

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	Car Park, Fisherton Street, London, NW8 8NP		
Proposal	Erection of three storey terrace of three dwellinghouses (Use Class C3) with associated amenity space, cycle parking and car parking (Linked to application ref: 17/08619/FULL)		
Agent	DP9		
On behalf of	BY Developments Limited		
Registered Number	17/09337/FULL	Date amended/ completed	25 October 2017
Date Application Received	20 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Not applicable.		

1. RECOMMENDATION

1. Grant conditional permission, subject to the satisfactory completion of a section 106 agreement to secure the following:
 - a) Delivery of the affordable units on the application site before occupation of the market units on the Luton Street Site (see ref: 17/08619/FULL);
 - b) Highway works associated with the development; and
 - c) Payment of cost of monitoring the agreement.
2. If the section 106 agreement has not been completed within six weeks from of the date of the Committee's resolution, then:
 - a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an Undertaking within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site is a disused 14 space residential car park, located on the south side of Fisherton Street. It is not located within a conservation area but is located within the North Westminster Economic Development Area (NWEDA).

The applicant proposes a terrace of three, three storey townhouses. Each townhouse would have four bedrooms. The townhouses would be social rented townhouses, providing 410 sqm GIA of affordable floorspace. This floorspace would be used as an off-site affordable housing contribution toward the development proposed on the Luton Street Site. The Luton Street Site is located approximately 300-400 metres to the south east of the application site.

The key considerations are:

- Loss of the existing car parking spaces;
- Use of the application site as an off-site affordable housing contribution for development on the Luton Street Site;
- Impact on the amenity of residents in neighbouring buildings'
- Impact on parking; and
- Impact on trees.

The development would also accord with the development plan and it is therefore recommended that planning permission is granted, subject to a legal agreement and subject to the conditions set out in the draft decision letter appended to this report.

4. PHOTOGRAPHS



Application Site as Seen From Fisherton Street

5. CONSULTATIONS

WARD COUNCILLORS FOR CHURCH STREET

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER

No objection to the alterations to existing vehicle access, loss of on-street parking, waste and revising provision. Object to loss of existing car parking and parking provision for the proposed units. Recommend condition to secure appropriate cycle parking.

WASTE PROJECT OFFICER

Request that ground floor plan is clearly labelled to show bins for recycling and waste.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions.

BUILDING CONTROL OFFICER

No objection.

ARBORICULTURAL MANAGER

Note that none of the trees surrounding the site are protected. Proposal is likely to result in the loss of damage to three trees adjacent to the site. Insufficient information has been provided to determine whether the proposal will harm three further trees.

WESTMINSTER CITY COUNCIL PARKS & GARDENS

Advise that they have no comments at this stage.

WESTMINSTER CITY COUNCIL CHILDREN'S SERVICES

Any response to be reported verbally.

WESTMINSTER CITY COUNCIL SPORT & LEISURE

Any response to be reported verbally.

CITYWEST HOMES

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Note odd arrangement of dining room on first floor and kitchen on ground floor for proposed townhouses.

LUTON STREET REGENERATION WORKING GROUP

Object to design of dwellings. kitchen and dining rooms are on different floors and drawings should be amended to address this.

CHURCH STREET WARD PLANNING AND LICENSING GROUP

Kitchen on ground floor and dining area on upper floor is impractical. Design should be rethought.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 68
Total No. of replies: 1
No. of objections: 0
No. in support: 0

One comment neither in support or objecting received.

Representation notes that development of this site is needed although this proposal looks rushed. Provision of kitchen on ground floor and dining room on floor above impractical.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

This application site is a disused 14 space residential car park, located on the south side of Fisherton Street. It is located between two residential mansion blocks (Orchardson and Cooper Houses). The car park backs onto Orange Park, which is a small park accessed from Orchardson Street.

The application site It is not located within a conservation area but is located within the North Westminster Economic Development Area (NWEDA).

