

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved. Abbey Road	
Subject of Report	Langford Court, 22 Abbey Road, London, NW8 9DN		
Proposal	Erection of mansard roof extension with green roof and lift overrun with communal satellite dish, 4 rooftop air source heat pumps within green wall enclosure with bird and bat boxes, in association with the provision of four additional residential flats and associated cycle and waste storage at basement level.		
Agent	Mr Simon Baker		
On behalf of	Mr Hamidi		
Registered Number	21/04039/FULL	Date amended/ completed	14 March 2023
Date Application Received	17 June 2021		
Historic Building Grade	Unlisted (Nearest Listed Buildings are 12 Langford Place and 19-21 Abbey Road and Abbey Road Baptiste Church).		
Conservation Area	Outside (Adjacent to the St John's Wood Conservation Area)		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission, subject to a Grampian condition to secure lifetime (25 years) car club membership for the future occupiers of the four flats.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes a roof level extension to create four new residential flats with their energy needs provided by air source heat pumps, together with green roof and wall and associated lift overrun and communal satellite dish. The application has been amended during the course of the application in order to address the Health and Safety Executive Fire escape requirements and to address policy changes with respect to car parking, clean energy and biodiversity.

The St John's Wood Society has raised objection to the principle of a mansard roof extension on this building. Objections have also been received from Langford Court owner/occupiers, residents of Langford Place, Abbey Gardens and other surrounding neighbours, on a number of grounds including principle, design, amenity, parking, cleansing, density and a number of non-planning grounds including structural implications, disruption to services and common parts and property values.

In contrast a number of representations of support to the provision of additional housing have been received from predominantly the wider community .

The key considerations in this case are:-

- The acceptability of the proposed extension in design terms and its impact on the host building and the setting of the St John's Wood Conservation Area and nearby listed buildings.
- The impact on the proposal on the amenity of neighbouring residential properties both within and surrounding the application site.

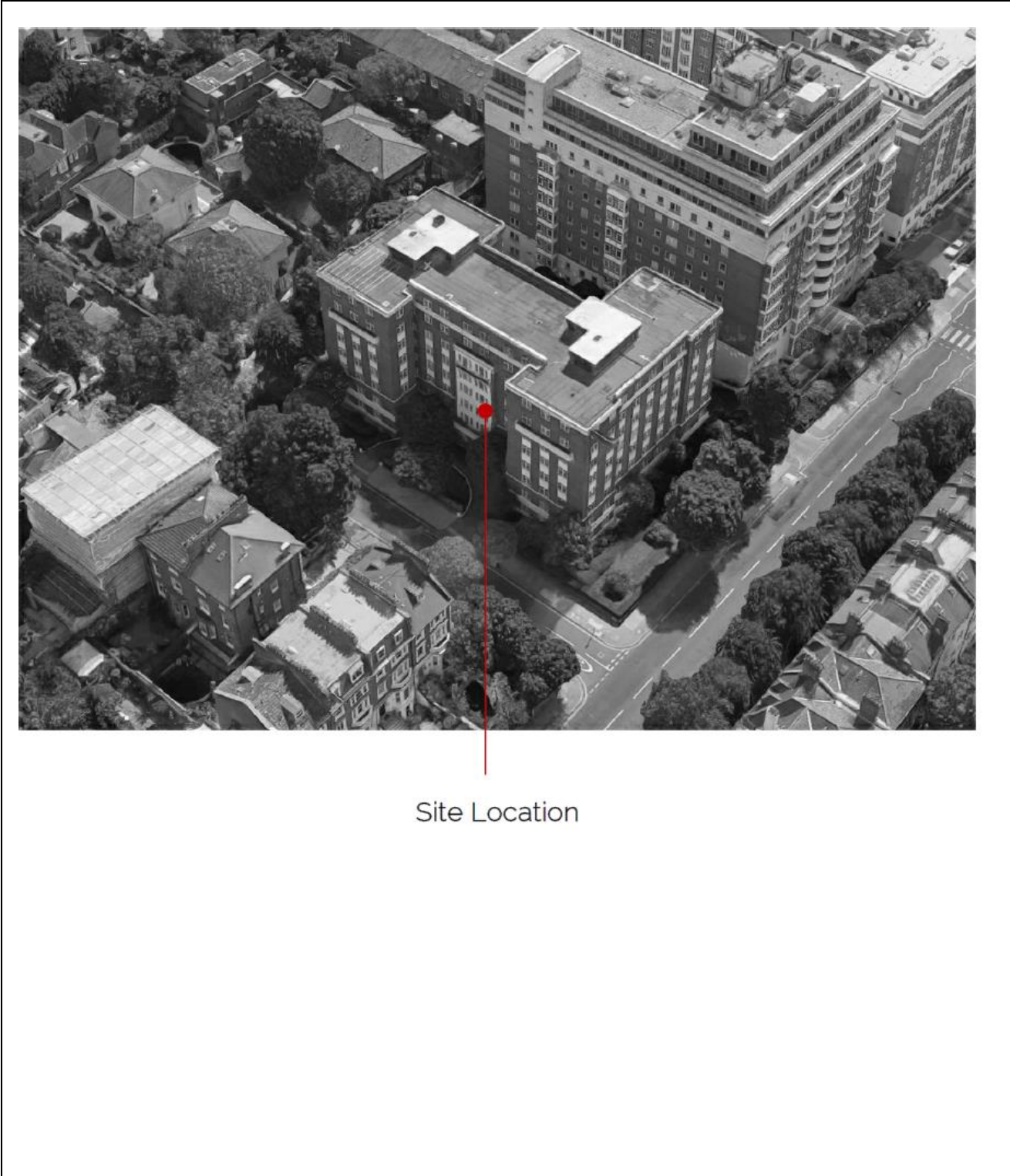
The proposal is considered to be acceptable and meets within the relevant development plan policies and notwithstanding the objections raised, a favourable recommendation is made.

