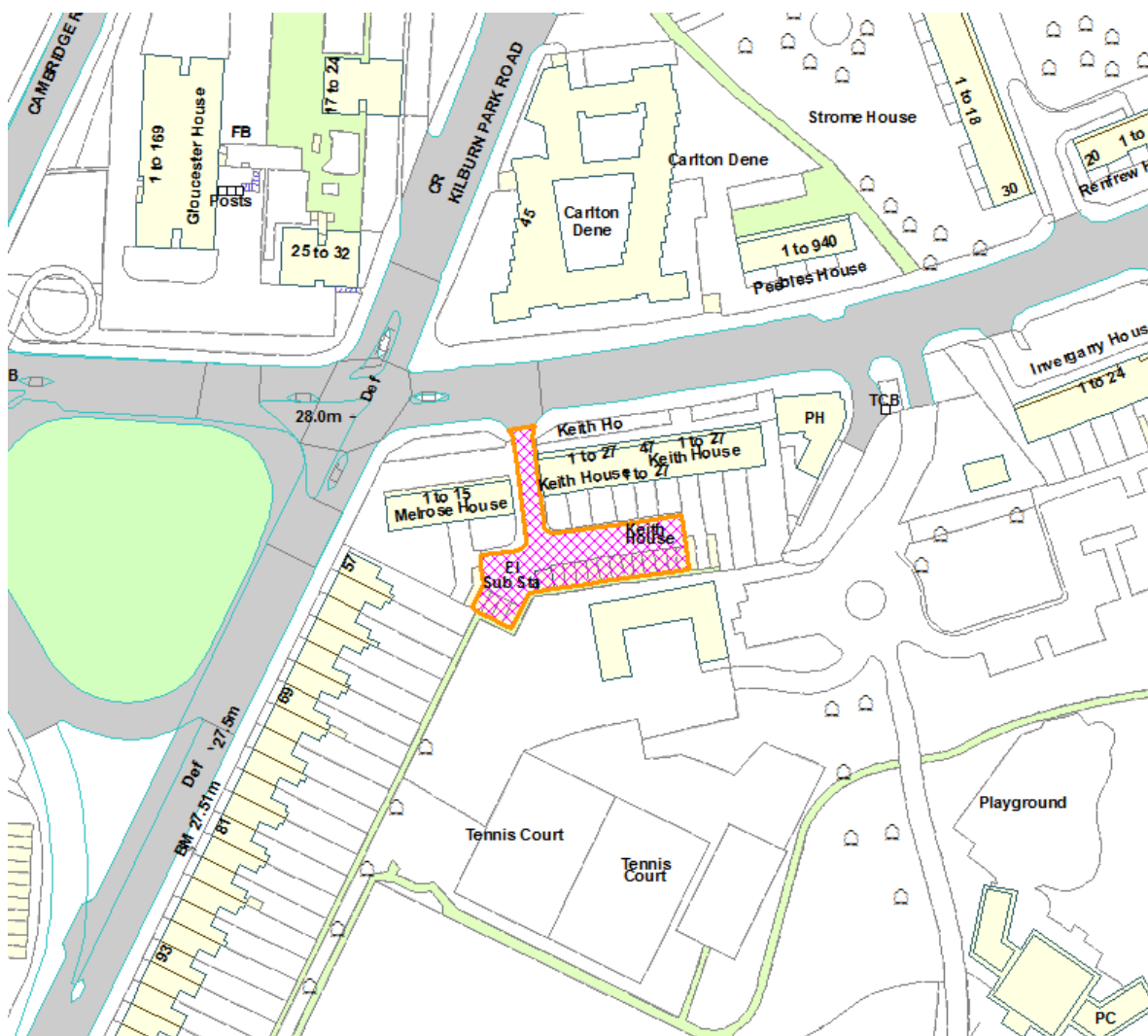
The application seeks permission for the demolition of 16 garages and erection two buildings ranging between one and three storeys to provide 6 residential units (Class C3), with associated alterations and landscaping. The site does not contain any listed buildings and is not located within a conservation area, but is located at the northern boundary of the Maida Vale Conservation Area where the site adjoins Paddington Recreation Ground.

The key issues in this case are:

- The acceptability of the proposed residential units in terms of their size and mix.
- The acceptability of the design of the development and its impact on the setting of the neighbouring Maida Vale Conservation Area.
- The impact on trees neighbouring the application site.
- The impact on the amenity of neighbouring residents.

- The acceptability of loss of existing off-street parking.
- The impact on the availability of on-street residents' parking in the vicinity of the site.

