

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 January 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	Helmsdale House, 43 Carlton Vale, London, Nw6 5en,		
Proposal	Demolition of single storey garages and erection of buildings ranging between two and four storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.		
Agent	Metropolitan Workshop		
On behalf of	City West Homes		
Registered Number	17/06181/COFUL	Date amended/ completed	18 July 2017
Date Application Received	12 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside of but opposite Maida Vale		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

2. SUMMARY

The application was reported to the Planning Applications Sub-Committee on 5 December 2017. The Sub-Committee resolved to defer the application for the following reason:

'That the application be deferred, to enable Members of the Sub-Committee to carry out a site visit; and for the applicant to provide further information on vehicular accessibility of the proposed parking areas within the site and for emergency vehicle access into the site.'

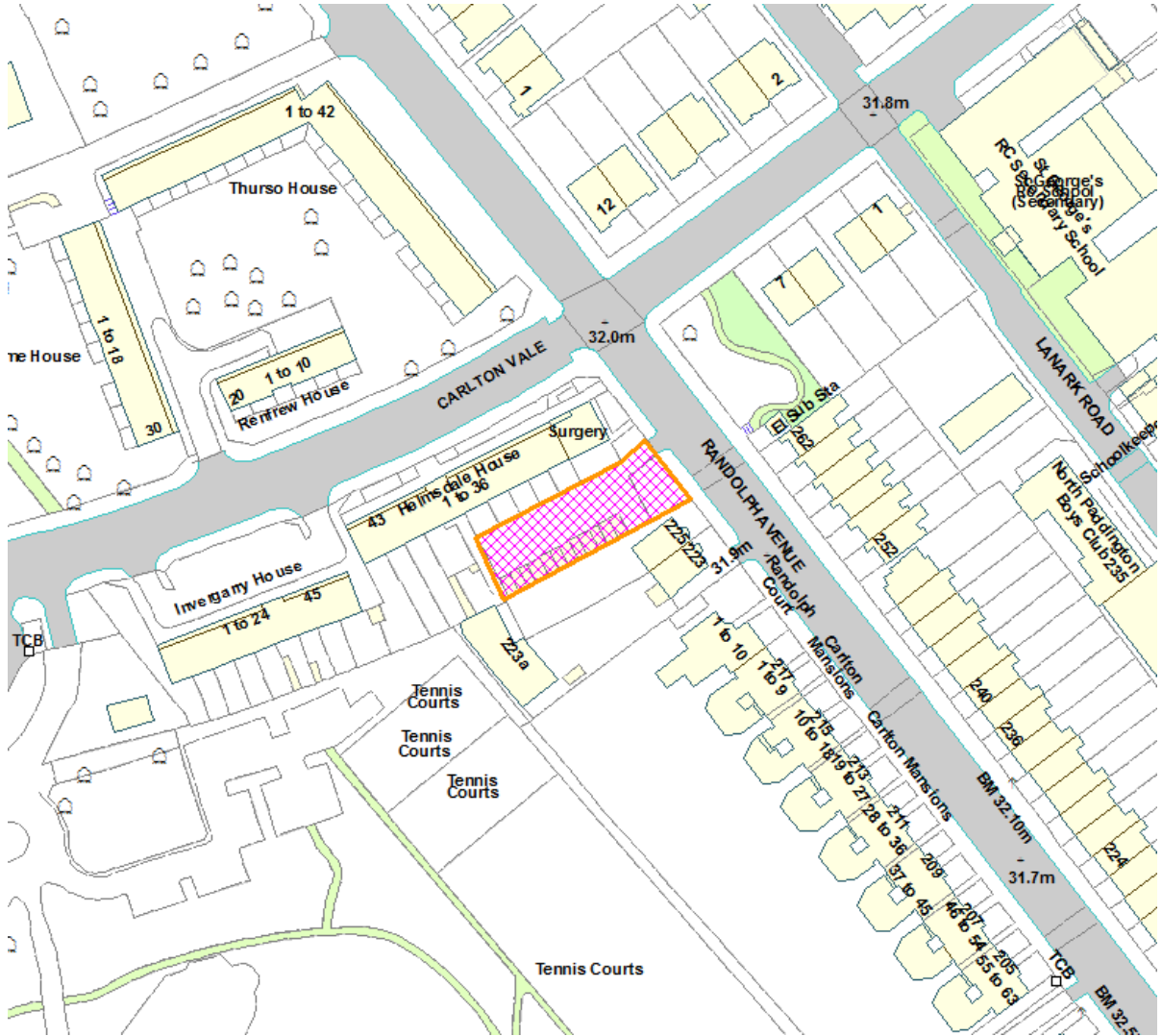
Since the previous Sub-Committee meeting the Members of the Sub-Committee undertook a Committee site visit on 21 December 2017.

The applicant has provided further information to demonstrate the accessibility of the proposed parking spaces. This exercise has resulted in a reduction in the number of parking spaces proposed on this site from 5 to 4 as the additional tracking carried out in response to the Sub-Committee's concerns has highlighted that the end space is required to parallel park into the adjacent space opposite the

proposed development. This reduces the car parking ratio from 0.83 spaces per unit to 0.66 spaces per unit. Whilst this is regrettable, the ratio remains relatively high and as such it is not considered that the reduction in the number of off-street parking spaces to be provided for the new residential units is a ground on which permission could reasonably be withheld. The remaining spaces are demonstrated to be accessible to vehicles up to a 'medium size' (i.e. vehicles measuring 4.2m x 1.7m). The tracking drawings submitted have been included in the background papers.

Tracking diagrams for emergency vehicles have also been submitted. In this case, the access to the site is already too narrow to accommodate a fire appliance and therefore there would be no change to the existing positioning of the fire appliance in the event of a fire at Helmsdale House (i.e. it would be situated on Carlton Vale or in Randolph Avenue. The proposed scheme will include a dry riser to allow fire fighting along the full length of the site and this could be used in an emergency either within the proposed development or Helmsdale House. The London Fire Brigade have confirmed that the level of access and the fire safety strategy proposed are acceptable. Comments on the application from the London Fire Brigade are provided in the background papers.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from Randolph Avenue (top) and view of garages from within the site (bottom).

