

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 3 July 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Queen's Park	
<b>Subject of Report</b>	<b>Victoria Wharf , St John's Terrace, London, W10 4RB</b>		
<b>Proposal</b>	Demolition of existing buildings, construction of a part 5 and part 3 storey building containing 9 flats (2 x 1 bed, 4 x 2 bed, 2 x 3 bed, 1 x 4 bed) with private balconies/terraces, bicycle storage, waste storage and grass amenity areas.		
<b>Agent</b>	Bell Cornwell LLP		
<b>On behalf of</b>	F G Mileham Building Contractors Limited.		
<b>Registered Number</b>	17/07652/FULL	<b>Date amended/ completed</b>	25 August 2017
<b>Date Application Received</b>	25 August 2017		
<b>Historic Building Grade</b>	Unlisted – Grade II listed Kensal House located on-site to the east.		
<b>Conservation Area</b>	None.		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The subject site lies on the north side of the Grand Union Canal and at the southern end of St John's Terrace. It is not within a conservation area although the Grade II listed Kensal House is located on the site to the east. It contains a builder's yard (Use Class Sui Generis) with a double storey building located along its eastern side and a single storey structure on its southern boundary, adjacent to the canal.

The applicant seeks permission for demolition of all buildings on-site and erection of a part five storey and part three storey building containing nine flats. This would be comprised of 2 x 1 bedroom flats, 4 x 2 bedroom flats, 2 x 3 bedroom flats and 1 x 4 bedroom flats.

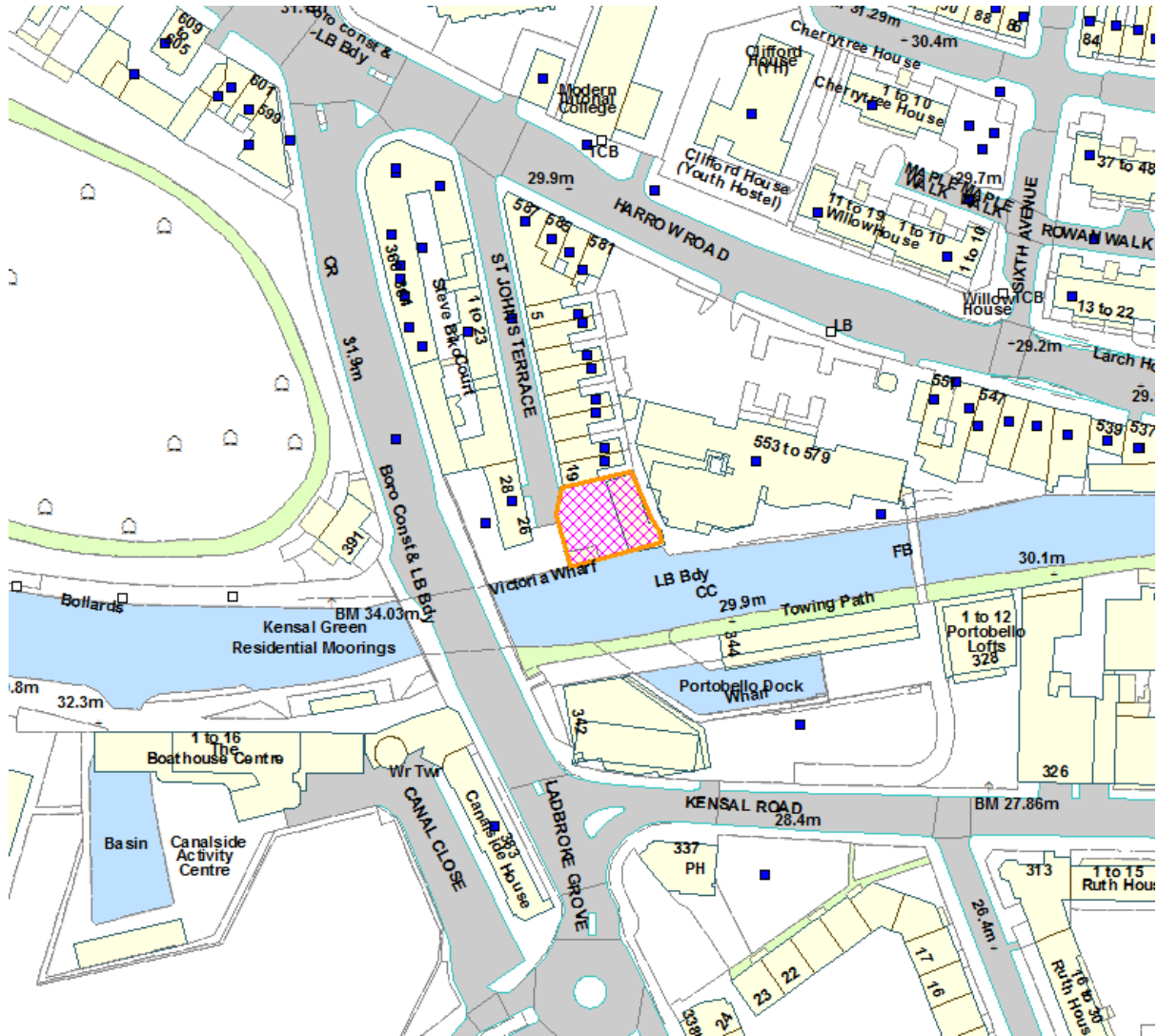
Objections have been received to the design and scale of the proposed building, its impact on nearby listed buildings (Kensal House (Grade 2) and the Dissenters Chapel in Kensal Rise Cemetery (Grade 2\*)), impact of the proposal on on-street parking and congestion and the absence of affordable housing.