3. LOCATION PLAN



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4. PHOTOGRAPHS





LANGFORD COURT SEEN FROM ABBEY ROAD PHOTO-MONTAGE



5. CONSULTATIONS

5.1 Application Consultations

THAMES WATER

No objection, informative recommended.

HEALTH AND SAFETY EXECUTIVE (HSE)

1st Response 06.01.2022:-Some concern.

2nd Response 01.02.2022:- Some concern.

3rd Response : 09.01.2023:-Concern.

4th Response 04.04.2023: Content.

HIGHWAYS PLANNING (07.07.2022 &10.01.2023)

No objection, subject to details of cycle storage and car club membership for future occupiers.

WASTE PROJECT OFFICER (06.07.2021 &08.11.2021)

No objection, subject to permanency condition.

ENVIRONMENTAL HEALTH (09.11.2021, 13.12.2021, 06.01.2022, 04.01.2023)

No objection, subject to standard noise and vibration conditions.

ARBORICULTURAL MANAGER (29.11.2021, 09.12.2021, 20.12.2022)

No objection, subject to

BUILDING CONTROL

Any response to be reported verbally.

WARD COUNCILLORS FOR ABBEY ROAD

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY (05.08.2021, 22.11.2021)

Objection. Langford Court has an Art Deco aesthetic and is situated on a prominent site adjacent to the St John's Wood Conservation Area and the listed Nash and Gothic villas on Langford Place. The design and materials of the proposed additional mansard storey will have a negative impact on the Art Deco aesthetic of the existing building and the long views along Abbey Road and Langford Place. Object to these proposals which will also overly dominate the listed villas on Langford Place and will make a negative contribution to the local character and distinctiveness of the area. We also regret the proposed loss of St John's Wood Autos which is a valued local amenity.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Various re-consultation has taken place during the course of the application.

No. Consulted: 278

Total No. of replies: 72

No. of objections: 53

No. in support: 18

OBJECTIONS

Principle

- Object to principle of development

Land use

- There is no shortage of penthouses.
- No benefits
- Loss of garage
- Huge economic impact
- Poor quality living space for future occupiers

Design

- Mansard roof with dormers wholly inappropriate.
- Detrimental to existing building and adjoining conservation area.
- Added bulk to the roof and unsymmetrical of only one enlarged lift overrun.
- Will change proportions and appearance of the building.
- Disproportion ally large roof extension.
- Dominant in street scape.
- Impact on skyline.
- Proposal has already been refused.
- Decline and loss of character of building.
- Scale, height and impact on the character of and appearance of the conservation area.

Amenity

- Loss of daylight and sunlight to Langford Court.
- Loss of daylight and sunlight to No.20 Abbey Road.
- Loss of light to Abbey Gardens.
- Overshadowing and overlooking to Langford Place.
- Bird/bat boxes not good for humans- bats carry diseases and impact on various pipework including water.
- Impact on mental and physical health
- Daylight and sunlight report out of date.
- Overlooking and sense of enclosure
- Impact on garden to Regents Mews

Environmental

- Negative impact on environment
- The roof is not the correct location for greening.

Transportation

- Query size of garage and manoeuvring space for vehicles.
- Impact on on-street parking.
- Cycle storage is a red herring.
- Exacerbation of parking stress
- No off street car parking

Density

- Overdevelopment

Cleansing

- Existing refuse storage is inadequate, proposed will make it worse.

Construction

- Disruption from works to water tanks and lifts.
- Loss of amenities during construction cold and hot water, hating, tv aerials, lifts.
- Impact of construction on free flow of traffic.
- Disruption during construction.
- Personal safety of living on a construction site.
- Pollution.
- Impact on people working from home.
- Nuisance
- Impact on common parts
- Lifts already break down.
- Impact of construction vehicles on congestion
- Impact on environment
- Impact on lifts during construction
- Impact on old pipes
- Constant construction works in the area over the last few years.

Structural

- Little evidence that existing structure is capable of additional load.
- Building currently subject of a subsidence claim.
- Structural impact especially with new sedum roof.

