

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	Ashmill Street Car Park, Ashmill Street, London, NW1		
Proposal	Erection of 2 three storey dwellinghouses (Class C3) for use as affordable housing on southern half of existing surface level car park, provision of a new on-street car parking bay in Shroton Street, and associated works (linked to redevelopment of 29 Cosway Street and 2 Ashbridge Street sites that are also on this agenda – Items 1 and 2).		
Agent	Peter Brett Associates LLP		
On behalf of	Westminster City Council		
Registered Number	17/11405/COFUL	Date amended/ completed	5 June 2018
Date Application Received	22 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Lisson Grove		

1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following planning obligations:
 - i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of highway works in Shroton Street, including removal of crossover in footpath and provision of additional on-street residents' parking bay.
 - iii. Provision of 'life time' (25 year) car club membership for each dwellinghouse.
 - iv. Provision of costs for monitoring of agreement (£500 per head of term).
2. If the 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 of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site comprises the surface level car park located between Ashmill Street and Shroton Street. The car park has vehicular entrances to both street elevations, but only one is used (the Ashmill Street entrance), whilst the other is permanently locked. The car park provides 15 parking spaces at present and a condition imposed on the 1980's planning permission for the redevelopment of the neighbouring sites at Nos.78 to 98 Ashmill Street and No.36 Daventry Street requires the car park to be provided for the parking of cars of residential occupiers of these neighbouring properties.

The current application seeks permission to redevelop the south part of the car park to provide two dwellinghouses containing 4 bedrooms. The proposed dwellinghouses would be three storeys in height with small courtyard gardens to the rear. Six off-street parking spaces would be retained within the Ashmill Street Car Park and removal of the vehicle crossover in Shroton Street would allow the creation of one additional on-street residents' parking bay. The proposal will result in the loss of 9 off-street residents' parking spaces.

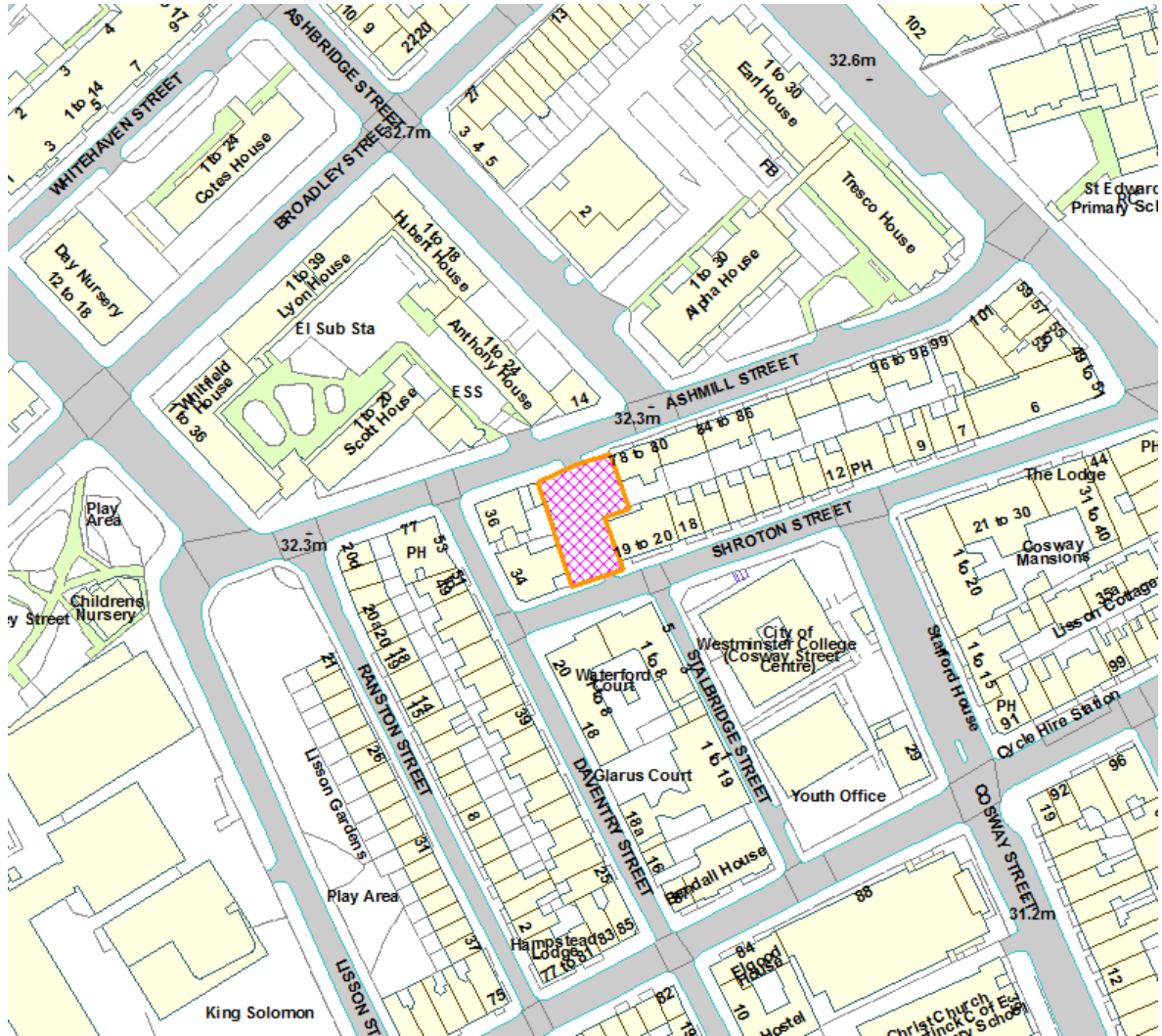
The proposed development is proposed to be used as affordable housing and fulfils part of the requirement for provision of off-site affordable housing for the market residential redevelopment of the adjacent site at No.29 Cosway Street, which is also on this Sub-Committee agenda (see Item 1).

