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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 7 August 2018 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Church Street | |
| Subject of Report | Repeater Station, 2 Ashbridge Street, London, NW8 8DS, | | |
| Proposal | Demolition of existing BT Repeater Station building, with retention of BT service area and associated access. Redevelopment of the site to erect a five storey building to provide 26 residential units, with existing basement floor used to provide parking, plant and services spaces accessed via a new ramp from Ashbridge Street. Removal of existing vehicular ramp to rear of site and provision of new landscaping to amenity space (linked to redevelopment 29 Cosway Street and Ashmill Street Car Park sites that are on this agenda – Items 1 and 3). | | |
| Agent | Peter Brett Associates LLP | | |
| On behalf of | Westminster City Council | | |
| Registered Number | 17/10968/COFUL | Date amended/ completed | 13 June 2018 |
| Date Application Received | 11 December 2017 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | | | |

1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to a legal agreement or unilateral undertaking to secure the following planning obligations:
 - i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of highway works outside the site in Ashbridge Street, including alterations to crossovers and replacement of two street trees and on-street parking bays.
 - iii. Provision of 'life time' (25 year) car club membership for each flat.
 - iv. Subject to further study, provision of a carbon off-set payment of £36,576 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
 - v. Offer local employment opportunities during construction.
 - vi. Provision of costs for monitoring of agreement (£500 per head of term).
2. If the legal agreement or unilateral undertaking to secure the planning obligations has not been completed by 1 October 2018 then:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site is currently a three storey former British Telecom (BT) Repeater Station, which comprises office accommodation on the upper floors with vehicular parking and access to BT sub-surface infrastructure at ground floor level. The building also has an existing basement floor. The building is not listed and is not located within a conservation area. The site is located within the North Westminster Economic Development Area (NWEDA).

The application seeks permission for the demolition of the existing BT Repeater Station building, albeit with the retention of BT service area and associated sub-surface access shaft, and redevelopment of the site to erect a five storey building to provide 26 residential units, with the existing basement floor used to provide parking, plant and services spaces. The basement is proposed to be accessed via a new ramp formed at the north western boundary of the site, with access to the new basement and the existing residential and office car parking below Earl House and Tresco House directly from Ashbridge Street. The existing ramp between the rear of the site and Earl House is proposed to be infilled and a new landscaped amenity area provided to the entire area between the site and Earl House and Alpha House for use by occupiers of the development and Earl House and Alpha House. New gates and railings are proposed at the boundary of the site in Ashbridge Street to enclose the new landscaped amenity area.

The proposed development is proposed to be used as affordable housing and fulfils part of the requirement for provision of off-site affordable housing for the market residential redevelopment of the adjacent site at No.29 Cosway Street, which is also on this Sub-Committee agenda (see Item 1).

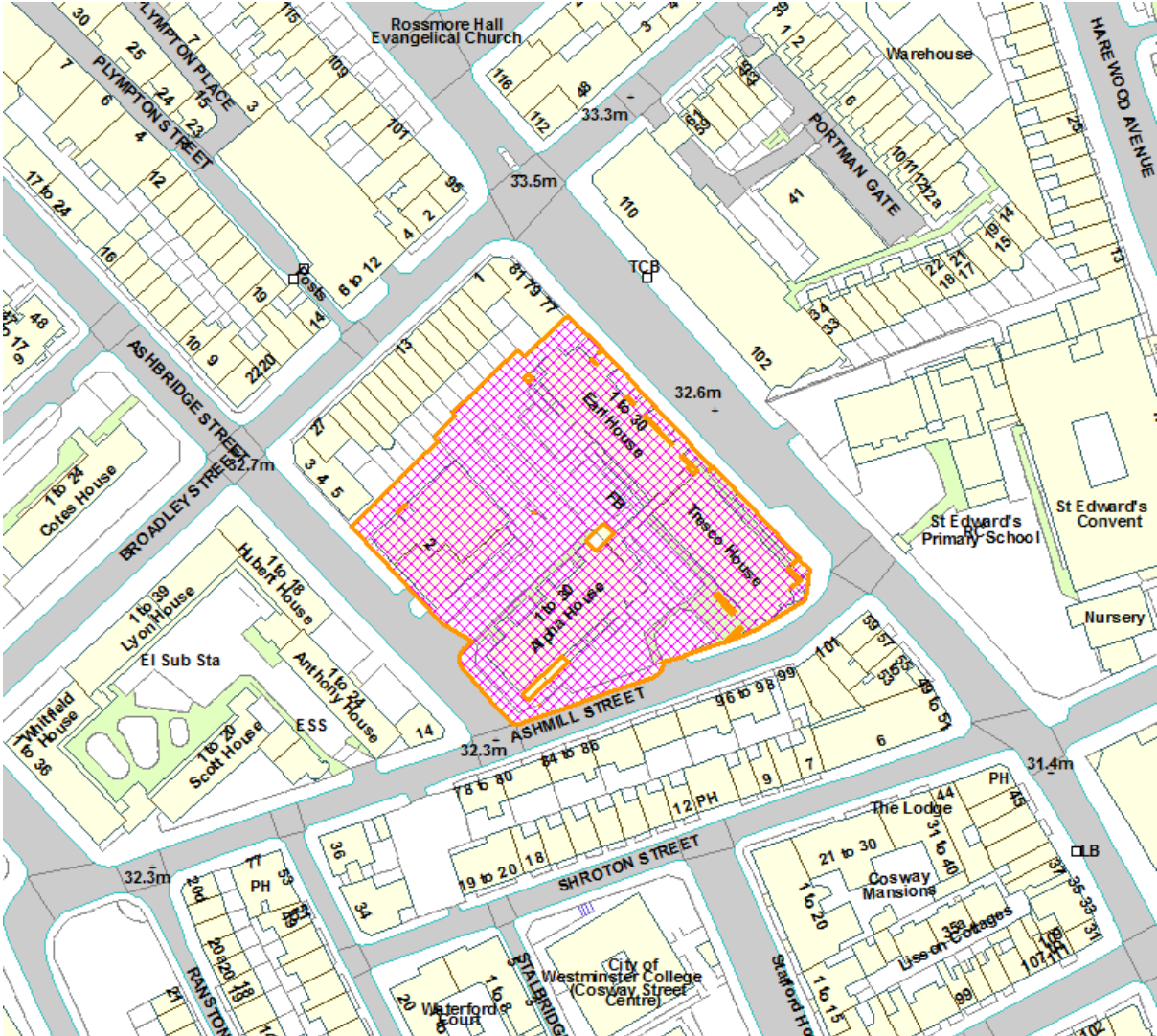
The key issues in this case are:

- The acceptability of the proposed residential accommodation (mix, size of units and quality of accommodation).
- The impact of the development on the appearance of the site and the character and appearance of this part of the City
- The impact on the amenity of neighbouring residents.
- The impact of the proposed development on the availability of on-street car parking for neighbouring residents.
- The acceptability of the proposed vehicular ramp for access to the proposed basement parking and the existing parking below Earl House and Tresco House.

- The acceptability of the proposed landscaped amenity space to be provided for use by the occupiers of the development and Earl House and Alpha House.

The proposed development is considered to be acceptable in land use, design, amenity, transportation and environmental terms and would accord with the relevant policies in the Unitary Development Plan we adopted in January 2007 ('the UDP') and Westminster's City Plan that we adopted in November 2016 ('the City Plan'). As such, the application is recommended for approval, subject to the conditions set out in the draft decision letter and completion of a unilateral undertaking to secure the planning obligations set out the recommendation in Section 1 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site in Ashbridge Street (top) and view of existing area between Repeater Station and rear of Alpha House (bottom).



Views of existing landscaping to area between the Repeater Station, Alpha House and Earl House including existing vehicular ramp.

5. CONSULTATIONS

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

No objection. Consider the proposal quite well configured and liked the elevations.

ALPHA AND EARL HOUSE RESIDENTS ASSOCIATION

Objection. Loss of daylight and sunlight, increased noise disturbance, overlooking from balconies, number of three bedroom flats should be reduced to reduce occupiers of development, height and bulk of proposed development should be reduced and increased pressure on existing on-street parking.

ARBORICULTURAL MANAGER

Any response to be reported verbally.

BUILDING CONTROL

No objection. Note that the new construction would support the highway and informative should be added reminding the applicant to obtain technical approval from the Local Highway Authority.

CHURCH STREET LARP

Any response to be reported verbally.

CITYWEST HOMES

Any response to be reported verbally.

CLEANSING MANAGER

No objection in principle, but would like bins to be identified as for waste or recycling within the bin store and for an internal door between the store and the communal parts to be provided.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Objection. Further noise assessment of the impact of the BT sub-surface access shaft and associated machinery. This needs to be surveyed to assess and mitigate noise impact on proposed new residential accommodation. Applicant also needs to demonstrate how vibration will not be transferred from the BT access shaft to the residential accommodation. BT access shaft may also have an adverse impact on the use of external amenity areas. Noted that mechanical ventilation with heat recovery (MVHR) is proposed but there is a lack of clarity as to which rooms are to have this ventilation and which windows will be openable for purge ventilation etc. An updated ventilation strategy needs to be submitted to clarify these issues. Air Quality Assessment needs to be considered in conjunction with revised ventilation strategy and needs to consider the impact these strategies may have in terms of overheating. Further information therefore required. Agree though that NOx filters should be installed to the ventilation system. Consider that a travel plan should be provided. Noise needs to be

considered from vehicle gates and bin store to neighbouring units within the development. Clarification of cooling methods for single aspect south facing units is required.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Separate Traffic Management Order will be required for on-street parking amendments, but likely to be supported as no loss of on-street parking spaces. Cycle parking acceptable and to be secured by condition. Concern that the width of the proposed basement access ramp would be 4.4m, rather than normally expected width of 4.8m, but notes that this is constrained by the fixed position of the existing BT sub-surface access shaft. Vehicles would be able to pass on the ramp but it would be tight. Vehicle trips generated by all car parks served by the proposed ramp would be low with an evening peak of 9 trips an hour. Notes that the 10m set back of the ramp and the use of a signalling system would help prevent vehicles queuing on the highway. Concludes that as use of a ramp would mean vehicles would enter the basement quicker than if a car lift was proposed and given set back and signalling system, refusal of permission could not be sustained on basis of the width of the ramp. In terms of car parking, 14 spaces would be provided for 26 flats. The on-street parking in the vicinity has occupancy levels of 57% at night and 82% during daytime hours. Recommends parking is unallocated to maximise the usage of the proposed on-site spaces. If other material considerations outweigh the lack of on-site parking, provision of car club membership for each flat in the development should be considered. Condition should be imposed to secure electric vehicle charging points and traffic management/ signalling system at entrance to basement. Other conditions and informatives recommended. Highway works to the public highway outside the site in Ashbridge Street, including alterations to on-street parking, should be secured by legal agreement.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 263.

Total No. of replies: 14.

No. of objections: 13.

No. in support: 1.

Petition containing 44 signatures received from the Alpha and Earl House Residents Association. The petition raises objection on grounds that (i) the number of 3 bedroom flats should be reduced to avoid potential of 100+ new residents on a very small estate; and (ii) the external balconies facing the rear of Alpha House due to adverse amenity impact.