Other

- Access to the roof for maintenance
- Increase in flats requires more water supply, impact on water pressure.
- Alterations to vents.
- Additional pressure on common parts.
- Many residents did not receive the notice.
- Impact on water and electrical parts.
- Breach of lease for peace and enjoyment of flats
- Impact on value of properties.
- Increase in portorage costs/service charges.
- Insufficient time for consultation
- Assume leaseholders will be able to claim compensation for any damage to homes.
- Owners fail to follow government guidelines.
- Marketability/rental of flats during construction
- Too many applications submitted/revised.
- No community engagement

SUPPORT

- Sympathetic in design and scale
- Sustainable housing
- Will contribute to good quality homes in Westminster.

- Good use of space for new housing of which there is a shortage.
- Greening and biodiversity supported environmentally.
- London Plan policies keen for these sort of developments
- Discouraging car ownership is welcomed.

ADVERTISEMENT/SITE NOTICE: Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not provided any evidence of engagement with the local community and key stakeholders in the area prior to the submission of the planning application which is disappointing given the advice and principles set out in our Early Community Engagement guidance.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Langford Court is an unlisted mansion block of over 100 flats comprising basement, ground and seven upper floors, dating from the 1930's with a commercial garage at the rear of the basement accessed from Langford Place. It is a well-mannered but not exceptional design, typical of the period and with some Art Deco features, faced in red

brick with stone dressings. It has two street frontages, Abbey Road and Langford Place.

The site lies outside of but adjacent to the St John's Wood Conservation Area and the closest designated listed buildings are located at 12 Langford Place, 19-21 Abbey Road and Abbey Road Baptiste Church, all of which are Grade II listed.

Located to the east on the opposite side of the road are St Mark's Court and 11-17 Abbey Road and to the north properties in Langford Place (Numbers 14-20) which are much more domestic in scale and nature and the flank of 24 Abbey Road, to the west is Regents Mews and to the south 20 Abbey Road (13 storey residential block).

7.2 Recent Relevant History

07/07746/FULL

Erection of mansard roof extension with sedum roof and lift overrun with communal satellite dish to provide four additional residential flats, together with use of part basement for parking of cars and bicycles.

Application Permitted 29 November 2007

07/02833/FULL

Withdrawn planning application for "Construction of an additional storey to provide 9 self-contained flats 11.06.2007.

88/05525/FULL

Refusal of planning permission for "construction of an additional storey to provide 9 self-contained flats 05.06.1989-(refusal on parking grounds)

11.01.1978- Planning permission granted for erection of a roof extension to provide two flats.

8. THE PROPOSAL

The application was originally submitted in July 2021 and was identical to the submission of the 2007 permission. However, the applicant needed to evidence how this current proposal had evolved since the 2007 planning permission, to reflect key current policy issues with respect to a number of matters (energy, quantum of flats/optimisation/quality), biodiversity, car/cycle parking, acoustic report, daylight and sunlight report, fire strategy, waste and COCP, loss of mechanics garage).

Subsequently, further details were received from December 2021 to April 2022 and a revised Fire statement in December 2022 which was amended again in March 2023. Various re-consultations took place during this time.

Planning permission is sought for a mansard roof extension to provide four new flats. The proposed development comprises of the following key elements:-

- Mansard roof (natural slate, lead dormers, metal framed double glazed windows).
- Lift overruns.
- Air Source Heat Pumps (ASHP) for heating and hot water.
- Green Roof, green wall & bird and bat boxes to lift overrun structure.
- Cycle & Waste storage to ground floor.

The proposal no longer involves the loss of the mechanic's garage.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The provision of new floorspace to create new residential accommodation in a residential area, is acceptable in principle in land use terms under policy 8 (Housing Delivery), subject to meeting the requirements of other relevant policies within our City Plan. As such the objections raised to the need for such accommodation are not supported.

Residential Use

Table 1: Proposed flats.

Flat	Number of bedrooms	Proposed GIA (sqm)	External amenity space	Aspect
Flat 1	3 bedrooms	150m ²	9.8m ²	Triple
Flat 2	1 bedroom	73m ²	None (additional internal floorspace)	Single
Flat 3	1 bedroom	65m ²	None (additional internal floorspace)	Single
Flat 4	4 bedrooms	185m ²	15.7m ²	Triple

Amenity of Proposed Units

The provision of four flats, two of which are family sized, provides for an acceptable mix of residential units. The family sized flats are generous but remain below the 200m² threshold set out in policy, would be triple aspect and benefit from a private, enclosed external amenity area. The one-bedroom flats would be single aspect and are provided with additional internal floor space as they would not benefit from private amenity space, although they would (along with all flats within the building) have access to the existing communal gardens at ground floor level. All flats would be provided with passive ventilation (openable windows) and clean energy for heating and hot water (ASHP). The associated provision of cycle parking and waste and recycling for all four flats is proposed at ground floor level.

A Condition is recommended (supplementary acoustic report) to ensure that the internal environment for the occupiers of the four new flats is proven to meet our standard requirements for noise levels. This accords with Policy 33. Local environmental impacts.