The key issues in this case are:

- Redevelopment of part of this car park to provide affordable housing.
- The impact of the proposed development on the availability of on and off site car parking for neighbouring residents.
- The impact of the development on the appearance of the site and the character and appearance of the Lisson Grove Conservation Area.
- The impact on the amenity of neighbouring residents.

The proposed development is considered to be acceptable in land use, design and conservation, amenity and environment 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'). The loss of existing on-site residential parking would be contrary to Policy TRANS23 in the UDP, but the planning benefits that would be delivered by the proposed development, in terms of affordable housing delivery, enhancement of Lisson Grove Conservation Area and reduction in anti-social behaviour on the site, would in combination with the mitigation measures recommended, outweigh the loss of residents parking. 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 Ashmill Street Car Park from Shroton Street (top) and view of car park from Ashmill Street (bottom).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (January 2018)

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

Objection. Note that there are plenty of good examples of modern townhouses in Westminster which could act as inspiration for this proposal. Should be a very high quality development given this is a Westminster scheme. Elevations are not appropriate for London townhouses. Deep balconies are not characteristic and are likely to accumulate junk unless this is controlled in the leases. The new houses will have an adverse effect on the neighbouring building, which is rather fine and makes a significant contribution to the street (Nos.19-20 Shroton Street).

CITY WEST HOMES

Any response to be reported verbally.

CLEANSING MANAGER

Drawings do not show bin capacities for waste and recycling. Bins should also be marked 'w' and 'r' on drawings and details provided as to how the bins will be collected.

DESIGNING OUT CRIME OFFICER

No objection. Detailed comments made in respect of the security measures that should be incorporated in to the scheme. Notes that the existing open car park was referred to in 14 crimes reported in November 2017 and recommends that lighting is installed to the rear over the remaining car park area and fob operated gates should be provided at the entrance to the car park.

ENVIRONMENTAL HEALTH

No objection.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objects to the loss of existing off-street residents parking (loss of 9 spaces) that are protected by the condition imposed on the 1983 permission. Does not consider that exceptional circumstances have been demonstrated to justify the loss of the spaces. Not convinced by applicant's argument that only two spaces are currently used by occupiers of the 1983 development as this is only the current situation and may change and as applicant has not confirmed the basis on which the parking spaces are let/ offered. Appears from other lettings that the spaces have not been managed historically in accordance with the 1983 permission condition. Welcome removal of crossover and creation of new parking on-street bay (subject to other necessary consents being granted) but does not consider this to outweigh loss of off street parking. In terms of on-street parking pressure, the most recent survey data indicates on-street parking occupancy is at 64% overnight (including single yellow lines, metered bays, pay and display and shared use spaces), whilst occupancy levels during the daytime are at 83%.

Within Church Street Ward census data indicates 28% of households have one or more cars.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70.

Total No. of replies: 5.

No. of objections: 5.

No. in support: 0.