14 emails received from 14 respondents raising objection or offering support on all or some of the following grounds:

Land Use

- Scheme should be used as 45% privately owned house and 55% intermediate homes. Would reflect tenure of existing estate.
- Use of the site should not be linked to Cosway Street site in order to meet the Council's social housing target.
- Number of 3 bedroom units should be limited to limit the number of new residents on what is a small estate.
- Tenure of proposed development needs to be mixed with private and social housing to avoid ghettoising.
- Mix of tenures proposed will lead to social exclusion.
- The Ashbridge Street and Cosway Street sites have no historical link to one another.
- No objection to size and layout of flats and 26 units in the most needed tenures.

Design and Landscaping

- Support proposals for enhancement of existing bleak landscaping.
- Width of road in landscaped area should not be reduced.
- Support the provision of fences and gates at the entrance to the estate to improve security.
- Scheme should be designed to avoid anti-social behaviour.
- Height and bulk of development should be reduced.
- Overall look of the scheme has architectural merit but overall height and bulk are excessive. Scheme should be reduced in height.
- Scheme and amenity space look attractive.
- A proper plan to demolish Alpha House, Earl House and Tresco House should be considered as they are terrible buildings. This is an opportunity missed. Replacement of whole estate would improve appearance in Lisson Grove and provide better social housing and new private homes with additional green space free from existing anti-social behaviour.

Amenity

- Development should not have balconies looking towards rear of Alpha House.
- Sound reverberates between buildings on the estate and concerned this means balconies will cause noise disturbance.
- Hand rails of balconies facing Alpha House will be 12 metres from bedroom windows. This causes a loss of privacy and noise pollution.
- Close balconies already cause neighbour disputes on the estate.
- Proximity of balconies to Alpha House would be contrary to guidance on noise disturbance in the Mayors 'London Housing Design Guide'.
- Loss of daylight and sunlight to neighbouring properties.
- Loss of privacy.
- Loss of light to rear windows and gardens in Broadley Street and overlooking of gardens.
- Welcome the reduction in the number of balconies from pre-application scheme.

Highways/ Parking

- Support location of new basement entrance ramp.
- No unauthorised parking should be allowed on the estate.
- Increased pressure on on-street parking.

Other Matters

- Existing problems with some tenants on estate drug dealing and illegal parking.
- Problems with rough sleeping in garages and fly tipping.
- Support principle of redeveloping the Repeater Station site.
- Opportunity to build something special for all concerned in the whole neighbourhood.
- Disappointed that the scheme was not discussed prior to the application until October 2017.
- Anti-social behaviour is not effectively dealt with on the estate at present and this does not give confidence that issues arising from the proposed design would be resolved.
- Adverse impact on value of neighbouring properties.
- Welcome PV panels.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is currently a three storey British Telecom (BT) Repeater Station, which comprises office accommodation on the upper floors with vehicular parking and access to the BT sub-surface infrastructure at ground floor level. The building also has an existing basement floor.

The site is located within the North Westminster Economic Development Area (NWEDA), which encourages development that improves the quality and mix of housing. It is also within the Edgware Road Housing Zone designated by the Mayor, which seeks the delivery of 1,113 new homes in the area.

The City Council's Church Street Masterplan (December 2017) sets a target to deliver 1,010 new homes in the masterplan area over the next 15-20 year period. Whilst this is a material planning consideration, this is not an adopted development plan document and has not been published or adopted by the City Council in its role as Local Planning Authority.

The existing building has a large footprint, relative to the size of the part of the site it occupies; albeit this is reflective of the existing use of the site as a piece of telecommunications infrastructure. The site has a south western elevation on to Ashbridge Street; a south eastern elevation facing the rear of Alpha House (a residential block managed by CityWest Homes - CWH); a north eastern rear elevation facing the rear of Earl House (also a residential block also managed by CWH); and a north western elevation, which is set in from the site boundary, that faces the rear elevations and rear gardens of adjoining residential properties in Ashbridge Street and Broadley Street.

6.2 Recent Relevant History

13/09152/FULL

Demolition of existing building, with retention of access to sub-surface BT infrastructure and existing basement floor and redevelopment of rest of site as a four storey building to provide 20 residential units (6x1 bed, 8x2 bed and 6x3 bed flats), with basement level parking and services and balconies and amenity space to elevations. Provision of new vehicular access from Ashbridge Street and alteration to existing BT site access.

Application Permitted 7 January 2014

A copy of the above permission, which has since expired without being implemented, and relevant approved drawings, are provided in the background papers for information.

7. THE PROPOSAL

The application seeks permission for the demolition of the existing BT Repeater Station building, albeit with the retention of BT service area and associated sub-surface access shaft, and redevelopment of the site to erect a five storey building to provide 26 residential units, with the existing basement floor used to provide parking, plant and services spaces. The basement is proposed to be accessed via a new ramp formed at the north western boundary of the site, with access to the new basement and the existing residential and office car parking below Earl House and Tresco House directly from Ashbridge Street. The existing ramp between the rear of the site and Earl House is proposed to be infilled and a new landscaped amenity area provided to the entire area between the site and Earl House and Alpha House for use by occupiers of the development and Earl House and Alpha House. New gates and railings are proposed at the boundary of the site in Ashbridge Street to enclose the new landscaped amenity area.

The proposed five storey building would be faced in a light buff brickwork with the fifth floor set back roof storey faced in copper cladding, with metal work to balustrades, gates and fences in a matching copper coloured metal. The retained BT sub-surface infrastructure access structure would be clad in a white tile with planting provided in front of the tiled area at ground, first and second floor level to the front (street) elevation. A roller shutter would be retained to the entrance to the BT sub-surface infrastructure structure. Balconies are proposed in various forms, both inset and projecting, with terraces in front of the set back fifth floor level.

The mix of units proposed would comprise 6x1 bedroom flats, 9x2 bedroom flats and 11x3 bedroom flats. As set out in Section 6.2.2, it is proposed that the development would be used as affordable housing to partially meet the requirement for provision of off-site affordable housing for the market residential redevelopment of the adjacent site at No.29 Cosway Street. In terms of tenure, the units within the development (along with the other affordable housing donor site at the Ashmill Street Car Park site – see Item 3) would be provided as 60% social rented units and 40% intermediate units.

Table 1 – Existing and Proposed GIA Floorspace.

| | Existing GIA (m2) | Proposed GIA (m2) | +/- |
|--|-------------------|-------------------|--------|
| Repeater Station and ancillary offices | 1,585 | 0 | -1,585 |

| | | | |
|--|-------|-------|--------|
| Residential (Class C3) (including ancillary basement floorspace) | 0 | 3,077 | +3,077 |
| Total | 1,585 | 3,077 | +1,492 |

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site currently comprises 1,585m² of floorspace, which is provided as a mix of office and telecommunications servicing floorspace. The site is within the NWEDA as designated by the City Plan and therefore Policy S12 in the City Plan is applicable. This policy encourages employment generating uses, but does so whilst also promoting a range of other objectives within the NWEDA, which includes improvements to the quality and tenure mix of housing. In this context, it is not considered that Policy S12 offers protection of the existing employment use and therefore the loss of the currently vacant Repeater Station, with the exception of the retained shaft and access to BT's sub-surface infrastructure, is acceptable in land use terms.

It also noted that permission for the loss of the existing use of the site was previously accepted as part of the scheme approved in January 2014 under development plan policies that were not materially different to those in the current development plan.

The principle of providing residential accommodation on this site is considered acceptable in land use terms and accords with Policy H3 in the UDP and S14 in the City Plan. The mix of unit sizes proposed (6x1 bed, 9x2 bed and 11x3 bed units) would provide 42% of the units on this site as 'family sized' units with three or more bedrooms. The proposed mix would accord with Policy H5 in the UDP and S15 in the City Plan and therefore despite the objections raised, the mix of units proposed is considered to be acceptable, subject to the assessment of the impacts of the proposed development in design, amenity environment and transportation terms (see following sections in this report).

The development would contain 87 habitable rooms in 26 residential units, whilst the site area is 0.36ha. This results in a density of 3.3 habitable rooms per unit, 242 habitable rooms per hectare (hr/ha) and 72 units per hectare. The density of the development is within the range set out for an 'urban area' in Policy 3.4 in the London Plan. The density is within the 250-500hr/ha range for sites in 'Zone 2' in Policy H11 in the UDP. As such, the density of development proposed is acceptable and in accordance with Policy H11 in the UDP.

In terms of the quality of the residential accommodation proposed, the units would be provided with external amenity space in the form of balconies and terraces. All of the flats on the site would be compliant with Policy 3.5 in the London Plan and the Government's Housing Technical Standards (2014) in terms of their size and none of the units would be excessive in size. As such, the proposed development would make optimal use of the residential floorspace to be provided on the site.

In terms of daylight levels within the proposed residential accommodation, 83 of the 84 habitable rooms tested would be compliant with the Building Research Establishment Guidelines 'Site Layout for Daylight and Sunlight Planning (2011)'. The one room that would not meet the minimum daylight levels is a single bedroom at first floor level in a three bedroom flat where all other rooms receive a good level of daylight. The lower level within the affected room is due to its location behind a recessed balcony. Given this isolated failure, it is considered that overall the standard of accommodation in terms of natural lighting would be acceptable,

Objections have been raised on grounds that the affordable housing for the redevelopment of the site at 29 Cosway Street should be provided on that site and not off-site in the vicinity. However, this is not a material consideration in the determination of this application for this 'donor' site for affordable housing, as its use wholly as affordable housing, with a policy compliant mix of tenures (60% social rented and 40% intermediate) would accord with Policy H4 in the UDP and Policies S12 and S16 in the City Plan. The acceptability of the provision of affordable housing off-site in the vicinity of the site at 29 Cosway Street is considered in detail the report for that site, which is also on this Sub-Committee agenda (see Item 1).

8.2 Townscape and Design

8.2.1 Demolition of the Existing Building

The existing building is a mid to late 20th century development, built specifically for BT for use as a Repeater Station. The building is of little architectural merit and its demolition above ground level, with the exception of the retained sub-surface access structure, which has already been accepted as part of the scheme previously approved in 2014, is un-contentious in design terms. Indeed, as an unlisted building outside a conservation area, its demolition cannot reasonably be resisted.

8.2.2 Proposed Building

The proposed building would be larger than that previously approved on this site in 2014 and would have a larger footprint and bulk and would be higher (the approved scheme comprised four rather than five storeys). In terms of height and bulk, the provision of a building of five storeys on this site is not unacceptable in this location where there is a wide range of building heights in the immediate vicinity, ranging from two storey properties in Broadley Street to six storey blocks of flats to the south west on the opposite side of Ashbridge Street and the six office storey Tresco House to the east. The footprint of the building would step forward of the existing building line of the Repeater Station to the south eastern elevation by 1.6m (i.e. towards the rear of Alpha House) reducing the gap to Alpha House from 14.8m to 13.2m. The rear (north eastern) elevation would remain on its current alignment, but the bulk of the building on this part of the site and to north western side of the site adjacent to the rear gardens of properties in Broadley Street would increase between first and third floor levels relative to the existing building. To the front (south west) elevation, the proposed building would be located on the back edge of the pavement, approximately 1 metre forward of the existing front building line. Despite this enlarged footprint and bulk relative to the existing situation, the proposed building, which would have a lower three storey 'wing' that steps down towards the lower townscape to the north west in Broadley Street, would sit

comfortably within its mixed townscape setting in design terms. By setting back the proposed fifth floor and detailing it as a distinct roof storey, the additional height proposed relative to Alpha and Earl House, whilst appreciable in oblique views from ground level, would not be uncomfortable and the building would serve as a transition between Alpha House and Earl House and the larger Anthony House on the south west side of Ashbridge Street.