5. CONSULTATIONS

ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO THE PLANNING APPLICATIONS SUB-COMMITTEE ON 5 DECEMBER 2017

BUILDING CONTROL

The Transport Statement states fire appliances will also not be able to fit into the site, so will service the site from Randolph Avenue. This may be possible but there are limitations. For instance, if they design in accordance with British Standard 9991, the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. Of Responses: 3 emails raising objection on all or some of the following grounds:

- Proposal would hinder emergency access.
- Noise and disturbance from construction works.
- Increased overcrowding of the area.
- Increased density and no additional amenity areas.
- Impact on existing low water pressure.
- Adverse impact on local on-street parking.
- Revisions have shifted impact in terms of enclosure and loss of light from one set of residents in Helmsdale House to another.
- Do not consider benefits of the scheme outweigh the harm.
- Scheme fails to deliver improvements to existing flats in Helmsdale House.
- Query what provision has been made for waste and recycling collections.
- Concern that the proposal will encourage further dumping of rubbish in Randolph Avenue.

REPRESENTATIONS NOT REPORTED TO THE PLANNING APPLICATIONS SUB-COMMITTEE ON 5 DECEMBER 2017

LONDON FIRE BRIGADE

Two responses advising they do not object to the arrangements for this site.

6. BACKGROUND PAPERS

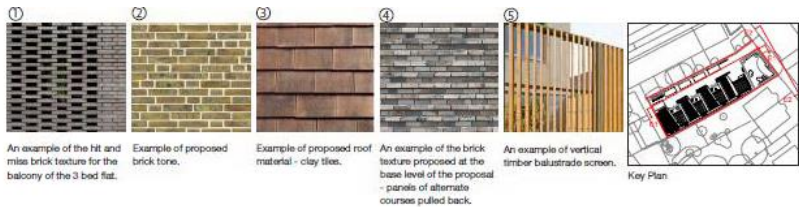
1. Application form.
2. Representations as reported to the Planning Applications Sub-Committee on 5 December 2017.
3. Applicant's Addendum Note dated 21 December 2017 and Addendum Drawings Document dated January 2018
4. Emails from the London Fire Brigade dated 27 November 2017 and 21 December 2017.
5. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 27 November 2017.
6. Email from the occupier of 31 Helmsdale House, 43 Carlton Vale, dated 27 November.

7. 2017.
8. Email from the occupier of 223 Randolph Avenue dated 28 November 2017.
9. Undated email from Building Control.

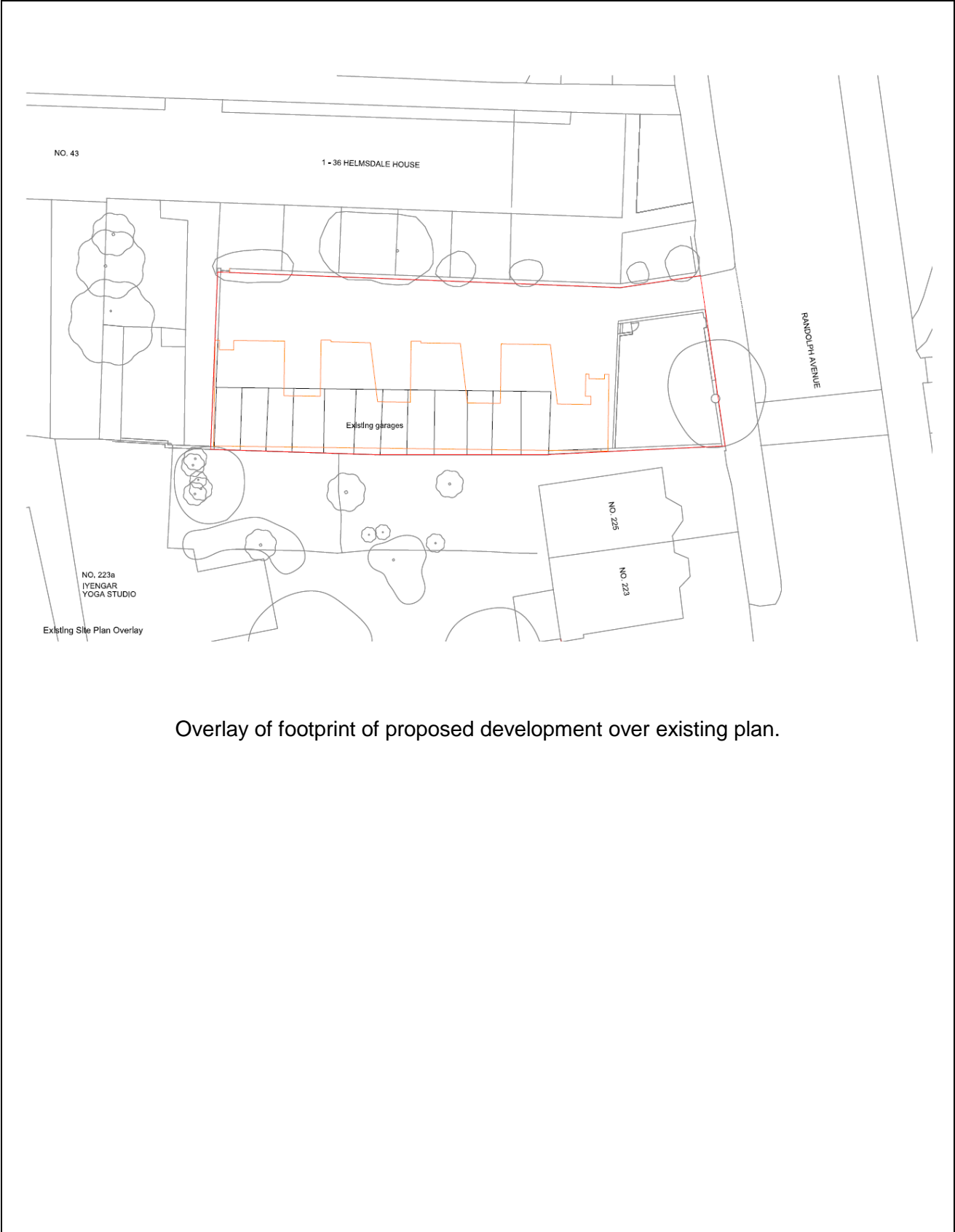
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