Five emails received from five respondents raising objection on all or some of the following grounds:

Land Use

- Object to the segregation of private owners and social tenants that would occur as a result of this scheme and its linked schemes.
- No reason why the occupants of all three schemes could not be a mix of private owners and social rented tenants.
- As this is Council's Own development it should provide a mix of housing tenures on each site.
- Improving the value of the Cosway Street site should not be a justification for not providing affordable housing on that site.
- Gardens proposed are inappropriate for four bedroom houses and will be mostly in shade.
- Development on this site should be private housing given the number of affordable units in adjoining streets.

Design

- Design of proposed buildings represents an enhancement on the existing state of the site.
- Design of proposed building does not integrate or reflect the Victorian quality or character of Shroton Street. Building should have a pitched roof and reflect the historic character of the area.
- Scheme would not preserve or enhance the conservation area. New building on the site should enhance the character and appearance of the conservation area.
- Scheme would be contrary to NPPF as it harms a heritage asset.
- Design of building is out of keeping with buildings either side.

Highways/ Parking

- For many years the Council has not allowed residents to park in the car park.
- The parking spaces have been commercially let for many years contrary to the 1983 condition.
- Provision of one new on-street residents parking bay is not sufficient to mitigate the impact of the development on on-street parking pressure.
- Residents of the new dwellings should not be allowed parking permits.
- There is no 'vehicle' in the application to allow residents in Nos.78-98 Ashmill Street and No.36 Daventry Street to park in the car park.

- Likely that parking spaces will continue to be let to market traders.
- Not sure if it is appropriate for bins to be emptied via the car park. Bin storage should be accommodated on Shroton Street.

Other Matters

- No notification of application received.
- Could not see site notice outside the site.
- Objection to building up against the flank wall of Nos.19-20 Shroton Street as there are downpipes and flues/ vents in this elevation that are not accommodated in the proposed development. Concern that these could not easily be relocated without harming the appearance of No.19-20 and causing harm to the commercial occupiers of this building.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Consultation on Revised Scheme – Amended Detailed Design and Omission of 3rd Floor Terrace (June 2018)

WARD COUNCILLORS (CHURCH STREET)

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

Elevation design has improved significantly since initially submitted scheme. Scheme now picks up on the typical historic configuration of such houses in the area and the heights of openings also now relate to nearby residential properties. Note that protruding slabs over porch roofs overhang pavements, a detail for which there are no precedents in the area.

CITY WEST HOMES

Any response to be reported verbally.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HEAD OF AFFORDABLE HOUSING AND STRATEGY

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the surface level car park located between Ashmill Street and Shroton Street. The car park has vehicular entrances to both street elevations, but only one is used (the Ashmill Street entrance), whilst the other is permanently locked. The car park provides 15 parking spaces at present and a condition imposed on the 1983 planning permission for the redevelopment of the neighbouring sites at Nos.78 to 98 Ashmill Street and No.36 Daventry Street requires the car park to be provided for the parking of cars of residential occupiers of these neighbouring properties.

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 site does not contain any listed buildings, but the southern half of the site (where the dwellinghouses are proposed) is within the Lisson Grove Conservation Area. The southern frontage of the site in Shroton Street is largely open with a low metal fence and frame around the vehicular entrance. The four storey yellow stock brick former mission rooms for Christ Church, immediately to the east in Shroton Street at Nos.19-20, which is of grander scale and richer detail than its neighbours, is considered to be an unlisted building of merit within the Lisson Grove Conservation Area. Further to the east Shroton Street is characterised by modestly scaled and detailed late Victorian blocks of flats comprising lower ground and three upper floors. The car park site is identified in the Lisson Grove Conservation Area Audit as having a negative impact on the character and appearance of the conservation area.

In Ashmill Street the existing car park sits between No.78 Ashmill Street and No.36 Daventry Street. The frontage of the site in Ashmill Street comprises a high decorative rendered wall, which is to be retained.

6.2 Recent Relevant History

6.2.1 Application Site

83/02418/COFUL

Erection of 29 starter flats or maisonettes and provision of 17 car parking spaces (site comprising Nos. 78 and 98 Ashmill Street and No.36 Daventry Street).

Application Permitted 1 September 1983

Application approved subject to a condition requiring the provision of the car parking spaces for the residents of the development. The condition is worded as follows:

'The whole of the car parking accommodation shown on the drawings shall be provided and retained permanently for the accommodation of vehicles of the occupiers of residential accommodation in this development.'