For the detailed reasons set out in this report the proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and, given the public benefits of the scheme, would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Policy S29 in Westminster's City Plan adopted in November 2016. Therefore the application is recommended for approval subject to the conditions set out in the draft decision letter appended to this report.



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#### 4. PHOTOGRAPHS



View of eastern end of site to rear of Keith House (top) and view of western end of site to rear of Melrose House (bottom).



View of access to garages from Carlton Vale between Keith House (left) and Melrose House (right).

## 5. CONSULTATIONS

### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Note that there was a consultation event for the scheme but the Society was not notified or invited. Loss of parking is likely to cause an increase in on-street parking demand.

Surprised the houses to be accessible for ambulant and non-ambulant residents do not have integral garages. However, note the proposed tenure and overall, subject to the preceding points they support the application. Ask that neighbours views are taken into account.

### ARBORICULTURAL MANAGER

Comments and objection on the following grounds:

- Not clear precisely how many trees are intended to be removed from Paddington Recreation Ground to facilitate the development (supporting documents suggest 15, 16 and 17 trees are to be removed).
- Irrespective of the number proposed to be removed the trees are protected by virtue of being within Maida Vale conservation area. They are largely self-seeded sycamores, and together they create a valuable backdrop to the park and a pleasant outlook for residents of Keith and Melrose Houses. Their loss would have a harmful impact on visual amenity and the character and appearance of the park.
- Question whether the trees could be retained if the trees are not rooting under the existing garages.
- Results of the ecological survey suggest that the trees are also of some wildlife value.
- Merits of the trees as individuals are such that it would not be reasonable to insist on their retention per se. However, the loss of these trees without adequate mitigation would be a justifiable reason for refusal of planning permission.
- Four sycamore trees within the Recreation Ground are proposed to be retained (33, 43 44, 45). Clarification is required in relation to the root barrier that is preventing rooting from these trees under the application site.
- In the absence of clarification of the structures that are currently stated to be acting as a root barrier it is not possible to make an informed judgement as to whether the roots of trees proposed to be retained would be affected by the proposal.
- Tree surgery referred to in the Design and Access Statement is not included in the Arboricultural Statement.
- The proposed tree planting on the site and the three replacement trees in Paddington Recreation Ground are insufficient to mitigate the harm caused by the scale of the proposed tree removal.
- Clarification required regarding the operation of the 'rain garden' as it will impact on the tree species that can be planted on this part of the site.
- Suggest that a biodiverse green roof is provided rather than a sedum roof.

### CLEANSING MANAGER

No objection in principle but a condition is required to ensure the scheme delivers the waste and recycling storage set out in the Transport Statement but not shown on the application drawings.

### DESIGNING OUT CRIME ADVISOR (METROPOLITAN POLICE)

No objection provided the advice provided to the applicant at pre-application stage is followed.

## HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Any response to be reported verbally.

## HIGHWAYS PLANNING MANAGER

Objection to the loss of the existing 16 garages if they are secured by condition to provide residents parking. Loss of garages would be likely to increase pressure on on-street residents parking in the vicinity. Some cycle parking spaces would not be secure and weatherproof. The provision of 6 parking spaces for the 6 new residential units is acceptable. Conditions and informatives recommended.

## LONDON FIRE BRIGADE

Any response to be reported verbally.

## SPORT AND LEISURE

Any response to be reported verbally.

## ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 52; No. of Responses: 4.

Four emails/ letters received from three respondents raising objection on all or some of the following grounds:

### Land Use

- Not clear who units are aimed at (i.e. private or social housing or mixed tenure).

### Design

- Not a good place to build new housing.

### Landscaping

- Loss of mature trees and shrubs at the fence line will reduce screening of the Forest School site.
- Loss of trees is a disgrace.
- Removal of trees will remove acoustic buffering.
- Loss of trees will have an adverse impact on biodiversity.
- Adverse impact on the heavily used Forest School which is the only access for some children to nature and wildlife.
- Insufficient mitigation of the loss of trees/ biodiversity and the impact on the Forest School.

### Amenity

- Noise from occupiers of proposed flats, especially if occupied by persons with dogs.

### Highways/ Parking

- Parking is at a premium and this will make things worse.
- Adverse impact on access for emergency vehicles.

### Other Matters

- Documents not initially accessible on Council website.

- Adverse impact on the value of neighbouring properties.
- Loss of view of Paddington Recreation Ground.
- Noise and general disturbance during construction.
- Obstruction of access to current storage shed.
- Garages are a valuable amenity.
- Adverse impact on water pressure.
- Not clear who will move bins to collection point.
- One of garages to rear of Keith House is used as a bulky waste store for the estate and does not appear to be replaced.

#### ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site comprises 16 garages originally built to serve the mid 20<sup>th</sup> Century residential flats in Keith House and Melrose House, which front on to Carlton Vale. The planning history records for the Melrose House and Keith House sites do not contain the original planning permissions for these blocks and therefore there is no evidence to establish whether the garages are restricted to use by the occupiers of these blocks by planning condition. The applicant has submitted evidence demonstrating that only 5 of the garages are currently let to occupiers of the adjacent blocks.

The garages are not listed and are not located within a conservation area. However, the site is located adjacent to the northern boundary of the Maida Vale Conservation Area, where it includes Paddington Recreation Ground.

### 6.2 Recent Relevant History

No relevant planning history. The original planning permissions for Keith House and Melrose House are not held within the City Council's records for these sites.

## 7. THE PROPOSAL

The application, made by City West Homes, seeks permission for the demolition of 16 garages and erection two buildings ranging between one and three storeys to provide 6 residential units (Class C3).

The scheme would deliver 1x1 bedroom flat (which would be fully wheelchair accessible), 1x2 duplex flat and 4x3 bedroom houses. The flat and duplex flat would be located in a separate three storey block to the rear of Melrose House, with the wheelchair accessible unit at ground floor level and the duplex flat on the two upper floors with a terrace at first floor level. The three bedroom houses would be located in a three storey terrace to the rear of Keith House and would have small courtyard gardens at ground level and screened terraces at second floor level. Parking for all of the units (six spaces) would be provided



within the public realm to be created between the new residential blocks and Melrose House and Keith House.

To facilitate the development, the applicant has identified that 16 trees in Paddington Recreation Ground would need to be removed along the northern boundary of the recreation ground with the application site due to their proximity to the rear elevations of the proposed buildings. These trees are located outside of the application site boundary and therefore their removal will require separate approval given they are protected trees located within the Maida Vale Conservation Area.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

For the reasons set out in Section 8.4 of this report, it is not considered that the loss of the existing garages can reasonably be resisted in land use terms. In this context, the principle of providing new residential accommodation on this site is acceptable in land use terms and accords with Policies S13 and S14 in the City Plan and Policy H3 in the UDP.

The proposed development would provide a mix of units (1x1 bedroom flat, 1x2 duplex flat and 4x3 bedroom houses) which is consistent with the requirements of Policy H5 in the UDP and Policy S15 in the City Plan. The size and layout of the accommodation would be compliant with the minimum standards set out in the Government's Technical Housing Standards and Policy 3.5 of the London Plan. The provision of a wheelchair accessible flat would accord with Policy H8 in the UDP. As such, the residential accommodation proposed would be of a good standard.

The applicant has identified that the units are intended to be used to provide social rented housing. However, given only six residential units are proposed and the scheme delivers less than 1,000m<sup>2</sup> of new residential floorspace on the site, it does not trigger a requirement to provide affordable housing under Policy H4 in the UDP and Policy S16 in the City Plan. Therefore whilst the provision of the units as a form of affordable housing is welcomed, it is not necessary, nor would it be reasonable to require that the units are provided as affordable housing via a planning condition or legal agreement.

### **8.2 Townscape and Design**

The site is currently functional in appearance reflecting its use as garage accommodation. The garage structures are of simple form and construction and have little, if any, architectural merit. The site is largely screened from Carlton Vale by Keith House and Melrose House and the existing single storey garages on the site cannot be seen from Paddington Recreation Ground given their limited height and the combination of the existing service yard structure within the recreation ground and the 'green screen' of existing trees running along the boundary of the site with the recreation ground.

Given their lack of architectural merit and as they are not located within a conservation area the demolition of the existing garages cannot be resisted and there is no objection to their demolition in design terms in any event.

The bulk and height of the replacement buildings would only be visible in fleeting public views from Carlton Vale, but would be much more readily apparent in views from within Paddington Recreation Ground which forms part of the Maida Vale Conservation Area. In these views the removal of the existing self sown trees at the boundary of the recreation ground (see arboicultural considerations in Section 8.7.1) would mean that the replacement building would be a more stark intervention at the recreation grounds perimeter. However, whilst this impact on the neighbouring conservation area would adversely affect its setting, due to the erosion of its mature landscaped character and appearance, the more prominent of the two proposed buildings would be modulated at second floor level to break down its overall massing and both buildings would be seen against the larger bulk and scale of Keith House and Melrose House, which are immediately beyond the application site to the north. As such, the harm caused to the neighbouring heritage asset (the Maida Vale Conservation Area), would be less than substantial and therefore in accordance with Paragraph 134 of the NPPF the harm must be weighed against the public benefit of the proposal. In this case, the public benefit of providing six residential units on this site is considered to outweigh the harm caused to the setting of the neighbouring conservation area.