The key considerations are:

- Provision of new residential units;
- Impact on the setting of listed buildings and the Grand Union Canal;
- Impact on residential amenity;
- Impact on parking.

The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). The application is therefore recommended for approval subject to the conditions set out in the draft decision letter, including an amending condition to remove the first floor rear projection, which results in a three bedroom unit becoming a two bedroom unit.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from opposite side of Grand Union Canal

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR QUEEN'S PARK

Any response to be reported verbally.

### QUEENS PARK COMMUNITY COUNCIL

Object. Disappointed by design of the proposed development. Consider the external design jarring and fails to provide an appropriate link between the newly completed residential building at 26 St Johns Terrace and Kensal House, a Grade II listed building. The proposed design dominates and obscures its neighbours. The scale of the proposed saw-tooth roof form is disproportionate to the size of the building and is discordant with neighbouring buildings. The pre-cast stone Bays wrapped in square steel lengths are overpowering and intrusive features.

### ROYAL BOROUGH OF KENSINGTON & CHELSEA (RBKC)

Object. They are concerned that the proposed development may harm the setting of the Grade II\* listed Dissenters Chapel within Kensal Cemetery.

### CANAL & RIVER TRUST

No objection, subject to conditions requiring details of balconies where they oversail the canal, a condition survey of the canal wall, site contamination investigation, use of the canal for freight, lighting and landscaping.

### NATURAL ENGLAND

Confirm that they have no comments to make on the proposal.

### DESIGNING OUT CRIME OFFICER

No objection, subject to a condition requiring that the development achieve Secure by Design accreditation.

### WASTE PROJECT OFFICER

No objection, subject to a condition requiring the provision of waste storage shown on the proposed drawings.

### HIGHWAYS PLANNING MANAGER

No objection, subject to conditions requiring provision of waste and cycle storage.

### ENVIRONMENTAL HEALTH OFFICER

Object to the proposed Means of Escape in Case of Fire. The proposed floor plans show that the escape route for occupiers of the bedrooms of the proposed dwellings are not adequately separated from areas of highest risk, namely the kitchen/living areas. This could be resolved by the installation of a self closing fire door between the kitchen and the circulation space which leads to the main door of each dwelling.

### BUILDING CONTROL OFFICER

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80

Total No. of replies: 2 objections

In summary, the objectors raise the following issues:

- The development should be of a transitional scale between the re-development scheme to the west and the three storey (plus hipped roof) wing to the Grade II listed Kensal House to the east. The current proposal is an abrupt change in height from three storeys at Kensal House to five storeys on the application site;
- Object to any part of the development overhanging the canal;
- The architectural design is disappointing, particularly when set against the style of Kensal House. The use of projecting bays on the south and east facades are bulky overpowering elements which will have an adverse impact on the setting of the canal and adjoining buildings;
- Proposal includes no affordable housing; and
- Proposal will increase parking congestion in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The subject site lies on the north side of the Grand Union Canal and at the southern end of St John's Terrace. It is not within a conservation area although the Grade II listed Kensal House is located on the site to the east. It contains a builder's yard (Use Class Sui Generis) with a double storey building located along its eastern side and a single storey structure on its southern boundary, adjacent to the canal.

### **6.2 Recent Relevant History**

#### 15/07129/OUT

Demolition of existing buildings. Construction of four storey building containing nine flats (1 x 4 bed, 2 x 3 bed, 4 x 2 bed and 2 x 1 bed) (Outline application: approval sought for appearance and layout only. All other matters reserved).

Permission Refused – 22 January 2016

The reasons for refusal were:

1. The proposed development has a gross floorspace that exceeds 1000 square metres and an affordable housing contribution has not been provided. A viability appraisal has also not been provided to demonstrate why an affordable housing contribution may not be possible. This would not meet S16 of Westminster's City Plan: Strategic Policies adopted November 2013, policy H4 of our Unitary Development Plan that we adopted in January 200 and the Interim Guidance Note on Affordable Housing Policy (updated April 2015).
2. Because of poor design and material choice, the proposed building would harm the setting of the Grade II listed Kensal House and the character and appearance of the area and the Grand Union Canal. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1,

DES 4, DES 10 and DES 13 of our Unitary Development Plan that we adopted in January 2007.

3. The design of the proposed building would lead to an unacceptable loss of privacy for people in neighbouring properties. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
4. Your application does not contain an assessment of noise levels from the proposed lift. This means that the lift could be a nuisance to people living at 19 St Johns Terrace. This would not meet S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

## 7. THE PROPOSAL

The applicant seeks permission for demolition of all buildings on-site and erection of a part five storey and part three storey building containing nine flats. This would be comprised of 2 x 1 bedroom flats, 4 x 2 bedroom flats, 2 x 3 bedroom flats and 1 x 4 bedroom flats. The relevant floor areas are set out below:

Table 1: Existing and Proposed Floor Areas

	<b>Existing GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>+/-</b>
Builders Yard (Sui Generis)	148	0	-148
Residential (Use Class C3)	0	781	+781
<b>Total</b>	<b>148</b>	<b>781</b>	

Following refusal of application ref: 15/07129/OUT, the applicant has comprehensively redesigned the building and provided additional information to address the City Council's concerns. During the course of the application, the scheme has been amended to reduce the depth of the balconies proposed on the south elevation so that they do not project over the canal.