In terms of the detailed design and choice of materials, the proposed building would be faced in a light buff brickwork that would form a frame into which window openings (and balconies to the front elevation) would be punched, creating an order to the building facades. The balconies to the south eastern and north eastern elevations below fifth floor level would project from the facades, but only to a limited degree and as such, they would not undermine the overall architectural composition of the proposed building. The balconies and other metal work to the lower floors would be successfully integrated in to the scheme by being colour matched to the copper cladding proposed to the fifth floor roof storey. The proposed balcony screens, basement entrance gate and other fences and gates at ground level would have a decorative perforated design and it is recommended that further details of this design are secured by condition.

The entrance to the block has been amended in response to officer concerns that the initially submitted scheme failed to provide a sufficient 'sense of arrival'. The amended entrance would be more prominent in the street scene and would be better scaled than initially proposed. As a result, it would draw the eye away from the retained BT sub-surface access shaft structure to the north western end of the front elevation. The retention of this structure and its incorporation within the redevelopment scheme is the most challenging element of the scheme in design terms. The facing material to the retained structure has been amended from an initially proposed grey render to a white tile, which would better integrate the retained structure into the overall appearance of the proposed building. As per the previously approved 2014 scheme, it is proposed to introduce climbing planting to this elevation to seek to soften the appearance of this blank façade over time. Overall the detailed design and palette of materials proposed is considered to be acceptable and appropriate in this location where there is no consistent architectural style or prevailing facing material. Conditions, as set out in the draft decision letter, are recommended to secure samples of facing materials and the detailed design of the building facades and boundary treatments.

In summary in design terms, the proposed scheme considered to be acceptable in design terms and would not harm the appearance of this part of the City. Subject to the recommended conditions, the development would accord with Policies DES1 and DES4 in the UDP and Policy S28 in the City Plan.

8.3 Residential Amenity

The application has received a significant number of objections on amenity grounds, with concerns raised by neighbouring residents on grounds of loss of daylight and sunlight, increased sense of enclosure, increased overlooking and noise disturbance from balconies and terraces.

The relevant policies to consideration of the amenity impacts of the proposed development are Policies ENV6 and ENV13 in the UDP and Policies S32 and S29 in the

City Plan. The various amenity impacts of the proposed development are considered in turn in this section of the report, having regard to the objections raised, which are summarised in Section 5.

8.3.1 Daylight

Policy ENV13 in the UDP sets out that in assessing daylight losses, the City Council will have regard to the guidance provided in the Building Research Establishment's Guidelines, 'Layout Planning for Daylight and Sunlight' (2011) ('the BRE Guidelines'). These guidelines set out that where a window would suffer a loss of 20% or more of its current Vertical Sky Component (VSC) value, the occupier of the room served by that window is likely to notice a change in the lighting level within the room, unless the resultant VSC value remains above 27 VSC. Consequently, losses of daylight of 20% or more are considered to be 'material' and further consideration of the impact on these windows is warranted to establish whether the impact is so significant, having regard to the wider benefits of the development, so as to justify withholding permission. The applicants have submitted a daylight and sunlight assessment which sets out the daylight losses that would be caused by the proposed development. The degree of impact in terms of loss of daylight is considered in turn in respect of each of the neighbouring buildings surrounding the site.

Earl House

The south western (rear) façade of Earl House faces the proposed development and is would be separated from it by 23.5m across the proposed communal landscaped amenity space. The design of the rear elevation of Earl House is not conducive to the rooms recessed below balconies receiving high levels of daylight. As a consequence, the recessed windows in the rear of Earl House currently receive relatively low levels of daylight due to this design feature of the building.

As a consequence of the recessed nature of many of the rear windows in Earl House, the proposed development would have a pronounced impact on it, with all recessed windows at ground floor level (24 windows serving 8 rooms) would suffer a material loss of daylight using the vertical sky component method of assessment (VSC). However, these windows have very low existing VSC, typically between 4 and 7 VSC. At first floor level and above the impact becomes less pronounced in terms of the impact on the recessed windows with a material loss of daylight to 10 windows serving 4 rooms, whilst at second floor level a material loss of daylight would occur to 12 recessed windows serving 6 rooms. Above second floor level no material losses of daylight would occur and there would be no material loss of daylight to any of the windows in the rear elevation of Earl House at any level where they are located in the face of the building and not recessed. Given that the BRE Guidelines, identify that proposed development should not be 'penalised' for adverse design features in surrounding buildings that limit their existing access to daylight, the impact on windows in Earl House in terms of daylight loss is considered to be acceptable.

Alpha House

The north western (rear) façade of Alpha House faces the proposed development and is would be separated from it by approximately 13.2m across the proposed communal landscaped amenity space. Unlike Earl House, all of the windows in the rear of Alpha House are located at the outside face of the façade and there are no over sailing

balconies or other design features on Alpha House that would obstruct daylight. As a consequence, windows in the rear of Alpha House currently receive extremely high levels of daylight for an urban location with the ground floor windows typically receiving between 22% and 26% VSC with windows at first floor level and above currently typically receiving 30% VSC or more. It is understood that a large number of the windows in the rear of Alpha House serve bedrooms with living rooms predominantly located to the south eastern façade facing Ashmill Street.

Windows to the eastern end of the elevation of Alpha House would be less severely affected as this end of the building would project beyond the increased bulk of the proposed development. The proposed scheme would result in a material loss of daylight to 4 of 6 windows at ground floor level, 8 of 12 windows at first floor level and 7 of 12 at second floor level. The reduction in ground floor level would be between 25% and 30% of existing VSC, but the windows would remain well daylighted with VSC values between 15 and 20 VSC, which is considered to remain a good level of daylight in an urban location such as this. Furthermore, these units are dual aspect and would retain very good access to daylight to their south eastern elevations. At first and second floor levels the resulting daylight levels would be between 20 and 24 VSC at first floor level and between 24 and 27 VSC at second floor level. The windows on these floors would therefore continue to receive a very good level of daylight despite the material losses they would suffer. At third and fourth floor levels the windows would not suffer any material losses of daylight.

Given the windows in the rear of Alpha House would continue to receive a good level of daylight, which would be commensurate with similar developments in comparable urban locations, it is not considered that permission could reasonably be withheld on the basis of the material losses of daylight that would be caused to 19 windows in this neighbouring building.

Buildings in Ashbridge Street

There are a number of buildings located opposite the site in Ashbridge Street of varying forms, heights and building lines. Of these, Lyon House, No.4 and No.14 Ashbridge Street would not suffer any material losses of daylight. Two windows (one at ground and one at first floor level) would suffer 21% losses of VSC, but would remain well served by daylight with resultant values of 19.8 and 24 VSC. One ground floor window in Hubert House, directly opposite the site, would suffer a material loss of 21% of existing VSC, but again the resultant value of 20.5 VSC indicates this window will continue to be well daylighted. As such, the impact on windows serving these properties opposite the site in Ashbridge Street is acceptable and the isolated material losses are not grounds on which to withhold permission.

Anthony House is directly opposite the application site and it would be impacted upon to the greatest degree in terms of daylight loss despite being set back from Ashbridge Street so that it would be 23.5m from the front elevation of the proposed building. However, like Earl House, Anthony House is principally affected to a material degree because the windows to the front elevation are all set back below over sailing balconies. It is the design of this neighbouring building therefore that results in a material impact being caused to all of the six windows at ground and first floor levels, 4 of the windows at second floor level and 3 at third floor level. In this context, these material losses are not grounds on which to reasonably withhold permission.

Nos.1 to 27 Broadley Street

These properties are two storey dwellinghouses (with the exception of No.27) located on the south eastern side of Broadley Street. The properties to the south western end of the terrace back on to the application site and would be approximately 13.5m from its north western elevation.

The properties between Nos.1 and 19 Broadley Street would not suffer any material losses of daylight. No.27 Broadley Street comprises the three storey building at the corner of Broadley Street and Ashbridge Street. Its rear windows are already partially screened by the flank wall of No.26 and therefore it would not be materially affected by the proposed development in terms of daylight loss.

The four dwellinghouses between Nos.21 and 25 Broadley Street would suffer material losses of daylight to five rear windows and these are summarised in the table below:

Table 2 – Daylight Losses to Nos.19 to 25 Broadley Street

| Property | Floor Level | Use | Existing VSC | Proposed VSC | Loss | % Loss |
|----------|-------------|---------------------|--------------|--------------|------|--------|
| No.21 | Ground | Unknown – habitable | 25.2 | 19.6 | 5.6 | 22.22 |
| No.21 | First | Unknown – habitable | 28.4 | 22.6 | 5.8 | 20.42 |
| No.23 | Ground | Conservatory | 17.7 | 14.4 | 3.3 | 18.64 |
| No.23 | First | Unknown – habitable | 27.6 | 21.4 | 6.2 | 22.46 |
| No.25 | Ground | Unknown – habitable | 21.6 | 15.9 | 5.7 | 26.39 |
| No.25 | First | Unknown - habitable | 26.3 | 20.3 | 6.0 | 22.81 |

As per other surrounding properties the losses caused, whilst material, would generally be only slightly above the level at which they would become noticeable to occupiers of these properties, although it is appreciated that in tandem with the impact on these properties in terms of increased sense of enclosure and overlooking (see Sections 8.3.3 and 8.3.4), the cumulative impact in terms of loss of amenity to the occupiers of these properties would be significant relative to the existing situation. In such circumstances it is necessary to consider whether the wider public benefits of the scheme outweigh the harm identified and this is set out in Section 6.3.6.

8.3.2 Sunlight

The BRE Guidelines require assessment of sunlight loss to neighbouring windows where they would face within 90 degrees of south. Consequently, predominantly north facing windows, such as to the rear of Alpha House, the front elevations of properties on the opposite (western) side of Ashbridge Street and the rear elevations of neighbouring properties on the eastern side of Ashbridge Street (Nos.3-5), would not suffer any material loss of sunlight.

The rear of Earl House faces south west and therefore the windows in this elevation currently receive direct sunlight at certain times during the day. There are 60 rooms with windows in the rear elevation of Earl House. Using the Annual Probable Sunlight Hours (APSH) method of assessment set out in the BRE Guidelines, 58 of the 60 rooms would not suffer a material loss of sunlight relative to the existing situation. The two rooms which fall marginally below BRE Guidance are to the centre of the rear elevation of Earl House at ground floor level. The rooms are served by windows located below over sailing balconies (see also Section 6.3.1) and consequently one of the windows already receives less sunlight than recommended by the BRE Guidelines as a result of this design feature of Earl House. The two affected rooms would though continue to be reasonably well served by sunlight, having regard to the over sailing balcony, with one seeing a reduction of 23 hours of annual sun and 9 hours winter sun to 18 hours of annual sun and 6 hours of winter sun, whilst the other would be reduced from 27 hours of annual sun and 9 hours of winter sun to 21 hours of annual sun and 6 hours of winter sun.