In addition to the modelling of the bulk and mass at second floor level, referred to in the preceding paragraph, both blocks would have front wings at ground floor level, with the massing of the buildings further broken down by the use of brickwork in differing brickwork patterns and bonds.

In terms of footprint, the proposed development would have a comfortable relationship to Keith House and Melrose House with the block to the rear of Melrose House 16m from the rear of Melrose House and the block to the rear of Keith House 15m from the rear of Keith House (excluding the bays to the front elevation at ground floor level that would be screened by the existing rear boundary wall of Keith House. At these distances and given the modulated three storey form of the proposed development described earlier in this section of the report, the proposal would not comprise overdevelopment of the site in design terms.

The scheme proposes the use of yellow/ brown brick as the predominant facing material and this is appropriate given the predominant use of brick in the construction of immediate neighbouring buildings. The palette of materials is otherwise relatively restrained with dark grey aluminium windows and timber garage and front doors. The majority of the detailing to the houses would be generated by use of the brick in less traditional forms, such as laid in multiple soldier courses. This is not considered to be objectionable as this reflects that the development is conceived as a contemporary interpretation of a traditional mews house form. As noted above, it also assists in breaking down the bulk and massing of the mews houses. Sample panels of the brickwork and other facing materials and details of the key elevational treatments are to be secured by condition to ensure they are appropriate.

In conclusion in design terms, whilst the development and associated tree removal would cause less than substantial harm to the setting of the neighbouring Maida Vale Conservation Area, the public benefits of the development would outweigh the degree of harm caused. The scheme is otherwise sensitively designed in terms of its scale and architectural detailing and, subject to the recommended conditions, would be acceptable

in design terms and in accordance with the Policies DES1, DES4 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

### 8.3 Residential Amenity

The applicant has submitted a daylight and sunlight assessment of the proposed development, which assesses its impact on properties in Melrose House, Keith House and Nos.57 and 59 Kilburn Park Road.

As a result of the distance between the proposed three storey buildings and the existing blocks (16m from the rear of Melrose House and 15m from the rear of Keith House), the proposed development would not result in a material loss of daylight or sunlight to any windows in Keith House or Melrose House. Similarly no windows in Nos.57 and 59 Kilburn Lane would suffer a material loss of daylight or sunlight. That is not to say there would be no losses to neighbouring windows, rather the losses caused would all be less than the 20% threshold set out in the Building Research Establishment (BRE) Guidelines (2011), below which the BRE considers that the impact would be imperceptible to the occupiers of the affected windows.

In terms of increased enclosure the scheme would introduce two three storey buildings to the rear of Keith House and Melrose House. The block to the rear of Keith House would be well set back from the rear elevation of the existing block and the rear windows of Keith House already look out onto the two storey high rear elevation of the maintenance depot within the recreation ground. In this context, whilst the proposed building would be a storey higher and closer to the rear of Keith House, the increase in enclosure would not be so significant so as to warrant withholding permission.

The block to the rear of Melrose House and at the end of the rear gardens of properties in Kilburn Park Road would be smaller in terms of its bulk and set at a 45 degree angle to the rear of Melrose House, such that it views out of the rear windows of Melrose House and properties in Kilburn Park Road would appreciate views beyond the proposed building in most instances. As such, whilst the proposed building would be readily appreciable from these neighbouring buildings, the impact would not amount to an unacceptably increased sense of enclosure.

The scheme has been carefully considered to limit the number and size of windows where they would face existing windows in adjoining properties, so as to avoid overlooking. As a result, whilst there would be some increase in overlooking from new windows within the proposed development, the effect would not be such that the objections raised on this ground could be supported. The scheme includes a number of roof terraces and all of these external amenity spaces would be adequately screened by timber louvred privacy screens, the detail of which is to be secured by condition. The amenity spaces at ground floor level would be screened by the existing rear boundary walls of gardens to the rear of Keith House and Melrose House and all of the amenity spaces would be sufficiently small so as not to give rise to significant noise concerns as a result of their use.

Conditions are also recommended to control the potential future amenity impact of the development. The recommended conditions comprise a condition to prevent the future addition of new windows or extensions under permitted development rights, which may increase enclosure or overlooking to neighbours, and to prevent the use of the roofs of the

houses as roof terraces, except where terraces are proposed as part of the proposed development.

