

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 7 November 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Westbourne	
<b>Subject of Report</b>	2 Lord Hills Road, London, W2 6PD		
<b>Proposal</b>	Demolition of existing dwelling house and erection of four storey building to provide 7 residential units (Class C3).		
<b>Agent</b>	Campbell Architects Ltd		
<b>On behalf of</b>	Mr Sharad Madan		
<b>Registered Number</b>	17/07368/FULL	<b>Date amended/ completed</b>	16 August 2017
<b>Date Application Received</b>	16 August 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>			

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

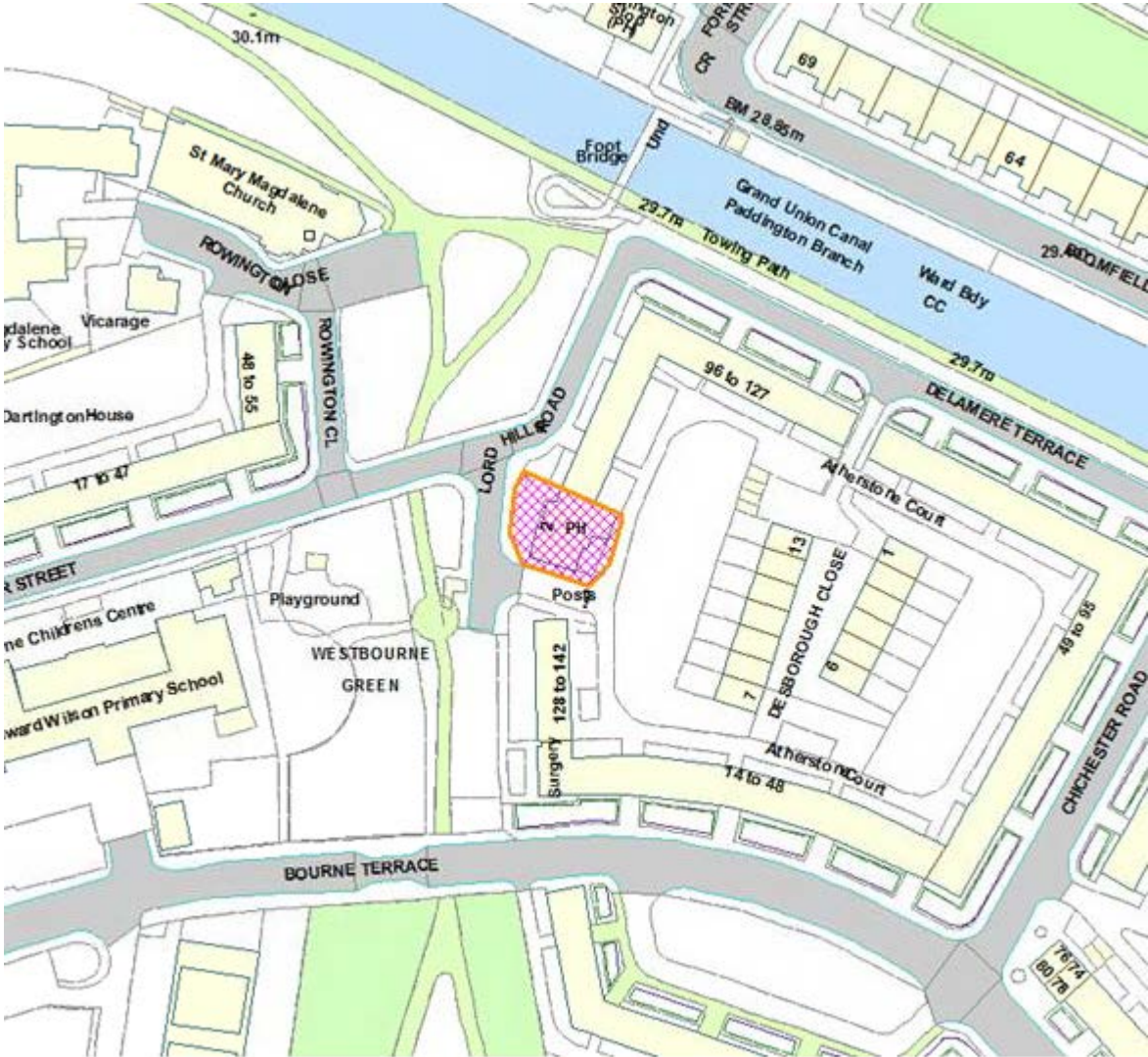
The application seeks permission for the demolition of the existing dwellinghouse and erection of a four storey building with a basement floor to provide 7 residential units (Class C3). The site is not within a conservation area and does not contain any listed buildings.