6.2.2 Applications Linked to Current Application

The applications below were submitted concurrently with this application by the same applicant (Westminster City Council). The applicant proposes that the three sites are linked via a unilateral undertaking so that the affordable housing requirement generated by market residential redevelopment of the Cosway Street site can be provided off-site in the immediate vicinity on the site in Ashbridge Street site and the application site (see Items 1 and 2 on this Sub-Committee agenda).

17/11404/COFUL – 29 Cosway Street, NW1

Demolition of existing buildings and structures and erection of new building of up to five storeys plus basement floor to provide 49 residential units (Class C3); with car and cycle parking, storage and plant rooms at basement level and landscaping to central garden and site frontages and associated works (Revised Scheme).

17/10968/COFUL – BT Repeater Station, 2 Ashbridge Street, NW1

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.

7. THE PROPOSAL

The application seeks permission to redevelop the southern part of the car park to provide two dwellinghouses containing 4 bedrooms. The proposed dwellinghouses would be three storeys in height with small courtyard gardens to the rear. Six off-street parking spaces would be retained within the Ashmill Street Car Park, but 9 spaces would be lost from the existing 15 space car park. Removal of the vehicle crossover in Shroton Street would allow the creation of one additional on-street residents' parking bay.

The proposed houses would be faced in red brickwork, with reconstituted stone detailing. The scale and detailing proposed seeks to replicate the modest scale and palette of materials of the late Victorian blocks of flats to the east along Shroton Street, albeit the detailing proposed would be more contemporary.

As set out in Section 6.2.2, it is proposed that the dwellinghouses 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 two dwellinghouses would be provided as social rented properties.

Table 1 – Existing and proposed floorspace figures.

	Existing GIA (m2)	Proposed GIA (m2)	+/-
Residential (Class C3)	0	242	+242
Total	0	242	242

8. DETAILED CONSIDERATIONS

8.1 Land Use

Subject to the loss of the existing residential parking being found to be acceptable in parking terms (see assessment of this issue in Section 6.4), the use of the southern part of the site to provide two dwellinghouses, both of which would be family sized (containing 3 or more bedrooms) and have floor areas in excess of the requirements of Policy 3.5 in the London Plan, would accord with Policies H3 and H5 in the UDP and Policies S14 and S15 in the City Plan.

Objection has been raised on grounds that the gardens proposed would be inappropriate for dwellinghouses of the size proposed due to their size and north facing aspect. However, given the constraints of developing this gap site within established townscape, the gardens proposed are acceptable, particularly given many existing flats and dwellinghouses in the immediate vicinity do not have access to any external amenity space. Whilst larger rear gardens could be provided, this would be at the expense of additional off-street residents parking spaces, which would increase the conflict with Policy TRANS23 in the UDP (see Section 8.4).

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 in the 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 as affordable housing would accord with Policy H4 in the UDP and Policy 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 the report for that site, which is also on this Sub-Committee agenda (see Item 1).

8.2 Townscape and Design

The bulk, height and form of the proposed dwellinghouses seeks to replicate the bulk, height and form of the red brick faced late Victorian blocks of flats to the east along Shroton Street. In doing so, the intention is to provide a balanced built form to either side of the principal building in the street elevation along the north side of Shroton Street, which is the former Christ Church mission rooms at Nos.19-20 Shroton Street. This

approach to the bulk, form and modelling of the proposed building would result in a scheme that would not compete with the height and scale of the former mission and would reinstate an appropriate frontage height to the north side of Shroton Street where there is currently a gap.

The use of red brickwork as the predominant facing material is considered to be acceptable and would further reflect the form and detailing of the terrace to the east between Nos.12 and 18 Shroton Street.

The detailed design and of the facades of the building has been revised during the course of the application in response to initial concerns expressed by officers, neighbouring residents and the St. Marylebone Society that the originally submitted scheme was not sufficiently contextual in terms of its detailing. The revised scheme has introduced windows of a scale and rhythm that is more consistent with the existing blocks of flats between Nos.12 and 18 Shroton Street. The revised scheme also includes soldier courses above first floor level and at parapet level to mirror the string course detailing to Nos.12 to 18. Reconstituted stone detailing to the heads of windows and doors and to the roof parapet would reference the stone and brick detailing to the window and door heads of Nos.12 to 18. As a consequence of the detailing that has been introduced in the revised scheme, which is contemporary in execution, but successfully interprets the historic terrace to the east, the proposed development would sit comfortably within the street scene. The detailing proposed, combined with the bulk and height of the proposed building would ensure the development would appear as a subservient building to the former mission rooms at No.19 to 20, which does not seek to compete with its rich detailing and grander form.