Overall, the proposed flats are considered to be provided with good quality internal and external living conditions. For these reasons, the proposal is considered to satisfy the requirements of Policy 8. Housing delivery Policy 10. Housing for specific groups and Policy 12. Housing quality, Policy 7. Managing development for Westminster's people, Policy 33. Local environmental impacts and Policy 38(C). Design principles. For this reason, the objections made with respect to the quality of the flats is not supported.

Affordable Housing

The proposal is not of a scale (less than 1,000m² floorspace and less than 10 or more residential units) to trigger a requirement for the provision of affordable housing under Policy 9. Affordable housing of our City Plan.

9.2 Environment & Sustainability**Sustainable Design**

The key environmental and sustainable features of the development are set out below:-

- Air Source Heat Pumps (ASHP) for space heating and hot water
- Fabric energy efficiency (insulation etc)
- High efficiency lighting
- Thermal mass and bridging (party floors and walls, corners etc)
- Double glazed windows
- Natural ventilation
- 69.6% reduction in carbon emissions
- Green roof, green wall, bird and bat boxes
- Car club & cycle parking

The proposed development is of satisfactory sustainable design in accordance with Policy 38.

Energy Performance

The proposed development is proposed to achieve an on-site reduction of carbon dioxide of 69.6% beyond building regulation through energy efficiency measures and maximised use of renewable technologies, comprising 15.3% through energy efficient measures and 54.4% through renewable technologies. This is considered acceptable and meets with the requirement of Policy 36. Energy for a non-major application.

Due to the scale of the development (less than 5 units and less than 500m²) a BREEAM assessment was not required.

Circular Economy

Given the nature of the site and number of existing residents within the building and surrounding the site, whilst not required, the applicant has agreed to sign up to our Code of Construction Practice (COCP). The applicant will need to demonstrate the recycling, re-use, and responsible disposal of construction waste in accordance with our COCP and this satisfies Policy 37 Waste management.

Air Quality

The site falls outside of a designed Air Quality Focus area and is not of a scale or nature to require an Air Quality Assessment (AQA) and therefore Policy 32. Air quality is not triggered.

Flood Risk & Sustainable Drainage

The site falls outside of Flood Zones 2 and 3 and is not located within a Surface Water Flood Risk hotspot. Given these factors together with the scale of the development a

Flood Risk Assessment was not required in relation to Policy 35. Flood risk. Notwithstanding this, the proposed green roof will be of benefit.

Light Pollution

Given the nature of the proposal, it is not considered to raise concerns with respect to light pollution in accordance with Policy 33 Local environmental impacts.

Land Contamination

Not applicable

Environment & Sustainability Summary

For the reasons set out above, the proposed development (non-major) is considered to be of satisfactorily sustainable design.

9.3 Biodiversity & Greening

The proposed development incorporates a green (sedum) roof across the entire roof of the mansard, together with a green wall and bird and bat boxes to the lift overrun structure on the roof. This is welcomed and would positively increase the biodiversity of the site in accordance Policy 34. Green infrastructure. Further details of these features are to be required by condition as requested by our Arboricultural Manager. A further condition is recommended to prevent the use of this roof as a terrace for recreational purposes in the interest of safeguarding the amenities of surrounding residential properties particularly No. 20 Abbey Road.

Whilst objections have been received to the provision of bird and bat boxes, on health grounds (associated with bat droppings etc getting into the pipework/water). There is no evidence to justify that this will be an issue, and this is not considered to be a justified reason in which to withhold permission.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded

familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Bulk, Height & Scale

The principle of a roof extension to Langford Court is considered difficult to resist, as it lies outside of the conservation area, and is adjoined to the south by No. 20 Abbey Road which is a substantially higher 13 storey building. The buildings to the north and east, which are within the St. John's Wood Conservation Area, are significantly lower than Langford Court at 3-4 storeys. Given the existing height difference, an additional storey of an appropriate form and design to Langford Court is not considered to have a material impact on their setting. Even with the addition of a further storey, Langford Court will continue to provide a transition in terms of height and roofline between 20 Abbey Road and the buildings within the conservation area.

Whilst the St John's Wood Society has raised objection to the roof extension on the basis that it will also overly dominate the listed villas on Langford Place and will make a negative contribution to the local character and distinctiveness of the area. For the reasons set out above, their view is not supported.

Detailed Design

The form and detailed design of the proposed additional storey is considered acceptable and comprises a slate clad mansard with dormers, with steel framed windows to match the existing original windows to the building. A number of similar mansard roof storeys to buildings of a similar period and architectural style can be seen in the vicinity, and the slight set back to all elevations and the sloping form of the roof will reduce its apparent bulk and visual prominence in views from street level. A lift overrun is proposed at roof level. Whilst policy would normally require that this be contained within the envelope of the building, it is considered that as the structure in question is set back from all elevations, and will not impinge significantly on views from street level that this approach is acceptable in this instance. As there are a number of similar structures to other buildings in the vicinity, a refusal on these grounds would be difficult to substantiate.