The key issues in this case are:

- The acceptability of the proposed residential accommodation.
- The impact on the appearance of this part of the City.
- The impact on the amenity of neighbouring residents.
- The impact on the availability of on-street parking in the vicinity of the site.

The proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and would accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, the proposal is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



View of front of site from Lord Hills Road (top) and rear elevation (bottom).

## 5. CONSULTATIONS

### NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

### ARBORICULTURAL MANAGER

Any response to be reported verbally.

### BUILDING CONTROL

Any response to be reported verbally.

### CLEANSING MANAGER

No objection. Condition recommended to secure waste and recycling store.

### ENVIRONMENTAL HEALTH

No comment. Note that plant room is located internally with no external louvres. Recommend condition requiring details of any external mechanical plant.

### HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

### THAMES WATER

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53.

Total No. of Replies: 2.

No. of objections: 2.

No. in support: 0.

Two responses received raising objection on all or some of the following grounds:

#### Design Issues

- Proposed block would not complement the existing structure.
- Size of proposed block is of concern.

#### Highways Issues

- Increased demand for on-street parking.
- Increased traffic and vehicular congestion.

#### Other Issues

- Not clear how proposed block will deal with anti social behaviour.
- Warwick Estate is about to undergo major building works and there is no indication on when the works to this site are proposed to be undertaken. This could lead to years of building works affecting neighbouring residents.

### ADVERTISEMENT/ SITE NOTICE

Yes.



## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site currently contains a three storey building with a basement floor, which was originally built as a public house in the mid 20<sup>th</sup> Century, but latterly used as offices and currently as a single dwellinghouse (Class C3). The site is not located within a conservation area and does not contain any listed buildings. The nearest listed building is the grade I listed St Mary Magdalene Church which is located 200 metres to the north west.

### 6.2 Recent Relevant History

1 October 2015 – Planning permission granted for use of the whole building (basement, ground, first and second floors) as a single dwellinghouse (Class C3) (15/05030/FULL).

18 August 2016 – Planning permission refused for demolition of the existing dwellinghouse and erection of a replacement building comprising 6 storeys (basement, ground and four upper floors) to provide 10 flats (Class C3) (16/05646/FULL). The application was refused on design, density, residential unit mix, quality of amenity space, quality of cycle parking and quality of waste store grounds (see decision letter in the background papers).

## 7. THE PROPOSAL

The application seeks permission for the demolition of the existing dwellinghouse and erection of a four storey building with a basement floor to provide 7 residential units (Class C3). The scheme would provide 4x1 bedroom units, 1x2 bedroom unit and 2x3 bedroom unit.

	Existing GIA (m2)	Proposed GIA (m2)	+/-
Residential (Class C3)	358	669	+311
Total	358	669	+311

The proposed building would be finished in brickwork with a green or brown roof and photovoltaic panels at roof level. One parking space is to be retained on the front forecourt. Waste and recycling storage is to be provided to the front of the building within a brick clad store, with cycle parking provided at basement level.

The scheme has been amended during the course of the application to address concerns raised by officers in terms of the quality of accommodation at ground and basement levels, the design of the building at ground floor level and above and the impact of the development on the availability of on-street residents' parking. The amendments made are as follows:

- a) The car parking space on the front forecourt has been relocated to avoid the loss of the existing on-street residents' parking bays outside the site.

- b) The lightwell to the south west corner of the building has been reconfigured to improve the façade treatment at ground floor level and the daylight levels to basement level.
- c) The width of the rear wing of the building has been reduced so that it does not oversail the rear basement lightwell (i.e. to improve daylight levels to basement level).
- d) The bin store at ground floor level has been redesigned so that it is less prominent in public views of the site.
- e) A secondary means of access via a staircase has been provided to the basement cycle store so that it is not totally reliant on lift access.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The site is not within a part of the City where single dwellinghouses are protected and therefore the provision of additional residential accommodation on this site is acceptable and would accord with Policy H3 in the UDP and S13 and £14 in the City Plan.