During the course of the application, officers queries the ownership certificate that accompanied the application as it was unclear whether the boundary wall with 26-28 St John Terrace straddled the boundary or was located entirely within the application site. The applicant has confirmed that the proposed development is located entirely within the application site.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Loss of Builders Yard

The existing site is used by a local builder as a site to store building materials and as an office to coordinate works within the nearby Queens Park estate. This type of yard falls

within the Sui Generis Use Class and is not protected by any policy of the City Plan or the Unitary Development Plan (adopted 2007) ("the UDP"). Accordingly, there is no in principle objection to the loss of this use.

### 8.1.2 Provision of Residential

The provision of additional residential accommodation is supported in principle by policy H3 of the UDP and policy S14 of the City Plan. Accordingly, the replacement use would be supported.

The applicant has also provided drawings which demonstrate that the proposed development would not exceed 1000 sqm GIA or provide 10 or more residential units. Accordingly, they have overcome one of the reasons for refusing application ref: 15/07129/OUT.

The proposal would also include three flats with three or more bedrooms resulting in one-third of the units being 'family sized'. This satisfies the unit mix sought by policy H5 of the UDP.

The size of the proposed flats are set out in the table below:

Table 2: Proposed Flat Sizes

Unit	National Described Space Standard Requirement (sqm GIA)	Proposed (sqm GIA)
Unit 1 – 2b 4p	70	70
Unit 2 – 3b 6p	95	117
Unit 3 – 2b 4p	70	73
Unit 4 – 3b 6p	70	117
Unit 5 – 2b 4p	70	73
Unit 6 – 2b 4p	70	92
Unit 7 – 4b 7p	115	128.8
Unit 8 – 1b 2p	50	54.4
Unit 9 - 1b 2p	50	56

The proposed flats would all meet the minimum space standards contained within the Nationally Described Space Standard (March 2015). They would also be dual aspect and would include outdoor amenity space in the form of balconies facing the canal. These balconies would all exceed the space requirements of Standard 4.10.1 of the Mayor of London's Housing SPG for a residential unit of the size proposed. Accordingly, the proposed units would provide appropriate outdoor amenity space and satisfactory living accommodation.

## 8.2 Townscape and Design

The objector is concerned with the design of the proposed building whilst RBKC have objected to the potential impact of the proposed building on the setting of the Grade II\* Dissenters Chapel within Kensal Cemetery.



The site lies on the north side of the Grand Union Canal (Paddington Branch) and at the southern end of St John's Terrace. It is not within a conservation area and the nearest designated heritage asset is the Grade II listed Kensal House, which lies to the east. The east side of St John's Terrace contains some attractive late nineteenth century two-storey terraced houses, whereas the west side of the street has a more varied character and is generally of buildings of later twentieth century date. The immediately adjacent site to the west (26 St John's Terrace - also faces onto the canal) has recently been re-developed (ref: 12/06405/COFUL & 14/10573/COFUL).

The boundary with RBKC lies to the south and west and there are designated heritage assets within RBKC in the surrounding area, notably Kensal Green Cemetery Conservation Area, which contains numerous listed buildings and perhaps of most relevance to this application – the Grade II\* listed Dissenter's Chapel which is adjacent to the eastern boundary of the cemetery.

The proposal is to demolish the existing buildings on site and redevelop with a residential scheme. The new building is a part five, part three and part two storey building, providing 9 flats, accessed from St John's Terrace, but with its principal façade facing towards the canal.

The proposed five storey element would match the height and respect the building lines of the adjoining site at 26 St John's Terrace, but at its eastern end the building line steps back from the canal edge and reduces in height to three storey to respond to the scale and orientation of the later extensions to Kensal House. The entrance to the block would be via a small recessed courtyard, with bin and bike stores in a single storey structure abutting the flank wall of 19 St John's Terrace. The large 3-bedroom ground floor flat would have access to two enclosed courtyard gardens; and all of the other flats would have balcony space – for the most part facing onto the canal. The architecture would be contemporary, albeit having contextual references, particularly in terms of the principal brick-facing material. The saw-tooth roof form, also references the industrial style of architecture associated with the canalside environment. The projecting bays are in pre-cast stone with square steel embellishment and the main roof is clad in standing seam zinc. Flat roofs will incorporate green roofs.

The current buildings on the site do not make a positive contribution to the townscape and have a poor relationship with the canal. As such, the demolition of the existing buildings and the principle of a residential redevelopment of the site is considered acceptable in design terms.

In terms of height and bulk the proposed new building is considered to be acceptable, appropriately relating to its neighbours. It is the same height as the neighbouring no.26 St John's Terrace, albeit the saw tooth roof and projecting elements reduce the overall bulk more effectively; and in stepping down to the side (east) and rear (north) it appropriately responds to the smaller scale of the buildings in Kensal House and 19 St John's Terrace. Thus in terms of height and massing the concern expressed by the objector is not shared.

