

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 19 February 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>Strathmore Court , 143 Park Road, London, NW8 7HY</b>		
<b>Proposal</b>	Erection of three storey rear extension at fourth, fifth and sixth floor levels. Alterations to rear elevation and installation of terraces. Infill of lightwell at ground floor level. Alterations to roof dormers to provide access to terraces. Installation of rooftop plant equipment. Alterations and addition of windows and doors. All in association with the reconfiguration of existing flats and creation of nine additional dwellings (Class C3).		
<b>Agent</b>	Nick Sharpe		
<b>On behalf of</b>	c/o agent		
<b>Registered Number</b>	18/10340/FULL	<b>Date amended/ completed</b>	6 December 2018
<b>Date Application Received</b>	6 December 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside		

## 1. RECOMMENDATION

Grant conditional permission, including a condition to secure car club membership.

## 2. SUMMARY

This application relates to a mansion block with retail units at ground floor level and residential accommodation over the upper six levels. The building is located on the corner of Park Road and Lodge Road and is not a listed building or located within a conservation area.

Planning permission is sought for the erection of an extension to the rear of the building between fourth to sixth floor levels to provide 9 additional residential units in combination with the reconfiguration of the residential accommodation in the existing building.

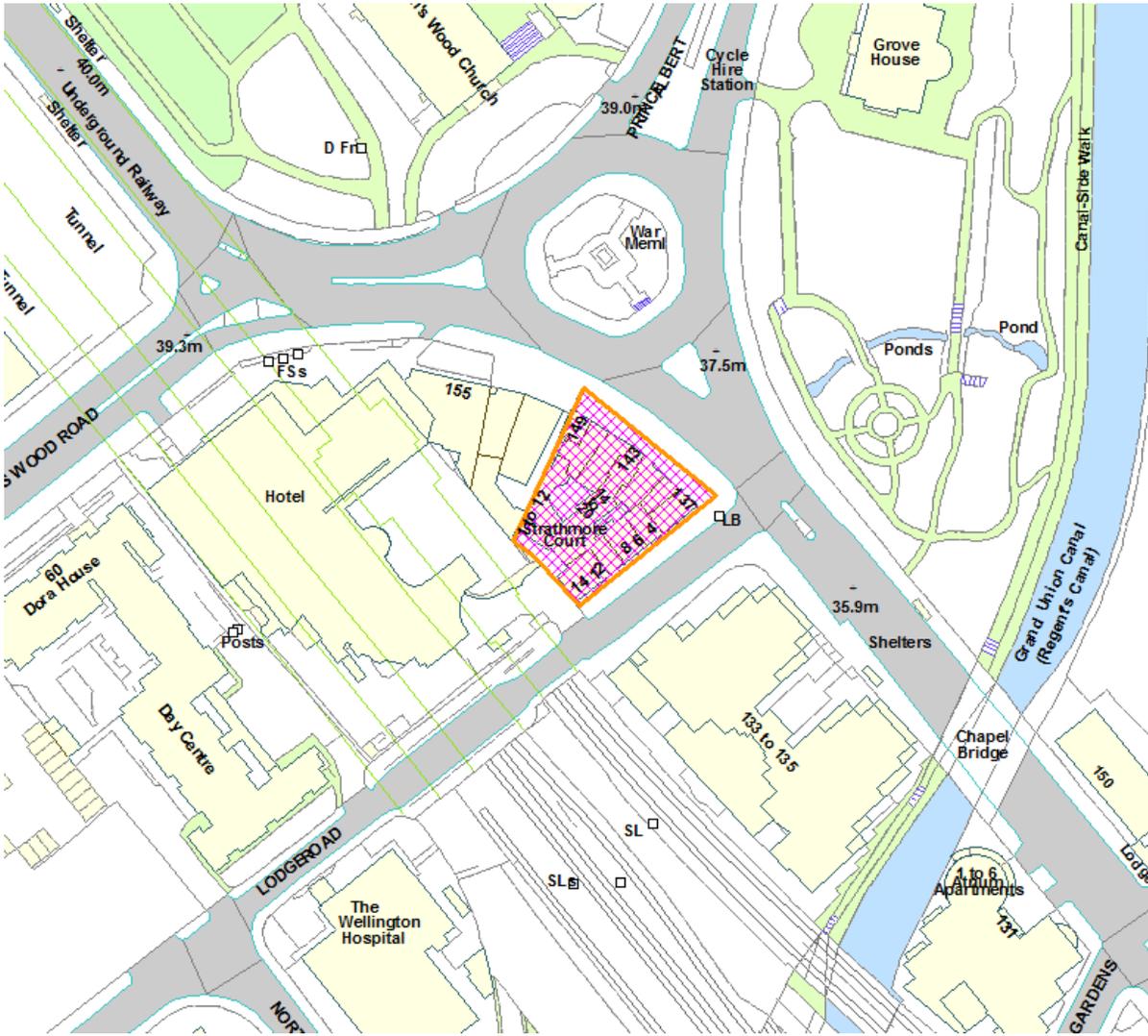
The key issues for consideration are:

- The acceptability of the proposals in land use terms.
- The impact on the appearance of the building and this part of the City.

- The impact of the development proposals on the amenity of adjacent occupiers.
- The impact of the proposals in highways and parking terms.

Subject to the recommended conditions, the proposals are considered to comply with the City Council's policies in relation to land use, design, amenity and highways as set out in Westminster's City Plan (the City Plan) and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



View from the corner of Park Road and Lodge Road (top) and view of rear from Lodge Road (bottom).

## 5. CONSULTATIONS

### TRANSPORT FOR LONDON

Raise objection on the following grounds:

- Car free development acceptable, however request for blue badge facility within 50m of entrance.
- Do not consider that car club membership for residents to be required as residents should be encouraged to travel sustainably.
- A residential travel plan is required, which should be secured by legal agreement.
- Cycle parking within the flats is not in accordance with TfL guidance. Cycle store should be provided at ground or basement level.
- A delivery service plan should be secured by condition.
- A Construction Logistics Plan needs to be secured by condition.

### ST JOHNS WOOD SOCIETY

No objections subject to the comments of Strathmore Court Residents' Association and neighbouring residents. However, concerns are raised about the construction management of this significant development which will have a direct impact on Park Road, a major arterial road, as well as Lodge Road and St John's Wood which already have a significant number developments under consideration, approved or currently under construction.

### ROYAL PARKS

Any response to be reported verbally.

### ENVIRONMENTAL SCIENCES

No objection. Conditions recommended in relation to plant and machinery.

### HIGHWAYS PLANNING MANAGER

No objection subject to condition to secure cycle parking, waste stores and to ensure no doors open over the highway.

### WASTE PROJECTS OFFICER

Originally raised objection due to inappropriate waste and recyclable storage provisions. Further information required in accordance with guidance. Following the receipt of revised information, no objection raised, subject to condition to secure waste store.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 113; No. of Responses: 1 response raising the objection on the following grounds:

Amenity:

- BRE guidance also notes that some offices should have a reasonable expectation of daylight.
- The proposed development will have a significant impact on the daylight and sunlight of the adjacent office space.
- Impacts to rights of light.

Other Matters:

- The principle of redevelopment of the adjacent site at 151-153 Park Road has been established under elapsed planning applications 06/10129/FULL & 10/01392/FULL.

- The proposals would prejudice against the development of adjacent site.
- There has been no pre-application consultation with neighbours or statement of community involvement submitted with the application.
- Due to increasing scale of planning applications, applicant is undertaking planning 'creep'.
- Concerns in relation to the servicing and refuse storage to the rear.

#### SITE/ PRESS NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application relates to a residential mansion block with retail units at ground floor level, on the corner of Park Road and Lodge Road. The existing building comprises 21 residential units. The building is currently split so that the main Park Road facing frontage has ground and six upper levels, and then the rear part with a side frontage onto Lodge Road has ground and three upper levels. The building is not listed nor is it within a conservation area.

To the north of the site is a car dealership with offices above (Nos.151 to 153 Park Road), to the east is Regents Park, to the south on the opposite side of Lodge Road is a residential block (Beverly House) and to the west of the site is the Danubius Hotel. There is a relatively large portion of land to the street frontages of Strathmore Court, which is in the applicant's ownership. This is a private forecourt and does not form part of the public highway.

### 6.2 Recent Relevant History

Permission has been granted in 2016 and 2017 for planning permission for many of the same alterations as are currently proposed, however without such a large rear extension, namely:

#### 16/06217/FULL

Alterations to front entrance; construction of an extension at ground floor level to an internal lightwell; plant enclosures and installation of plant at ground, fourth and roof level, creation of a terrace to the rear at fourth floor level with the addition of planters, balustrades and screens; creation of balconies to rear elevation at first, second, third and sixth floor levels; alterations to existing bay windows and creation of balconies at mansard roof level and installation of rooflights. Reconfiguration of existing flats and mix of flats and creation of two additional flats.