6.2 Recent Relevant History**6.2.1 Application Site**

13/08340/COFUL

Erection of part one, part two storey building for use as a family support centre / day nursery (Class D1) on the existing vacant car park.

Permission granted 5 November 2013. This application was never implemented and has expired.

6.2.2 Development Site at Capland Street, Bedlow Close and Luton Street, London, NW8 ("the Luton Street Site")

17/08619/FULL

Demolition of buildings and redevelopment to provide two six storey buildings above lower ground and row of three storey townhouses comprising up to 168 residential units with ancillary facilities (Class C3) and a Sports Hall (Class D2), and associated car park, energy centre and all other works incidental to the proposed development.

This application is also for the committee's consideration tonight. The development proposed on the application site would provide an off-site affordable housing contribution for the above development.

7. THE PROPOSAL

The applicant proposes a terrace of three, three storey townhouses. Each townhouse would have four bedrooms. The townhouses would be social rented townhouses, providing 410 sqm GIA of affordable floorspace. This floorspace would be used as an off-site affordable housing contribution toward the development proposed on the Luton Street site. The Luton Street Site is located approximately 300-400 metres to the south east of the application site.

Two off-street car parking spaces are proposed on-site, accessed off Fisherton Street. Six cycle parking spaces would also be provided.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Existing Car Parking

The Highways Planning Manager has objected to the loss of this residential car parking, noting that it would be contrary to policy TRANS 23 of the UDP. However, this car park has been

Whilst the loss of 14 off street parking spaces is normally resisted in terms of Policy TRANS 23, it has not been open to the public or residents for over 9 years and its loss was previously permitted under application ref: 13/08340/COFUL. As it has not been open for some time, it is anticipated that any car parking demand associated with it will have been accommodated elsewhere and its loss will not increase on-street parking demand.

The loss of these spaces also has to be balanced against the City Council's aspirations for NWEDA, as set out in policy S12 of the City Plan. The proposal would enable wider regeneration on the Luton Street Strategic Proposals Site to go ahead. Accordingly, the proposed development would be consistent with policy S12 and the loss of this car parking is considered acceptable in this particular instance.

8.1.2 Provision of Affordable Housing

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of more residential floorspace including the creation of new residential units and encourage changes of use from non-residential uses to residential use. Policy S16 also encourages the provision of affordable housing like that proposed. Accordingly, the proposed residential units are supported in principle

The proposed affordable housing on-site would be entirely social rented, and therefore does not meet the City Council's preferred 60:40 social rent/intermediate tenure split. However, it would be an off-site contribution toward development on the Luton Street Site. When taken together, the 60:40 tenure split would be met. To ensure that these affordable units are delivered, a planning obligation is recommended to secure their delivery before occupation of the market units on the Luton Street Site.

The proposed townhouses would exceed the Nationally Described Space Standard (March 2015) ("the Space Standard") as referred to by policy 3.5 of the London Plan. All units also dual aspect and have private outdoor amenity space. Accordingly, they would meet the Mayor's Housing SPG (adopted 2016) ("the Housing SPG") and policy H10 of the UDP. To ensure that the outdoor amenity spaces remain private, a condition requiring screening is recommended. Subject to this condition, the proposed townhouses would provide an acceptable standard of accommodation.

The Environmental Health Officer has recommended a condition to ensure that the building envelope provides adequate noise insulation for residents. This condition is recommended to the committee. The Environmental Health Officer has also recommended a condition controlling plant noise. However, no plant is proposed and this condition is therefore not recommended to the committee.

Several objectors note that the proposed townhouses have an unusual layout whereby the kitchens are located on the ground floor and the dining areas are located on the floor above. This is considered an inappropriate layout and an amending condition is recommended to secure an appropriate standard of accommodation.

8.2 Townscape and Design

This urban block was first developed in the early/mid-19th century and was laid out with rows of terraced properties. In the 1920's or early 1930's these were cleared away to accommodate the mansion blocks which still remain in place. It is unclear when the car park where the houses are proposed in this application was created. However, unlike other car parks to the site it does not appear on any of the previous Ordnance Survey maps (the latest of which held by the City Council is in the 1970's) and it appears therefore to be a relatively recent addition to the site on land originally laid out as garden landscaping.