The proposed mix of residential units would provide two family size units containing 3 or more bedrooms. This comprises 29% of the total number of units and whilst this falls marginally below the 33% of units as family size units required by Policy H5 in the UDP, it is considered that this is an acceptable level of provision given the number of units proposed within the building and as the policy indicates in its wording that it will be applied flexibly in such circumstances.

The proposed residential units would all accord with the Government's Technical Housing Standards and Policy 3.5 in the London Plan (March 2016) in terms of their size. All of the units would be provided with external amenity space in the form of a balcony, terrace or a garden area.

The accommodation at basement level would receive daylight levels in excess of minimum standards required to accord with BRE Guidelines and the scheme has been amended so that the basement lightwells are no longer oversailed by the building on the upper floors. Furthermore, the residential layouts have been designed so that the basement accommodation provides bedrooms for duplex flats across basement and ground floor levels, which have their principal habitable rooms (i.e. kitchens, dining and living areas) at ground floor level. As such, the standard of accommodation in terms of daylight levels is considered to be acceptable.

### **8.2 Townscape and Design**

The existing building is located on the site of an earlier Victorian public house. The current building dates from the 1960s/70s and is broadly contemporary with the Warwick Housing Estate which surrounds it, albeit the design of the 20<sup>th</sup> Century public house building (now used as a single dwellinghouse) differs from the surrounding estate buildings.

The existing building has no architectural merit and therefore the principle of its demolition and redevelopment of the site is acceptable in design terms.

The proposed replacement building will be of 5 storeys (basement, ground and three upper storeys) and will provide a residential block of 7 flats, with 2 duplex flats occupying the basement and ground floors, each with individual access from the south façade; a large 3-bedroom flat on the first floor; and then two flats on each of the upper two floors. All of these upper floor flats are accessed via an entrance on the western façade.

The new building is proposed to rise to the same height as the adjoining building to the north (part of Atherstone Court) and on its western façade, will also match the building line of Atherstone Court. To the rear (or east facing façade) the building line will project beyond Atherstone Court, with the exception of an area where the two buildings join where the new building steps back.

The architecture of the new building will be a robustly detailed brick and concrete structure, with recessed balconies. Each floor plate is expressed with horizontal concrete banding, with the band between ground and first floor given greater depth to emphasise the base of the building. The primary facing material will be a textured buff brick and the windows are proposed to be formed in anodised aluminium with a champagne/regency gold finish. The balcony and terrace areas, as well as the perimeter to the ground floor garden space, feature a simple metal railing. The roof will be flat and it is proposed that it will have a green or brown roof.

All of the flats are provided with external amenity space, which is all contained within the architectural grid, with two larger areas of garden space at ground floor level.

Despite the concerns expressed by objectors, the proposal is considered acceptable in design terms. While the stepping in height of Atherstone Court is not maintained, the proposed height is not discordant and the building lines similarly are respectful of the surrounding context. The architecture and materiality respond appropriately to the prevailing townscape character, without slavishly adopting repetition. The resultant design would provide a robust and well-articulated series of facades, with good levels of private amenity, with an appropriate degree of defensible space. The layout of entrances, windows and balconies will also improve passive surveillance around the perimeter of the site, thus improving significantly upon the existing situation.

The proposal would represent a well-designed addition to the townscape, with no adverse impact upon the nearby listed church. Therefore, subject to conditions to secure samples of facing materials and further details of aspects of the scheme such as the bin store, fenestration and railings, the proposed development would accord with Policies S25 and S28 in the City Plan and Policies DES 1, DES 4 and DES 10 in the UDP.

### **8.3 Residential Amenity**

In amenity terms the proposed building would be set back sufficiently from the windows in Nos.128 to 142 Atherstone Court to the north of the site so as not to cause a material loss of daylight or sunlight to any of the windows in this neighbouring block.