The St. Marylebone Society have raised specific concern that the canopies over the front doors would project over the highway. However, this is not the case, as the canopies have a relatively shallow projection and would not extend beyond the front gardens of the properties.

In summary, the proposed development is considered to enhance the appearance of this part of the Lisson Grove Conservation Area and as such, despite the objections raised, it would accord with Policies DES1, DES4 and DES9 in the UDP, Policies S25 and S28 in the City Plan and Paragraph 200 of the NPPF (July 2018).

8.3 Residential Amenity

The bulk and mass of proposed building would be set against the blank flank wall of Nos.19-20 Shroton Street and would therefore have no adverse impact on the office accommodation within this neighbouring building in terms of loss of light or increased sense of enclosure. The windows to the front and rear elevation would not afford overlooking to this neighbouring building or any other buildings further to the east in Shroton Street.

To the western side of the site the ground and first floors of the proposed building would largely be sited against the windowless two storey east elevation of No.34 Daventry Street. At ground and first floor levels the proposed building would project to the south of the eastern flank elevation of No.34 (towards Shroton Street) by 1 metre and to the north of the flank wall by 1.5 metres. The whole of the second floor would rise above the east

elevation of No.34. Given the limited forward and rearward projection of the proposed building relative to the existing eastern flank wall of No.34 and as the additional bulk at second floor level would be located at an oblique angle to the neighbouring windows at No.34, it is not considered that the proposed scheme would cause a material loss of daylight or sunlight, nor cause a materially increased sense of enclosure, as a significant portion of unobstructed sky would remain. No windows are proposed in the western side elevation facing No.34 Daventry Street and therefore the rear windows of this neighbouring property would not suffer any loss of privacy.

Windows in Waterford Court on the south side of Shroton Street would suffer some loss of daylight and an increased sense of enclosure. However, the scale of the development proposed would mirror the height and scale of Waterford Court and therefore the extent of daylight loss would fall within the tolerances allowed for in the Building Research Establishment (BRE) Guidelines (2011) 'Site Layout Planning for Daylight and Sunlight'. Furthermore, the proposed development would be separated from Waterford Court by the width of Shroton Street and this relationship between adjacent buildings across a street in this part of the City would be typical; whereas the existing situation where the site comprises a surface level car park, is atypical.

In terms of overlooking, the proposed development would introduce new windows in the front elevation facing windows in Waterford Court on the south side of Shroton Street. However, as above, the proposed windows would be separated from Waterford Court by a distance that is typical of surrounding streets and in this context, it is not considered that the overlooking that would be caused would be so significant so as to warrant withholding permission.

To the rear, neighbouring neighbouring properties at No.36 Daventry Street and to the north east along Ashmill Street would be sufficiently distant from the proposed development and off set at an oblique angle so as not to suffer any material loss of light, increased sense of enclosure or increased overlooking.

The proposed scheme includes the provision of rear gardens for the two dwellinghouses, but these would be small in scale and their use would not cause significant noise disturbance to neighbours. A condition is recommended to prevent the use of the roof of the building to prevent noise disturbance and overlooking of neighbouring windows.

In summary, the proposed development would not cause a significant loss of amenity to the occupiers of neighbouring properties and would accord with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

8.4 Transportation/ Parking

Neighbouring residents and the Highways Planning Manager have raised objection to the loss of the existing off-street residents' parking provided by the Ashmill Street Car Park, which is secured by a condition imposed on the June 1983 permission for the redevelopment of the sites at Nos.78-98 Ashmill Street and No.36 Daventry Street to provide 29 flats and maisonettes. The condition requires the provision of the car park for the parking of cars belonging to the residential occupiers of the development granted by the 1983 permission (see the wording of the condition in Section 6.2.1).

As currently configured, the existing car park provides 15 car parking spaces. The applicant has indicated that only two of the car parking spaces are currently let to occupiers flats within the development granted by the 1983 permission and argues that their parking demand, along with that of the proposed dwellinghouses, can be met by the six parking spaces that are proposed to be retained. However, this only represents the current use of the car park, which is in breach of the condition attached to the 1983 permission. The actual loss of residents parking caused by the development (i.e. that which should currently be available to them) would be 8 spaces, given that 9 spaces would be lost from the existing car park, with one additional on-street space being created in Shroton Street where the existing redundant secondary entrance to the car park is to be removed. The loss of these car parking spaces is contrary to Policy TRANS23 in the UDP, which sets out that '*The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances*'.