Subject to the recommended conditions the proposed development is considered to be acceptable in amenity terms and would accord with Policy ENV13 in the UDP and S29 in the City Plan.

#### 8.4 Transportation/Parking

The Highways Planning Manager objects to the loss of the existing garages on basis that their loss is likely to increase the pressure on on-street residents' parking in the vicinity of the site. However, he notes that this objection is on the basis that the existing garages are protected by condition. In this case no evidence can be found to demonstrate that the existing garages are restricted by condition to use by occupiers of adjoining residential blocks (Keith House and Melrose House). In addition, the applicant's evidence indicates that the garages are currently largely underused, with only five of the 16 garages let to occupiers of Keith House (see Table 2 below). The applicant advises that of the occupied garages, only one was used for car parking when visually inspected in April 2017. Parking Services have reviewed on-street residents parking permits on issue to occupiers of Keith House and Melrose House and this shows that 19 vehicles are already parked on street that are registered to occupiers of these blocks. In this context, and having regard to the public benefit of providing additional housing on this site, it is not considered that the loss of the garages would have such a demonstrable impact on on-street parking pressure in the immediate vicinity of the site so as to warrant withholding permission pursuant to Policies STRA25 and TRANS23 in the UDP.

**Table 2 – Location of Existing Garage Leasees and Letting Status of Garages.**

ID	Occupier Address	Status
1	-	Vacant
2	-	Vacant
3	-	Vacant
4	-	Vacant
5	Keith House	Let
6	Keith House	Let
7	Keith House	Let
8	Keith House	Let
9	-	Vacant
10	-	Vacant
11	-	Vacant
12	-	Vacant
13	-	Vacant
14	Keith House	Vacant
15	-	Vacant
16	-	Vacant

The applicant has provided vehicle tracking to demonstrate that the six parking spaces proposed would be accessible to typical sized vehicles and the Highways Planning Manager does not object to the parking layout proposed. The provision of one parking

space for each residential unit within the development, including the wheelchair accessible unit would accord with Policy TRANS23 in the UDP.

The Paddington Waterways and Maida Vale Society state that they would expect parking to be provided in garages within the residential units; however, this would reduce the quantum and quality of the residential accommodation that could be provided on the site and as such, the amenity societies concerns in this regard are not supported. Furthermore, there is no policy requirement for car parking to be provided in the form of garage accommodation.

The scheme includes cycle parking in a communal store for the two flats and within stores in the front gardens of the four dwellinghouses. It is unclear whether these cycle stores would be weather proof and secure and therefore it is recommended that further details of the stores are secured by condition to address the Highways Planning Managers concerns in this regard.

The Cleansing Manager does not object to the general strategy of waste storage, with waste stores provided within each house/ flat, with a communal store at the entrance to the development from which the waste and recycling would be collected. However, he has requested that the detail of the strategy is shown more clearly on the approved drawings and therefore a condition is recommended to ensure the waste and recycling storage is amended to address the detailed issues raised in the Cleansing Manager memo. The applicant has confirmed that a member of City West Homes staff will be responsible for ensuring waste and recycling bins will be presented ready for collection by the Council's refuse contractor and returned to the store following collection. Subject to the recommended condition the proposal would accord with Policy ENV12 in the UDP.

A number of objectors have raised concerns regarding the accessibility of the rear of Helmsdale House for emergency services in the event of a fire. The proposed development is not to be gated and therefore free access to the rear of Helmsdale House would be retained; albeit the available space for the manoeuvring of a fire appliance or similar would be reduced relative to the existing situation. The views of the London Fire Brigade on this aspect of the scheme have been sought and will be reported verbally to the Sub-Committee.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

## **8.6 Access**

The forecourt of the proposed development would provide level access to the new residential units from the public highway. All four dwellinghouses would have level access to their ground floor level, with the wheelchair accessible flat designed so that the whole unit is fully accessible to wheelchair users. This accords with Policies DES1 and H8 in the UDP and S28 in the City Plan.

## **8.7 Other UDP/ Westminster Policy Considerations**

### **8.7.1 Tree Impact**

Since the Arboricultural Manager's initial comments on the application the applicant has confirmed that it is intended to remove 16 trees from the adjoining Paddington Recreation Ground to facilitate the development (14 x Sycamores and 2 x Elders). The applicant has also provided other information seeking to address some of the Arboricultural Managers other initial concerns and any response to these will be reported verbally to the Committee.