Application Permitted                      7 October 2016

#### 17/05224/FULL

Alterations to front entrance; construction of an extension at ground floor level to an internal lightwell; plant enclosures and installation of plant at ground, fourth and roof level, creation of a terrace to the rear at fourth floor level with the addition of planters, balustrades and screens; creation of balconies to rear elevation at first, second, third and sixth floor levels; alterations to existing bay windows and creation of balconies at mansard roof level and

installation of rooflights. Reconfiguration of existing flats and mix of flats and creation of four additional flats.

Application Permitted

7 August 2017

## 7. THE PROPOSAL

Permission is sought for alterations to the existing mansion block to erect a three storey roof extension to the rear part of the building at fourth, fifth and sixth floor levels. At sixth floor level the extension would comprise a mansard style roof extension designed to match the front part of the building. To the rear, facing towards the adjacent hotel, it is proposed to pull the building line of the southern wing of the building back and form balconies for each of the flats at each floor level. There are two existing lightwells which run centrally up the building, which are to have the existing escape staircases removed and balconies formed at each level instead. The northern lightwell is also to be infilled at ground floor level. At sixth floor level it is proposed to alter the existing windows to provide access out onto two small new terraces set within the roof form facing towards Park Road.

The alterations are proposed in association with the reconfiguration of the existing flats within the building and creation of nine additional dwellings (Class C3). The proposals result in the creation of 661m<sup>2</sup> (GIA) of additional residential floorspace.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

No changes are proposed to the existing retail accommodation at ground/basement level.

The existing building is used as 21 flats comprising 1x studio, 1x2 bed unit, 4x2 bed units, 6x4 bed units and 9x5 bed units (a total of 15 family sized units). The proposals are for 30 units comprising 1x1 bed unit, 20x2 bed unit and 9x3 bed units. UDP Policy H5 and S15 of the City Plan seek the provision of a range of housing sizes. City Plan Policy S14 seeks to optimise housing delivery across the City. Policy H5 specifically requires a third of dwellings to be of a family size. While the proposals will reduce the overall number of family sized units, and while just under a third of the new units will be of a family size (30%), the site is not within a priority family housing area (as identified within the UDP) and the proposed mix will help to optimise housing delivery on the site in accordance with Policy S14. Accordingly the mix of units proposed is considered to be acceptable.

All of the proposed flats meet the requirements of the Nationally Described Housing Space Standards (March 2015). A daylight and sunlight report has been submitted in relation to the re-organised and new residential accommodation. This indicates that rooms which face into the lightwells experience low levels of light as would be expected due to the high level of enclosure. However, the worst affected rooms, at lower levels within the lightwells are currently in residential use and already have poor access to light. The applicant has made efforts to reduce the number of habitable rooms which look onto the lightwell and has sought to arrange the proposed flats so that rooms with lightwell windows have secondary windows in other external elevations where possible.

The proposals include the removal of the stairs within the lightwells, which will help to allow light to penetrate down to the lower levels. A condition is recommended for the walls within the lightwells to be painted and maintained white in order to help improve reflected light levels. In conclusion, while the low levels of light to some rooms is regrettable, given that this is an existing situation, it is not considered that refusal on the grounds of substandard accommodation could be sustained.

There are existing windows located in the north west facing elevation of the building and the scheme proposes the introduction of a number of additional windows in this elevation, which is an aspect of the scheme which has attracted objection as they would overlook the adjacent site at Nos.151-153 Park Road. Given the location of the windows on the boundary of the site, they are considered to be 'bad neighbour' windows, which could only be afforded limited protection from future development on the neighbouring site. The proposed plans indicate that each of the windows would be opaque glazed and that all the rooms that these windows would serve would also have another window which is not located on the boundary (i.e. either located in the rear lightwell or the rear, south west, elevation). A condition is recommended to ensure these windows are opaque glazed and fixed shut and an informative is recommended to advise the applicant that these windows would be afforded limited protection should an application be proposed which would have an adverse impact on these windows in terms of increased enclosure or loss of daylight.

Given the above considerations, the proposals are considered acceptable in land use terms.