The proposed scheme would result in some material losses to the rear windows of properties between No.17 and 25 Broadley Street which face south east. Each of the terrace houses has a set of doors and windows at ground level and one window at first floor level to their rear elevations, with the exception of No.23, which has a conservatory to the rear at ground level.

The first floor windows serving bedrooms between No. 17 and No.23 Broadley Street would not suffer a material loss of sunlight. The ground rooms to these properties, served by windows and doors to their rear elevations, would suffer a material loss of sunlight. The reductions in sunlight hours that would be caused to the ground floors rooms of these properties would be compliant with the BRE Guidelines in terms of what they deem to be acceptable losses. It is the impact of the development on winter sunlight hours, when the sun is lower in the sky, which would be materially reduced. At No.17 the winter sunlight hours would be reduced from 14 to 4 hours, one hour more than would be considered to be compliant with the BRE Guidelines. At No.19 the winter sunlight hours would be reduced from 10 to 3 hours, two hours more than would be considered to be compliant with the BRE Guidelines. At No.21 the winter sunlight hours would be reduced from 9 to 3 hours, two hours more than would be considered to be compliant with the BRE Guidelines. At No.23 the winter sunlight hours to the conservatory would be reduced from 5 to 1 hour. Whilst these losses of winter sun would breach the BRE Guidelines, the extent to which the guidelines would be breached would be marginal and overall throughout the year these properties would continue to have good access overall to sunlight.

At No.25, both the ground and first floor windows would suffer a material loss of winter sun, with the ground floor room reduced from 2 hours to 0 hours and the first floor room reduced from 11 to 4 hours. However, both windows would continue to receive an annual number of sun hours that would be compliant with the BRE Guidelines (27 and 42 sunlight hours respectively). Given this, overall, it is not considered that the impact on this property and others in Broadley Street is so significant so as to warrant withholding permission on loss of sunlight grounds.

The windows to the rear of No.27 face within 90 degrees of south but are set back further from the site than the windows at Nos.17 to 25. Consequently, the windows in this property would not suffer a material loss of sunlight.

In terms of the gardens of properties to the north of the site in Broadley Street, given the proposed development would be set back by 4.7 metres from the boundary of the site, it is not considered that the overshadowing effect of the development would be so significant so as to warrant withholding permission.

8.3.3 Sense of Enclosure

The existing Repeater Station building is set back 14.8m from the rear elevation of Alpha House to the south east. The south eastern elevation proposed development would be set back 13.2m from Alpha House and would therefore be 1.6m closer to this neighbouring residential block than the existing building. At this significant distance, and as the proposed fifth floor would be set back from the south eastern elevation of the building on the lower floors, it is not considered that the development would cause a significantly increased sense of enclosure to rear windows serving flats in Alpha House.

To the rear of the site facing Earl House, the existing building line is to be maintained. The bulk and massing of the proposed building would be greater than the existing building between first and fourth floor levels. However, given the significant distance to Earl House (23.5m) it is not considered that the additional bulk and height of the proposed building would give rise to a material increase in sense of enclosure to occupiers of flats in this neighbouring block.

To the side (north western) boundary of the site, facing adjoining properties in Broadley Street, the existing building is set in from the boundary of the site by approximately 4.7m and the bulk of the existing building is predominantly limited to a single storey to this elevation. The existing boundary treatment comprises a 2.5 metre high brick wall. The proposed building would continue to be set back 4.7m from the site boundary with properties in Broadley Street, but the bulk of the building would be significantly increased to four storeys in height. The proposed development would, due to the increased bulk to this part of the site, result in a material increase in enclosure to neighbouring properties in Broadley Street. The acceptability of this material loss of amenity in sense of enclosure terms is considered in Section 8.3.6, having regard to the wider planning merits and benefits of the proposed development

Additional bulk at first and second floor levels is also proposed to the north western elevation where the new building would be closest to Ashbridge Street; albeit, this would largely be located adjacent to the blank flank wall of No.3-5 Ashbridge Street, although it would extend back approximately 3m beyond the rear elevation of Nos.3-5. However, the rear facing windows at Nos.3-5 would retain an open aspect to the east and as such, the additional bulk at the boundary in this location would not result in a significantly increased sense of enclosure to these neighbouring windows.

To the front elevation the development would be separated by the highway from existing buildings opposite. As such, there would be no increase in enclosure to this boundary of the site.

8.3.4 Overlooking/ Loss of Privacy

The office element of the existing building has windows to the front and side (south eastern) elevations, but there are no external terraces. To the side (south eastern) and rear (north eastern) boundaries of the site the proposed development would be set back by 13.2m and 23.5m from Alpha House and Earl House respectively.

Four balconies are proposed between first and third floor levels projecting 1.6m from the south eastern elevation towards the rear of Alpha House, as well as a significant number of windows servicing habitable rooms (living/ dining/ kitchens and bedrooms) within the development. The proximity of these windows and, to a greater extent, the balconies to neighbouring windows in the rear of Alpha House, many of which serve bedrooms, has attracted significant objection from a number of neighbouring residents and the Alpha and Earl House Residents Association, who are concerned about the potential for overlooking, as well as noise and anti-social behaviour arising from use of these balconies. The balconies would have an area of 9m² and would be separated from the north western façade of Alpha House by 11.6m. Whilst the concerns of neighbouring residents and the residents association are understood given the existing northerly aspect for residents of Alpha House, where they look out towards a limited number of office windows, given the distance between the respective buildings and the limited size and number of the balconies, it is not considered that this is a ground on which permission could reasonably be withheld in overlooking terms.

At fifth floor level to the south eastern elevation the building is set back 2.2m from the elevations below and this will assist in lessening the degree of overlooking felt by occupants of Alpha House. The roof in front of the set back fifth floor would be inaccessible and a condition is recommended to prevent this roof area and other roof areas from being used as terraces so as to prevent future increases in overlooking.

To the rear the terraces proposed would project from the façade, but given the significant distance (21.9m) between the proposed terraces and the rear windows of Earl House, it is not considered that this would lead to a material loss of privacy.

To the other side (north west) elevation the proposed building would have no roof terraces or balconies, save for a small terrace at fifth floor level. A condition is recommended to require a screen to the north western elevation of this terrace to prevent overlooking to windows and rear gardens of properties in Broadley Street. Between first and third floor levels the scheme proposes windows in the north west elevation. Whilst these would be set back 4.7m from the boundary of the site with properties in Broadley Street, given the proximity of the windows in this elevation and as there is currently no sources of overlooking on the application site towards the rear of properties in Broadley Street, the proposed relationship is of concern in privacy terms. To mitigate this impact, it is recommended that a condition is imposed requiring the windows in the north west facing elevation to be partially obscured to their lower halves and fitted with restrictors to limit the degree these windows give rise to overlooking. Given that these windows all serve second or third bedrooms where one or more bedrooms would have entirely unobscured east facing windows, this measure is not considered to significantly harm the overall quality of accommodation within the flats served by these windows.

At fifth floor level the north western façade would be set back from the façade of the lower floors by between 4 to 6m and this would prevent the fifth floor windows causing overlooking to properties in Broadley Street. A condition is recommended to prevent the use of the flat roof in front of these windows as a terrace in future.

Windows and terraces in the front elevation would be sufficiently distant from windows on the opposite side of Ashbridge Street so as not to cause them a material loss of privacy.

8.3.5 Noise and Other Amenity Issues

All of the balconies and terraces are relatively small in size, typically around 9m², with one larger 14m² balcony at fifth floor level. Given their small size, which is likely to only be large enough for a table and a small number of chairs, it is not considered their use is likely to give rise to significant noise disturbance to neighbours. Furthermore, the applicant has arranged the external amenity space so that the majority of balconies would be to the rear (north eastern) elevation, where they would be the greatest distance from neighbouring windows. For these reasons, the objections raised on noise disturbance grounds cannot reasonably be supported as a ground on which to withhold permission.

8.3.6 Amenity Conclusion

The assessment set out in the preceding sections identifies material losses of amenity in terms of losses of daylight to neighbouring windows and a materially increased sense of enclosure to the occupiers of properties Broadley Street that back onto the part of the site where the greatest increase in bulk and height on the application site is proposed. In assessing whether it is reasonable to withhold permission on the basis of these materially adverse impacts, it is necessary to consider and weigh in the balance the wider public benefits that would be derived from the proposed scheme.

In this case the proposed development would deliver 26 residential units, which in combination with the sites to which it is linked on this agenda, would be provided as affordable housing units of a policy compliant tenure split and mix. This significant public benefit, along with other public benefits that would be delivered in the form of the significant improvements proposed to the communal landscaped area between the site and Earl House and Alpha House and the improvement the building itself would make to the appearance of this part of the City, are considered to be sufficient to outweigh the extent of harm that would be caused to the amenity of neighbouring residents that has been described.

Therefore, subject to the recommended conditions, despite the material losses of daylight that would be caused and the material increase in enclosure, the proposed development is acceptable in amenity terms and in accordance with Policies ENV6 and ENV13 in the UDP and Policy S29 and S32 in the City Plan, when the extent of the adverse impact on amenity is weighed against the wider public benefit of the development.

8.4 Transportation/Parking

8.4.1 Parking and Access Ramp

The application proposes the provision of a replacement vehicular access ramp to basement level located at the north western edge of the site and accessed from Ashbridge Street. The purpose of the proposed ramp is principally to allow the relandscaping of the central area of the estate between Earl House, Alpha House and the application site, where the current ramp is located, so that it can become a communal amenity area for the benefit of all of the residents on the estate.

The proposed ramp would be 4.4 metres wide due to the obstruction caused by the BT sub-surface access shaft, which cannot be moved or altered to allow the width of the head of the ramp to be increased. The Highways Planning Manager advises that a 4.4m wide ramp would be sufficiently wide for two vehicles to pass with care, but that a 4.8m wide ramp would normally be required where there are not any site constraints. The ramp will serve the existing 39 garages under Earl House, 17 parking spaces below Tresco House and 14 new parking spaces within the basement of the proposed development. The number of vehicle trips generated by all of this car parking would be low, with an evening peak of 9 trips an hour. Based on this and as a 10m set back at the head of the ramp is proposed, before the slope begins and as a signalling system is proposed to seek to prevent vehicles meeting on the ramp, the Highways Planning Manager concludes that the proposed ramp is acceptable and would provide an accessible route to the existing and proposed off-street parking at basement level. A condition is recommended to secure further details of the signalling system proposed to control access in and out of the basement parking.

The formation of the new ramp would require the provision of a new crossover and relocation of existing parking bays; however, the Highways Planning Manager is content that the two bays that would need to be moved, could be accommodated in front of the existing crossover to the forecourt of the Repeater Station that is to be removed. As such, subject to the alterations to on street parking being agreed via a Traffic Management Order, there would be no loss of on street residents parking. It is recommended that the highway works necessary to alter the carriageway and pavement outside the site in Ashbridge Street, including the alterations to parking bays are secured via the unilateral undertaking

In terms of car parking, 14 spaces would be provided for 26 flats. The on-street residents parking in the vicinity has occupancy levels of 57% at night and 82% during daytime hours. Policy TRANS23 requires up to a maximum of 1 parking space per 1 or 2 bedroom unit and 1.5 parking spaces per 3 or more bedroom unit. Whilst the occupancy levels are relatively high on street during daytime hours, the parking ratio proposed would be 0.54 spaces per residential unit, which represents a parking ratio that, given car ownership levels in the Church Street Ward were recorded as 28% at the 2011 Census, is likely to be sufficient to avoid any increase in pressure on on-street parking as a result of the proposed development. It is recommended that in addition to provision of the on-site parking, lifetime (25 year) car club membership for each flat within the development should be secured via the unilateral undertaking to assist in suppressing the demand for parking from the development. In this context, notwithstanding the objections to the level of on-site parking proposed by the Highways Planning Manager and a number of objectors cannot be supported as a ground on which to withhold permission.