Whilst the St John's Wood Society has raised objection to the design and materials of the proposed additional mansard storey having a negative impact on the Art Deco aesthetic of the existing building and the long views along Abbey Road and Langford Place and on the basis that it will also overly dominate the listed villas on Langford Place and will make a negative contribution to the local character and distinctiveness of the area. For the reasons set out in this assessment, this view is not supported.

Impact on Heritage Assets

The application site is not listed and is not located within a conservation area. However, it is acknowledged that the site lies adjacent to the St John's Wood Conservation Area and that the closest designated listed buildings are located at 12 Langford Place, 19-21

abbey Road and Abbey Road Baptiste Church, all of which are Grade II listed.



Given the location of the nearest listed buildings and their relationship with the development site and in particular taking into account the existing height difference, an additional storey of an appropriate form and design to Langford Court is not considered to have a material impact on their setting. Even with the addition of a further storey, Langford Court will continue to provide a transition in terms of height and roofline between 20 Abbey Road and the buildings including listed buildings within the conservation area. As such the proposal is considered to preserve the setting of the listed buildings within the vicinity of the site and the setting of the adjacent conservation area. The objections raised on these grounds, are for the reasons set out above, not supported. Consequently, the proposed development is considered to comply with Policy 38. Design, Policy 39. Westminster's heritage, Policy 40. Townscape and architecture and with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Fire Safety

Due to the height of the building and its residential use, the proposal was subject to consultation with the Health and Safety Executive (HSE) as part of Planning Gateway One. Whilst concern was originally raised, following the submission of further information and a number in interim HSE responses, the HSE are now "content" with the proposal from a fire safety perspective for the purpose of the planning application. Full details will subsequently still be required through the Building Regulations. The proposal is therefore considered to satisfy Policy D12. Fire Safety.

Landscaping & Public Realm

Not applicable

Archaeology

The site is not located within an Archaeological Priority Area.

9.5 Residential Amenity

Sense of enclosure and privacy

The building comprises a central core area with two projecting wings with the main frontage facing Langford Place and the rear facing 20 Abbey Road a 13-storey residential block, with the flank of the wings facing Abbey Road and Regents Mews respectively. The existing roof of Langford Court houses two structures which comprise lift motor room, tank room and staircase core measuring 2.1m high and around 49 m² each, and is enclosed by 0.6m high railings.

The proposed mansard roof extension would be set back from the roof edge at a 70 degree angle. The proposed lift overrun would project a further 1.1m in height towards the central part of the roof. The elevation facing the flank of No.20 Abbey Road would retain a distance of between 10-20m, with window to window distances of 20m. In terms of the potential impact on the occupiers of No.20 Abbey Road, given the height of the proposed mansard roof, its 70 degree angle and the distance between the two properties it is not considered that the proposal would result in any significant impact on the amenities currently enjoyed by occupiers of that property block.

Other surrounding properties located on the opposite side of Abbey Road, Langford Place and Regents Mews are much lower than Langford Court and retain distances of 34m and 21-33m and 20m respectively. Given these distances and the height and set back of the roof extension, it is not considered that these surrounding residential properties, including those existing within Langford Court itself, would be significantly affected by the proposal.

Therefore, whilst objections have been raised on these grounds, they do not justify withholding permission.

Daylight & Sunlight

A daylight and sunlight survey submitted in support of the proposal assesses a selection of windows to three surrounding properties, 20, 24 Abbey Road, 12a Marks Court and 7 and 14-20 Langford Place, 2 Regents Mews. This indicates that there will not be any significant reduction in the amount of daylight and sunlight received by surrounding properties in accordance with the Building Research Establishment Guide Site layout planning for daylight and sunlight- a guide to good practice. The original daylight and sunlight Survey based on the 2nd 2011 edition of the BRE guidelines has been subsequently supported by a supplementary letter from the daylight & sunlight consultant stating:- "*In June 2022 the 3rd edition of the BRE guidance was released and although the method for assessing daylight within proposals as changed, the method for assessing the impacts on neighbours has not*". This is correct and as such a new assessment was not required to assess the impact on neighbours as it would have resulted in the same results. The Conclusion remains that there would be no significant loss of daylight or sunlight to neighbours in accordance with the BRE guidelines. The objection raised to the results of the daylight and sunlight survey being out of date are not agreed, Furthermore, notwithstanding the objections on grounds of loss of daylight and sunlight to neighbours, this is not the findings of the report or officers' conclusions and are therefore not supported.

Roof terraces are proposed for each of the family sized units. These are however "hidden", being set behind a high parapet and are therefore not afforded any views to surrounding residential properties. In these circumstances, and given the distance to surrounding properties and the small domestic scale of the terraces, it is not considered

that they would result in any significant overlooking or noise disturbance to neighbours.

Overall, and for the reasons set out above, notwithstanding the objections raised on amenity grounds, the proposal is not considered to result in any significant loss of amenity to existing residents within Langford Court or neighbours surrounding the site. This accords with Policy 7(Managing development for Westminster's people, Policy 33 Local environmental impacts and Policy 38 Design principles.