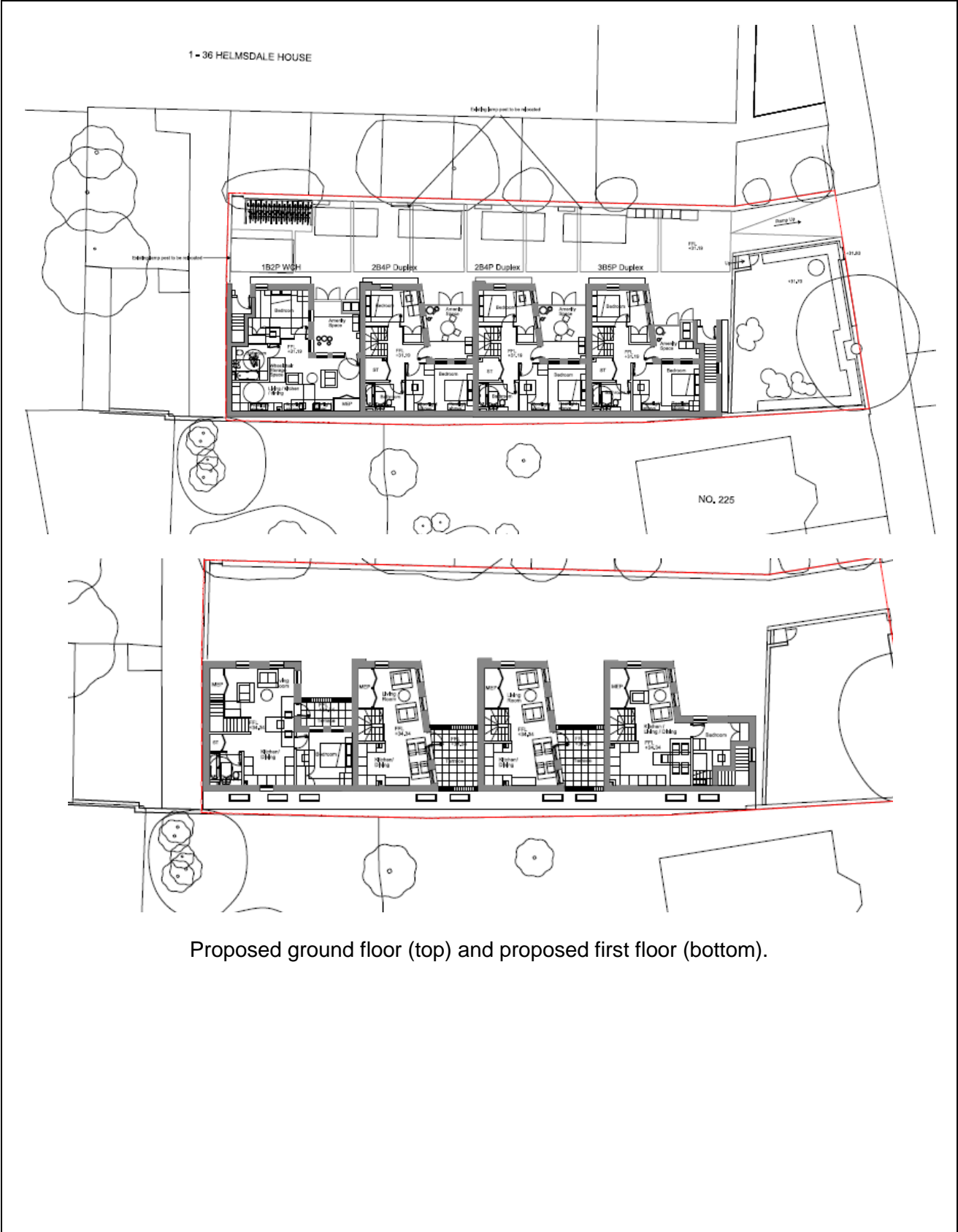
7. KEY DRAWINGS

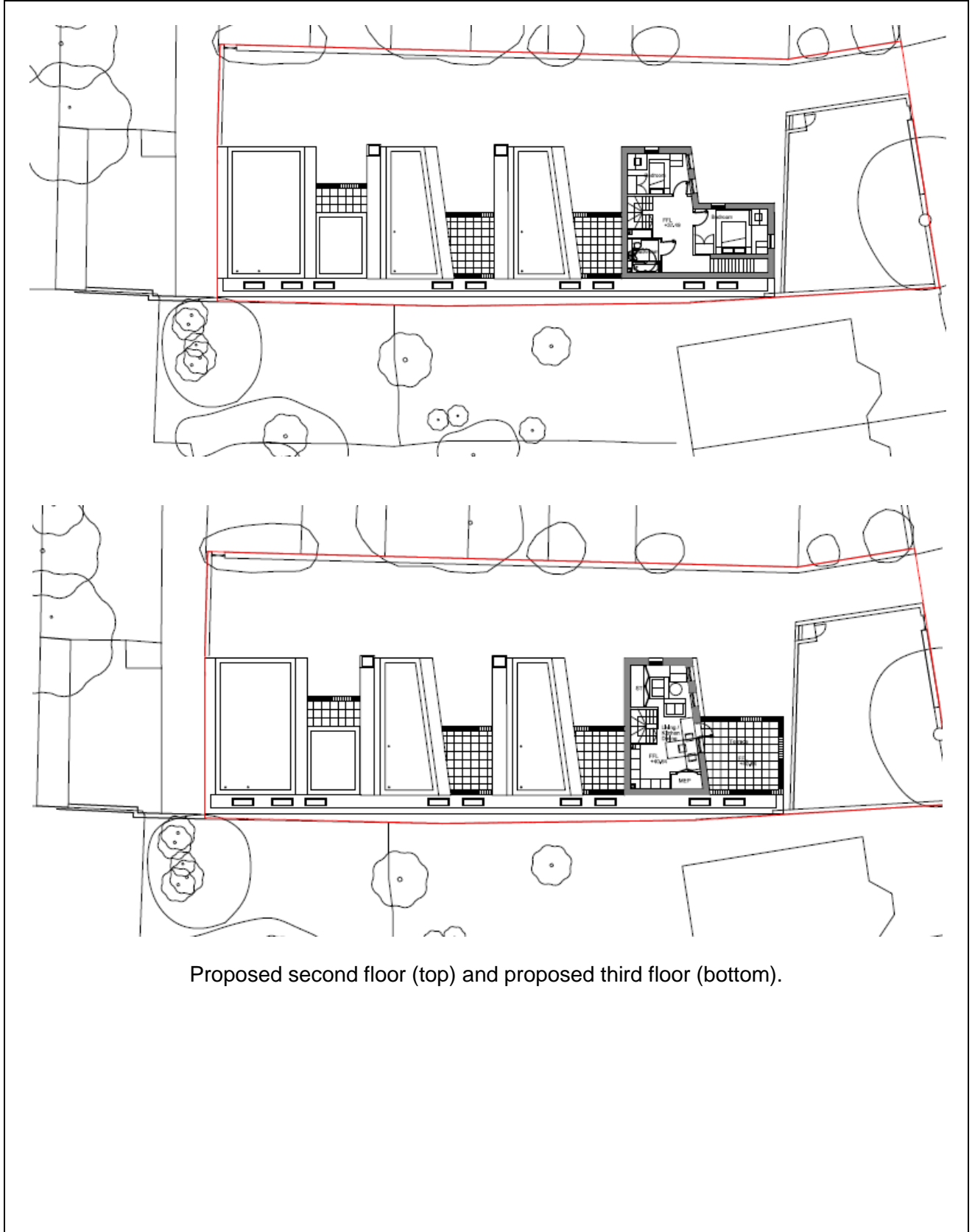


Photomontage of proposed development as seen from Randolph Avenue (top) and colour north elevation facing the rear of Helmsdale House (bottom).