In terms of materials, the proposal is considered to be entirely appropriate with a handmade redbrick being the primary material, alongside a standing seam zinc roof,

pre-cast stone elements and off-white steel metal elements. The final agreement of materials and issues of bonding pattern and pointing can be reserved by condition.

The scheme has been amended and the building line to the canal set back so that no projecting façade elements oversail the canal itself. This is a direct response to officer concern about a conflict with policy DES 13 of the UDP and as amended this issue has been overcome.

Whilst RBKC's objection does not elaborate on the reason for their objection, it would seem clear from their delegated report that they are concerned that the development will be seen from within Kensal Green Cemetery and that it may detract from the setting of the Dissenter's Chapel. While no visual impact assessment has been undertaken from within the cemetery by the applicants, it is considered that the proposal would not result in an adverse impact on the setting of the chapel or the conservation area. The backdrop to the chapel when viewed from within the cemetery already features a number of existing (and in some cases new) buildings including the recently completed 26 St John's Terrace and Steve Biko Court (to the north of 26 St John's Terrace), but also within RBKC is 342 Ladbrooke Grove (Innocent Drinks HQ) and a former water tower on the south side of the canal. Given that the proposed development will lie to the east and broadly be of the same height as 26 St John's Terrace, if it can be seen at all, it will sit within the existing backdrop of buildings and will certainly be less assertive than 26 and also 342 Ladbrooke Grove. It is thus considered that the setting of the Kensal Green Cemetery Conservation and its listed buildings, notably the Dissenter's Chapel would not be adversely affected and would be preserved by the proposal.

Accordingly and given the above, the proposal is considered acceptable in design terms and would accord with policies S25, S28 and S37 of the City Plan and DES 1, DES 4, DES 9, DES 10 and DES 13 of the UDP.

### **8.3 Residential Amenity**

The application site is separated from sites to the south by the width of the Grand Union Canal whilst the buildings on the south side of the canal are in non-residential use in any event. The site to the east of the application site (Kensal House) is in office use and amenity for office uses is not protected by development plan policy. Accordingly, the proposed development would not result in harm to residential amenity on those sites through unacceptable loss of light, increased sense of enclosure or loss of privacy.

With regards to the site to the west (26 St John's Terrace), the proposed development would abut and not project significantly beyond the flank wall of the development recently completed on that site. It is noted that 26 St John's Wood Terrace does include flank windows and a rooftop balcony on the boundary with the application site. However, and as noted in informative 25 of the decision notice for the approval on that site (ref: 12/06405/COFUL), these windows and the balcony are un-neighbourly, would form an unreasonable constraint on development of the application site and can only be afforded limited protection. Accordingly, it would be unreasonable to withhold permission for the proposed development due to loss of light and sense of enclosure to those windows. Overall, the proposed development would not result in unacceptable loss of light, increased sense of enclosure or loss of privacy for the occupants of that property.

With regards to the site to the north (19 St Johns Terrace), permission was previously refused under application ref: 15/07129/OUT due to potential loss of privacy for the occupants of that property. However, it is understood the applicant now owns that property and proposes to install obscure glazed windows in the three first floor flank windows and blocking up two ground floor windows. As these windows are secondary windows, this is considered appropriate mitigation for potential loss of privacy resulting from the development. A condition is recommended requiring installation of this obscure glazing before occupation of the residential units proposed.

The applicant has provided an Assessment of Daylight and Sunlight Loss to the flank windows to 19 St Johns Wood Terrace. In terms of daylight, this assessment indicates that the three first floor flank windows noted above would have Vertical Sky Component losses of up to 80%. This would be a significant loss of daylight in terms of BRE Guidelines. In terms of sunlight, losses would be within BRE Guidelines.

Whilst this daylight loss is regrettable, the three windows affected are un-neighbourly, being located on the boundary with the application site, and form an unreasonable constraint on development of the application site. Accordingly, and given the benefits of the development in terms of housing delivery, an objection to the development on this basis would not be sustainable.

With regards to sense of enclosure, the bulk of the proposed building is located largely beside the flank wall of 19 St Johns Terrace and too far from that property to result in unacceptable levels of sense of enclosure. However, the proposed building does include a two storey projection on its north elevation that abuts 19 St Johns Terrace and that would project beyond the flank wall. This would result in an unacceptable level of sense of enclosure when viewed from the first floor rear and closet wing flank windows of 19 St Johns Terrace. This harm could be adequately mitigated by removal of the first floor level of this projection and a condition is recommended to secure this. Subject to this condition, the proposed development would not result in unacceptable sense of enclosure for the occupants of 19 St Johns Terrace.

Removal of the first floor level of this projection would result in the loss of one bedroom for Flat 4, turning it from a three bedroom (family sized) unit to a two bedroom unit. This in turn would result in less than one-third of the units being family sized, as required by policy H5 of the UDP. Given the flexibility within policy H5 and the amenity benefit that would result from this alteration, conversion of this unit from a three bedroom to two bedroom unit is acceptable in this instance.

The applicant has revised the proposed development so that the lift shaft and associated machinery are located within the proposed building, rather than on the boundary with 19 St Johns Terrace as proposed under application ref: 15/07129/OUT. In this revised position, and subject to the recommended condition controlling plant noise, the proposed lift would be consistent with policy S29 of the UDP and policies ENV 6 and ENV 7 of the UDP.