The townscape of this area is relatively uniform, characterised by 1930's mansion blocks which are faced in red/brown and with white painted sash windows. The mansion blocks are set into communal gardens with mature trees. Though attractive and of some historic character, the block is nonetheless located outside a conservation area.

The new building comprises three houses grouped together into a short terrace, and will have its main brick facing in a colour complimentary to the mansion blocks, with a differing shade of brickwork to accentuate the infill panels to the windows at second floor level. The ground floor level will have a wider projecting frame containing the entrance door and ground floor window.

The new building sits within an open space between the mansion blocks, though as set out above the site has already been compromised to an extent by the loss of the original

green landscaping intended to this section. In addition, it is noted that this urban block also incorporates the Richmond Arms public house which extends out to the pavement edge to Lyons Place and Orchardson Street, and also a relatively recent run of townhouses with very limited set back to the east end of Fisherton Street. Though a representing a sizeable new development in the open space between the mansion blocks, given the context the principle of a new development to the car park site is considered acceptable.

The new building sits approximately 5m forward of the building line of the adjoining Cooper House and Orchardson House mansion blocks, and it will sit 2.7m back from the pavement edge. This step forward is in response to a desire to protect tree roots present to the rear of the car park site. Though this step forward in the building line will give an added prominence to the buildings in views on Fisherton Street, its overall smaller massing allows it to remain visually subservient to the two much larger blocks of flats adjacent. The side elevations are enlivened by having blind window panels as well as the central band of windows, and thus these elevations revealed more clearly by the advanced footprint of the building are considered relatively attractive.

The front and rear elevations have the same basic design approach, with a larger opening to ground floor, wider openings to first and an opening partly infilled with a lighter shade of brickwork to second floor. This gives a distinct hierarchy to the elevations, which is considered attractive in itself. The impression will be of brick faced buildings with a good deal of visual solidity and window openings principally vertical in their orientation, which will sit comfortably in context with the surrounding historic mansion blocks with brick facing and vertical sash windows. To the front the entrance is emphasised by a frame projecting from the elevation. In itself, as a means of giving a base to the composition and highlighting the entrance in the design, this is considered acceptable. The proposed use of concrete for the frame however is not considered appropriate in this context and an amending condition requiring the use of a natural stone is recommended.

The new buildings will not be visible from the nearby Maida Vale, St John's Wood or Fisherton Street Conservation Areas, nor be within the setting of any listed building.

The new boundary frontage will maintain a similar arrangement to the existing, with a low height boundary wall and railings above. The higher brick boundary walls to the rear of the site are more regretted seen within these landscaped grounds beyond but are understandable in terms of the security and privacy of the houses, and their visual impression will be softened by the planter structure to the rear of the boundary wall.

Overall, the buildings are considered of good architectural quality, and the siting and massing of the buildings are considered acceptable in the context of the site and scheme. As such, the proposals are consistent with policies DES 1, DES 4, DES 7 and DES 12 of the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Loss of Light

Policy ENV13 of the UDP seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Policy DES 3 (c) (4) of the UDP also specifies, amongst other things, that high buildings should minimise the effects of overshadowing, especially within predominantly residential areas.

Regard is to be had to the BRE Guide as noted above. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by GIA ("the Light Study") to demonstrate compliance with the BRE Guide. The Light Study considers the properties below:

- Orchardson House
- Cooper House
- Poynter House.

Residential properties beyond these are considered too distant from the subject property to result in potentially unacceptable light loss.

Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the vertical sky component (VSC) measured from the centre of the window is less than 27% and less than 0.8 times its former value (i.e. a loss of 20% or more).