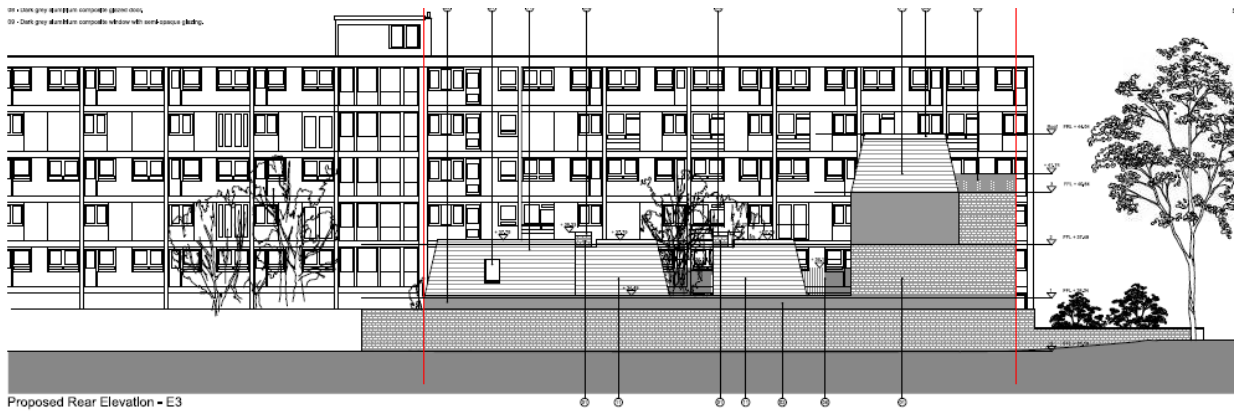
Overlay of footprint of proposed development over existing plan.



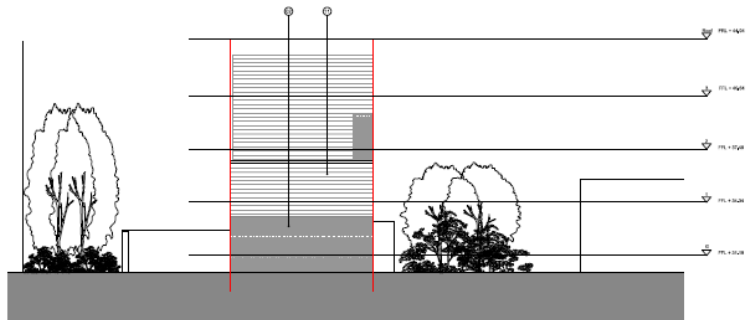


Proposed second floor (top) and proposed third floor (bottom).





Proposed Rear Elevation - E3



Proposed Side Elevation - E4

Proposed side elevation (south – facing No.225 Randolph Avenue) (top) and proposed west elevation (bottom).

MINUTES OF PROCEEDINGS

Planning Applications Sub-Committee (2) – 5 December 2017

3 HELMSDALE HOUSE, 43 CARLTON VALE, LONDON, NW6 5EN

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

Additional representations were received from Mrs Lam Yuk Fong Chow, Mr Colin Morley, and Mr Colin Burns (November 2017).

Councillor Jan Prendergast addressed the Committee in her capacity as a Ward Member, in objection to the application.

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Registered Number	17/06181/COFUL	Date amended/ completed	18 July 2017
Date Application Received	12 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside of but opposite Maida Vale		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

2. SUMMARY

The application seeks permission for the demolition of the existing 12 single storey garages and erection of buildings ranging between two and four 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 opposite the boundary of the Maida Vale Conservation Area, both to the front (east) of the site and to the side (south) of the site where the boundary of the conservation area runs to the south of Nos. 223 and 225 Randolph Avenue.

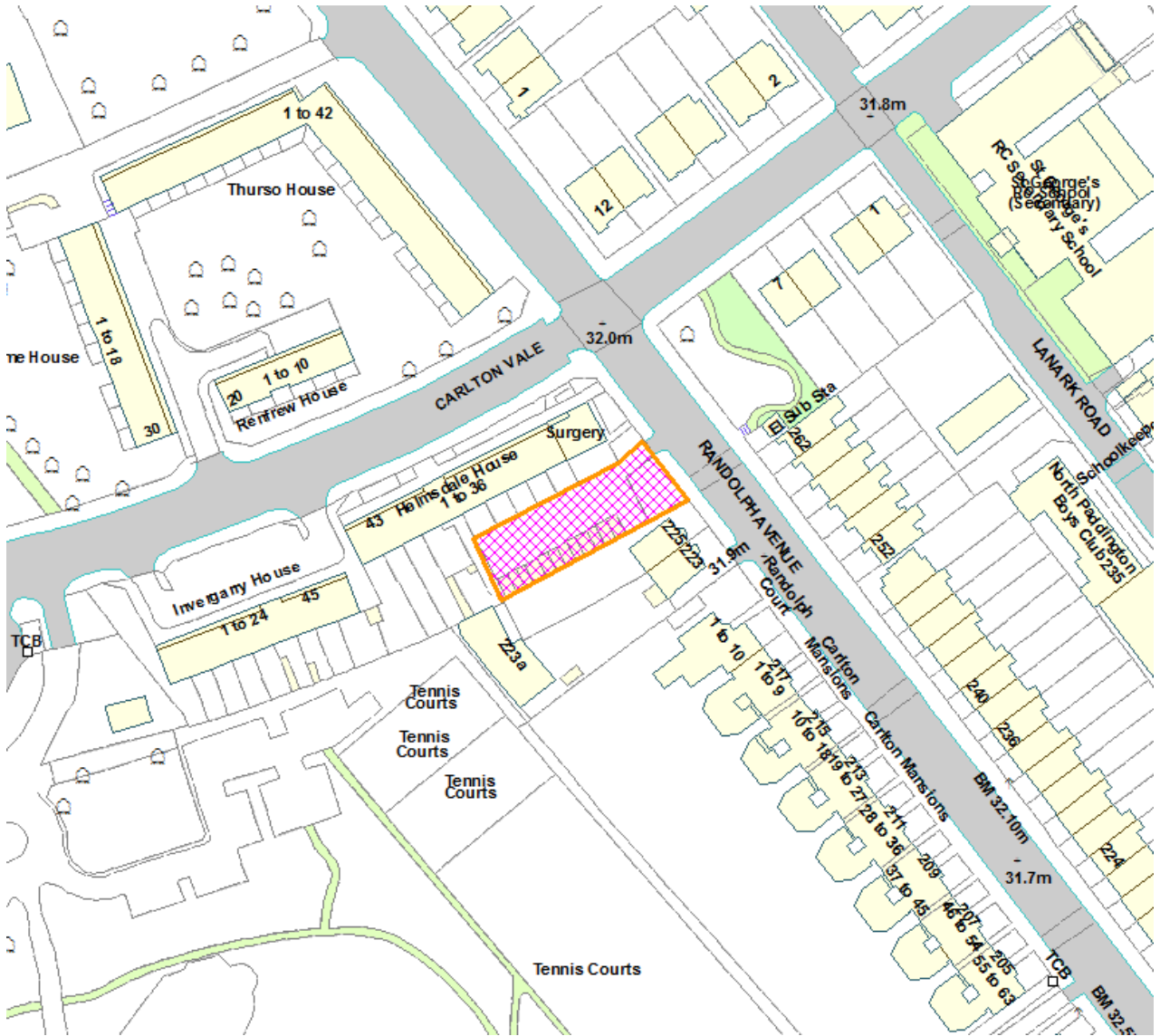
The scheme has been amended during the course of the application to reduce the western end of the development from 3 to 2 storeys and increase the height of the western end (front) of the scheme from 3 to 4 storeys, with associated alterations to the detailed design of the scheme. The amendments have been the subject of further consultation with neighbouring residents and other relevant consultees and the responses received are set out in Section 5 of this report.