Noise & Vibration

The City Council's Environmental Health team has confirmed that the proposed plant (Air Source heat pumps) is able to comply with our standard noise conditions to protect the noise environment of future occupiers of the flats and existing surrounding residents. Conditions are recommended to ensure ongoing compliance with our noise and vibration standards. This accords with Policy 33. Local environmental impacts.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The provision of four new flats within a residential area is not considered to result in any significant highways impact and no changes to the highway are indicated.

Accessibility

The proposed flats will be access via the existing main entrance to Langford Court and lift access extended to the new floor.

Servicing and Waste & Recycling Storage

No off street servicing is detailed. However, the servicing requirements of the flats (including waste collection) will be subject to the same as the existing flats within Langford Court and will need to comply with on-street restrictions. As such Policy 29. Freight and servicing and Policy 37 Waste management are satisfied.

Cycling & Cycle Storage

Whilst provision is made for some cycle parking within the site at ground floor level. The London Plan policy T5 requires 7 spaces. As such full details are sought by condition to require additional provision, to ensure compliance with Policy 25 Walking and cycling.

Parking

Four new flats are proposed without any off-street car parking, which accords with Policy 27. Parking, which encourages car free living and the use of more sustainable modes of transport, which is necessary to reduce congestion and improve air quality and road safety. A Grampian condition is proposed to secure lifetime (25 years) car club membership for the future occupiers. As car free development is policy compliant and the provision of car club membership is to be secured, the objections raised with respect to the provision of new residential units without car parking are not supported.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

A number of concerns have been raised by residents of Langford Court in respect of structural implications, impact on water tanks and lifts and disturbance during construction. These are not planning issues under which the application can be assessed, a response to these concerns has been provided by the applicant. They can see no reason why the existing building could not take the weight of the proposed roof extension; new water tanks are to be provided and the cold water system adapted and upgraded to modern standards. It is intended to upgrade one of the three existing lifts and extend it to serve the new flats. In terms of construction methodology, it is intended to construct the new mansard roof extension over the top of the existing roof, which will remain in place. A new communal satellite dish is to replace those existing and is to be attached to the wall of the lift overrun. The applicant has agreed to sign up to our Code of Construction Practice (COCP) which should go some way to addressing some of these concerns.

Other matters raised with respect to ability to rent/sell flats service charge costs etc, are not matters that can be considered in the determination of this planning application.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

A Grampian condition is recommended to secure lifetime (25 years) car club membership for the future occupiers of the four flats.

The estimated CIL payment is:

WCC CIL £414,996.31

MCIL £49,124.32

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e., conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10-day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the Grampian condition to secure car club membership and the City Council's Code of Construction Practice. The applicant has agreed to the imposition of the conditions.