The trees to be removed appear to be self sown and are located immediately adjacent to the boundary of the recreation ground with the application site, such that their retention would be difficult to accommodate without substantial and regular pruning of the canopies of the trees. It is accepted that in practice the proximity of the trees to the boundary is likely to mean their retention is not practical in such close proximity to residential accommodation.

As noted in Section 8.2, the loss of these trees, although generally of limited individual quality, will have a material impact on the character and appearance of this part of the Maida Vale Conservation Area, as their group value contributes to the mature planted screen to the majority of the northern edge of the recreation ground. The trees also form part of the setting for the 'Environmental Area'/ Forest School area within the recreation ground, which is used by local school groups for learning about the environment as the current setting provides a comparatively natural and biodiverse setting within the surrounding urban landscape. Accordingly the loss of these trees will also have an adverse impact on this particular function within the recreation ground and this is an issue of particular concern to one objector.

Whilst the provision of 6 new residential units does offer public benefit which is sufficient to outweigh some of this harm that would be caused to the function and appearance of this part of the recreation ground, it is considered that the extent of tree loss likely as a result of the development can only be considered favourably if substantive replacement planting of suitable tree species within the recreation ground, ideally within a similar area to where the trees are intended to be removed, is proposed. At present the applicant proposes three replacement trees within the recreation ground with three further smaller trees within the landscaping scheme for the development itself. The trees within the landscaping for the development will not contribute to the character and appearance of the Maida Vale Conservation Area as they wouldn't be visible from within the recreation ground and therefore cannot be considered to mitigate the trees that are likely to be removed. Therefore only three trees to mitigate the 16 trees likely to be lost are proposed. The Arboricultural Manager considers this number to be insufficient to adequately mitigate the number of trees that are likely to be removed and her view in this regard is supported.

A condition is therefore recommended to firstly deliver appropriate arrangements prior to commencement of development to secure the tree removals necessary to allow the development to be carried out. This is necessary as the trees to be removed are on land outside the red line of the application site, which is not within the applicant's control. Therefore whilst it is necessary as part of the current application to consider the implications of the development on the adjoining trees (namely that the 16 trees are likely to be removed), the planning application cannot expressly grant the necessary consent for their removal. It is recommended that the condition also requires the provision of appropriate arrangements for replanting of replacement trees within the recreation ground

and the expectation is that significantly more than 3 trees will be provided to mitigate the trees to be lost.

Any further comments from the Arboricultural Manager on the proposed tree protection measures during construction works for retained trees will be reported verbally to the Committee.

### **8.7.2 Biodiversity**

The applicant has assessed the impact of the development on wildlife and this includes assessment of the likelihood of bats roosting in the existing garage structures. The assessment concludes that given their condition, the garages are unlikely to provide for bat roosting and therefore their demolition is unlikely to disturb this protected species. An informative is recommended to advise the applicant of the measures to be taken in the unlikely event that roosting bats are discovered. A similar informative is recommended to remind the applicant of the requirements to avoid disturbing nesting birds.

The submitted Ecological Appraisal and Surface Water Drainage Strategy suggest that a green roof will be provided on the flat roofs of the proposed buildings. This is not indicated on the drawings, but the applicant has verbally advised that green roofs are proposed. The provision of green roofs is considered to be necessary on three grounds. Firstly the scheme does not include a substantive area of soft landscaping at ground level and a green roof would mitigate this lack of landscaping and the tree loss necessary to facilitate the development; secondly the roofs of the buildings will be significantly overlooked and the provision of a green roof would substantially enhance the visual appearance of these flat roofs; and thirdly the green roofs are necessary to provide attenuation of water run off as set out in the applicant's drainage strategy. A condition is therefore recommended requiring the submission of revised drawings showing a green roof on the flat roofs at first floor level and at main roof level where they are not to be used as roof terraces. The condition will also require the provision of the green roofs prior to occupation and their retention thereafter.

The Arboricultural Manager comments that a biodiverse green roof should be considered rather than a sedum green roof to enhance the range of species supported by the green roofs. Whilst the desire for such a specification of green roof is understood, it is not considered that it is necessary to deliver the benefits set out in the previous paragraph.

### **8.7.3 Sustainability**

As identified in the application documents, the site is in an area of low flood risk and is therefore an appropriate and sustainable location for residential development.

The energy strategy for the development targets compliance with 2013 Building Regulations, primarily through the energy efficiency of the building fabric. Given that this is a non-major development of limited scale this is acceptable and in accordance with Policy S28 in the City Plan. The submitted Energy Strategy also includes the provision of PV panels, although these are not indicated on the application drawings. A condition is recommended to secure the provision of the photovoltaic panels so that on-site renewal energy is provided in accordance with Policies S28 and S40 in the City Plan.