The Light Studies conclusions on daylight are summarised in the table below:

Table 1: Daylight Losses

SITE	VSC losses below 27%	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (%)	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
Orchardson House	6 out of 20	5 out of 20	21 - 38	1 out of 12	21
Cooper House	4 out of 52	1 out of 52	20.5	0 out of 28	NA
Poynter House	0 out of 20	0 out of 20	NA	0 out of 20	NA
TOTAL	10 out of 92 (11%)	6 out of 92 (7%)		1 out of 80 (1%)	

Most of these losses would be relatively minor for a Central London site and would not result in VSC and NSL losses exceeding BRE Guidelines on the majority of neighbouring properties. However, and given the application sites largely undeveloped nature, it is inevitable that development of this site would result in daylight losses for the occupants of neighbouring properties that exceed BRE Guidelines. Many of the transgressions arise from the existing, largely vacant and undeveloped nature of the site. This is an anomalous feature in the locality, with all surrounding properties, including many of those affected, containing five storey buildings.

In a Central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live. In this context, this level of daylight loss does not outweigh the substantial public benefits of the development, particularly given its strategic importance to housing and affordable housing delivery, to warrant refusal of this application.

The worst affected property would be ground and first floor windows on Orchardson House. Most of the VSC losses would be marginally above what the BRE Guide considers noticeable (i.e. 20%) and are not necessarily harmful. However, two windows would have VSC losses of 32 and 38%.

The overall level of compliance with BRE Guidelines is relatively high, notwithstanding the undeveloped nature of this site. Given the benefits of the scheme, including its contribution to regeneration of the Luton Street Site and the provision of affordable housing, the limited daylight losses are considered acceptable in this particular instance.

Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. Only rooms with a window facing within 90 degrees of due south are eligible for testing.

Despite the application sites Central London location, the proposed development achieves full compliance with BRE Guidelines on sunlight loss. Accordingly, the proposed development is consistent with policies S29 of the City Plan and ENV 13 of the UDP insofar as they relate to sunlight loss.

8.3.2 Sense of Enclosure

The proposed development would have three above ground storeys and would be separated from Poynter House by the width of Fisherton Street and garden areas (approximately 20 metres). This separation distance coupled with the relatively modest height of the proposed development would ensure that it does not significantly increase sense of enclosure for the occupants of Poynter House.

The proposed development would be separated from Orange House by approximately 10 metres. However, the proposed building sits forward on the application site so that the flank elevation parallel to Orange House is limited to a 6 metre length of wall and affects three bays of windows only. Existing occupants would still be able to see around the front and rear of the proposed development. Whilst the proposed development would increase sense of enclosure for the occupants of Orange House, this increase would not be significant given the separation distance and relationship between the two buildings and modest area of flank elevation wall involved.

The proposed development would be located approximately 7 metres from the flank elevation of Orchardson House. Although reasonably close, the flank elevation parallel to Orchardson House is limited to a 6 metre length of wall only and affects two bays of windows only. Existing occupants would still be able to see around the front and rear of the proposed development. Whilst the proposed development would increase sense of enclosure for the occupants of Orchardson House, this increase would not be significant given the relationship between the two buildings and modest area of flank elevation wall involved.

Given the above, the proposed development would be consistent with policies S29 of the City Plan and ENV 13 of the UDP insofar as they relate to sense of enclosure.

8.3.3 Privacy

The proposed development has been designed to minimise overlooking of neighbouring properties. It would primarily have outlook over public spaces to the front (Fisherton Street) or rear (Orange Park). The only flank windows proposed serve hallways and staircases, rather than habitable rooms and a condition is recommended requiring that

these windows are obscure glazed and non-opening. Subject to this condition, the proposed development would not result in unacceptable loss of privacy for the occupants of Orange and Orchardson Houses and would be consistent with policies S29 of the City Plan and ENV 13 of the UDP insofar as they relate to privacy.

8.4 Transportation/Parking

8.4.1 Alterations to the Existing Vehicle Access and On-street Parking

The proposal involves relocating the existing vehicle access. Currently either side of the existing vehicle access are two sections of on-street residential car parking bays – 22.5 metres (four bay equivalent) to the east and 46.1 metres (nine bay equivalent) to the west.