In terms of on-street parking availability, recent survey data indicates on-street parking occupancy is at 64% overnight (including single yellow lines, metered bays, pay and display and shared use spaces), whilst occupancy levels during the daytime are at 83%. Within Church Street Ward census data indicates 28% of households have one or more cars.

In this case, having regard to the existing on-street parking levels and the relatively low levels of car ownership within the Church Street Ward in which the site is located, it is considered that there the planning benefits that arise from the proposed development, in terms of delivery of affordable housing and the repair of the townscape along Shroton Street within the Lisson Grove Conservation Area outweigh the impact on the availability of residents parking in the vicinity of the site and constitute an exceptional circumstance to the normal policy presumption. Additionally, the application offers the opportunity to improve the security of the remaining car park (see Section 8.7), thereby reducing anti-social behaviour in the vicinity of the site, which is noted by the Designing Out Crime Officer. It is though recommended that the remaining car parking spaces on the site are reserved for use by the occupiers of Nos.78-98 Ashmill Street and No.36 Daventry Street, as per the original 1983 permission, and the future occupiers of the proposed development. In view of the net loss of parking on the site, it is also recommended that each dwellinghouse is provided with lifetime (25 year) car club membership to limit future demand for the parking by occupiers of the proposed development. This is to be secured via the unilateral undertaking.

The scheme includes the provision of two cycle parking spaces for each dwellinghouse, in accordance with Policy 6.9 in the London Plan, and these are to be secured by condition. The Highways Planning Manager has raised concern that a right of access may not be maintained in future across the car park to provide access to the cycle store. However, the cycle store can also be accessed through the dwellinghouses from Shroton Street and therefore this concern is therefore not a ground on which permission could reasonably be withheld.

8.5 Economic Considerations

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

8.6 Access

The proposed dwellinghouses would have level access from Shroton Street to their ground floors. Given the constraints of the site and the proposed use as larger dwellinghouse, this level of accessibility is considered to be acceptable and consistent with Policies DES1 and TRANS27 in the UDP and Policy S28 in the City Plan.

8.7 Other UDP/ Westminster Policy Considerations

The Cleansing Manager does not object to the principle of providing waste and recycling storage to the rear of the site, but requests further details to demonstrate that the storage capacity would be sufficient and to demonstrate how waste and recycling will be collected from Ashmill Street via the car park entrance. Subject to this condition, the proposed development would accord with Policy ENV12 in the UDP.

The Designing Out Crime Officer has raised concerns with regard to the safety and security of the remaining section of the Ashmill Street Car Park. The existing car park attracts anti-social behaviour and there is a risk that this could become more pronounced as the dwellinghouses would enclose the southern side of the remaining car park, resulting in it becoming a 'dead end' and more enclosed than is currently the case. To address this concern and ensure the remaining car park and the rear of the dwellinghouses are a safe and secure environment in accordance with Policy DES1(B) in the UDP and Policy S29 in the City Plan, it is recommended that a condition is imposed requiring a scheme of lighting and provision of gated access to the car park.

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 in Shroton Street, including removal of crossover in footpath and provision of additional on-street residents' parking bay.
- iii. Provision of 'life time' (25 year) car club membership for each dwellinghouse.
- iv. Provision of costs for monitoring of agreement (£500 per head of term).

The estimated CIL payment for the proposed development is £57,508 for Westminster's CIL and £17,472 for the Mayoral CIL. However, as the dwellinghouses 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.

8.12 Other Issues

The office occupiers of Nos.19-20 have objected on grounds that the proposed development would block air vents in the side elevation of Nos.19-20 and require the relocation of an existing downpipe. However, the relocation of the vents and downpipe are matters for resolution between the respective parties as part of a party wall agreement. They are not grounds on which permission could reasonably be withheld and therefore the objection raised cannot be supported.

Two objectors have raised concerns that they did not receive notification of the application as part of the initial consultation exercise. However, the City Council's records demonstrate that 70 neighbour notification letters were sent to the nearest neighbouring residents as part of the initial consultation exercise. A site notice was displayed outside the site and a press notice was placed in the local newspaper. This consultation exercise was repeated in respect of the revised scheme in June 2018. The consultation undertaken has therefore met the statutory requirements for consultation of a planning application and has accorded with Section 8 of the City Council's Statement of Community Involvement in Planning (June 2014).

