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|---|---|--|----------------|
| <b>CITY OF WESTMINSTER</b>                                      |   |  |                |
| <b>PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE</b>              | <b>Date</b><br>24 September 2019  | <b>Classification</b><br>For General Release |                |
| <b>Report of</b><br>Director of Place Shaping and Town Planning |   | <b>Ward(s) involved</b><br>Westbourne        |                |
| <b>Subject of Report</b>  | <b>Blomfield Mews, London</b>   |  |                |
| <b>Proposal</b>   | Demolition of 28 single storey garages and erection of replacement three storey buildings, with the exception of one building comprising four storeys fronting Warwick Crescent and two lower floors to connect with the mews, to provide 18 residential units comprising 4 dwellinghouses and 14 flats (Class C3), car parking spaces and waste and cycle storage. Reconfiguration of communal landscaping of gardens to the rear of Warwick Crescent. |  |                |
| <b>Agent</b>  | Maddox Associates   |  |                |
| <b>On behalf of</b>   | Westminster City Council  |  |                |
| <b>Registered Number</b>  | 19/00026/COFUL  | <b>Date amended/ completed</b>               | 2 January 2019 |
| <b>Date Application Received</b>                                | 2 January 2019  |  |                |
| <b>Historic Building Grade</b>                                  | Unlisted  |  |                |
| <b>Conservation Area</b>  | Maida Vale  |  |                |

## 1. RECOMMENDATION

1. Grant conditional permission, subject to the completion of a unilateral undertaking to secure the following planning obligations:
  - i. Notice of commencement of development.
  - ii. Provision of on-site affordable housing prior to occupation of the market residential units, to the quantum, mix, tenure and affordability set out in Section 8.1 and subject to an early stage review process.
  - iii. Provision of lifetime (25 year) car club membership for all affordable units.
  - iv. Provision of a financial contribution to the Carbon Off-Setting Fund of £26,388 (index linked).
  - v. Costs of monitoring the agreement (£500 per head of term).
2. If the unilateral undertaking to secure the planning obligations has not been completed within 6 weeks of the Sub-Committee date then:
  - a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

- b) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The application proposes the demolition of the 28 existing single storey garages on the site and the erection of a three storey building along the length of the site, with a taller block comprising four storeys fronting Warwick Crescent and two lower floors within the new mews. The proposed buildings would provide 18 residential units comprising 4 dwellinghouses and 14 flats (Class C3). The scheme would provide 4 market residential units and 14 affordable housing units. Car parking and other ancillary storage would be provided at ground floor level to the southern end of the site, along with retained access to the undercroft parking area of the adjoining fire station. The site includes a section of the western edge of the communal gardens to the rear of the residential block facing Warwick Crescent and the scheme includes provision of new landscaping to the remaining areas of the communal gardens.

The key issues in this case are:

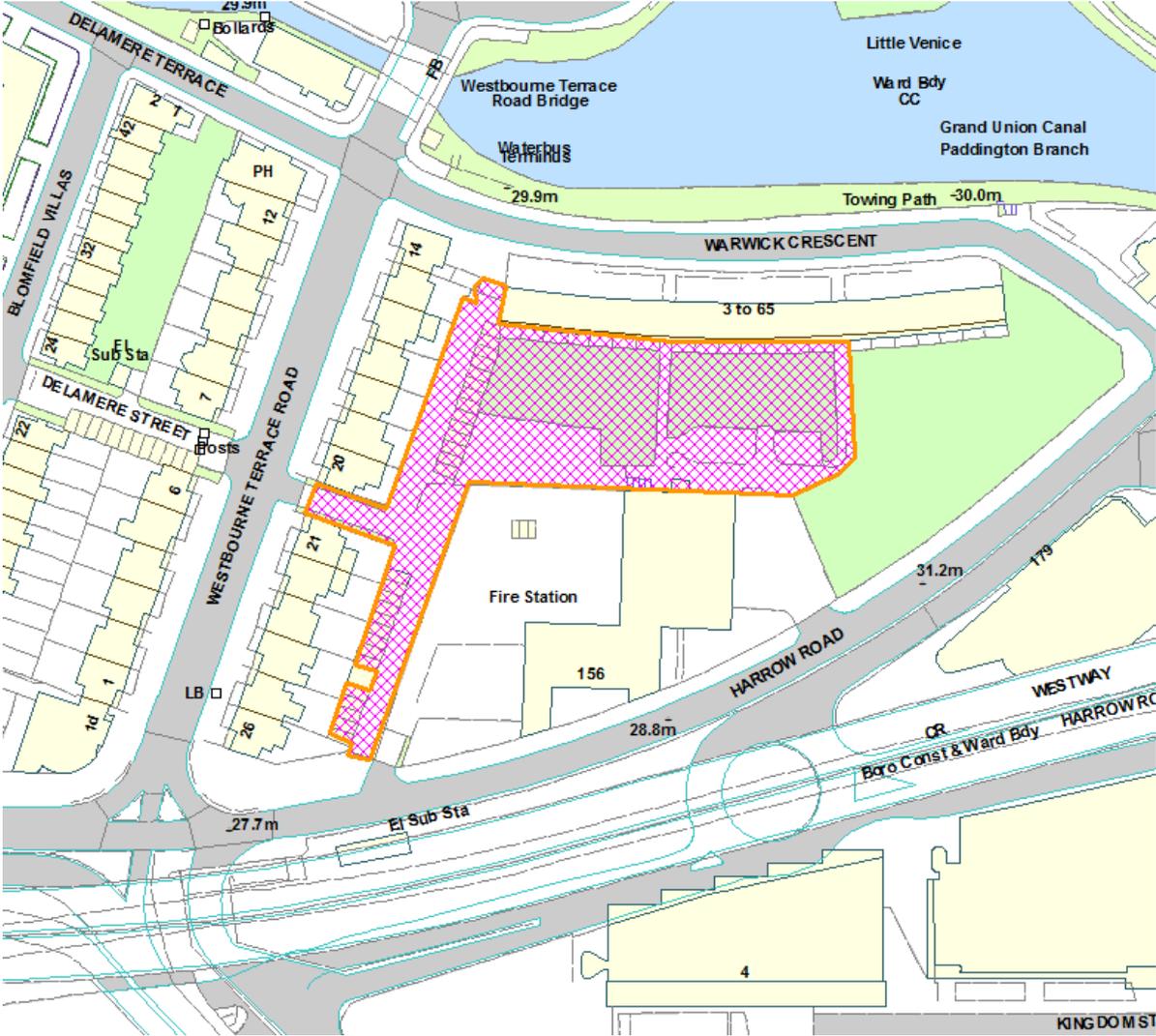
- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.
- The acceptability of the proposed on-site affordable housing provision in terms of the quantum, mix and tenure of the units proposed.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Maida Vale Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings neighbouring the site in Westbourne Terrace Road.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the quantum of car parking proposed.

Whilst the proposed development would have a material impact on the amenity of neighbouring residents, particularly in terms of loss of daylight and increased sense of enclosure (as set out in detail in Section 8.3), and result in the loss of some existing private communal open space and three Lime trees of high amenity value, contrary to the normal policy expectations of Policies ENV13, ENV15, ENV16, ENV17, S29, S35 and S38, in all other regards the proposed development is considered to be in accordance with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and the City Plan adopted in November 2016 (the City Plan) for the detailed reasons set out in the main body of this report.

The significant public benefit derived from the provision of 14 affordable housing units that meet identified need in this part of the City and the provision of new landscaping for the remaining

communal garden area, are considered to outweigh the impact of the development on the amenity of neighbouring residents in Westbourne Terrace Road and the loss of private communal open space for the occupiers of flats in Warwick Crescent. As such, it is recommended that permission is granted, subject to the conditions set out in the draft decision letter and completion of a unilateral undertaking to ensure the delivery of the public benefits of the proposed development.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Site as seen from Harrow Road looking north (top) and as seen looking south from Warwick Crescent (bottom).



View towards application site from within communal rear garden of Nos.3-65 Warwick Crescent (top) and entrance to application site from Westbourne Terrace Road (bottom).

## 5. CONSULTATIONS

### 5.1 Consultation on Initially Submitted Scheme (January 2019)

#### WARD COUNCILLORS (WESTBOURNE & LITTLE VENICE)

Any response to be reported verbally.

#### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection. The proposed scheme, whilst impacting on neighbouring properties, does not, in our view, cause significant harm to the conservation area. Please take neighbours' views into consideration

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Grateful for consult but note the site is not in the SEBRA area.

#### AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

#### ARBORICULTURAL MANAGER

Any response to be reported verbally.

#### BUILDING CONTROL

Any response to be reported verbally.

#### CANAL AND RIVER TRUST

No comment.

#### DESIGNING OUT CRIME ADVISOR

Measures to design out crime should be considered from the outset and preventative measures made. A condition is sought to ensure the proposed development achieves Secured by Design accreditation.

#### ENVIRONMENTAL SCIENCES

Further information requested initial response. No objection raised in subsequent response with following comments made:

- Further contaminated land investigation should be secured by condition.
- Initial concerns regarding the air quality assessment have been addressed by additional information submitted.
- Proposed mechanical plant would not cause noise disturbance subject to recommended conditions.
- Internal noise levels within the new residential units would be acceptable on the basis of the proposed glazing specification. Conditions recommended to secure this.

#### HIGHWAYS PLANNING MANAGER

Following comments are made:

- Height clearance to LFB parking area acceptable as 2.4m vertical clearance is not on the highway and is consistent with the existing openings to the parking area.
- Cycle parking should be secured by condition.
- Waste and recycling storage should be secured by condition.

- Condition recommended to secure electric vehicle charging in accordance with London Plan.
- No objections to level of trip generation that is likely to be generated and a travel plan is not required.
- Objection to loss of existing off-street residents parking provided by garages, but note there does not appear to be a planning condition to control the use of the garages.
- Night time parking has reached 82% occupancy on-street and daytime parking has reached 74% occupancy. Level of parking proposed (9 spaces) would meet likely demand from the development, but this is if 6 of the spaces are provided on an unallocated basis as set out in the application.
- Suggest that lifetime car club membership is also provided to each flat to limit demand for parking.
- Conditions and informatives recommended.

#### LONDON FIRE BRIGADE

Any response to be reported verbally

#### PROJECT OFFICER – WASTE

Objection. Bins need to be labelled to show waste stream. The site will need to be managed to ensure waste is moved from the various stores to the collection position for the refuse vehicle.

#### THAMES WATER

Condition sought to secure improvements to the local waste water infrastructure to accommodate the development. No objections in terms of water supply infrastructure.

#### TRANSPORT FOR LONDON

Following comments and objection made:

- Site is located adjacent to the A5 Edgware Road (TLRN) and A4040 Harrow Road (SRN).
- Scheme should be designed to promote non-car based travel and restrict car ownership.
- Provision of 9 car parking spaces is excessive given PTAL 6 rating. Car free development would relieve traffic congestion and improve air quality. Only two blue badge spaces should be retained.
- Cycle parking provision (32 spaces) welcomed and in accordance with adopted and draft London Plans.
- A Travel Plan should be secured by condition.

#### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 440; No. of Responses: 66 emails and a petition containing 70 signatures.

Petition dated February 2019 received containing 70 signatures. The petition raises objection on basis that the degree of engagement with local residents has been overstated, the statements made in supporting statements are inaccurate, public engagement has been avoided by the applicant prior to making the application, the consultation event that was held was not informative, and application scheme was

submitted as presented at the consultation event without consideration of amendments in light of consultation. Petition concludes that residents want the City Council to listen to engage with the community and listen to local residents and work with them to develop an alternative scheme.

66 emails received raising objection on all or some of the following grounds:

#### Land Use

- Need for housing is understood but consider the impacts of the development to outweigh this benefit.
- Concerned that a high proportion of affordable housing is proposed in an area where a significant number of affordable units already exists and believe the site is more suited to family housing.
- Scheme is trying to fit too much development/ too many unit on the site.
- Question whether provision of affordable housing in close proximity to the Westway with non-openable windows is appropriate form of affordable housing.
- Scheme represents overdevelopment.
- Garages should be redeveloped to provide business premises.
- A less dense scheme over two floors would provide better accommodation for 'local heros'.
- Question who will occupy the new flats. Will they be for overseas investors.
- Will increase population density.
- The proposed accommodation would have been of a substandard quality