The applicant has not provided drawings of their proposed on-street changes at a recognised scale. The sketch provided indicates the length of existing on-street parking to be lost (approximately 5.4 metres), is longer than the length to be re-provided (approximately 5.0 metres). However, the number of notional spaces for the two lengths of existing on-street parking maintains the same number of residential spaces.

Should permission be granted, it is recommended that highways works associated with the development and reinstatement of on-street parking spaces be secured via legal agreement.

8.4.2 Car-Parking for the Proposed Dwellinghouses

Policy TRANS 23 of the UDP requires the provision of up to 5 parking spaces for the three dwellinghouses proposed. Two parking spaces are proposed.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 92%. However, TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 71%. The evidence of the City Council's most recent daytime parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 78%. Accordingly, parking capacity in the area surrounding the application site is nearly over the 80% threshold of policy TRANS 23 of the UDP.

Based on ward car ownership figures, the proposed townhouses would generate an actual parking demand of one vehicle. This could be accommodated on-site. Furthermore, this site is located in an area with high public transport accessibility (PTAL 5) which may discourage future occupants from owning cars. Given this, and having regard to paragraph 32 of the NPPF, which precludes refusal of development on transport grounds unless the impact is severe, refusal of the development on this basis would not be sustainable.

8.4.3 Cycle Parking

Policy 6.9 of the London Plan requires once cycle space per one bedroom unit and two spaces for all other dwellings. The proposal would therefore require six cycle parking spaces. While an area is indicated to be for cycle parking it is unclear if it is of sufficient size to meet the minimum requirements. Furthermore, it does not appear to be secure or weather proof. Accordingly, a condition is recommended to secure appropriate cycle parking for the site. Subject to this condition, the proposal would be consistent with policy 6.9 of the London Plan.

8.4.4 Waste Storage

The proposal includes waste storage areas although the Waste Project Officer notes that they do not appear to be clearly marked. A condition is therefore recommended to secure appropriate waste storage areas. Subject to this condition, the proposed development would be consistent with policies S41 of the City Plan and policies TRANS3, TRANS 20 and ENV 12 of the UDP.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees

No trees are located on the application site and the applicant does not propose removing any trees to allow the development to proceed. The trees surrounding the application site are also not protected and could be removed without planning permission.

The Arboricultural Manager notes that construction of the development is likely to harm trees adjacent to the site (Two Cherry Trees and a London Plane tree). House Three would require significant excavation into the Root Protection Area of a Cherry Tree and would be located in close proximity to that house, resulting in pressure to fell it at a later date. Similarly, House One would also be located in close proximity to a Cherry tree and would result in pressure to fell it at a later date. The vehicle crossover proposed would also result in potential root severance to the London Plane tree that would lead to its loss or damage.

The Arboricultural Manager also notes that three further trees (A Cherry, Alder and London Plane) may be at risk of damage through construction of the proposed development. Further information has been requested from the applicant to ascertain whether these trees can be safely retained.

The Committee will be updated verbally on the outcome of the Arboricultural Officers discussions with the applicant.

8.8 London Plan

This application is not referable to the Mayor. However, it provides an affordable housing contribution for the application to development on the Luton Street Site. That application is referable to the Mayor. Relevant strategic considerations involving the application site are set out in the officer's report for that application.

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

The draft 'Heads' of agreement are proposed to cover the following issues:

- d) Delivery of the affordable units on the application site before occupation of the market units on the Luton Street Site;
- e) Highway works associated with the development; and
- f) Payment of cost of monitoring the agreement.

As the proposed development contains affordable housing only, it is not liable for a Community Infrastructure Levy payment.

8.11 Environmental Impact Assessment

The proposed development is too small to require an Environmental Impact Assessment.