To the south of the site three north facing windows in the end elevation of Nos.96-127 Atherstone Court face the application site. The window at ground floor level serving a kitchen would suffer material loss of daylight as a result of the increased bulk of the proposed building. However, the loss caused would only be marginally above the 20%

loss of Vertical Sky Component (VSC), which the Building Research Establishment (BRE) Guidelines identify as the point at which loss of existing daylight may become noticeable to occupants of neighbouring properties. In this case the window in question would remain well lit with a residual VSC value of 25.44% and furthermore, all other windows within the affected flat, would not suffer material losses of daylight. As such, permission could not reasonably be withheld on the basis of the loss of daylight to this neighbouring window.

The bulk and massing of the proposed building would be sufficiently distant from the neighbouring blocks of Atherstone Court to the north and south so as not to cause a materially increased sense of enclosure.

Whilst the scheme would introduce new windows, balconies and terraces, these would be positioned such that they would not cause a material increase in overlooking to the neighbouring blocks to the north and south, provided an obscure glazed screen, or similar, is provided to prevent views from the first floor rear terrace back towards the rear windows in Nos.128 to 142 Atherstone Court. This is to be secured by condition.

There are no immediate neighbouring buildings to the front (west) and rear (east) of the site and as such, the proposed building would not cause any other material impacts in terms of daylight and sunlight, enclosure or overlooking.

A condition is recommended to prevent the use of the roof of the building as a terrace so as to prevent overlooking to neighbouring windows.

Subject to the recommended conditions, the proposed development is acceptable in amenity terms and would accord with Policies ENV6 and ENV13 in the UDP and S29 and S32 in the City Plan.

#### **8.4 Transportation/Parking**

On-street parking occupancy levels in the vicinity of the site are at 71% overnight and at 76% during daytime hours (based on 2015 survey figures) and are therefore marginally below the level of serious deficiency of 80% identified in Policy TRANS23 in the UDP.

The proposed development has been amended during the course of the application to retain a car parking space in the existing location on the front forecourt of the site. In this location one on-site parking space can be provided using the existing pavement crossover and this also allows the retention of the three existing on-street residents' parking bays outside the site in Lord Hills Road. Given the constraints of the site in terms of its size, this level of parking provision on site is considered to be acceptable and will provide off-street parking for one of the seven proposed flats. It is recommended that the increased pressure on on-street parking as a result of the six flats to be provided without off-street parking should be mitigated by provision of car club membership for each of the flats within the development. It is recommended that this mitigation measure is secured by condition. In combination, it is considered that the measures proposed would be sufficient to prevent the development causing a material increase in congestion and limit the increase in pressure on on-street parking in the vicinity. As such, it is not considered that the objections on these grounds can reasonably be supported as grounds for withholding planning permission.



The scheme includes the provision of 9 cycle parking spaces within a weatherproof and secure cycle store at basement level, which can be accessed via the lift. This accords with Policy 6.9 in the London Plan.

Waste and recycling storage is to be provided within a store at ground level and this is to be secured by condition to ensure the development accords with Policy ENV12 in the UDP.

## **8.5 Economic Considerations**

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

## **8.6 Access**

The proposed development would provide step free access to all of the flats within the development via the lift proposed within the residential core. The scheme has been designed so that all of the units are compliant with the Lifetime Homes standards in accordance with Policy H8 in the UDP.

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

### **8.7.1 Mechanical Plant**

Environmental Health note that no external mechanical plant is proposed and recommend that a condition is imposed requiring full details of any external mechanical plant to be submitted prior to its installation. The suggested condition has been included in the draft decision letter and would ensure that the scheme would not cause noise disturbance to neighbouring residential occupiers as a result of mechanical plant and would accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

### **8.7.2 Basement Development**

The applicant has submitted a structural methodology, ground investigation and flood risk assessment to address the technical requirements of new basement development in Part A of Policy CM28.1 ('the basement development policy'). Any comments on the submitted documents from Building Control will be reported verbally to the Sub-Committee. In terms of Part A.6, the site is not in an Archaeological Priority Area and therefore it would not have a significant impact on archaeological deposits.

In terms of Part B of the basement development policy, the scheme would deliver an acceptable landscaping scheme and would not result in the loss of trees of significant townscape, ecological or amenity value. The development would be required to meet building regulations and would be highly sustainable relative to the existing building on this site. The accommodation at basement level would be limited to bedrooms and all rooms would be naturally lit and ventilated via lightwells, thereby limiting the reliance of the basement accommodation on mechanical ventilation.