## **8.4 Transportation/Parking**

No off-street parking is proposed for this development. Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

The evidence of the Council's most recent night time parking survey indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 64%. However, policy TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 50%.

However, the evidence of the Council's most recent daytime parking survey indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 44%. Policy TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Overall, parking pressures in this area remain below the stress level, but with the introduction of increased levels of residential in this area without off-street parking or on-street parking restraint the stress levels are likely to increase. On the basis of the Council's data and car ownership levels, with the addition of residential units in this location, any additional on-street parking generated can be absorbed into the surrounding street network. Therefore, the development is consistent with policy TRANS23 of the UDP.

Conditions are recommended requiring details of cycle parking and waste storage. Subject to these conditions, the proposal would provide satisfactory cycle parking and waste storage.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

The proposed development includes lift access to all floors but would also be required to meet part m of the Building Regulations in any event. Accordingly, it would provide satisfactory access throughout.

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

### **8.7.1 Ecology**

The Grand Union Canal is classified as a Metropolitan Site of Nature Conservation Importance. The applicant has submitted an Ecological Survey that confirms that no bats are on-site. Conditions are recommended to protect use of the canal for feeding by bats and to enhance its ecological value. Subject to these conditions, the proposed development would be consistent with policy S36 of the City Plan.

### **8.7.2 Site Contamination**

The applicant has submitted a preliminary Land Contamination Assessment in light of this sites history as a builder's yard. This assessment concludes that the risk of contamination is low but recommends further site investigation. A condition is recommended to secure this further investigation. Subject to this condition, the proposal would be consistent with policy ENV 8 of the UDP.

### **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

Subject to any relief or exemptions available to the applicant, the estimated WCC CIL payment would be £227,387.64

### **8.11 Environmental Impact Assessment**

This proposed development is too small to require and Environmental Impact Assessment.

### **8.12 Other Issues**

The objections raised have been largely addressed above. The following is also noted.

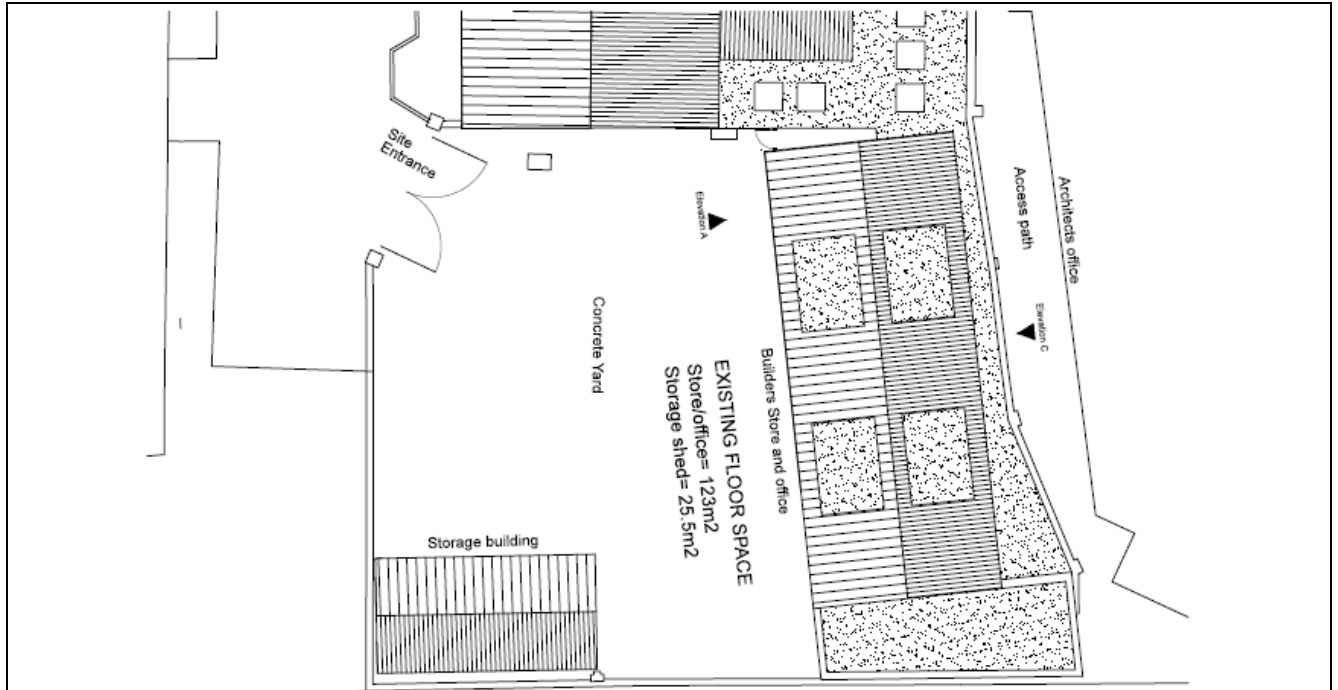
The Environmental Health Officer has raised an objection to the development on the grounds that inadequate means of escape in the event of fire has been provided for the proposed flats. However, this is a building regulations matter and an objection to the proposal on this basis would therefore not be sustainable.

An objector considers there to be too little affordable housing proposed. However, the proposed development is not large enough to trigger an affordable housing contribution.