## **8.8 London Plan**

The application does not raise any strategic issues.

## **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**

With the exception of the appropriate arrangement to secure removal of the existing 16 trees within Paddington Recreation Ground and secure replacement tree planting, which are to be obtained via a Grampian condition (see Section 8.7.1), no other planning obligations are relevant in the determination of this application.

The proposed development would be CIL liable; however, if built as social rented affordable housing it is likely to be eligible for CIL relief.

## **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment.

## **8.12 Other Issues**

The impact of development on the value of neighbouring properties and on private views are not valid planning grounds for objection and therefore permission cannot reasonably be withheld on the basis of objections raised on these grounds.

Objection has been raised on grounds that the proposal will cause noise and general disturbance during construction works to neighbouring residents. Permission could not reasonably be withheld on the basis of the impact of construction works; however, the impact of construction works would be mitigated by the recommended condition restricting the hours of building works to between 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays, with no works permitted on Sundays and Bank Holidays.

Concerns have been expressed that obstruction would be caused to existing storage sheds located to the rear of Keith House and Melrose House. However, the scheme has been designed to ensure that access to these sheds for existing residents will be maintained.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Email from the Paddington Waterways and Maida Vale Society dated 1 September 2017.
3. Memo from the Cleansing Manager dated 4 August 2017.
4. Email from the Metropolitan Police dated 14 August 2017.



5. Memo from the Highways Planning Manager dated 18 August 2017.
6. Memo from the Arboricultural Manager dated 17 October 2017.
7. Emails from the occupier of 15 Melrose House, 49 Carlton Vale (x2) dated 3 August 2017
8. Email from the occupier of the Main Pavilion, Paddington Recreation Ground dated 7 August 2017.
9. Email from the Carlton Vale RMO, 1 Helmsdale House, 43 Carlton Vale dated 10 August 2017.
10. Letter from the occupier of 1 Melrose House, 49 Carlton Vale dated 14 August 2017.

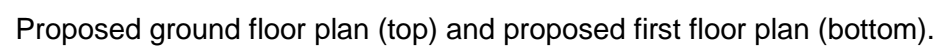
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk).

## 10. KEY DRAWINGS

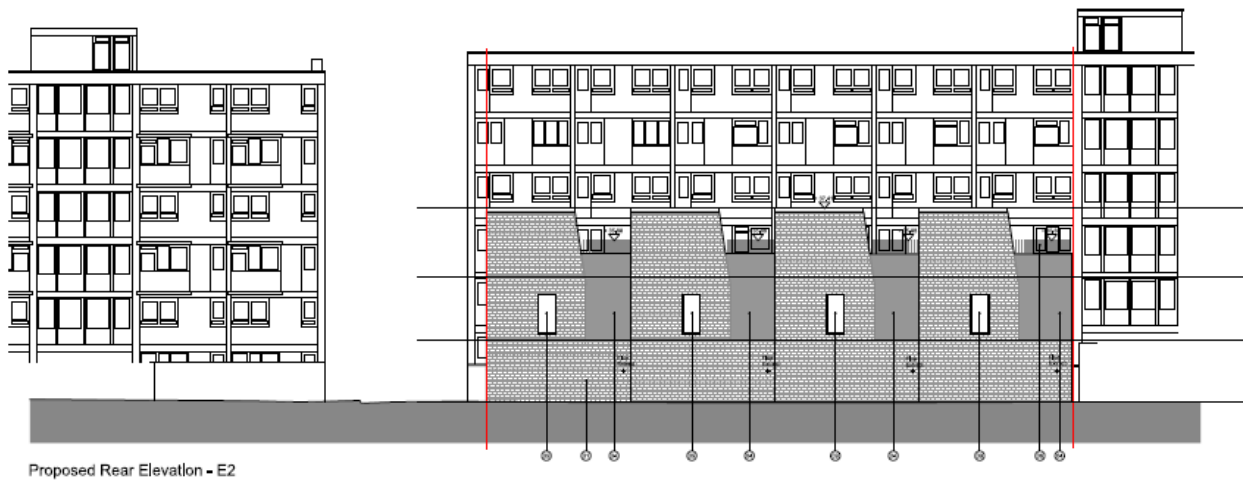


Perspective view of proposed development (top) and montage of part of proposed development to rear of Keith House (bottom).





Proposed second floor plan (top) and roof plan (bottom).



Proposed front elevations (top) and rear elevation (bottom).