#### Design

- Support demolition of the existing garages as they are an eyesore.
- Not in keeping with Grade II listed buildings in Westbourne Terrace Road.
- Scheme would harm the setting of the neighbouring listed buildings and are not appropriately designed for the area.
- Modern block will harm the character of the area.
- Proposal would diminish the character of the area.
- Considering the size of the mews, the scale of the proposed development is inappropriate.
- Modern townhouse is particularly out of character.
- Proposal has little or no architectural merit and would not enhance the conservation area.
- Altered materials to the townhouse do nothing to improve its unsightly nature and it would continue to harm views from around Little Venice.
- Scheme is not good architecture.
- Scheme is too large and not in keeping with the historic buildings in the vicinity and the aesthetic of the canal.
- Townhouse should be deleted and not tacked onto the end of the existing block as this would preserve the setting of the canal basin.
- The development would have detracted from the character and appearance of the surrounding Conservation Area, and caused harm to the setting of the listed terrace.

#### Amenity

- Would be supportive of a two storey mews scheme but three storey scheme causes an increase in enclosure.
- Loss of privacy from overlooking from proposed mews houses.
- Proposal would cause a significant loss of light to neighbouring lower ground, ground and first floor windows.
- Windows should be blocked from overlooking neighbouring gardens.
- Noise disturbance from vehicles and pedestrians accessing the new mews.
- New building will be intimidating for neighbouring residents.
- Townhouse would have a particularly overbearing impact on the gardens of Nos.14 and 15 Westbourne Terrace Road and amendments to the townhouse have not addressed this issue.
- The proposed mews houses would only be 9-10m from the existing terrace in Westbourne Terrace Road.
- Proposal is contrary to Paragraph 64 in the NPPF and would harm the character of the conservation area.
- Proposed new homes are unsightly, overbearing and out of character in terms of appearance with surrounding development.
- Development would be excessively dense.
- Townhouse will cause significant enclosure to immediately adjacent flats.
- Amendments to bulk of the townhouse does nothing to address previous concerns in terms of enclosure and loss of light.
- Scheme would ruin the outlook from neighbouring properties.
- Proposal will make neighbours claustrophobic and result in them needing to keep their bedroom blinds closed at all times.
- Proposal would result in loss of part of residents existing communal garden.
- Proposed development is closest to the most used habitable space in the lower ground floor flats along Westbourne Terrace Road.
- Daylight and Sunlight report should include the approved scheme for 5 Kingdom Street to demonstrate the cumulative effect.
- The introduction of a three-storey development so close to the rear boundary of the existing terrace would cause an unacceptable harm to occupants in respect of outlook, privacy, enclosure, daylight and sunlight.
- The methodology of daylight and sunlight assessment was entirely flawed and misrepresented the true impact of the proposal on Nos. 14-26.

#### Highways/ Parking

- Concern that more vehicles will use this side road off Westbourne Terrace Road with resultant impact on highways safety for vehicles, pedestrians and cyclists.
- Pollution from additional vehicles generated.
- Increased pressure on on-street residents parking in the area if occupiers are allowed parking permits.
- Provision of parking, access and storage at ground level seems to be disproportionate use of space given impacts of three storey scheme on neighbours in amenity terms.
- Less car parking should be proposed to reduce pollution and congestion.