8.12 Other Issues

None

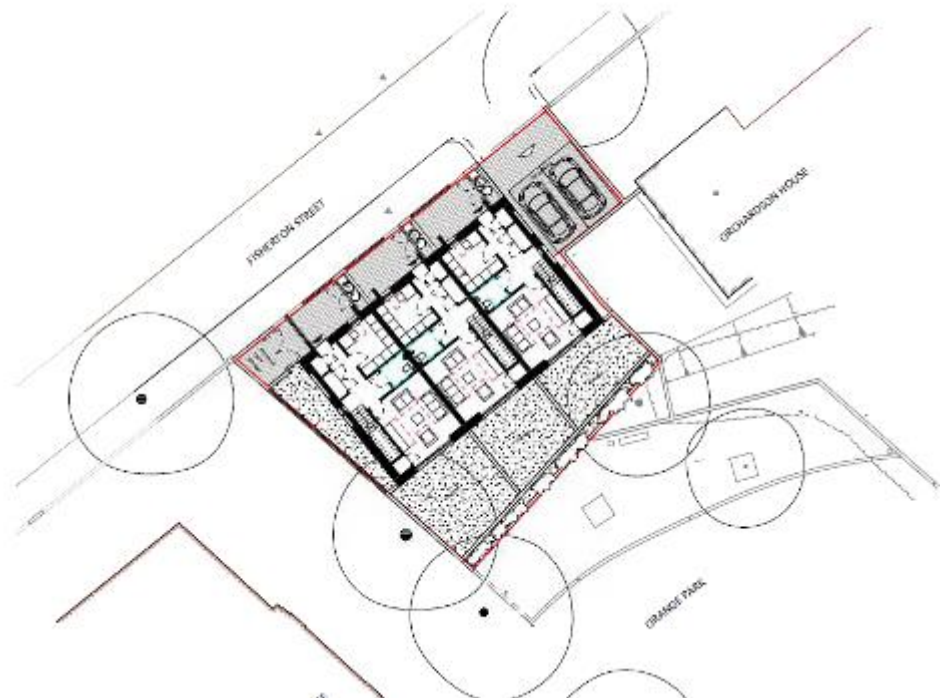
9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning Manager, dated 12 December 2017
3. Response from Waste Project Officer, dated 13 November 2017
4. Response from Arboricultural Manager, dated 26 January 2018
5. Response from Environmental Health Officer, dated 23 November 2017
6. Response from Building Control Officer, dated 9 November 2017
7. Response from Westminster City Council Parks and Gardens
8. Letter from The St Marylebone Society, dated 17 November 2017
9. Letter from the Luton Street Regeneration Working Group, dated 26 January 2018
10. Letter from Church Street Ward Planning and Licensing Group, dated 29 January 2018
11. Letter from occupier of Flat 70, Kimble House, 1 Lilestone Street, dated 26 January 2018