## **8.2 Townscape and Design**

To Park Road, the building has an attractive composition with stone faced ground floor and also a stone faced central element which rises up to parapet height and is flanked to the upper floors by the exposed brickwork and canted bay features. A mansard caps the composition at sixth floor level. To Lodge Road however, and especially to the west facing rear elevation which faces down Lodge Road the building is a significantly unresolved composition, and with the rear elevation being of poor design quality and comprising a series of largely unrelated design features. It is unclear why the building is designed in this manner; however, it gives the building a notably unattractive and unfinished appearance when these elevations are considered.

It is recognised that the extensions will add a considerable additional mass and bulk to the rear of the building. It is of note however that it is located adjacent to the very large scale of the Danubius hotel building, with the large residential block of Beverly House to the south on the opposite side of Lodge Road, and a further series of large residential blocks previously approved and under construction further to the west along Lodge Road. In this context, and mindful of the location outside a conservation area, it is considered that the additional massing proposed for the application site is acceptable, both in terms of its townscape context, and also as it gives the opportunity to allow considerable architectural improvements to the existing unattractive and unresolved south western (rear) half of the building.

The new Lodge Road elevation is considered to attractively adapt the existing composition, and it would be of appropriate design quality. To denote the secondary nature of the Lodge Road frontage it is proposed to maintain the termination of the canted bays to the Lodge

Road elevation at third floor level, as existing, and not extend them up to fifth floor level as per the rest of the street elevations. To the south west facing rear elevation, the new elevation is a well composed arrangement of brick bays incorporating balconies to the lower levels which flank a rendered central bay, and the overall effect is considered attractive and a considerable improvement on the existing south west facing elevation. The less visible north west facing elevation is relatively restrained, though contains a regular series of windows. The north west elevation, which is visible in a limited range of views from the public highway in Park Road to the north, is not particularly attractive due to the relative blankness of the detailing; however, given that it comprises the party wall with the adjoining property, the approach proposed is considered acceptable in this instance.

Though much of the Park Road elevation of the building is notably attractive, the existing dormers at roof level are quite crude in detail and have large panes of glass out of keeping with the more heavily subdivided windows to the elevation below. These dormers are to be removed, and replaced with more recessive dormers which incorporate a subdivision of glazing more in keeping with the windows below, which is considered a welcome change to the building and will improve the skyline appearance of the mansard floor level. The balustrading in front will not unduly clutter the impression of the dormers, subject to conditions to secure full detailing of this. The dormers do differ around the other elevations responding to context of the building below; however, they are considered acceptable and their design responds to the subtly different design of each facade.

The increase in plant equipment to roof level is well set back from each of the elevations, and would not be anticipated to be unduly prominent to roof level.

A new set of steps incorporating a ramp are proposed to the front entrance, details of which are to be secured by condition, including a sample of the stone for the paving, and the existing unattractive canopy is to be removed. These match details previously approved, and are considered acceptable as part of this current application.

With the substantive element of the proposed development located to the western side of the building, the works are not considered to adversely affect the setting of the Regent's Park or St John's Wood Conservation Areas, nor the setting of any surrounding listed buildings (the nearest of which is St John's Church to the north side of Prince Albert Road).

Given the above, the proposals are considered in accordance with Policies DES 1, DES 5, DES 6, DES 9, DES 10, DES 12 and DES 15 in the UDP and Policies S25 or S28 in the City Plan. Given of the above comments on the setting of the surrounding conservation areas, the recommendation is not considered in conflict with the statutory duties set out in s66 or s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, mindful that considerable weight and importance must be given to those duties.

### **8.3 Residential Amenity**

Policies ENV 13 of the UDP and S29 of the City Plan relate to amenity and seek to ensure that development proposals do not result in a material loss of daylight or sunlight or increase in sense of enclosure or overlooking, particularly to residential, educational and buildings in public use. The most affected properties are those located to the north, west and south, which will be discussed in turn.

*151-153 Park Road:*

An objection has been raised on behalf of the owners of the adjacent hotel on the grounds that the development would have a negative impact on the light to the adjacent offices at Nos.151-153. They point out that the Building Research Establishment (BRE) guidelines also states that in addition to housing, *“the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include school, hospitals, hotels and hostels, small workshops and some offices.”*

UDP Policy ENV13 (E) states that the City Council will normally resist proposals which result in a material loss of daylight or sunlight, particularly to existing dwellings and educational buildings. ENV13 (F) states that developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing particularly on gardens, public open space or adjoining buildings, whether in residential or public use.