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 the amenity of neighbouring residents.
- The impact on trees neighbouring the application site.
- 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 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.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from Randolph Avenue (top) and view of garages from within the site (bottom).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme – July 2017

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Generally supportive of scheme but raise the following points:

- Parking proposed looks difficult to manoeuvre in and out of.
- Proposed parking will hinder access for emergency vehicles.
- Compromise in design of the elevations leads to a poor presentation of the upper sloping tiling. This is architecturally inappropriate and a reduction in the number of units and increase in size would seem a better approach.
- Potential for overlooking to neighbouring gardens.
- Potential for daylight and sunlight losses.
- Ask that neighbours views are taken into account.

ARBORICULTURAL MANAGER

Not clear if lime tree to the front of the site, which is worthy of statutory protection but currently isn't protected, is rooting beyond the raised bed at the front of the site. Trial pits are required to establish the extent of rooting. Confirmation should be provided regarding any changes in levels. Sewer connection has the potential to cause root severance. Steps within the existing raised bed are within the root protection area of the lime tree and should be omitted if tree is rooting in this area. An ash tree to the rear of the site (off-site) also has the potential to be affected but consider it could be safely retained as part of the development. Note that space for landscaping is limited and suggests a more bio-diverse green roof specification as sedum roofs provide less wildlife value than more varied green roofs.

CLEANSING MANAGER

No objection in principle but a condition is required to ensure the scheme delivers the individual waste stores for each unit and to demonstrate that the stores can accommodate waste and recycling.

DESIGNING OUT CRIME ADVISOR (METROPOLITAN POLICE)

Any response to be reported verbally.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection to the loss of the existing 12 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. Notes that on-street parking in the vicinity is at 66% capacity overnight but at 85% capacity during daytime hours. Access arrangements may require vehicles to wait on the highway to access the site, but this is no worse than arrangement for existing garages. The cycle parking spaces would not be secure and weatherproof and this should be addressed by amendments. The provision of 5 parking spaces for the 6 new residential units is acceptable, but on the basis that car club membership is also provided for the new residential units. Conditions and informatives recommended.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 68; No. of Responses: 8.

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

Land Use

- Unreasonable to convert garage spaces into residential accommodation.

Amenity

- Development will make Helmsdale House more crowded.
- Loss of daylight and sunlight to windows and gardens of neighbouring properties.
- Increased sense of enclosure.
- Additional noise from new properties relative to existing quiet garages.
- Amenity harm outweighs the benefit of six new residential units.
- The height of the development furthest from Randolph Avenue should be limited to two storeys.
- Development would create a tunnel effect to the rear of Helmsdale House in terms of noise.
- Loss of privacy/ increased overlooking.

Highways/ Parking

- Residents of Helmsdale House use the garages and their loss would be a loss of amenity for existing residents.
- Not clear if alternative garages will be provided by the applicant.
- Lack of on-street parking in Carlton Vale and Randolph Avenue.
- It can already take 15 minutes to find a space.
- Adverse impact on access for emergency vehicles. Noted that this has been raised with the applicant without a response being received.
- Any redevelopment should include replacement parking for residents of Helmsdale House.
- Increased pressure on on-street parking in the vicinity.
- Does not appear to be sufficient room for the number of spaces proposed on site.

Other Matters

- Timing of consultation in school holidays will mean many miss the chance to comment.
- Elderly residents will not be able to comment via the website.
- Consultation period should be longer.
- Not sufficient information on the proposed development provided.
- Adverse impact on views from flats in Helmsdale House.
- Adverse impact on the value of neighbouring properties.
- Noise and disruption from construction works.
- Dust and dirt from construction works.
- Cumulative impact of construction works with those being carried out in Brent opposite as part of estate regeneration.
- Construction work hours should be limited to 08.00 to 17.30 on weekdays and 09.00 to midday on Saturdays and no work at any other time.

- Not clear why applicant does not consider the residents of existing blocks 'key stakeholders'.
- Unclear who will be responsible for relocating refuse to the collection area and returning the bins to the store.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Consultation on Revised Scheme – November 2017 (Amendments comprising reduction of height of western end of scheme and increased height to eastern end with associated alterations to the detailed design of the development)

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

ARBORICULTURAL MANAGER

The results from trial pits indicate the lime tree at the front of the site is rooting in the north west corner of the raised bed/ garden area and therefore the whole of the planting bed should be regarded as the root protection area (RPA). The proposed steps should therefore be relocated to an alternative location. Trial pits indicate that the degree of rooting outside the raised bed/ garden is limited and therefore the initial concerns regarding the layout of the development have been overcome.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

LONDON FIRE BRIGADE

Any comments to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 68; No. of Responses: 3.

Three emails received raising objection on all or some of the following grounds:

Land Use

- Proposal will lead to further overcrowding.