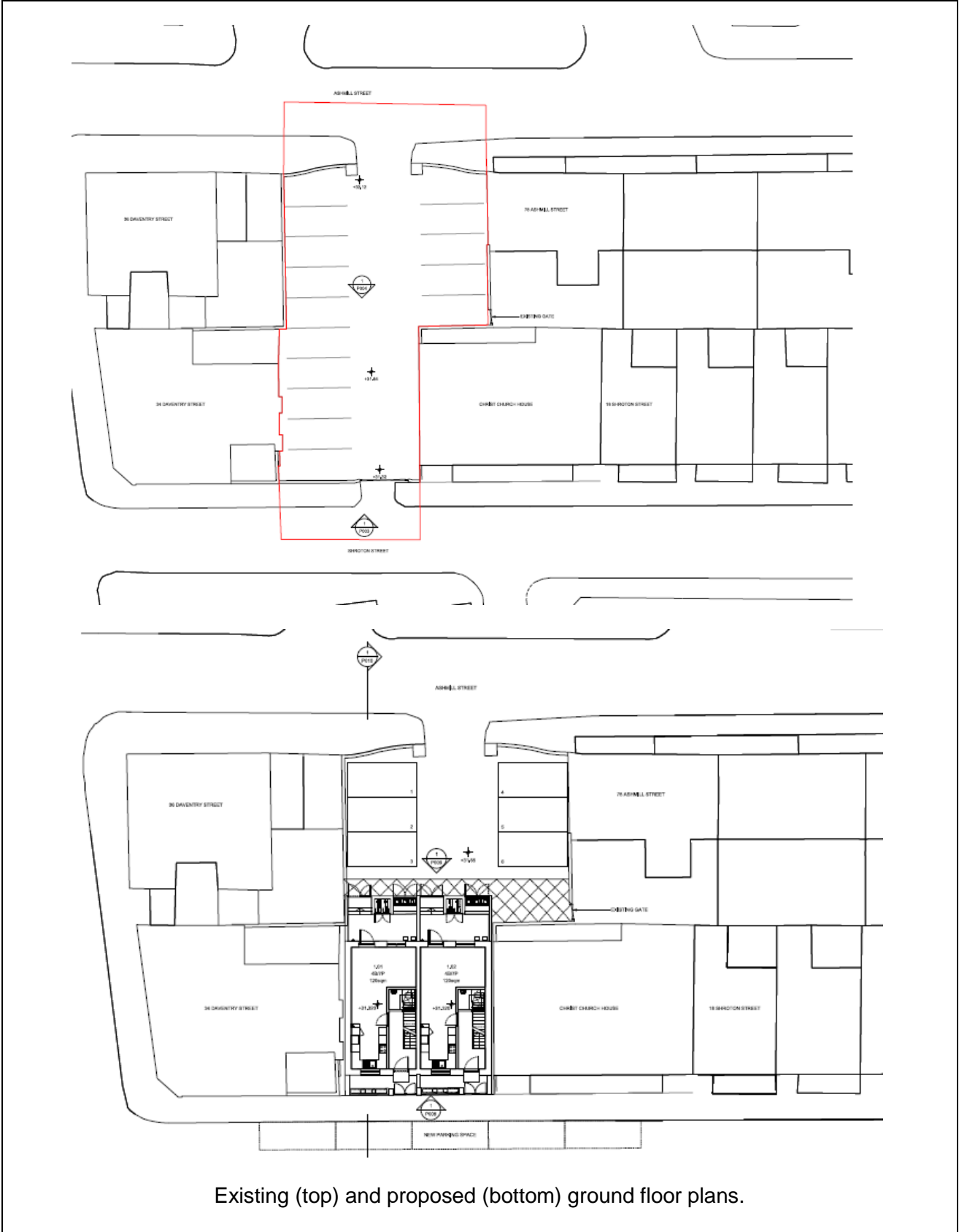
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