While the policies do not specifically refer to office accommodation, the Policy Application text in the UDP notes that the City Council will seek to protect and improve amenities for residents, workers and visitors. It notes that while the policies are primarily designed with regard to residential accommodation, the City Council may apply them to other uses, such as schools and other activities where loss of daylight or sunlight may prejudice the present use of the premises.

It is understood that the adjacent building to the north east is used as offices, albeit at the time of the officers site visit, much of this appeared to be vacant. The ground floor street facing part of the building in use as a car showroom. The windows which face towards the rear (in various elevations) will be affected as a result of the additional bulk proposed to the rear part of the application site. These windows currently look onto the flank wall of the application site; however, the proposed additional bulk will be located at a higher level and will therefore have an impact in terms of loss of light and increased sense of enclosure. Notwithstanding this, the windows will maintain a level of separation due to the layout of the affected building, which has lower sections adjacent to the site, with the highest part of the building, being set away on the north eastern part of the site. The majority of the windows face the application site are at an oblique angle and already have a limited outlook due to the existing mass of Strathmore Court. While both the Council's policies and the BRE guidance do note that consideration should be had for uses other than residential, it is considered that offices can only be given limited protection. In this case the likely impact of the development would not be so severe as to justify refusal on the basis of the impact on the office windows at No.151-153 Park Road.

The plans indicate that the new windows which face towards this neighbour are to be opaque glazed. Due to their location along the boundary, where their outlook/amenity can be afforded limited protection, as referenced in Section 8.2, it is recommended that these windows are conditioned so that they are both obscure and fixed shut.

*Danubius Hotel, 18 Lodge Road:*

The proposals include additional balconies on the elevation which looks towards the hotel and the additional bulk is located on this side of the site. Due to the hotels location, set across an area of hard landscaping/ parking, it is not considered that the proposals will have a significant impact on the hotel in amenity terms.

*Beverly House, 133-135 Park Road:*

This residential block is located on the opposite side of Lodge Road from the application site and is the nearest affected residential building. A daylight and sunlight report has been submitted in support of the application, and it tests the impact of the development on the existing adjacent residential windows. It indicates that 4 windows will not retain an amount of Vertical Sky Component (VSC) which is in excess of 0.8 times its former value and will therefore be noticeable. The existing VSC levels to these windows are low, due to existing overhanging balconies. The report indicates that each of the rooms have adequate daylight distribution and are served by other windows, which meet the BRE criteria. Given the impacted windows are located under balconies and have impacted rooms have other windows, the impact is considered acceptable.

In terms of sense of enclosure and privacy, given the location of the site on the opposite side of the road, and the number and location of existing windows in the south east elevation of Strathmore Court, it's not considered the development will have a significant impact and is therefore acceptable.

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

*Car Parking:*

The existing site has no off-street parking. No parking is proposed for the 9 additional units. The Highways Planning Manager has noted that existing on-street parking levels are below the level of 'Serious Deficiency' and therefore any additional parking can be absorbed into the surrounding street network. As such, the scheme is compliant with Policy TRANS 23 in the UDP. The applicant is proposing car club membership for future residents, which is welcomed and is to be secured via a pre-commencement condition requiring the applicant to enter into appropriate arrangements to deliver the car club memberships for each new flat.

Transport for London (TfL) considers that the development should be secured as a car free development. The City Council currently has no adopted or saved policies which promote car free developments. Rather, they seek to provide parking for residential development proposals. Such a requirement is therefore not considered to accord with the Council's adopted policies. TfL also suggest that a blue badge parking facility should be secured by legal agreement in accordance with London Plan policy 6.13. This policy states that disabled parking should be provided in accordance with Table 6.2, which states that "...adequate parking spaces for disabled people must be provided preferably on-site". As no on-site parking is being provided and given that any occupiers would be able to apply for disabled parking in the normal way, it is not considered that such a requirement could be required in this instance.

*Cycle Parking:*

The applicant is proposing cycle parking within each of the flats. The Highways Planning Manager has not objected, subject to a condition to secure this. TfL has however objected stating that the provision of cycle parking within the flats is contrary to the latest London Cycle Design Standards, which require cycle parking to be:

(a) Secure, with access for residents only, and with stands/racks allowing both the frame and at least one wheel to be secured

(b) Well located: close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners.