#### Other Matters

- Design of the southern end of the scheme should be reconsidered to omit the little used access to the parking below the fire station.
- Application fails to respond to the concerns previously expressed by residents.
- Concerned that City West Homes appear to be ignoring residents concerns.
- Concern that site notices were not erected. (Note that it has been established that two notices were erected by the Council's contractor).
- Noise and general disturbance from construction works and construction traffic.
- Proposal will result in the loss of trees and impact on the scenery and character of the neighbourhood.
- Loss of three mature trees will contribute to pollution concerns. Old trees should not be removed.
- Content that a two storey mews development without a townhouse could be financially viable.
- Adverse impact on air quality.
- Prefer the mews scheme with canal access that was proposed 'a few years ago' as part of the Westbourne Regeneration plan.
- Consultation on the scheme by City West Homes has been dubious and bias and has not engaged or listened to residents. Scheme has been developed unilaterally.
- Area is popular with tourists and impact on quietness of the area will impact on this and have an economic impact on the area.
- Site is an Area of Wildlife Deficiency and therefore removal of trees and loss of open space would not be consistent with this City Plan designation.
- Obstruction of existing views of trees and landscaping.
- Loss of view of canal.
- Proposal will reduce green space.
- Despite what is stated in the application documents the residents do not support the proposed development.
- No place for such developments.
- Alternative suggestion for possible development of the site has been provided.
- Pre-application consultation did not fully explain revised scheme to residents and was held only shortly before submission of the revised scheme.
- Low levels of response to pre-application consultation was a result of the consultation event not being well publicised.
- There is no duty of care in this proposal for the people living in neighbouring properties.
- Adverse impact on value of neighbouring properties.
- Proposals do not take account of previous petition.
- Proposal will destroy the equilibrium of the community.
- Changes made in the current scheme are superficial and proposals should be radically rethought.
- Not clear who will maintain the new landscaping proposed in the application as compensation for loss of communal garden area. Will residents be expected to pay?
- Increased pressure on local services.
- Scheme should follow NICE guidelines to ensure the development mitigates the impact of air pollution.
- Proposals should not be pursued solely on the basis that this is stated to be the only viable way to redevelop the site. There must be other viable alternatives.

- Would like to see closer working with residents to identify an alternative scheme that is more sympathetic.
- The applicant had failed to engage in meaningful consultation with local residents and had grossly misrepresented views given during public consultation events.

ADVERTISEMENT/ SITE NOTICE (x2)

Yes.

## 5.2 Consultation on Updated Daylight and Sunlight Assessment including Consideration of Cumulative Impact (July 2019)

WARD COUNCILLORS (WESTBOURNE & LITTLE VENICE)

Any response to be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 440; No. of Responses: 16.

16 emails/ letters received, including an email on behalf of the Westbourne Terrace Road Residents Association, raising objection on all or some of the following grounds:

### Land Use

- Appreciate need for homes in London and would not object to a well considered two storey development.
- Question how many families will be accommodated given the unit mix. More family sized units should be provided.
- The private communal garden land should not be expropriated for use in this development to provide private gardens. Reduction in the garden area would breach leases.

### Design

- Limit scheme to two storeys in height.
- Reduction in greenery and 'wipe out the spirit of the view all around'.
- Destruction of listed properties.
- Adverse impact on the setting and appearance of neighbouring listed buildings.
- Proposed houses are too tall and too big for mews houses.
- Overdevelopment of the plot.
- Artists impressions are not to scale and misrepresent the height of the development.
- Scheme is bulky and an overdevelopment.
- Little consideration for impact on the conservation area.

### Amenity

- Question methodology for daylight and sunlight report as flat layouts and window locations/ proportions not shown.

- Loss of natural light.
- Updated daylight and sunlight report does not assess daylight to whole of combined living/ kitchen/ dining rooms via conservatories. Concerned that the report treats the conservatories as separate windows and not entirely made of glass.
- Applicants daylight and sunlight report conclusions under plays impact on neighbouring flats.
- Report should assess daylight to kitchens and living rooms.
- Addendum daylight and sunlight assessment focuses on providing figures and wrongly concludes that there would not be a significant cumulative impact on many residents.
- Applicant has declined invitation to measure neighbouring properties to ensure light loss is accurately calculated.
- Request further site visit to affected flats to demonstrate that the applicant's daylight and sunlight reports are flawed.
- Scheme will steal privacy and block light to flats in Warwick Crescent.
- Increased noise.
- Significant and unacceptable losses of light would occur, particularly in winter months, more so as a result of the cumulative impact. Many losses would be over 50% and some up to 100% for certain occupiers.
- Loss of sunlight during winter for many occupiers with consequential impacts on health of residents.
- Daylight and sunlight assessment is difficult to understand and is confusing, such that the findings cannot be interpreted. Also not clear what methodology has been used.
- Loss of privacy.
- BRE Guidelines are not appropriate for use in this type of urban location adjacent to tall buildings as the findings are distorted and deceptive.
- Increased sense of enclosure to neighbouring windows and gardens.
- Properties should not be considered to 'take more than their fair share of light' as they have benefited from this since their construction.