(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).

9. KEY DRAWINGS

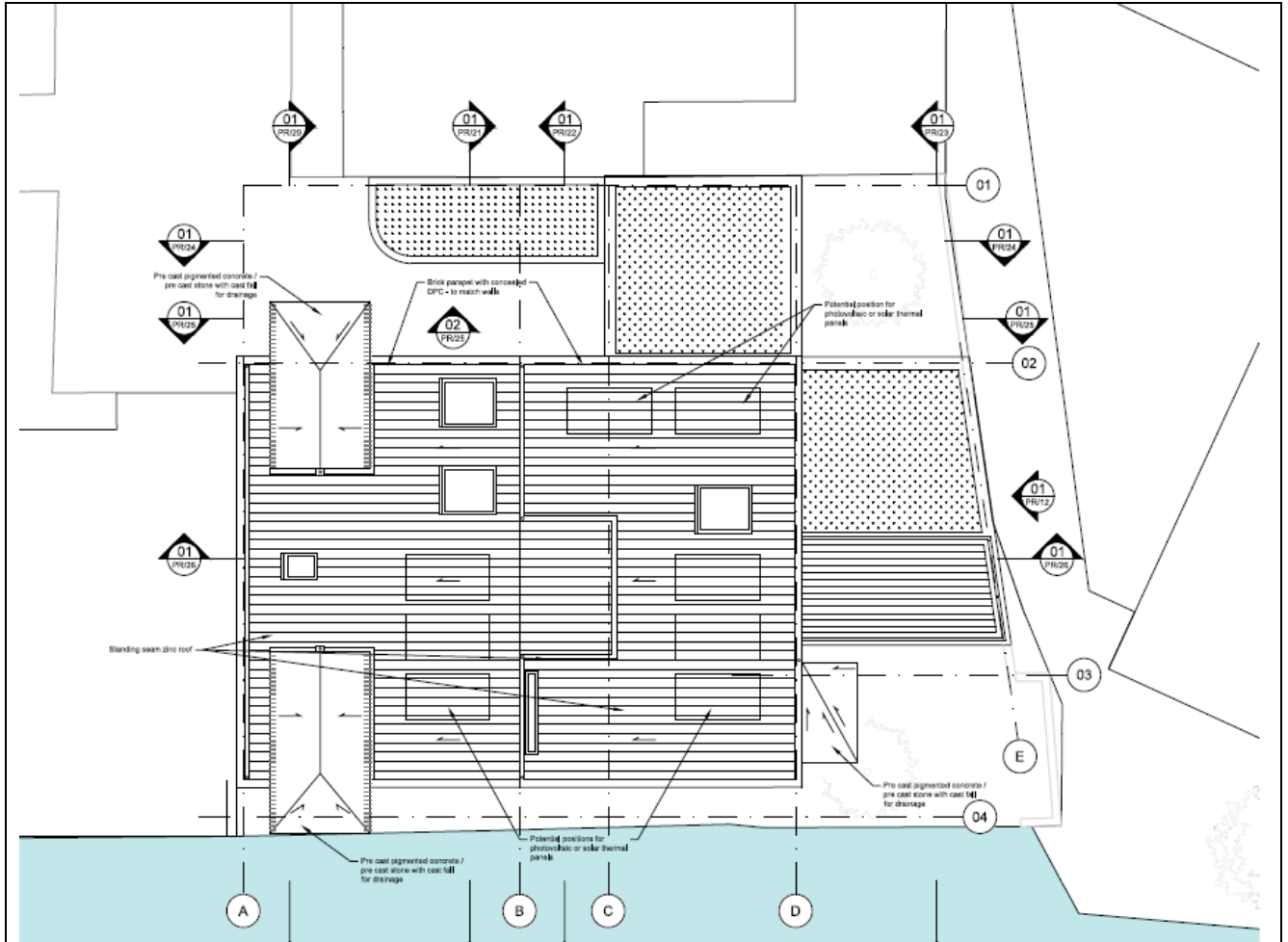


Existing Site Plan



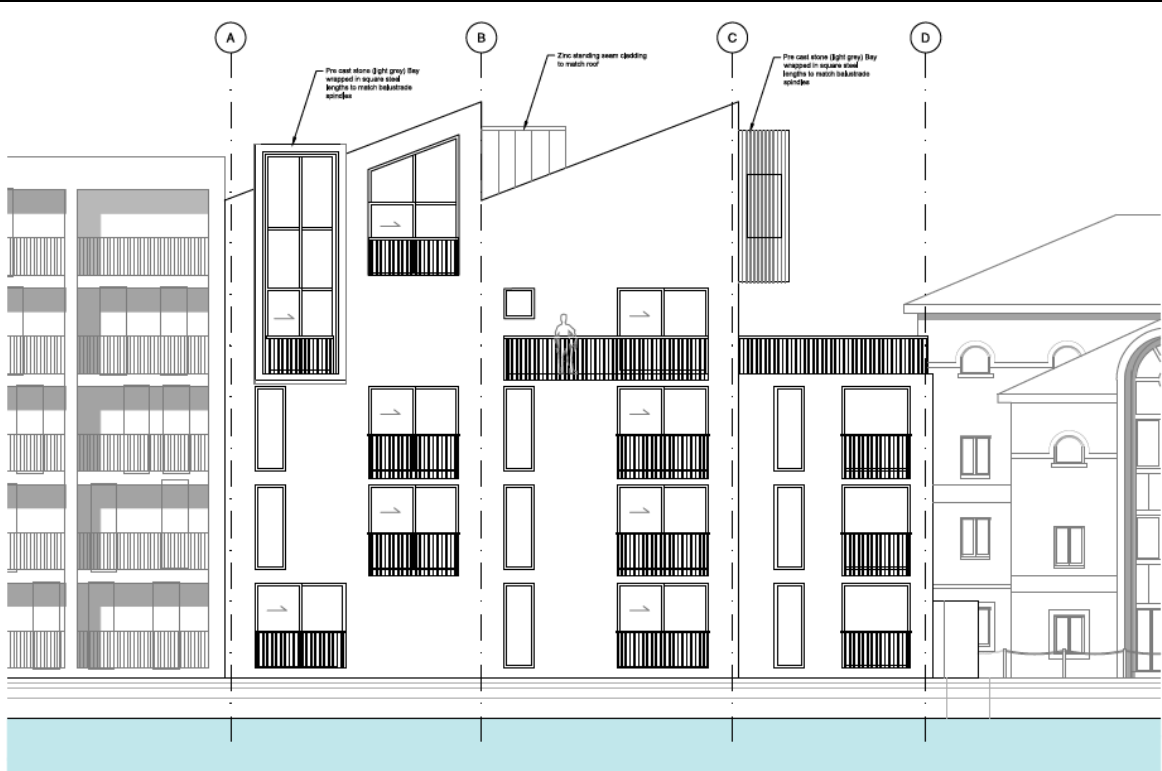
Existing Elevations



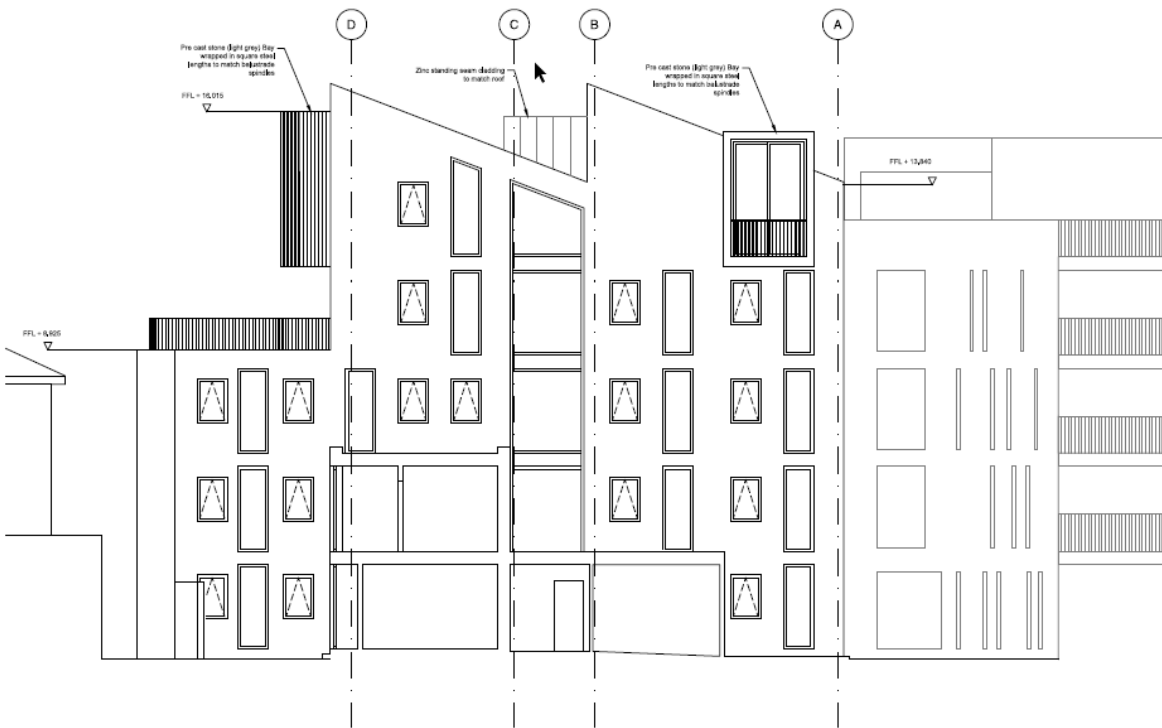


Proposed Roof Plan

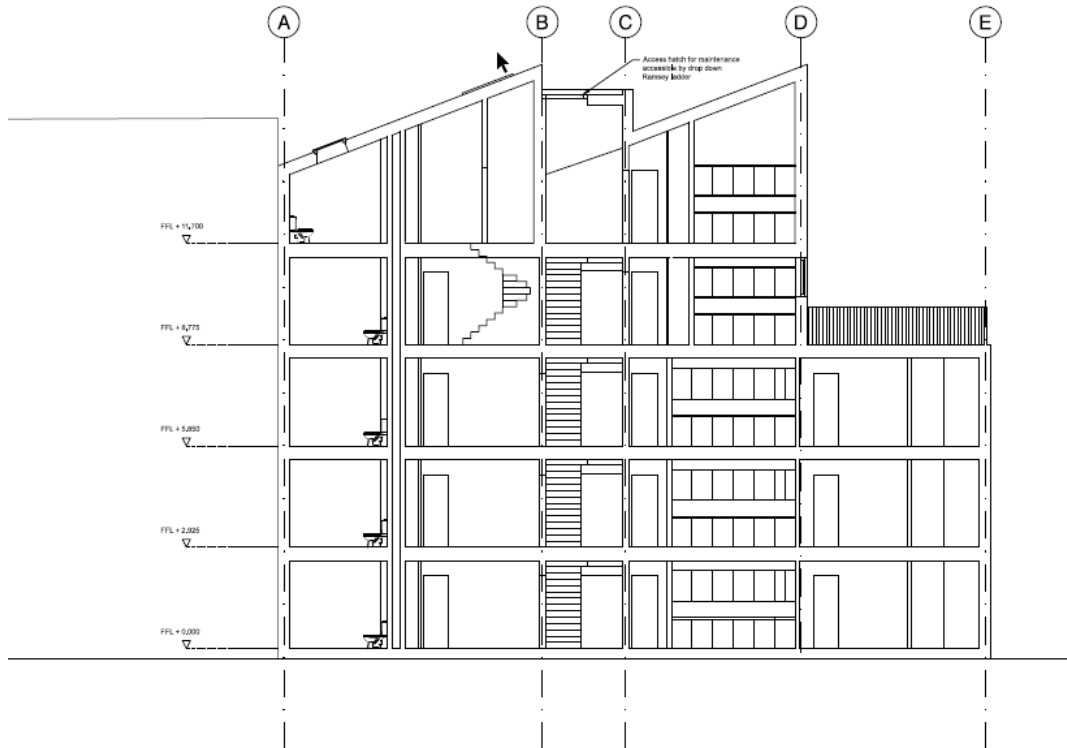




**Proposed South/Canal Elevation**



**Proposed North/St Johns Terrace Elevation**



**Proposed Long Section**



**Visualisation of Proposed Development from Canal**

**DRAFT DECISION LETTER**

**Address:** Victoria Wharf , St John's Terrace, London, W10 4RB

**Proposal:** Demolition of existing buildings, construction of a part 5 and part 3 storey building containing 9 flats (2 x 1 bed, 4 x 2 bed, 2 x 3 bed, 1 x 4 bed) with private balconies/terraces, bicycle storage, waste storage and grass amenity areas.

**Reference:** 17/07652/FULL

**Plan Nos:** Drawing numbers PR00 Rev 02, PR01 Rev 02, PR02 Rev 02, PR03 Rev 02, PR04 Rev 02, PR05 Rev 02, PR06 Rev 02, PR07 Rev 02, PR11 Rev 02, PR12 Rev 02, PR20 Rev 02, PR21 Rev 02, PR22 Rev 02, PR23 Rev 02, PR24 Rev 02, Pr25 Rev 02, PR26 rev 02

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing and landscaping materials, 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.

Reason:

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

- 4 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development:

i) typical facade bays.

The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels.

You must then carry out the work according to these approved sample(s).

Reason:

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

- 5 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following:

- i) windows;
- ii) external doors;
- iii) cills;
- iv) reveals;
- v) location and size of movement joints;
- vi) step backs in façade;
- vii) interfaces with windows;
- viii) interfaces with architectural metalwork;