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk .
--

10. KEY DRAWINGS



Proposed Site Plan

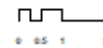


1 | Ground Floor Plan
1 : 100

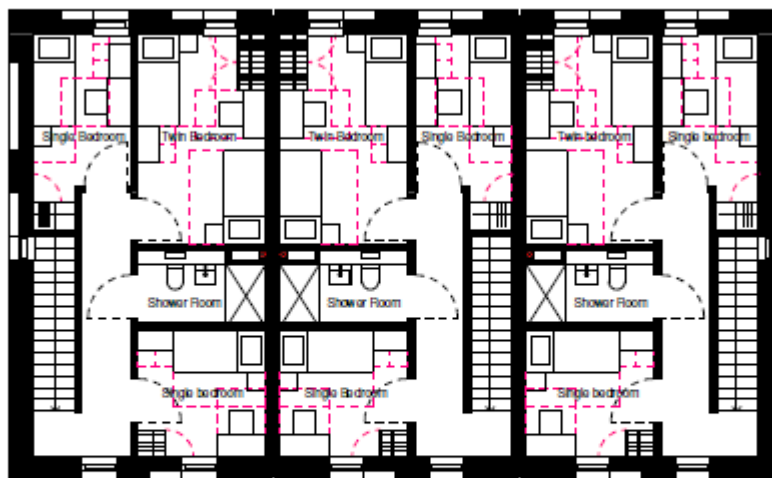
Proposed Ground Floor Plan



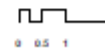
1 | First Floor Plan
1 : 100



Proposed First Floor Plan



1 | Second Floor Plan
1 : 100



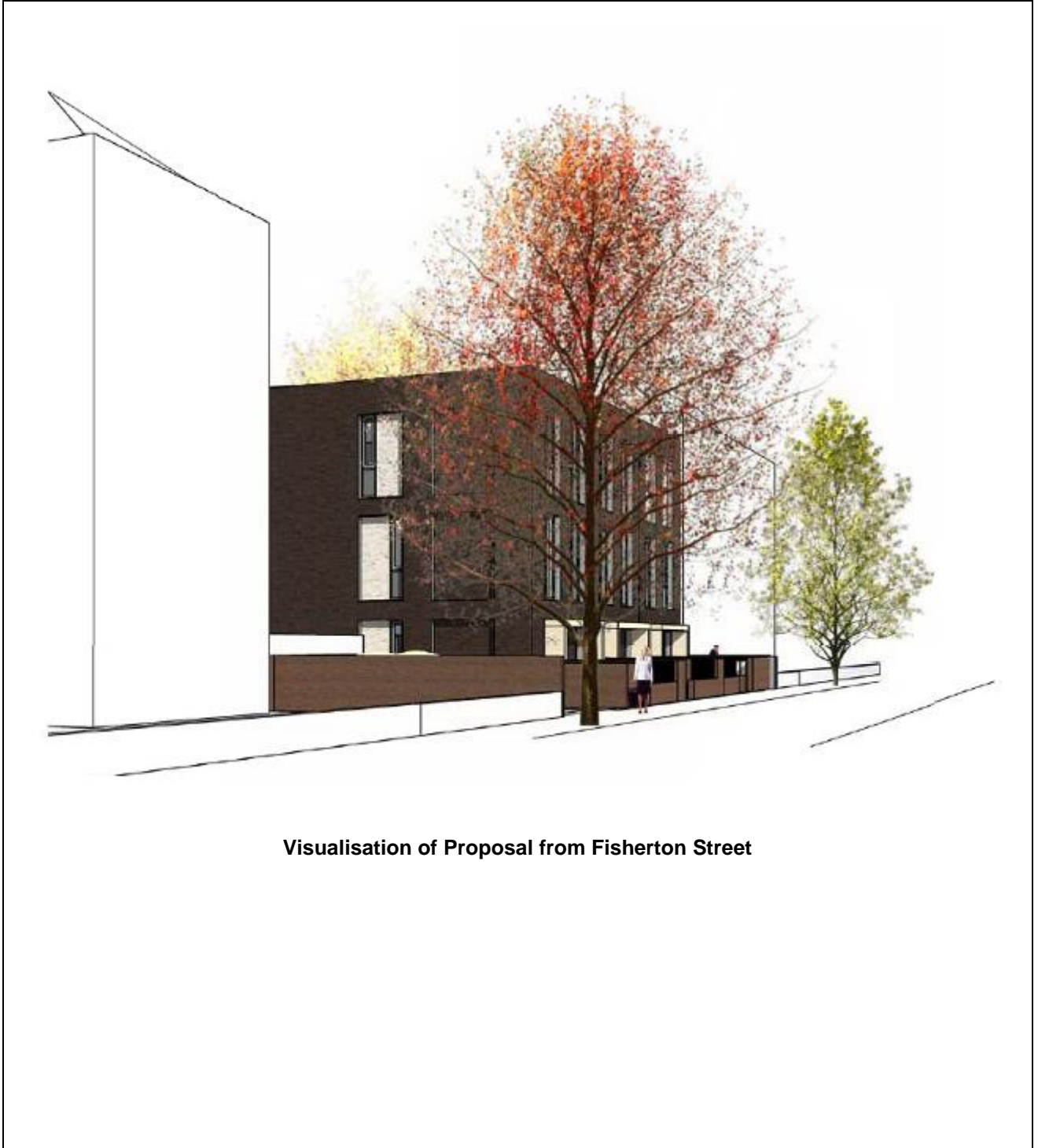
Proposed Second Floor Plan



Proposed Front Elevation



Proposed Rear Elevation



Visualisation of Proposal from Fisherton Street

DRAFT DECISION LETTER

- Address:** Car Park, Fisherton Street, London, NW8 8NP
- Proposal:** Erection of three storey building comprising three dwelling houses (Class C3) with associated amenity space, cycle parking and car parking (Linked to application ref: 17/08619/FULL)
- Reference:** 17/09337/FULL
- Plan Nos:** Drawing numbers A-PL-100, A-PL-200, A-PL-210, A-PL-300, A-PL-310, A-PL-320, A-PL-330, A-PL-400, A-PL-410, A-PL-500

FOR INFORMATION ONLY: Ecological Appraisal by Encon Associates (dated October 2017), Daylight and Sunlight Amenity Within the Site by GIA (dated 18 October 2017), Daylight and Sunlight Report by GIA (dated 18 October 2017), Design and Access Statement by Flanagan Lawrence (dated 20 October 2017), Utilities Statement by Mendick Waring Limited (dated 13 October 2017), Planning Statement by DP9 (dated October 2017), Tree Survey Report by Encon Associates (dated October 2017), Construction Management Plan dated 16 October 2017.

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

- 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 Once work commences on the construction of the development this must be for the complete development of the site. You must carry out the development without interruption and according to the drawings we have approved. (C29BB)

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 The brick facing to each building shall comprise complete bricks and not brick slips or other brick panelised systems

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 a sample panel of brickwork (which shall be no smaller than 1.5m x 1.5m) which shows the colour, texture, face bond and pointing. You must not start work on the cladding of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample panel. (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)

- 6 Notwithstanding the annotations on the submitted drawings, the framing around the ground floor openings to the front elevation shall be formed in natural stone and not pre-cast concrete

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 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)

- 8 You must apply to us for approval of detailed drawings (plans/elevations/sections - as appropriate) including annotations to show materials and colour finish (as appropriate) of the following parts of the development:
- (a) Any integral lighting around entrances.
 - (b) Methodology for ensuring visual impact of any expansion joints required in the brickwork facings are minimised.
 - (c) Detailed drawings for windows and doors

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

Reason:

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

- 9 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roofs (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)

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the either the front or side elevations unless they are shown on drawings we have approved. (C26MA)

Reason:

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

- 11 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

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

-Green roofs

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