Amenity

- Some amenity issues will be eased by revised plans for some residents due to reduction in bulk to the rear of the site, but the impact on other residents in the eastern end of Helmsdale House will be increased.
- Loss of light.
- Increased sense of enclosure.
- Site is unsuitable for additional residential properties due to proximity to neighbours.
- Noise and disturbance from more vehicles and people in the area.

Highways/ Parking

- Removal of garages will exacerbate parking issues in the area.

Other Issues

- Noise and disturbance from construction works.
- Restricted access to the rear could obstruct emergency services in the event of a fire or other emergency.
- None of the previously raised concerns have been addressed.
- Adverse impact on services including water pressure.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises 12 garages originally built to serve the mid 20th Century residential block of flats facing Carlton Vale known as Helmsdale House. The planning history records for Helmsdale House sites do not contain the original planning permission for the block and therefore there is no evidence to establish whether the garages are restricted to use by the occupiers of the block by planning condition. The applicant has submitted evidence demonstrating that 11 of the garages are currently let to occupiers of Helmsdale House.

The site does not contain any listed buildings and is not located within a conservation area, but it is located opposite the boundary of the Maida Vale Conservation Area, both to the front (east) of the site, and to the side (south) of the site where the boundary of the conservation area runs to the south of Nos. 223 and 225 Randolph Avenue.

6.2 Recent Relevant History

No relevant planning history. The original planning permissions for Helmsdale 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 12 garages and erection of a buildings ranging between two and four storeys to provide 6 residential units (Class C3).

The scheme would deliver 2x1 bedroom flats (one of which would be wheelchair accessible), 2x2 bedroom houses, 1x2 bedroom duplex flat and 1x3 bedroom duplex flat. The proposed development would be arranged as a short mews scale terrace, with a taller four storey frontage building facing Randolph Avenue located between No.225 and the end elevation of Helmsdale House.

The two bedroom duplex unit within the four storey block would have access to a roof terrace, with the other units having access to courtyard gardens or terraces to the north elevation of the development. The two dwellinghouses and the upper 1 bedroom unit at the western end of the site would also have screened roof terraces at first floor level. Five parking spaces would be provided to serve the six residential units. These would be provided within the public realm to be created between the new residential blocks and Helmsdale House.

The application has been amended during the course of the application as follows:

- Remove a third storey from the western end of the development to reduce the degree to which this element of the scheme increases enclosure and causes a loss of light to windows in Helmsdale House.
- Raise the height of the part of the building facing Randolph Avenue from three storeys to four storeys and amendment of the detailed design of this part of the scheme. This amendment was made to improve the architectural relationship of the proposed development to the neighbouring buildings on either side when seen in views from within the conservation area in Randolph Avenue.

8. DETAILED CONSIDERATIONS

8.1 Land Use

For the reasons set out in Section 8.5 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 (2x1 bedroom units, 3x2 bedroom units and 1x3 bedroom unit) which would fall below the requirements of Policy H5 in the UDP and Policy S15 in the City Plan to provide 33% of new residential units as 3 bedroom family size units. The scheme would provide 17% of the units as family sized accommodation. However, given the relatively limited number of units to be provided and the constraints of the site in terms of the size and form of the building in which the residential accommodation is to be provided (which has been modelled to limit the amenity impact on neighbouring residents), the proposed proportion of family size housing is considered to be acceptable. It is also noted that Policy H5 in the UDP states that the 33% threshold for family sized units will be applied flexibly.

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 1,000m² 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 appreciable in public views from Randolph Avenue; albeit

the garages are partially screened by the change in levels between the site and street level and the lime tree within the raise bed/ garden at the front of the site.

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 footprint of the proposed development is limited to the southern side of the site in order to distance the development from the neighbouring habitable windows in the rear of Helmsdale House to the north. This results in a linear development being proposed along the southern boundary of the site. The northern elevation facing Helmsdale House would be modulated by the stepping forward and back of the footprint of the building to create sheltered courtyard gardens. In view of the proximity of the building to Helmsdale House, and following amendment, the rear of the development would be limited to two storeys with the upper storey at first floor level articulated as a roof tile clad roof storey. The front quarter of the development, where it faces Randolph Avenue would increase in height to four storeys; albeit the third floor level would be relatively slender. Like the top storeys to the rear of the development, the third floor level would take the form of a tile clad roof storey with pitched front and rear elevations identifying it as the terminating element of the overall composition. Below this floor, the building would have windows with a strong vertical emphasis and a relatively ordered pattern of fenestration to seek to tie the design of the building into the surrounding townscape, much of which is located within the Maida Vale Conservation Area.

In addition to the modelling of the bulk and mass of the proposed development referred to in the preceding paragraph, the massing of the building would be further broken down by the use of brickwork in differing brickwork patterns and bonds, false chimneys and tile clad roof storeys.

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 from the 19th and 20th Centuries. The palette of materials is otherwise relatively restrained with dark grey aluminium windows and timber garage and front doors, clay tiles and timber privacy screens.

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.

Therefore in design terms, subject to the recommended conditions, the scheme is considered to be acceptable and would preserve the character and appearance of the neighbouring Maida Vale Conservation Area. The scheme would be 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

8.3.1 Daylight and Sunlight

The applicant has submitted a daylight and sunlight assessment of the proposed development, which assesses its impact on properties within Helmsdale House and immediate neighbouring properties in Randolph Avenue, closest of which is No.225 Randolph Avenue immediately to the south of the application site.

The proposed development would not result in a material loss of daylight to any neighbouring windows in neighbouring properties other than to 11 windows in Helmsdale House and No.225 Randolph Avenue. All other windows would either not be affected or affected by losses of daylight that would be below the threshold at which the Building Research Establishment (BRE) Guidelines (2011) identify that the loss of daylight would be appreciable. The 11 windows that would suffer material losses of daylight using the VSC method of assessment, which the BRE Guidelines identify as the primary method of assessing daylight losses to existing neighbouring windows as a result of proposed development, are set out in Table 1 below.

Table 1 – Material Losses of Daylight using Vertical Sky Component (VSC).