Cycle parking within the flats has previously been agreed as part of the two recent permissions. The applicant has also proposed additional cycle parking within the basement, which in combination with the parking within the flats, is considered acceptable.

Other:

TfL has requested a Travel Plan to be secured by S106 to promote sustainable travel behaviour. Given the development proposals for an extension to an existing residential building, it is not considered that such a request is justified or required by adopted policy.

A Delivery Servicing Plan has been requested by TfL by condition. As the proposals are for extension of an existing residential building to provide less than 10 new residential units, it is not considered that such a condition can be justified.

TfL have also requested a pre-commencement Construction Logistic Plan in accordance with their guidance. Given the location of the site on the Transport for London Road Network (where TfL are the Highway Authority), such a condition is considered reasonable. The applicant has accepted this pre-commencement condition.

## **8.5 Economic Considerations**

Any economic benefits resulting from the proposed development are welcomed.

## **8.6 Access**

Access to the building is to remain as existing, with the main entrance to the building from Park Road.

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

### **8.7.1 Mechanical Plant**

Plant equipment is proposed on the roof within a new enclosure. The applicant has submitted a noise survey as part of the application. The air conditioning units are proposed to operate over a 24 hour period due to them serving a residential building. The report states that the proposed plant equipment will meet City Council requirements, subject to it being located within an acoustic enclosure. Environmental Science Officers raise no objections to the proposal, subject to standard City Council noise conditions being imposed. A condition is also recommended to ensure that the plant is not operated prior to the installation of the acoustic enclosure. Subject to these conditions it is considered the units will not result in a loss of residential amenity and the mechanical plant would accord with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan.

### **8.7.2 Waste and Recycling Storage**

During the course of the application, revised details in relation to the proposed basement waste and recyclable storage have been provided following comments from the Waste Projects Officer. The revised details, with waste collected from Lodge Road are considered

acceptable and in accordance with Policy ENV12 in the UDP, and are to be secured by condition.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

This application is not located within an area with a Neighbourhood Plan.

### **8.10 London Plan**

This application does not raise any strategic issues.

### **8.11 National Policy/Guidance Considerations**

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to TfL's requirement for a Construction Logistics Plan. Confirmation from the applicant in relation to this condition will be reported verbally.

### **8.12 Planning Obligations**

A Grampian condition is recommended to secure car club membership for the flats, which has been agreed by the applicant.

The estimated Westminster 'Residential Prime' CIL payment is £307,450. The estimated Mayoral CIL payment is £27,950.

### **8.13 Environmental Impact Assessment (EIA)**

This development is of insufficient scale to require an EIA.

#### 8.14 Other Issues

An objection has been received on the grounds that the proposed development would prejudice the future development of the adjacent site at 151-153 Park Road. Whilst permission has previously been granted for redevelopment of this neighbouring site, this permission has since lapsed without implementation and there is no extant permission for the redevelopment of the site. In these circumstances and having regard to the position, bulk and relationship of the proposed extension and alterations to Strathmore Court relative to the neighbouring site at Nos.151-153, it is not considered that it would prejudice future redevelopment of this neighbouring site. In this context, and as each application must be assessed on its own merits, it is not considered that permission could reasonably be withheld on these grounds.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

9. KEY DRAWINGS



12 New handrails  
in mild steel, dark grey colour



Proposed Lodge Road elevation (existing building line dashed) (top) and proposed south west (rear) elevation (existing building line dashed) (bottom).



Proposed north west elevation (existing building line dashed) (top) and typical proposed floorplan (fifth floor shown) (bottom).

**DRAFT DECISION LETTER**

**Address:** Strathmore Court , 143 Park Road, London, NW8 7HY

**Proposal:** Erection of three storey rear extension at fourth, fifth and sixth floor levels. Alterations to rear elevation and installation of terraces. Infill of lightwell at ground floor level. Alterations to roof dormers to provide access to terraces. Installation of rooftop plant equipment. Alterations and addition of windows and doors. All in association with the reconfiguration of existing flats and creation of nine additional dwellings (Class C3).