Reason:

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

- 13 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 14 Before occupation of the dwellinghouses, you must provide 1.8-metre-high close boarded timber fences between the rear gardens of the dwellinghouses. You must then retain the 1.8-metre-high close boarded timber fences.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

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

- Revised floorplans showing the kitchen on the same floor and adjacent to the dining room.

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.

Reason:

To provide satisfactory living conditions for occupiers of the property, as set out in policy 3.5 of the London Plan (March 2016) and S29 of Westminster's City Plan (November 2016).

- 16 The glass that you put in the south western and north eastern elevations of the dwellinghouses must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 17 You must apply to us for approval of details of secure cycle storage for the dwellinghouses. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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 (March 2016).

- 18 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. 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 using 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)

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

Reason:

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

- 20 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 year 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 five 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)

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

Reason:

To prevent an overdevelopment of the site and to protect the 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. (R21EC)

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

Reason:

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

- 23 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 using the development as set out in STRA 25 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

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 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.
- 3 The construction manager should keep residents and others informed about unavoidable

disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.

- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 6 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For

more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

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

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

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

Phone: 020 7641 2000

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

- 8 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 9 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

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

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

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

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

- 11 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 12 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 13 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 14 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 15 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) Delivery of the affordable units on the application site before occupation of the market

units on the Luton Street Site (see ref: 17/08619/FULL);

- b) Highway works associated with the development; and
- c) Payment of cost of monitoring the agreement.

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.