Details of sustainable urban drainage measures to reduce peak run off rates from the development have not been set out in detail in the submission, although it is clear that the applicant intends to accord with the London Plan policy to reduce run off rates. It is

therefore recommended that details of the sustainable urban drainage systems to be employed are reserved by condition to ensure compliance with Part B.4 of the basement development policy and Policy 5.13 in the London Plan.

In terms of Parts B.5 and B.6 of the policy, the external manifestations of the proposed basement; namely the lightwells, would be sensitively located and would relate appropriately to the form and scale of the proposed building and as per Section 6.3, the scheme would have no adverse impact on the setting of the nearby listed building.

The applicant has confirmed that the development would include a pumped device to avoid sewer flooding and this accords with Part B.7 of the policy.

In respect of Part C of the basement development policy, which seeks to limit the size and extent of basements, the proposed basement would be limited to a single storey, located within the footprint of the existing building, and would not extend beyond the footprint of the proposed building, save for where lightwells are proposed. As such, the basement proposed would be compliant with all elements of Part C of the policy.

### **8.7.3 Biodiversity and Sustainability**

The scheme includes the provision of a green or brown roof at main roof level, which is to be integrated with photovoltaic panels. This combination at roof level will serve to maximise the biodiversity benefit of the development, in combination with the landscaping at ground level, and ensure the provision of the maximum possible quantum of renewable energy on site (having regard to the constraints of the site), in accordance with Policies S28, S38 and S40 in the City Plan.

### **8.7.4 Landscaping**

The site is already largely developed at ground level, save for the front forecourt area and therefore the provision of a limited area of landscaping to the front of the site is acceptable. Details of the landscaping scheme are to be secured by condition. The front of the site currently includes two small trees and it is recommended that the landscaping scheme to be secured by condition includes at least one replacement tree to mitigate the loss of the existing trees. Subject to this condition, the scheme would comply with Policies ENV4, ENV16 and ENV17 in the UDP.

### **8.8 London Plan**

This application does not raise any strategic issues. Where London Plan (March 2016) policies are applicable, these are referred to in the relevant sections of this report.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

As set out in Section 8.1, the proposed development is of insufficient scale to require the provision of affordable housing. As referenced in Section 8.4 a Grampian condition is recommended to secure appropriate arrangements to secure car club membership to mitigate the increased pressure the development will place on on-street residents' car parking in the vicinity of the site.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floor space figures, the estimated CIL payment would be £84,389 for Westminster's CIL and £19,664 for the Mayor's CIL. It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

### **8.11 Environmental Impact Assessment**

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

### **8.12 Other Issues**

Objection has been raised on grounds that it is not clear how the proposed block will deal with anti-social behaviour. The scheme has been designed so that the majority of windows and doors, save for one window to the south elevation, would be set back from the site boundary so that there is defensible space between the habitable accommodation at ground floor level and the public realm. As such, given the constraints of the site, which is publically accessible on three of its four elevations, it is considered that the design and layout proposed suitably provides for defensible space in front of the new accommodation, whilst introducing a much greater degree of passive surveillance in this part of the Warwick Estate. For these reasons the scheme is considered to be acceptable in crime and anti-social behaviour terms and it is not considered that permission could be withheld on the basis of the concerns raised by the objector.

One objector notes that the Warwick Estate is about to undergo major building works and that it is unclear when the works on this site would be undertaken and that therefore the works could be carried out at the same time causing increased noise and disturbance to neighbours. It is not reasonable to control the time when a development may be carried out when granting planning permission and therefore whilst the objector's concerns are understood, permission could not be withheld on the basis that construction works may coincide with works to the wider estate. Conditions are though recommended to restrict the hours of construction works, particularly in respect of noisy basement excavation works, and to ensure the development is carried out in accordance with the Code of Construction Practice, which would include monitoring of the construction site by the Environmental Inspectorate team at the applicant's expense.