8.4.2 Servicing and Other Transportation Issues

It is proposed that servicing would occur on street in Ashbridge Street with waste and recycling collected from the store at the front of the site at ground level. This is consistent with the arrangements for surrounding residential blocks of similar scale and would not obstruct the highway and is therefore acceptable despite the normal policy presumption to seek off-street servicing under Policies TRANS20 and S42.

Environmental Health have suggested a Travel Plan should be submitted, but the Highways Planning Manager has advised verbally that a Travel Plan is not required for a residential development of this relatively small scale.

Conditions are recommended to prevent doors opening over the highway, provide a vehicle signalling system prioritising inbound cars using the car lifts, secure the provision of electric car charging points and the cycling parking in accordance with the relevant London Plan policies.

8.5 Economic Considerations

The proposed development is in compliance with the development plan for the reasons set out elsewhere in this report and the economic benefits of the development, particularly during the construction phase given this is a wholly residential scheme, are therefore welcomed.

8.6 Access

The proposed development would be fully accessible, with step free level access provided to the building from street level and lift access to all floors. The scheme includes 10% of units that meet Building Regulation requirement M4(3) 'wheelchair user dwellings' (3 units at ground floor level) (i.e. they are designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users). Three disabled parking spaces are proposed within the basement, which could be used in conjunction with the wheelchair accessible units. As such, in terms of accessibility, the scheme accords with Policies DES1, H8 and TRANS27 in the UDP, Policy S28 in the City Plan and Policy 3.8 in the London Plan.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Basement Development and Construction Impact

The existing building includes a basement floor which is proposed to be reused to provide car parking and other ancillary plant and services. The basement will require relatively limited alteration to link it to the proposed vehicular access ramp and no substantive basement excavation is proposed. As such, the proposal does not propose the formation of any additional basement areas and therefore does not engage Policy CM28.1, the basement development policy, in the City Plan. Nevertheless, the applicants are aware that the scheme is of a scale where it falls within 'Level 2' of the Code of Construction Practice and they have therefore confirmed that they are agreeable to a condition requiring compliance with the CoCP so as to limit the extent of

noise and disturbance to neighbours from construction works. A further condition controlling the hours of work is also recommended.

8.7.2 Noise and Vibration

Environmental Health raised concerns initially in respect of the impact that external sources of noise and noise and vibration from the retained BT sub-surface access structure (and any plant within it) may have on the internal noise environment of the proposed flats. The applicants have provided a detailed response to these concerns. BT have advised that the only plant within their retained structure comprises a mechanical fresh air vent that runs at all times (and was therefore included in the applicant's initially submitted noise survey) and a lift for BT operatives to periodically access the sub-surface tunnels, which is understood to be used once a week, unless more prolonged maintenance is required. The applicants have undertaken further testing of the noise and vibration impact of this equipment and have demonstrated that the impacts would not be significant and the structure of the proposed building can be constructed so as to prevent noise or vibration being transferred through the structure (for example by separating the floor level of the proposed building from the structure of the retained BT structure). Nevertheless, it is recommended that the same condition as imposed on the 2014 permission is imposed to ensure that the building is designed to prevent noise and vibration transference from the retained BT structure and associated plant and equipment.

A separate condition is recommended to ensure the external envelope of the building would be designed so as to prevent the occupants of the building suffering noise disturbance from external sources such as traffic noise and general background noise levels. To prevent overheating in summer as a result of the noise and thermal insulation measures proposed, a mechanical ventilation system with heat recovery is proposed so that windows and doors can remain closed if necessary to prevent exposure of residents to external noise levels. A condition is recommended to ensure the mechanical ventilation system is provided so that residents are not reliant on opening windows in hot weather. Environmental Health were initially concerned that the residential units would have sealed windows in combination with the proposed MVHR units. The applicants have confirmed that this is not the case and all windows will be openable to provide purge ventilation or simply to allow residents to open windows in addition to the background ventilation provided by the MHVR system. The applicant has indicated that whilst the MHVR unit would be situated within a cupboard in the living room, it would serve vents in all rooms in the flat (this will be confirmed by the details required in respect of air quality – see Section 8.7.7). The operational noise level of the MVHR units has also been demonstrated to be capable of being compliant with Policy ENV6 in terms of the impact it would have on internal noise levels within each flat.

The conditions recommended above ensure the occupiers of the development will have an acceptable internal noise environment in accordance with Policy ENV6 in the UDP and Policy S32 in the City Plan and ensure provision of measures to prevent overheating.

8.7.3 Mechanical Plant

The applicant has provided an assessment of the existing background noise level. However, the mechanical plant to be used has yet to be specified and therefore conditions are recommended to control future noise and vibration from mechanical plant and to require a supplementary acoustic report that demonstrates that the mechanical plant, when it has been specified, would accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

8.7.4 Waste and Recycling

The Cleansing Manager does not object to the proposed bin store in terms of its size for waste and recycling storage, but has concerns regarding the potential for storage of bulk waste, the marking of bins to demonstrate which bins are for waste and which for recycling and in terms of the means of access to the bin store. Whilst the need to exit the building to access the bin store is not ideal, this is not considered to be a ground on which to withhold permission. The issues raised in terms of the marking of bins and the provision of storage for bulk waste can be resolved by a condition requiring amended details of waste and recycling storage. Subject to this condition the scheme would be compliant with Policy ENV12

8.7.5 Sustainability and Energy Strategy

The proposed development would have individual condensing gas boilers within each flat, with an array of photovoltaic panels at roof level. The building would be highly insulated, exceeding Building Regulation performance requirements, and would have low air permeability. As reference in Section 8.7.7 mechanical cooling is proposed to avoid the potential for overheating in combination with other passive measures (overhanging balconies, low solar transmittance glazing, blinds etc.).

The relevant policies are Policies S39 and S40 in the City Plan and the policies in Chapter 5 of the London Plan (March 2016). The approach set out in the preceding paragraph would deliver a 9.8% CO₂ emissions savings relative to the baseline level (2013 Building Regulations) as part of the 'be Lean' element of the energy hierarchy and no saving as part of the 'be clean' element, set out in Policy 5.2 in the London Plan. This lack of saving due to the use of individual boilers rather than a communal system is disappointing, but it accepted that a scheme of this limited size would mean a Combined Heat and Power (CHP) system would be unlikely to be viable. However, the scheme would provide a more substantial and welcome improvement than is often achieved on developments of similar scale through use of on-site renewable energy technology in the form of a 264m² array of photovoltaic (PV) panels at roof level. These would deliver a 26.1% reduction in regulated CO₂ emissions. This CO₂ emission saving from the 'be green' element of the energy hierarchy would accord with Policy S40 in the City Plan and Policy 5.7 in the London Plan. A condition is recommended to secure the provision of the PV panels. The overall CO₂ emissions reduction would be 35.95% relative to the baseline.

To ensure compliance with the London Plan Policy 5.2 requirement for residential developments to be 'Zero Carbon' (using the definition of Zero Carbon set out in the Mayors 'Energy Planning' guidance document (March 2016), which requires a 35% on site saving of regulated CO₂ emission with the remaining saving off-set through a cash in lieu contribution to be used to deliver CO₂ savings elsewhere), the applicant proposes

a £36,576 carbon off-set payment. It is recommended that this is secured via the unilateral undertaking.

8.7.6 Tree Removal, Landscaping and Biodiversity

The proposal would require the removal of two street trees outside the site and these are of modest scale and their replacement with two new street trees in the vicinity in locations that accommodate the highway works necessary to relocate and alter crossovers is considered to be acceptable. The replacement street trees are to be secured as part of the unilateral undertaking.

There are currently no trees to the centre of the site in the space between Alpha Hose, Earl House and the application site. The space is almost entirely dominated by hard landscaping of poor quality and the space has a harmful effect upon the appearance of the surrounding buildings. The currently has a low ecological value.

In the context of the existing situation, the proposed landscaping to the central area on the estate to provide a communal garden area shared with the existing blocks represents a significant public benefit which would enhance the quality of the environment for existing and future residents alike. The removal of the existing large vehicle ramp from the space frees up significant space and also allows tree planting in the backfill over the redundant ramp. The landscaping design proposed is supported and is a functional yet attractive design, including sufficient hard paved areas for residents to enjoy the space, whilst including sufficient planting areas to provide a predominantly soft landscaped appearance. It is clear though that the landscape design will continue to evolve with some planting choices still evidently to be made (options are provided on the plans) and therefore it is recommended that a condition requiring submission and approval of a finalised landscaping scheme is imposed. It is also considered that given the importance of the landscaping to the success of the scheme, samples of hard landscaping materials should be reserved by condition.

In tandem with the improvements proposed to landscaping, new gates and railings are proposed at the access points to the central amenity area to be created on the estate. The estate is not a public right of way and does not form part of the public highway. In light of the concerns expressed by residents regarding anti-social behaviour at present in this area, the provision of gates and railings are supported in principle. A condition is recommended to reserve details of the gates and railings to ensure their detailed design is appropriate.

A condition to require the provision of bird boxes is recommended to provide additional habitats within the new landscaping.

A green roof is proposed at roof level integrated into the proposed photovoltaic panels. This is welcomed and provides a further biodiversity enhancement on the site. A condition is recommended to ensure the green roof is provided.

The planting to the front of the site to mask the retained BT sub-surface access structure is also of benefit to the overall landscaping of the site. Given the importance of the success of this planting in terms of the screening this retained element of the existing building, a separate condition to the main landscaping condition is recommended

requiring details of a management plan to ensure this landscaping is maintained and thrives in this prominent location on the building.

Subject to the recommended conditions, the landscaping proposals are considered acceptable and would accord with Policies ENV4, ENV16 and ENV17 in the UDP and Policy S38 in the City Plan.

8.7.7 Air Quality

The applicants have provided an Air Quality Assessment (AQA). This demonstrates the development will be 'air quality neutral'. It does though highlight that the site is in an area of poor air quality with high background concentrations of NO₂. Therefore, mitigation measures are necessary to limit the impact on occupants of the development of poor air quality. Environmental Health concur with the conclusion of the assessment that NO_x filtration should be provided in the air intakes to the mechanical ventilation system for the building and a condition is recommended to secure further details of this system and to ensure it is provided so that the scheme accords with Policy S31 in the City Plan.

Environmental Health have queried whether other mitigation measures suggested in the AQA should be carried forward into the development, such as limiting the opening of windows, omission of balconies and location of air intakes away from street elevations. In terms of the limiting of window opening and omission of balconies, it is considered that the benefits of having the option to open windows (for example for purge venting) and to have external amenity space outweigh the adverse impact of poor prevailing air quality given residents will typically be within the units when at home and will predominantly have windows closed, particularly if MVHR systems are provided (see Section 8.7.2). In terms of the locations of the MVHR air intakes, only two would be on the front elevation facing Ashbridge Street and as Ashbridge Street is lightly trafficked, it is not considered that the location of these vents would significantly worsen the air drawn into these MVHR units relative to the intakes on the other non-street facing elevations. As such, it is not considered that permission could reasonably be withheld on these grounds raised by Environmental Health.