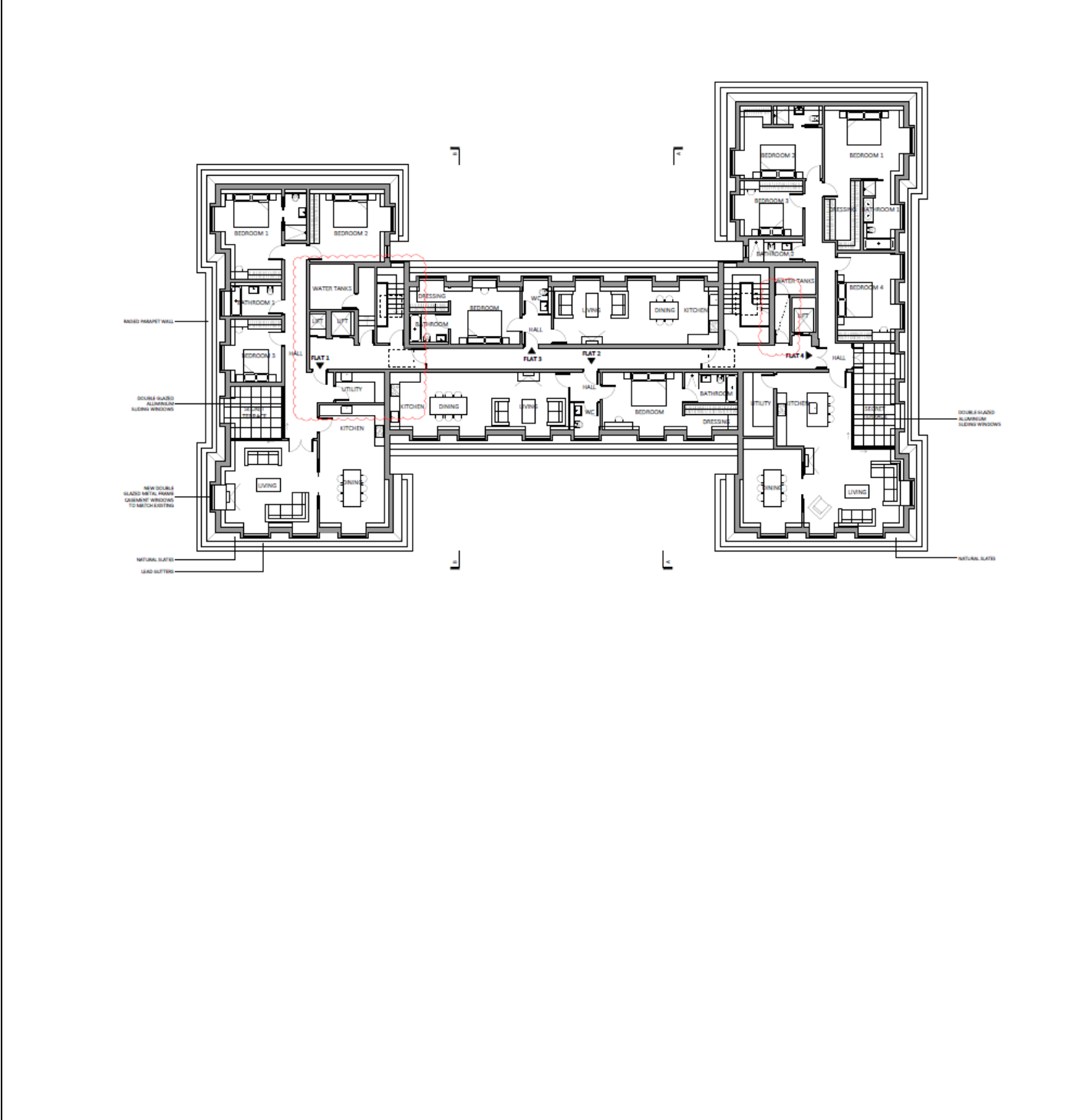
10. Conclusion

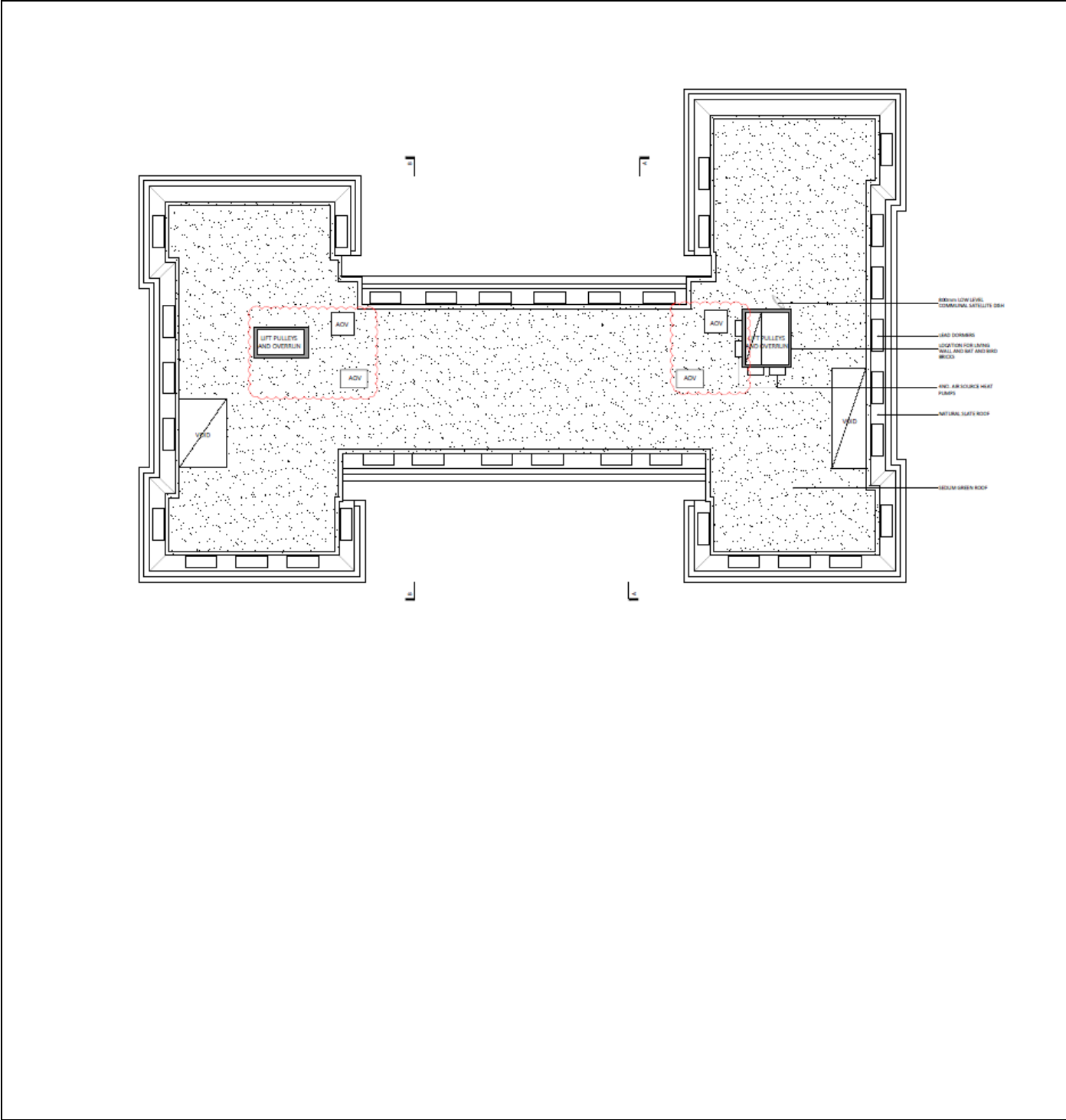
The provision of a mansard roof extension to provide four new flats is considered to be acceptable and would not be harmful to the amenities of neighbours or the setting of the adjacent conservation area and listed buildings in the vicinity and as such, the proposal is considered acceptable, mindful of the relevant policies of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission (subject to a Grampian condition to secure car club membership for the future occupiers of the four flats) would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