**Plan Nos:** P0-098 P1; P0-100 P1; P0-101 P1; P0-102 P1; P0-103 P1; P0-104 P1; P0-105 P1; P0-106 P1; P0-107 P1; P0-108 P1; P0-200 P1; P0-201 P1; P0-202 P1; P0-203 P1; P0-204 P1; P0-300 P1; P0-301 P1; P0-302 P1; P0-303 P1; P1-100 P3; P1-101 P3; P1-102 P2; P1-103 P2; P1-104 P2; P1-105 P2; P1-106 P2; P1-107 P1; P1-108 P1; P2-200 P1; P2-201 P1; P2-202 P1; P2-203 P1; P2-204 P1; P3-300 P1; P3-301 P1; P3-302 P1; P3-303 P1; P4-400 P1; Planning Compliance Review by KP acoustics dated 06/11/2018.

For information only: Design and Access Statement P1; Daylight & Sunlight Report by Anstey Horne dated October 2018; Transport Statement by Caneparo Associates dated November 2018; Planning Statement by Montagu Evans dated December 2018.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

## Reason:

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

- 4 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

## 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 The new areas of facing brickwork must match the existing original brickwork in terms of colour, texture, face bond and pointing, and the new brickwork must be formed by complete bricks and not brick slips. (C27CA)

## 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 The new external metalwork shall be formed in black metal, and shall be maintained in that colour thereafter.

## 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 The new windows and external doors shall be formed in glazing and white painted timber framing, and the new dormers shall be clad to sides, cheeks and roofs in lead.

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 You must apply to us for approval of a sample of the facing material to be used as paving for the new front entrance steps/ramp structure. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 9 You must apply to us for approval of an elevation drawing of the new balustrading to the Park Road facing dormers to the top floor level. 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 this drawing. (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)

- 10 (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)

- 11 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)

- 12 The air conditioning units must not operate until the mitigation measures specified in Part 5.3 of the Planning Compliance Review dated 6 November 2018 by KP Acoustics have been installed and shall be retained for as long as the air conditioning units remains in use.

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)

- 13 No development shall take place, including any works of demolition, until a Construction Logistics Plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority (in consultation with TfL). Development shall be carried out in accordance with the approved details.

Reason:

To prevent obstruction of the Transport for London Strategic Road Network and the local road network as set out in S29 of Westminster's City Plan that was adopted in November 2016, STRA 25, TRANS 2, TRANS 3 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007 and 6.11 in the London Plan adopted in March 2016.

- 14 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 2016 (R22FA)

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P1-100 P3. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 16 Prior to occupation of any of the new flats, you must paint the internal walls of the lightwells white. The walls must then be retained white thereafter.

Reason:

To help improve the living environment of the flats, as set out in S29 of Westminster's City Plan

(November 2016) and ENV 14 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must not occupy the flats hereby approved until we have approved appropriate arrangements to secure the following:

- Lifetime (25 years) car club membership for each residential unit.

You must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

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

- 18 The glass that you put in the north west facing windows must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the environment of the people in the residential part of the development, and so that the proposals do not jeopardise the future development of the adjacent site, given the location of the windows along the boundary of the site, where the windows can be afforded limited protection. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

### **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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 With regards to condition 9, you are advised that the strong expectation is that the balustrading will be formed by black metal uprights beneath a flat handrail

3 HIGHWAYS LICENSING:

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.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

The CLP required by condition 12 shall ensure that no loading/ unloading of construction vehicles would take place from the site's frontage of A41 Park Road, and the existing loading bay on Park Road shall not be used by construction vehicle at all time. No skip/ construction materials shall also be kept on the footway/ carriageway of A41 Park Road, and its footway/ carriageway must not be blocked/ obstruction through the construction/ renovation phase of the proposal. The CLP shall also include details to ensure the safety of road users on the TLRN, in particular vulnerable road users like pedestrians and cyclists as well as commitment only to employ FORS accredited suppliers and contractors to ensure safety best practice. This would also helps to minimise highway impact to the TLRN.

- 6 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 7 The Council considers that the amount of daylight into and the view that is likely from the lighthwell windows would not be enough for the use of these rooms as main living areas. (You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view.) The proposals have been accepted because the flat as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the flat will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the flat in a different way - for example, with those rooms referred to above (as having limited daylight and views) being used as living rooms or as living/bedrooms e.g. for staff accommodation, the flat is likely to be considered for action under the Housing Act 2004 by our Residential Environmental Health team; in those circumstances, that team would have the power to require works to improve daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.
- 8 Due to their location, you are advised that the windows located along the north western boundary of the site can be afforded limited protection should development proposals come forward which would affect their levels of light and/ or outlook.
- 9 Under condition 17, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure funding for car club membership for the flats, as set out in the email dated 31 January 2019 from Montagu Evans. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)