The AQA also highlights the potential for the construction phase to have an adverse impact on local air quality and measures such as dust suppression techniques are recommended. These will be delivered by the recommended condition requiring compliance with the Code of Construction Practice (see Section 8.7.1).

8.7.8 Flood Risk and Drainage

A Sustainable Urban Drainage (SUDS) and Drainage report has been submitted and this confirms that in this location there is little risk of flooding either from nearby water courses or from surface water sources. The report does confirm that the development will incorporate sustainable urban drainage (SUDS) measures and these are specified as comprising a green roof and an irrigation and rainwater harvesting system, which will store run off water for use to water plants within the proposed landscaped communal amenity space. The scheme will reduce the existing rainwater run off rates by 50%. A condition is recommended to ensure the SUDS measures are provided. Subject to the recommended conditions the scheme would be consistent with the approach to reducing

rainwater runoff set out in Policy S30 in the City Plan and Policies 5.12 and 5.13 in the London Plan (March 2016).

8.7.9 Crime and Security

The Designing Out Crime Officer (DOCO) at the Metropolitan Police has not responded to consultation on this application. However, the applicants have confirmed in their Design and Access Statement (page 92) that they have met with the DOCO prior to submission of the application and they have taken into account the advice provided to ensure the scheme will be highly secure and dissuade crime and anti-social behaviour. It is clear that the proposed development will assist in tackling some of the existing anti-social behaviour on the estate (as noted by respondents to consultation) by introducing attractively designed gates and fences to enclose the communal space within the centre of the estate. Furthermore, the significant enhancement of this area, by provision of a landscaped communal amenity space will assist in reducing the perception of crime and anti-social behaviour. As such, it is considered that the proposed development is compliant with Policy 7.3 in the London Plan (March 2016), Policy S29 in the City Plan and Policy DES1 in the UDP.

8.8 London Plan

The application does not raise strategic issues and is not referable to the Mayor of London. Where relevant policies in the London Plan (March 2016) are referred to elsewhere in this report.

Whilst the Mayor of London published a draft new London Plan for consultation in December 2017, the response to the issues raised during the consultation period has yet to be published and the draft new London Plan has yet to be examined in public by an Inspector. Consequently, it is considered to have very little weight for development control purposes at the present time.

8.9 National Policy/ Guidance Considerations

Whilst the City Plan and UDP were adopted prior to the recent publication of the latest version of the NPPF on 24 July 2018, paragraph 213 of the latest version of the NPPF states '*...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'. 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. The proposal has been assessed in light of the recently published NPPF.

8.10 Planning Obligations

As set out in earlier sections of this report, it is recommended that the following planning obligations, which are required to make the proposed development acceptable, are secured via a unilateral undertaking:

- i. Notice of commencement of development (three months prior to commencement).
- ii. Provision of highway works outside the site in Ashbridge Street, including alterations to crossovers and replacement of two street trees and on-street parking bays.
- iii. Provision of 'life time' (25 year) car club membership for each flat.
- iv. Subject to further study, provision of a carbon off-set payment of £36,576 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
- v. Offer local employment opportunities during construction.
- vi. Provision of costs for monitoring of agreement (£500 per head of term).

The estimated CIL payment for the proposed development is £354,556 for Westminster's CIL and £107,718 for the Mayoral CIL. However, as the flats are intended to be used as affordable housing, it is likely that they would qualify for CIL relief and would therefore not generate a Mayoral or Westminster CIL payment.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental considerations have been covered in other sections of this report.

8.12 Other Issues

The applicant has submitted a Statement of Community Engagement with the application. This document sets out the local engagement the applicant undertook in advance of submitting the application with local residents and other stakeholders between August and November 2017.

The applicant has submitted a 'desk based' Stage 1 Risk Assessment, which considers the potential for land contamination on the site. This concludes that there 'a number of unacceptable risks relating to sensitive receptors on-site'. In light of this conclusion, and following the recommendation of the submitted risk assessment, which recommends further on-site investigation to establish if mitigation measures are required, it is recommended that a condition is imposed requiring a full contaminated land assessment.

(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.

9. KEY DRAWINGS



CGI of view north along Ashbridge Street (top) and rear (north east) elevation (bottom).



CGI of aerial view of south eastern and north eastern elevations in context with proposed landscaping between the site and Alpha House and Earl House.



Proposed landscaping plan.



Proposed front (south west) elevation.



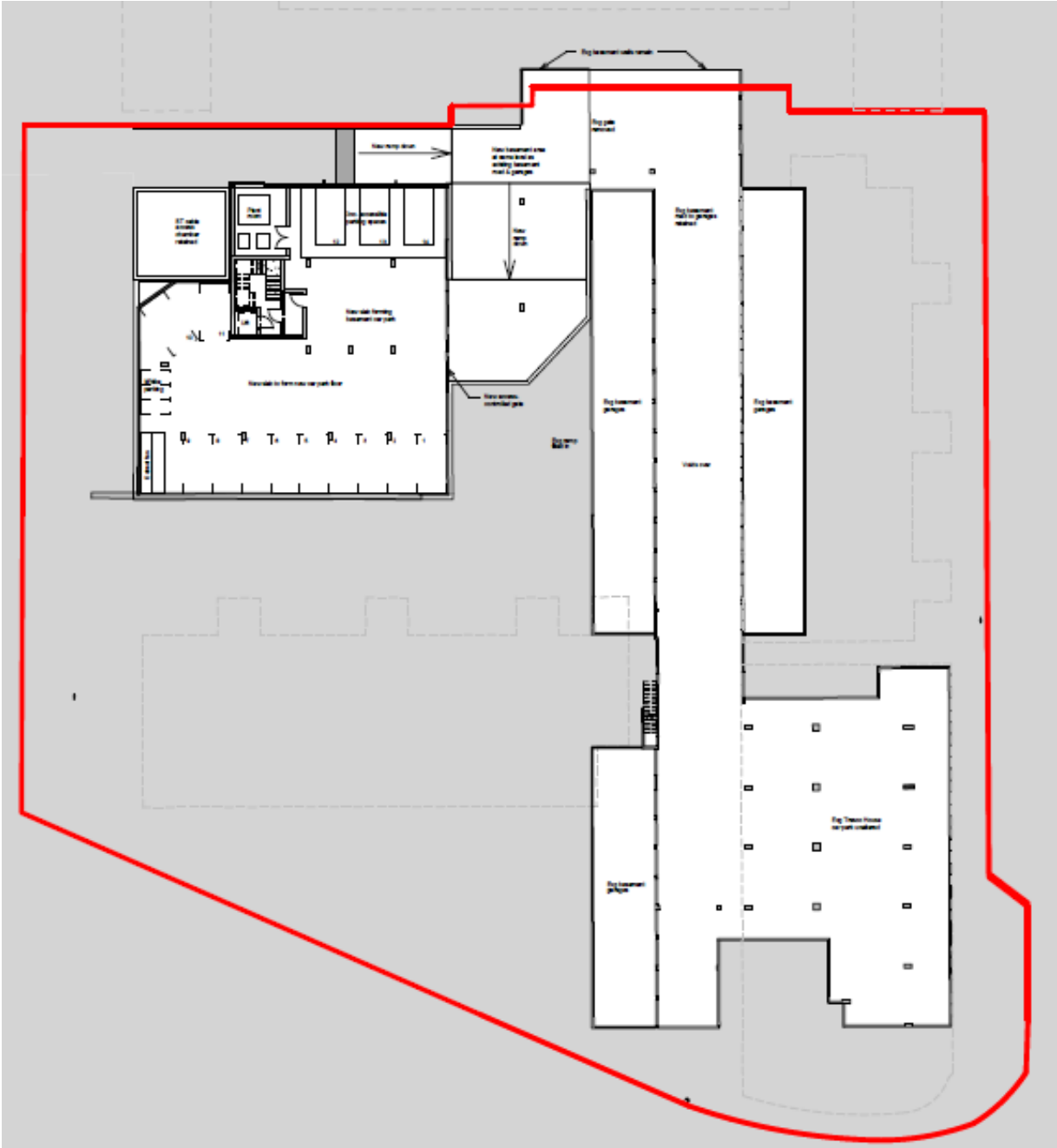
Proposed north east elevation facing Earl House.



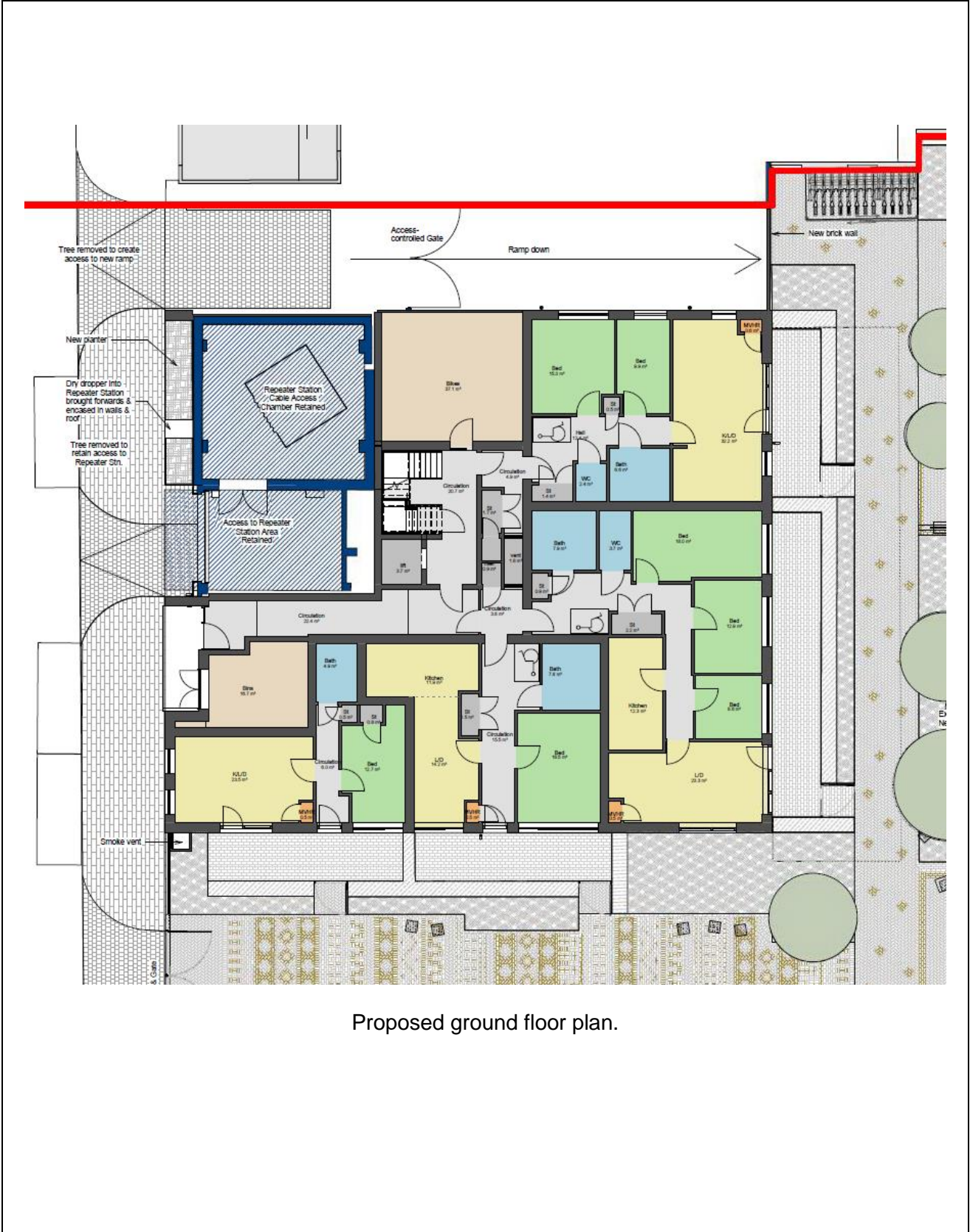
Proposed south eastern elevation facing Alpha House.