Window Location	Habitable Room	Existing VSC	Proposed VSC	VSC Loss	Ratio	Ratio (excl. Over Sailing Balcony)
Helmsdale House – 1 st floor	Likely to be living room window	1.2%	0.9%	0.3%	0.75	0.94
Helmsdale House – 1 st floor	Likely to be living room window	5.4%	4.0%	1.4%	0.74	0.94
Helmsdale House – Grd Floor (No.3)	Likely to be living room window	5.0%	3.7%	1.3%	0.74	0.96
Helmsdale House – Grd Floor (No.3)	Likely to be living room window	7.5%	4.6%	2.9%	0.61	0.86
Helmsdale House – Grd Floor (No.4)	Likely to be living room window	5.2%	4.1%	1.1%	0.79	0.97
Helmsdale House – Grd Floor (No.4)	Likely to be living room window	8.2%	5.9%	2.3%	0.72	0.88
Helmsdale House – Grd Floor (No.5)	Likely to be living room window	8.9%	6.4%	2.5%	0.72	0.89
225 Randolph Ave – Basement level side window	Unknown	28.5%	21.2%	7.3%	0.74	N/A
225 Randolph Ave – Basement level side door	No	27.2%	17.4%	9.8%	0.64	N/A
225 Randolph Ave – Basement level side window	Unknown	27.4%	9.4%	18.0%	0.34	N/A

225 Randolph Ave – Grd level side window	Unknown	30.5%	21.6%	8.9%	0.71	N/A
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The material losses that would be caused would be focused towards the eastern end of Helmsdale House adjacent to the taller four storey element of the proposed development. The losses would all occur to windows that are recessed, such that the over sailing element of Helmsdale House above already significantly limits the amount of daylight received by the affected windows. The BRE Guidelines identify that in such circumstances it is reasonable to assess these windows as though they were located in the face of the building and not, so as to identify the extent to which the windows are affected by the existing obstruction rather than the proposed development. The applicant has undertaken such an assessment and as set out in Table 1 above, this demonstrates that if the windows were not recessed they would not suffer a material loss of daylight as a result of the proposed development. In this context, it is not considered that objections raised on grounds of daylight loss to windows in the rear of Helmsdale House can reasonably be supported as a ground on which to withhold permission.

The windows in No.225 Randolph Avenue are at basement and ground floor levels. The windows are in close proximity to the boundary of the site and in such circumstances the BRE Guidelines allow the assessment of the windows against an existing situation with an indicative 'mirror' development on the application site (i.e. a mirror of the built form of No.225 on the application site). Using this test, three of the four windows would no longer fail to accord with the BRE Guidelines with only the penultimate window in Table 1 continuing to fall below the BRE Guidelines. This window is the rearmost side window at basement level. However, the accommodation at basement level in No.225 includes further windows serving habitable rooms to the front and rear and therefore proportionately the impact on this neighbouring property in terms of daylight loss of not considered to be so significant so as to warrant withholding permission.

Only one window in Helmsdale House would suffer a material loss of sunlight as a result of the proposed development and this would be one of the ground floor windows serving No.3 (the window fourth down in Table 1, which also suffers a material loss of daylight). It would suffer a 45% reduction in annual probable sunlight hours and a 40% reduction in winter sunlight hours. Given that the material losses of sunlight would be limited to a single window the impact of the proposed development in sunlight terms is considered to be acceptable.

The applicant has assessed the overshadowing to existing garden spaces to the rear of Helmsdale House. The assessment demonstrates that the proposed development would be compliant with the BRE Guidelines as at least 50% of all the gardens would receive at least two hours of sunlight on 21 March.

8.3.2 Sense of Enclosure

In sense of enclosure terms the occupiers of neighbouring properties in Helmsdale House and the Paddington Waterways and Maida Vale Society have raised concerns that the development would increase enclosure to their windows to a significant degree. The windows in the rear of Helmsdale House would be between 11.6 and 12.2m from the proposed development where it steps forward to its northern elevation, with the recessed elements where the balconies are located set back between 15.5m and 15m. However, as

the proposed development would be limited to two storeys at its western end, with the ground floor largely screened by the existing rear boundary of Helmsdale House, this element of the scheme is not considered to give rise to a significant increase in enclosure to properties in Helmsdale House. The four storey element would have a more appreciable impact on views from windows serving properties in the eastern end of Helmsdale House. However, these views are already terminated to some degree by the flank elevation of No.225 Randolph Avenue. Given this and as the bulk and form of the four storey element of the proposed scheme is relatively slender, it is not considered that it would materially increase the sense of enclosure felt by neighbouring occupiers in Helmsdale House to such a degree so as to justify withholding permission given the public benefit of providing new residential accommodation. It is recognised that this element of the proposal would though be readily appreciable in views from windows in the eastern end of Helmsdale House.

To the south of the site, the proposed development would increase the height of the boundary of the rear garden of No.225 Randolph Avenue, albeit the applicant has sought to mitigate this by setting the bulk of the first floor back marginally from the boundary. The proposed development will be readily appreciable in views from the rear windows of No.225 and the rear garden of this property. However, it would only be visible in oblique views from the rear windows and in garden views the garden, which is generous in size, would retain an open aspect to the south and west. The side windows at basement and ground level would be marginally forward of the front building line of the proposed development such that they would not be significantly enclosed. Furthermore, the windows at basement level already face the boundary wall with the application site and so have limited existing outlook.

8.3.3 Overlooking

The scheme has been carefully considered to limit the number and size of windows where they would directly face existing windows in Helmsdale House, so as to limit the potential for 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 Helmsdale House.

To the south elevation facing No.225 Randolph Avenue, only one window is proposed at first floor level. This is located at the western end of the development and as a result would not cause significant overlooking as it faces the end of the rear garden of the property and is set back from the boundary of the site.

8.3.4 Other Amenity Issues

Conditions are recommended to control the amenity impact of the development. The recommended conditions comprise a condition to prevent the future addition of new windows or extensions 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.

Concerns have been expressed regarding the potential for noise from the proposed residential units. However, given the relatively limited number of units proposed, the limited size of the amenity spaces to be provided and the distance from neighbouring flats in Helmsdale House, it is not considered that the proposed development would give rise to such a significant increase in noise so as to warrant withholding permission on this ground.

In conclusion in amenity terms, subject to the recommended conditions, the amenity impacts of the development are acceptable and would accord with Policies ENV 6 and ENV13 in the UDP and S29 and S32 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 block (Helmsdale House). The applicant's evidence indicates that the garages are largely let, with only one of the 12 garages not let to occupiers of Helmsdale House (see Table 2 below). However, the applicant's survey of the garages in April 2017 indicated that of the 11 garages that are let, only six were being used to park cars at the time of the survey.

Parking Services have reviewed on-street residents parking permits on issue to occupiers of Helmsdale House and this shows that 14 vehicles are already parked on street that are registered to occupiers of these blocks. The Highways Planning Manager has confirmed that on-street parking in the vicinity of the site is at 66% occupancy at night and is at 85% occupancy during the daytime. Therefore it is above the stress level of 80% occupancy referred to in Policy TRANS23 in the UDP during daytime hours, but well below this level overnight.