(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 sawhitnall@westminster.gov.uk

11. KEY DRAWINGS







PROPOSED VISUAL FROM THE JUNCTION OF LANGFORD PLACE AND ABBEY ROAD



PROPOSED VISUAL FROM ABBEY ROAD



AXONOMETRIC VIEW OF PROPOSED MANSARD ROOF

DRAFT DECISION LETTER

Address: Langford Court, 22 Abbey Road, London, NW8 9DN

Proposal: Erection of mansard roof extension with green roof and lift overrun with communal satellite dish, 4 rooftop air source heat pumps within green wall enclosure with bird and bat boxes, in association with the provision of four additional residential flats and associated cycle and waste storage at basement level. (Re-Consultation on revised scheme with revised 8th floor and roof plans, daylight and sunlight letter and new fire strategy)

Reference: 21/04039/FULL

Plan Nos: 2107_301_Proposed Basement Plan_REV A, 2107_302_Proposed Refuse & Cycle Storage, 2107_302_Proposed Seventh Floor, 2107_303_Proposed Eighth Floor Plan_REV B, 2107_304_Proposed Roof Plan_REV D, 2107_311_Proposed Front (North West) Elevation_REV A, 2107_312_Proposed Side (South West) Elevation_REV A, 2107_313_Proposed Rear (South East) Elevation_REV A, 2107_314_Proposed Side (North East) Elevation, 2107_321_Proposed Section AA_REV A, 2107_322_Proposed Section BB, 2107_050_Site Location Plan, 2107_101_Existing Basement Floor Plan, 2107_102_Existing Seventh Floor Plan, 2107_104_Existing Roof Plan, 2107_111_Existing Front (North West) Elevation, 2107_112_Existing Side (South West) Elevation, 2107_113_Existing Rear (South East) Elevation, 2107_114_Existing Side (North East) Elevation, 2107_121_Existing Section AA, 2107_122_Existing Section BB
2107_Design & Access Statement_REV B, Fire Statement 07.03.2023 by BB7, Letter of Comfort for the Daylight Sunlight Assessment by T16 Design Ltd 5/10/22, Daylight and Sunlight Assessment by T16 Design Ltd, Details of Bauder Sedum Roof, Acoustic Report by KP Acoustics, Energy Assessment by Eight Associates, Image of Satellite Dish, Specification of Satellite Dish, Planning Statement 11 June 2021, Covering Letter 16 June 2021

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
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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 , onot 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** Prior to the commencement of any: , (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction , , on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 5 You must apply to us for approval of natural slate, lead 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 7 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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 8 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 Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 302 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 10 You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site., , You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 11 You must apply to us for approval of details of secure cycle storage for the the four flats (7 spaces) use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the building. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 12 Pre Occupation Condition. You must not use any part of the development until we have approved in writing appropriate arrangements to secure the following., , Mitigation for the potential increased demand for on -street car parking., , In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BB)

Reason:

To ensure that adequate mitigation is provided for the potential increased demand for on street car parking spaces from people living in the residential part of the development and to promote sustainable modes of transportation as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021).

- 13 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. , , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in

writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 14 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 15 The design and structure of the building 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 16 You must apply to us for approval of sound insulation measures (facade/glazing specification) and a Noise Assessment Report to demonstrate that the development will comply with the Council's noise criteria set out in Condition 15 (C49AA); of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the details approved before the units/space are occupied and thereafter retain and maintain (C51BB customised wording)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 17 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the Green roof, green wall and bird and bat boxes to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 18 The residential unit(s) hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

- 19 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , All

features set out in your energy strategy and including the following:- , Air Source Heat Pumps (ASHP) for space heating and hot water, Fabric energy efficiency (insulation etc) , High efficiency lighting, Thermal mass and bridging (party floors and walls, corners etc) , Double glazed windows , Natural ventilation, 69.6% reduction in carbon emissions , Green roof, green wall, bird and bat boxes, Car club & cycle parking , , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 THAMES WATER, Waste Comments, With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.>, , There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.>, , , , As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the

Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section., , Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided., , Water Comments, The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk., , There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>, , If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/building-water., , On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.,

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 5 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.
- 7 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 8 with respect to the requirements of Condition 12, in order to discharge this condition it is likely that you will be required to provide a Unilateral Undertaken with respect to the provision of Lifetime (25 years) Car Club Membership for the future occupiers of the four new flats at Nil cost.

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.