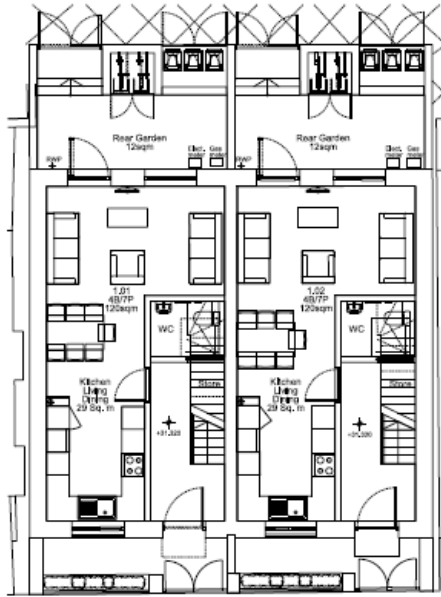
9. KEY DRAWINGS



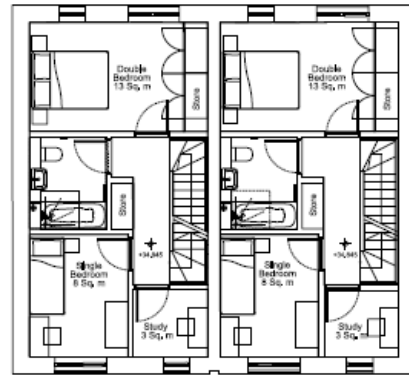
Montage of proposed development looking east along Shroton Street.



Existing (top) and proposed (bottom) ground floor plans.



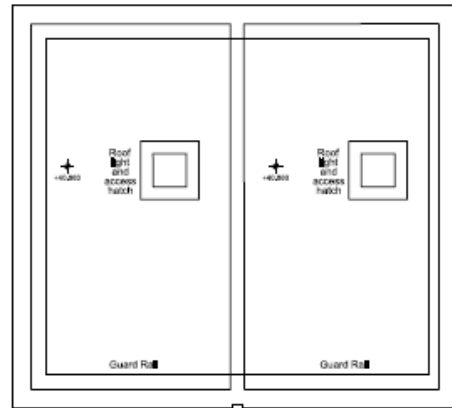
1 GROUND FLOOR PLAN



2 FIRST FLOOR PLAN



1 SECOND FLOOR PLAN



2 ROOF PLAN

Ground, first, second, third and roof plans.



Proposed front (top) and rear (bottom) elevations.

DRAFT DECISION LETTER

Address: Ashmill Street Car Park, Ashmill Street, London,

Proposal: Erection of 2 three storey dwellinghouses (Class C3) for use as affordable housing on southern half of existing surface level car park, provision of a new on-street car parking bay in Shroton Street, and associated works.

Plan Nos: P001, P002, P003, P004, P005/A, P006/A, P007/A, P008/A, P009/A, P010/A, P011/A, Revised Design and Access Statement dated June 2018, Daylight and Sunlight Assessment dated December 2017 (Rev.P2), Ecological Report dated December 2017 (Rev.AA), Phase 1 Ground Condition Assessment dated October 2017 (R001/rev0), Noise Impact Assessment dated December 2017 (Rev.01), Planning Statement dated December 2017 (Rev.AA), Statement of Community Engagement dated December 2017, Transport Technical Note dated 21 December 2017 and Heritage Statement dated December 2017 (Rev.AA).

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 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 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.

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 this part of the Lisson Grove Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not use the roofs of the building for sitting out or for any other purpose. You can however use the roofs 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)

- 6 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the buildings, erect any extensions, alter the external facades of the buildings or erect any outbuildings without our permission. This is despite the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Lisson Grove Conservation Area. This is as set

out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 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.

- 8 Notwithstanding the waste and recycling storage 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. The details you submit must include the following:

(a) specification of the bin capacities for waste and recyclable materials;

(b) indication of the bins on the drawings with the bins labelled R for recycling and W for Waste, and;

(c) details of how the waste will be collected, including a waste route diagram from the waste store to the loading point.

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

Reason:

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

- 9 You must provide each of the 6 car parking space shown on the approved drawings in the surface level car park accessed from Ashmill Street and each car parking space shall only be used for the parking of vehicles of people living the development or in the residential properties at Nos.78 to 98 Ashmill Street and No.36 Daventry Street. (C22BA)

Reason:

To provide parking spaces for people occupying the development and people occupying adjacent residential properties, for which the use of the car park has previously been reserved, as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

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

- (a) Provision of gates to the northern entrance to the car park from Ashmill Street.
- (b) Provision of a scheme of lighting for the amended car park area.

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 dwellinghouses. (C26UB)

Reason:

To ensure that the car park and the rear of dwellinghouses provide a safe and secure environment that does not attract anti-social behaviour, as set out in S29 of Westminster's City Plan (November 2016) and DES 1(B) of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 6 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. (154AA)
- 7 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

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.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.