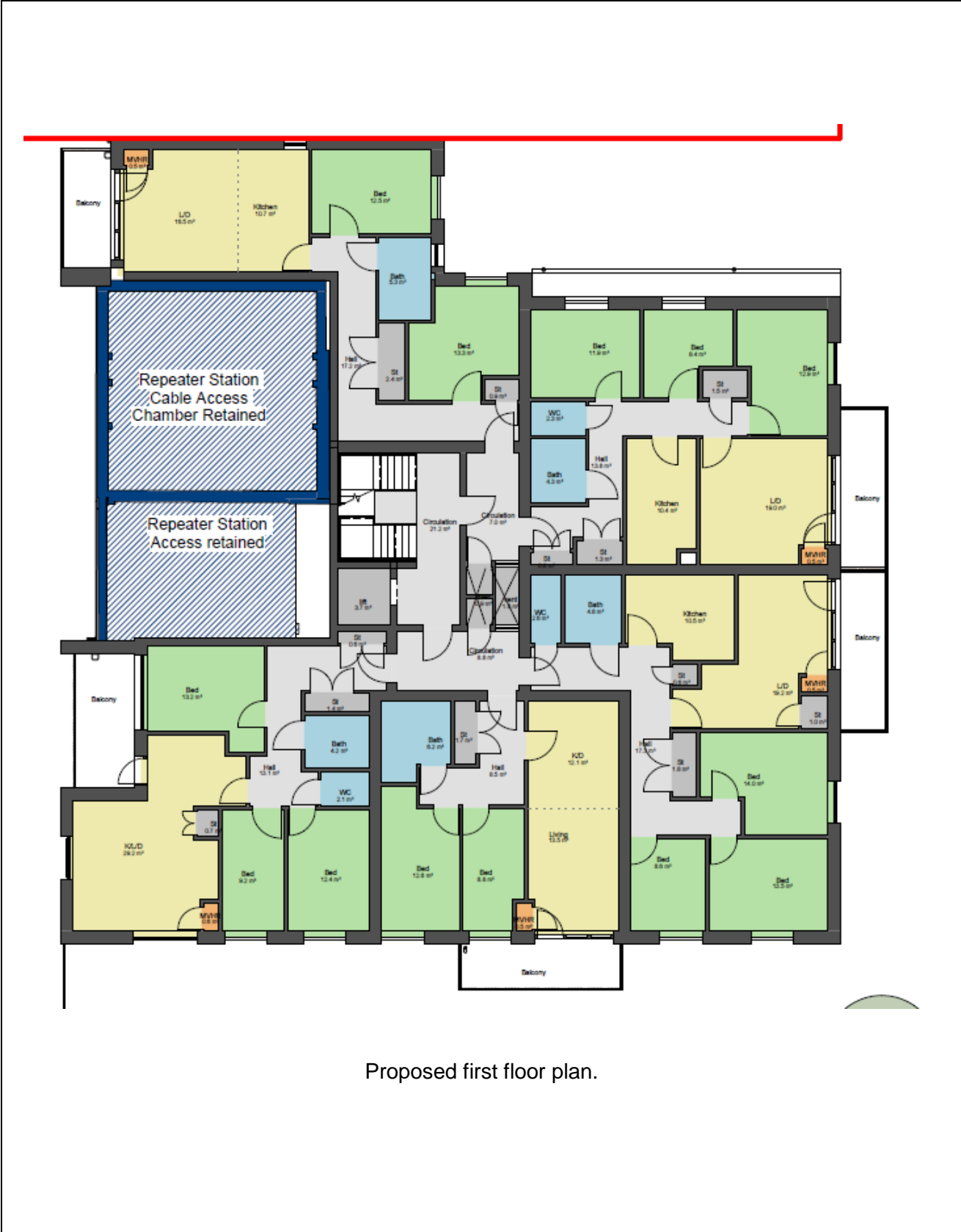
Proposed north west elevation facing properties in Bradley Street.



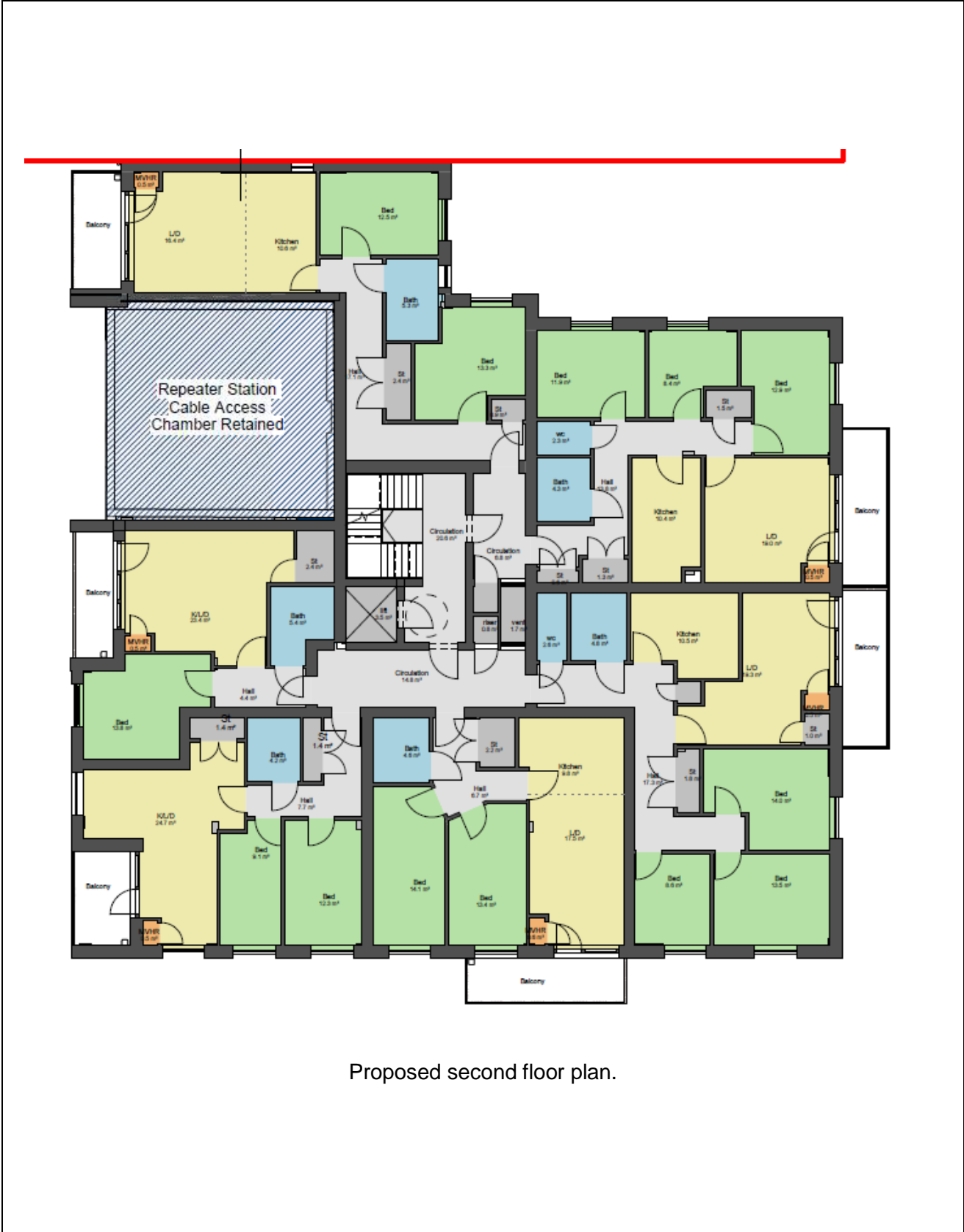
Proposed basement (reuse of existing basement – top left) in context with existing garages and parking spaces below Earl House and Trusco House (right).



Proposed ground floor plan.



Proposed first floor plan.

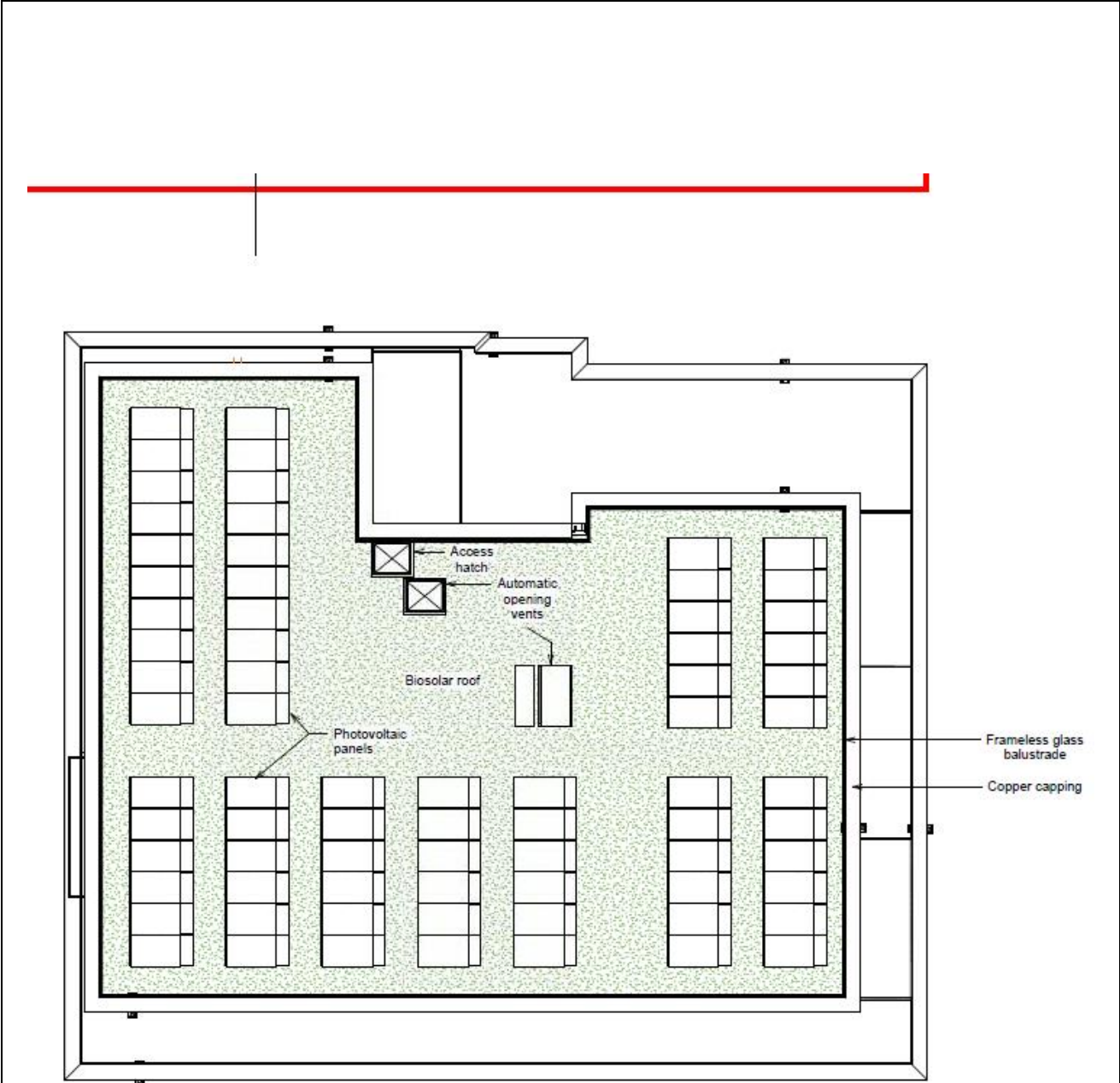


Proposed second floor plan.