In this context, whilst it is apparent that the proposal would result in an increase in on-street parking pressure, given the public benefit of providing additional housing on this site, it is not considered that the loss of the garages would have such a significant adverse 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	Helmsdale House	Let
2	Helmsdale House	Let
3	Helmsdale House	Let
4	Helmsdale House	Let
5	Helmsdale House	Let
6	Helmsdale House	Let
7	Helmsdale House	Let
8	Helmsdale House	Let
9	Helmsdale House	Let
10	Helmsdale House	Let
11	Helmsdale House	Let
12	-	Vacant

Objectors and the Paddington Waterways and Maida Vale Society have raised concerns regarding the accessibility of some of the parking spaces within the proposed development. The applicant has provided vehicle tracking to demonstrate that the five parking spaces proposed would be accessible to typical sized vehicles and the Highways Planning Manager does not object to the parking layout proposed. The ratio of 0.83 parking spaces per residential unit is relatively high and therefore, despite the Highways Planning Manager's concerns, the level of parking ratio proposed is considered to be acceptable and the provision of car club membership for the residential units within the development is not considered to be necessary to mitigate the parking demand arising from the proposed residential units.

The scheme includes cycle parking in a communal store at the western end of the development. 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 and the Paddington Waterways and Maida Vale Society 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 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. Both 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

The proposed development would not necessitate the removal of any trees. Trial pits have been dug during the course of the application to demonstrate the extent of rooting of the Lime tree to the front of the site below the site. This has demonstrated that its roots are generally confined to the raised bed/ garden to the front of the site which is to be retained. As such, the Arboricultural Manager does not object to the layout of the development. She does though have concerns regarding the formation of a staircase within the raised bed/ garden area and a condition is recommended to require the location of this stair to be relocated.

A condition is recommended to ensure the provision of the tree protection measures set out in the submitted Arboricultural Statement. Further details of hard and soft landscaping are also be secured by condition. Subject to the recommended conditions the proposal would accord with Policies ENV16 and ENV17 in the UDP and S38 in the City Plan.

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.

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; 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 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

No 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 a 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 and dust and dirt 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. To restrict the hours of construction to a greater degree, as suggested by one objector would be unreasonable and would risk elongating the overall period of construction works.

A number of concerns were initially expressed regarding the timing of consultation and the length of time given for comments. However, the consultation undertaken in both July and November 2017 has accorded with the City Council's Statement for Community Involvement for Planning (2014) and ample time for comment on the application in its originally submitted and revised forms has been provided. As such, permission could not reasonably be withheld on this basis.

Objections have been raised on grounds that the development would have an adverse impact on private views from flats in Helmsdale House and would have an adverse effect the value of neighbouring properties. However, these are not valid planning grounds for objection and therefore permission cannot reasonably be withheld on these grounds.

9 BACKGROUND PAPERS

10. Application form.

Responses to Consultation on Initially Submitted Scheme (July 2017)

11. Email from Paddington Waterways and Maida Vale Society dated 1 September 2017.
12. Memo from the Cleansing Manager dated 2 August 2017.
13. Memo from the Highways Planning Manager dated 18 August 2017.
14. Memo from the Arboricultural Manager dated 17 October 2017.
15. Email from the occupier of 27 Helmsdale House, 43 Carlton Vale dated 26 July 2017.
16. Email from the occupier of 10 Helmsdale House, 43 Carlton Vale dated 26 July 2017.
17. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 2 August 2017.
18. Email from the occupier of 8 Melrose House, 49 Carlton Vale dated 2 August 2017.
19. Email from the occupier of 31 Helmsdale House, 43 Carlton Vale dated 5 August 2017.
20. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 9 August 2017.
21. Email from the Carlton Vale RMO, 1 Helmsdale House, 43 Carlton Vale dated 10 August 2017.
22. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 11 August 2017.

Responses to Consultation on Revised Scheme (November 2017)

23. Memo from the Arboricultural Manager dated 20 November 2017.
24. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 19 November 2017.
25. Email from the occupier of Carlton Vale RMO, 1 Helmsdale House, 42 Carlton Vale dated 23 November 2017.

26. Email from the occupier of 25 Helmsdale House, 43 Carlton Vale dated 24 November 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 .
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DRAFT DECISION LETTER

- Address:** Helmsdale House, 43 Carlton Vale, London, NW6 5EN
- Proposal:** Demolition of single storey garages and erection of buildings ranging between two and four storeys to provide 6 residential units (Class C3), with associated alterations and landscaping.
- Plan Nos:** 1638-2/A/106/003 (site location plan), 1638-2/A/101/001 Rev.02, 1638-2/A/101/102 Rev.02, 1638-2/A/101/103 Rev.02, 1638-2/A/101/104 Rev.01, 1638-2/A/101/003 Rev.02, 1638-2/A/102/000 Rev.01, 1638-2/A/102/001 Rev.01, 1638-2/A/103/001 Rev.01, Design and Access Statement dated July 2017 (as amended by the Updated Planning Drawings document dated November 2017), Daylight and Sunlight Study dated 19 May 2017, Daylight and Sunlight (Within Development) dated 19 May 2017, Air Quality Report dated April 2017, Statement of Community Involvement dated July 2017, Ground Investigation Report dated May 2017, Acoustic Planning Report dated March 2017, Surface Water Drainage Strategy dated July 2017, Structural Notes to Accompany Planning Submission dated July 2017, Transport Assessment dated July 2017, Ecological Appraisal dated June 2017, Arboricultural Impact Assessment dated 17 May 2017, Energy Statement dated June 2017, 1638-2/A/106/001 Rev.P1, 1638-2/A/106/002 Rev.P1 and LD-SKE-002 Rev.A (tree removals). Planning Addendum Drawings document dated January 2018 and Addendum Note dated 21 December 2017.
- 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) Hit and miss brickwork to front block roof terrace.
 - (e) Waste and recycling collection storage structures.
 - (f) Front boundary walls/ fences .

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 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 provision of a revised ground floor plan showing waste storage within the amenity areas as well as the communal bin store and (ii) the bins for waste and recycling should be indicated with the letters 'w' and 'r' respectively).

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 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:
- Relocation of the steps up to the communal front garden area so they are not located within the root protection area of the tree within the garden area.
- 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. (C26UB)
- 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)
- 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)
- 17 You must not carry out the development until you have implemented the tree protection measures set out in the Arboricultural Impact Assessment dated 17 May 2017. Thereafter the tree

protection measures must be maintained for the duration of the construction works.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is 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. (R31AC)

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 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)
- 3 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.
- 4 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)
- 5 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)

- 6 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

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

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.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.