- x) ventilation and other services terminations at façade and roof;
- xi) balconies including method of drainage;
- xii) railings and balustrades; and
- xiii) integral lighting.

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 drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

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

- 6 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

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 (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.

- 8 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 9 You must provide the waste store shown on drawing PR01 Rev 02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 10 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 (March 2016).

- 11 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site

investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

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

Reason:

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

- 13 The glass that you put in the first floor south elevation of 19 St John's Terrace must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

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

- 14 **Pre Commencement Condition** Before development commences, a survey of the condition of the canal wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning Authority. The works identified shall be carried out in accordance with the approved method statement and repairs schedule before the flats

hereby approved are occupied.

Reason:

In the interest of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity, in accordance with policy S37 of the Westminster's City Plan (November 2016).

- 15 **Pre Commencement Condition.** If surface water run-off and ground water is proposed to drain into the canal, details shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The development must be carried out in accordance with the approved details.

Reason:

To safeguard the canals water quality, in accordance with policy S37 of the Westminster's City Plan (November 2016).

- 16 Before occupation of the development, full details of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details before occupation of the approved development.

Reason:

To safeguard the canals ecology, in accordance with policies S36 and S37 of Westminster's City Plan (November 2016).

- 17 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and any proposed aquatic habitat enhancement. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within six months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S36, S37 and 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.

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

-Removal of the first floor of the wing on the northern side of the building (contains bedroom and bathroom for Flat 4).

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



**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that all necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).
- 5 The applicant/developer is advised that any development, crane oversail or access over the waterway requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estates team at [jonathan.young@canalrivertrust.org.uk](mailto:jonathan.young@canalrivertrust.org.uk) regarding the required agreement.
- 6 The applicant is advised that any drainage from the site into the waterway will require consent from the Canal & River Trust, and they should contact the Canal & River Trust's Utilities team at [nick.pogson@canalrivertrust.org.uk](mailto:nick.pogson@canalrivertrust.org.uk).

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.

Item No.
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