## **9. BACKGROUND PAPERS**

1. Application form.

2. Copy of decision letter dated 18 August 2016 and relevant application drawings.
3. Memo from Environmental Health dated 11 October 2017.
4. Memo from the Cleansing Manager dated 23 October 2017.
5. Letter from an occupier of 118 Atherstone Court, Delamere Terrace dated 1 September 2017.
6. Letter from an occupier of 118 Atherstone Court, Delamere Terrace dated 16 September 2017.

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

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

**10. KEY DRAWINGS**

Montage of front and side elevations (top) and montage of rear and side elevations (bottom).



Proposed basement plan(top) and proposed ground floor plan (bottom).





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



Proposed third floor plan (top) and proposed roof plan (bottom).



Proposed front elevation (top) and proposed side elevation (bottom).



Proposed rear elevation.

**DRAFT DECISION LETTER**

**Address:** 2 Lord Hills Road, London, W2 6PD,

**Proposal:** Demolition of existing dwellinghouse and erection of four storey building with basement to provide 7 residential units (Class C3).

**Plan Nos:** E010 Rev.A, E100, E101, E102, E103, E300 Rev.A, E301 Rev.A, E302 Rev.A, E303 Rev.A, D011, D100 Rev.B, D101 Rev.B, D102 Rev.B, D103 Rev.B, D104 Rev.B, D105, D300 Rev.B, D301 Rev.B, D302 Rev.B, D303 Rev.B, Design and Access Addendum dated October 2017, email from Campbell Architects dated 12 October 2017, Flood Risk Assessment dated April 2016 (Ver 1.0), Basement Impact Screening Assessment dated May 2016 (Ver 1.0) (for information only - see Informative 11), Ground Appraisal Report dated May 2016 (Ver 1.0) (for information only - see Informative 11) and Structural Method Statement dated June 2016 (for information only - see Informative 11).

**Case Officer:** Oliver Gibson

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

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

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

- 4 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)

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

Reason:

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

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

- (i) bin store;
- (ii) external doors and windows;
- (iii) reveal treatment to recessed balconies and windows;
- (iv) metal railings;
- (v) services terminations at roof level and to the facades.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.



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

- Living green or brown roof at main roof level.

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)

- 8 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Photovoltaic panels at main roof level.

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 S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 9 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 and for maintenance.

Reason:

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

- 10 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)

- 11 You must apply to us for approval of details of any externally located mechanical plant or flues (if it is required in connection with the residential use of the building). The details you submit must comprise detailed drawing showing the appearance of the mechanical plant and flues (including any attenuation measures or enclosures that may be necessary) and an acoustic report demonstrating that the mechanical plant will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then install the mechanical plant and/ or flues in accordance with the details we approve and thereafter retain it in accordance with the approved details.

Reason:

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;

- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 14 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.

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

- Measures to mitigate the increased demand the development will place on on-street residents' parking in the vicinity of the site.

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

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in STRA25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 16 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the drawings hereby approved (as amended by any drawings approved pursuant to Condition 6). You must clearly mark them and make them available at all times to everyone occupying the flats in the building. (C14FB)

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)

- 17 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

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

Reason:

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

- 19 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme, which includes the surfacing of any part of the site not covered by buildings, and must include the provision of at least one tree to replace those to be removed as part of the development. 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 according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any tree(s) that form part of the landscaping scheme we approve or find that they

are dying, severely damaged or diseased within five years of planting them, you must replace them with tree(s) of a similar size and species.

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)

- 20 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: Provision of a 1.8m high privacy screen along the northern side elevation of the terrace to the rear at first floor level. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings prior to occupation of the development and thereafter you must permanently retain the privacy screen in accordance with the drawings we approve. (C26UB)

Reason:

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

- 21 You must apply to us for approval of details of sustainable urban drainage measures to be used to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. 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 development in accordance with the details we approve prior to occupation of the development. Thereafter you must permanently retain the sustainable urban drainage measures we approve. (C26DB)

Reason:

To reduce the water run off rate from this development in accordance with Policy CM28.1 in Westminster's City Plan (November 2016) and Policy 5.13 in the London Plan (March 2016).

#### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to

starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

4 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

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

6 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.

- 7 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)
- 8 Under condition 15 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure lifetime (25 year) car club membership for each residential unit within the development, as set out in the email dated 11 October 2017 from Area Planning Officer Oliver Gibson. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 9 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)
- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

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

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

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

- 11 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City

Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.