**DRAFT DECISION LETTER**

**Address:** Keith House, 47 Carlton Vale, London, NW6 5EX

**Proposal:** Demolition of single storey garages and erection of two buildings ranging between one and three storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.

**Plan Nos:** 1638-3/A/106/003 (Site location plan), 1638-2/A/103/000, 1638-3/A/106/001 Rev.P1, 1638-3/A/106/002 Rev.P1, 1638-2/A/102/000, 1638-2/A/102/001, 1638-3/A/101/001, 1638-3/A/101/002, 1638-3/A/101/003, 1638-3/A/101/004, Design and Access Statement dated July 2017, Daylight and Sunlight Study dated 20 April 2017, Arboricultural Impact Assessment dated 30 October 2017, 1004.2.01, letter from LUC dated 02.11.2017, Acoustic Planning Report dated March 2017, Air Quality Assessment dated April 2017, Statement of Community Involvement dated July 2017, Ground Investigation Report dated May 2017, Transport Statement dated 4 July 2017 (Version 3), Surface Water Drainage Strategy dated July 2017, Structural Notes to Accompany Planning Submission dated July 2017, Ecological Appraisal dated June 2017, Energy Statement dated 14 June 2017 (Issue 01) and LD-SKE-001 Rev.A (for information only).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**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:
  - 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 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 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 a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

- (a) All windows in context with the window surrounds and window reveals.
- (b) All external doors.
- (c) Timber screens to balconies.
- (d) Enclosure around existing sub-station.
- (e) Waste and recycling collection storage structure.
- (f) Front boundary walls/ fences to the 3 bedroom houses.

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 detailed 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 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces. (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 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 Except where the drawings hereby approved are cross hatched and annotated 'Terrace', you must not use the roofs of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the dwellinghouses forming part of this development or erect any extensions without our permission. This is despite the provisions of Classes A, B, C and D of Schedule 2, Part 1 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the privacy and environment of people in neighbouring properties and protect the appearance of the development and this part of the City. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES1, DES5, DES6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 9 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of a living green roofs on all flat roofs at first floor and main roof level that are not to be used as roof terraces.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings and the living green roof must be installed prior to the occupation of the development. Thereafter the green roof must be permanently retained in the approved locations. (C26UB)

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)

- 10 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)

- 11 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Revised cycle parking for the residential units that is weather proof and secure.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings and install the cycle parking we approve prior to occupation of the residential units. Thereafter the cycle parking must be permanently retained. (C26UB)

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.

- 12 Notwithstanding the bin stores shown some of the drawings and documents hereby approved, you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately (the details must include (i) the location of the communal bin store, (ii) the bins for waste and recycling should be indicated with the letters 'w' and 'r' respectively, and written confirmation should be given of under counter waste and recycling storage compartments in the kitchens of the residential units).

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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone occupying the dwellinghouses. (C14EC)

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)

- 13 You must provide the timber privacy screens around the roof terraces in accordance with the drawings hereby approved (and as detailed in the drawings we approve pursuant to Condition 5) prior to occupation of the development. Thereafter the timber privacy screens must be permanently retained in accordance with the approved drawings.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 14 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following:

- (a) Removal of trees in Paddington Recreation Ground necessary to facilitate the development.  
 (b) Replacement tree planting within Paddington Recreation Ground to adequately mitigate the trees to be removed pursuant to (a) in terms of their contribution to the 'green screen' to the northern edge of the recreation ground and the existing 'Environmental Area'.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

**Reason:**

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 and S38 of Westminster's City Plan (November 2016) and in ENV15, ENV16, ENV17 and DES9 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 15 Notwithstanding the landscaping shown in the application drawings and documents, 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. 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 one planting season 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 5 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)

- 16 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of photovoltaic panels in accordance with the submitted Energy Statement dated June 2017.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings prior to occupation of the development and thereafter you must permanently retain the photovoltaic panels. (C26UB)

**Reason:**

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

**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 The trees within Paddington Recreation Ground are in 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. This permission does not permit the removal of the trees within the recreation ground as indicated on drawing LD-SKE-001 Rev.A as they located outside the application site. You will need to make a separate tree works application should you wish to remove the trees. This would form part of the appropriate arrangements required pursuant to Condition 14.
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 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)
- 6 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)
- 7 The development for which planning permission has been granted has been identified as

potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 8 Under condition 14 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the removal of trees necessary to facilitate the development and to plant replacement trees within Paddington Recreation Ground to mitigate the loss of the trees that are removed. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 9 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)
- 10 When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81CA)