Proposed fourth floor plan.



Proposed roof plan.

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| Item No. |
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DRAFT DECISION LETTER

Address: Repeater Station, 2 Ashbridge Street, London, NW8 8DS

Proposal: Demolition of existing BT Repeater Station building, with retention of BT service area and associated access. Redevelopment of the site to erect a five storey building to provide 26 residential units, with existing basement floor used to provide parking, plant and services spaces accessed via a new ramp from Ashbridge Street. Removal of existing vehicular ramp to rear of site and provision of new landscaping to amenity space.

Plan Nos: 1564- 1000 Rev.C1. 1564- ECD- 00- ZZ- DR- A -1001-C1, 1010-C1, 1011-C1, 1012-C1, 1013-C1, 1014-C1, 1050-C1, 1051-C1, 1052-C1, 1060-C1, 1101-C2, 1211-C1, 1250-C1, 1251-C1, 1252-C1, 1400-C2, 1401-C2, 1402-C1, 1403-C1, 1404-C1, 1405-C1, 1410-C1, 1600-C2, 1601 -C1, 1602 -C1, 1603-C1, 1700-C1, 7000-C2, 7001-C2, 7002-C1, 7003-C1 and 7004-C1. 1564-FHA-00-XX-DR-LA-GF-101 P2, 102-C1, 201 P2, 301 P2 and 401 P2. 1185-CCE-00-ZZ-DR-M-65-P-0302-D2-C01, 1185-CCE-00-ZZ-DR-M-65-P-0303-D2-C01, 1185-CCE-00-ZZ-DR-M-65-P-0304-D2-C01 and 1185-CCE-00-ZZ-DR-M-65-P-0305-D2-C01. Design and Access Statement dated November 2017 (1564-ECD_00-XX-RP-A-DESIGN & ACCESS_A3_C1) (as amended by Design and Access Addendum dated June 2018), Planning Statement dated December 2017 (Rev.AA), Daylight and Sunlight Assessment dated 24/05/18, Transport Statement dated December 2017 (Rev.B), SuDS Assessment and Drainage Statement dated November 2017 (Rev.C), Noise Assessment dated November 2017 (Rev.C) (as amended by Noise and Vibration Addendum dated 15/06/18), Air Quality Assessment dated November 2017 (DM/CS/P17-1185/02), Energy and Sustainability Statement dated November 2017, Internal Daylight Adequacy Study dated November 2017, Tree Survey Report dated August 2017 (CBA10827 v1) and Tree Constraints Plan, Utilities Assessment dated October 2017 (1185-CCE-NG-MEP-0003-S2-P1.2), UXO Risk Assessment dated 31/03/17, Land Contamination Phase 1 Risk Assessment dated November 2017 (Ref: 17/27459), Ecological Assessment Report dated December 2017 (Rev.AA) Statement of Community Involvement dated December 2017 and Thermal Performance Assessment dated 06.06.2018. For information only: 1564- ECD- 00- XX- DR- A -1301 -C1 and 1564- ECD- 00- XX- DR- A -1302 -C1.

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 a sample panel of brickwork which shows colour, texture, face bond and pointing, 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)

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

- (a) Typical elevations and sections of windows and doors.
- (b) Elevations and sections of expressed lintels above windows and doors.
- (c) Front boundary gates and railings.
- (d) Rear boundary gates, walls and bin store structures.
- (e) Location and size of movement joints in brickwork.
- (f) ventilation and other services terminations at facade and roof.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.
(C26DB)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in 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 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)

- 8 Notwithstanding the landscaping scheme show on the drawings hereby approved, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site including the communal landscaped area between the proposed building and Earl House and Alpha House, which includes the number, size, species and position of trees and shrubs and samples of hard landscaping materials. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of occupation of the development (or within any other time limit we agree to in writing).

If you remove any trees forming part of the landscaping scheme or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 9 You must apply to us for approval of biodiversity management plan for the planting to be provided to the front elevation of the proposed development in front of the retained BT sub-surface access structure. The biodiversity management plan must specify the planting specifications and provide an ongoing maintenance regime for this planting. You must not start work on this part of the development until we have approved what you have sent us. You must then install planting in accordance with the biodiversity management plan that we approve prior to occupation of the development. Thereafter you must permanently retain the planting and maintain it in accordance with the regime set out in the biodiversity management plan.

Reason:

To protect and increase the biodiversity of the environment and to maintain the appearance of the development, as set out in CS28 and CS38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES1, ENV 4 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 10 You must apply to us for approval of detailed drawings indicating the location, number and type of bird boxes to be incorporated within the development. You must then install these boxes on the development in accordance with the details we approved. The boxes shall be installed prior to the occupation of the development.

Reason:

To reduce the effect the development has on 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. (R43AB)

- 11 You must not use the roof of the building for sitting out or for any other purpose, unless the drawings hereby approved show their use as roof terraces or balconies. 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)

- 12 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

-Installation of a privacy screen to the north west side of the roof terrace at fourth floor level adjacent to the north western boundary of the site.

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 flat served by the roof terrace to which the alteration is required. Thereafter you must permanently retain the privacy screen in the location we approve.

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 lower panes of the 9 windows in the north west elevation between first and third floor levels of the proposed building, to the rear of the first and second floor extension projecting from this elevation, must not be clear glass, and you must fix the lower panes permanently shut. The upper panes may be openable, but must be fitted with a restrictor mechanism to limit their extent of opening to not more than 50mm. You must apply to us for approval of a sample of the glass (at least 300mm square) and the restrictor mechanism. 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 and restrictor we have approved and must not change or remove them without our permission. (C21DB)

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 Notwithstanding the details shown on the drawings hereby approved, you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately, including the following:

- (a) An area to accommodate the storage of bulk waste.
- (b) Revised plans of waste stores at basement level indicating waste bins with 'W' and recycling bins with 'R' to demonstrate capacities are sufficient.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling and associated details above according to the details we approve. You must clearly mark the stores and make them available at all times to everyone occupying the flats. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 15 (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. (R46AB)

- 16 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. (R48AA)

- 17 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. (R49AA)

- 18 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the retained British Telecom access shaft so that they are not exposed to noise 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 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

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

- Green 'living' 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)

- 20 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 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)

- 21 You must apply to us for approval of a scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate air quality filtration (NOx), to be provided to all flats within the development. You must then carry out the development in accordance with the details we approve and you must not occupy the flats until the approved air quality filtration system has been installed. Thereafter it must be permanently maintained and retained for the lifetime of the development.

Reason:

To ensure the flats within the development provide an internal living environment with an acceptable level of air quality in accordance with Policy S31 in Westminster's City Plan that we adopted in November 2016.

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

Reason:

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

- 23 You must provide the vehicular access ramp to basement level at the north western boundary of the site prior to occupation of the development and thereafter you must permanently retain the ramp in accordance with the approved drawings.

Reason:

To provide parking spaces for people living in the new residential development and to maintain access to existing parking for neighbouring residential and office uses as set out in STRA 25, TRANS22 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must apply to us for approval of a vehicle signalling system to control car access to and from the basement car park, which priorities vehicles entering the basement via the car ramp. You must then install the signalling system in accordance with the details we approve prior to occupation of the flats. Thereafter you must permanently retain the signalling system.

Reason:

In the interests of public safety 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. (R24BC)

- 25 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.

- 26 You must provide electric car charging points within the basement car park at a ratio of not less than 1 charging point per 5 spaces (a total of not less than 3 charging points). The car charging points shall be installed prior to occupation of the flats hereby approved and thereafter retained.

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (March 2016).

- 27 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)

- 28 The three or more 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)

- 29 **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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

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)

- 30 You must apply to us for approval details of the irrigation and rainwater harvesting system, including identification of the size and location of the attenuation tank and how the system will be integrated into the landscaping scheme. You must then carry out the development in accordance with the details we approve. You must install the irrigation and rainwater harvesting system we approve prior to occupation of the development and thereafter you must retain this sustainable urban drainage system.

Reason:

To limit flood risk and surface water runoff in accordance with Policies S31 in Westminster's City Plan adopted in November 2016 and Policies 5.12 and 5.13 in the London Plan (March 2016).

- 31 You must carry out the development in accordance with the energy strategy set out in the Energy and Sustainability Statement (Rev.A) dated November 2017. Thereafter you must operate the development in accordance with the approved energy strategy.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28, S39 and S40 in Westminster's City Plan adopted in November 2016 and Policies 5.2, 5.3 and 5.7 in the London Plan (March 2016).

- 32 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 15 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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. (R51AB)

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

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

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

Phone: 020 7641 2000

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

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

- 4 Condition 29 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM_s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM_s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 6 Conditions 15 and 32 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 You are advised that the final decision on the provision of new on-street parking is for the City Council as Local Highway Authority. As it a separate legal process, their outcome cannot be guaranteed. The changes the applicant wishes to make require agreement of the Local Highway Authority. Please contact our Highways Planning team with regard to this matter on 020 7641 2062.
- 8 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)
- 9 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

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

- 10 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 11 The term 'clearly mark' in condition 14 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 12 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)
- 13 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).
- 14 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.

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

- 15 It should be noted that none of the external works affecting the public highway indicated on the submitted drawings have approval from the Local Highway Authority as a result of this decision letter and separate approval will be required.
- 16 This permission is governed by a unilateral undertaking given by the applicant to the City Council as Local Planning Authority under S106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of highway works outside the site in Ashbridge Street, including alterations to crossovers and replacement of two street trees and on-street parking bays.
 - iii. Provision of 'life time' (25 year) car club membership for each flat.
 - iv. Subject to further study, provision of a carbon off-set payment of £36,576 or any other figure as may be agreed with the Director of Planning (index linked and payable on occupation of any residential unit).
 - v. Offer local employment opportunities during construction.
 - vi. Provision of costs for monitoring of agreement (£500 per head of term).
- 17 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

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

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

Forms can be submitted to CIL@Westminster.gov.uk

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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.