#### Transportation/ Parking

- Increased parking congestion.
- Concern regarding the safety of the junction of the mews with Westbourne Terrace Road.

#### Other Matters

- Trees should not be felled. Their loss will have an adverse environmental impact.
- Green space should be retained.
- Previously made objections to initial consultation remain unresolved and supported by other residents objections and other consultee bodies.
- Increased pollution (noise, air and wider environmental pollution).
- Increase pressure on local services.
- Residents of Warwick Crescent voted to object to development.
- Concern that notice was not received for the 5 Kingdom Street scheme in Westbourne Terrace Road.
- Timing of consultation over the summer will reduce response.
- Noise and disturbance during construction works.

- Community is not being listened to.
- Disappointing that the applicant has not worked with residents to develop a proposal for the site that is supported.
- Disappointing and ironic that developer is the City Council and its own planning policies have not been followed.
- A construction and demolition plan should be provided with the application.
- Unclear how tree in front of proposed townhouse will be retained.
- Orchard within the communal gardens of Nos.3-65 Warwick Crescent should be retained.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site is a narrow elongated plot of land to the rear of Nos.14-26 Westbourne Terrace Road. There is an access road to the site off Westbourne Terrace Road, between Nos.20 and 21, which leads to two groups of rather dilapidated single storey garages. At the northern end of the plot the site abuts Nos.3-65 Warwick Crescent, a 1960's residential block and the private communal gardens associated with Nos.3-65 Warwick Crescent (which are also included within the application site boundary) lie to the east of the northern range of garages. To the south the garage range abuts the rear boundary of Nos.21-26 Westbourne Terrace Road and the access road at this point also provides access to parking space beneath the podium of the adjacent Paddington Fire Station.

Nos.14-26 Westbourne Terrace Road (alongside the opposing Nos.1-12 Westbourne Terrace Road and the Bridge House public house) are all grade II listed buildings and, along with the application site and the buildings on Warwick Crescent, all lie within the Maida Vale Conservation Area. The fire station abuts but lies outside the conservation area.

The application site and much of its surrounding townscape context, with the exception of the listed terrace, were developed in the post-war era and was largely been completed by the early 1970s. The listed terraces in Westbourne Terrace Road date from the mid-nineteenth century and when originally laid out the gap between Nos.20 and 21 led into Blomfield Mews, which was broadly aligned east-west and had mews buildings on both sides. The mews actually continued through to Harrow Road emerging between Nos.132-134. The buildings fronting Harrow Road to the south and Warwick Crescent to the north were contemporary with Westbourne Terrace Road and were long ranges of terraced housing. While there is no evidence of bomb damage, it is clear from historic maps that by the 1950's and 60's Blomfield Mews and the Victorian terraces to Harrow Road and Warwick Crescent were falling into a ruinous condition and they were ultimately demolished, with the replacement range to Warwick Crescent and the new fire station built in their place. The former Blomfield Mews was largely eradicated, albeit the entry to it from Westbourne Terrace Road survives. The garages which now occupy the application site date from the late 1960's/ early 1970's.

The site is not within the Central Activities Area (CAZ) or the Paddington Opportunity Area (POA), although these lie slightly to the south of the site on the south side of

Harrow Road and the Westway (A40), which bound the southern end of the site. The site is located within the North Westminster Economic Development Area (NWEDA).

## 6.2 Recent Relevant History

### 18/00748/FULL

Demolition of 28 single storey garages and erection of replacement three storey buildings, with the exception of building fronting Warwick Crescent comprising four storeys with two lower floors to connect with the mews, to provide 18 residential units (Class C3), 9 car parking spaces, associated amenity space, refuse and cycle storage, and reconfiguration of communal landscaping of gardens to the rear of Warwick Crescent.

Application Withdrawn                      23 April 2018

## 7. THE PROPOSAL

The proposal involves demolition of all existing structures on the site, including the redundant chimney to the northern end of the site. The replacement residential development would comprise an elongated range comprised of four blocks, including a town house facing onto Warwick Crescent; 3 mews houses at the northern end of the range; and then flatted blocks for the remainder, all accessed from the existing access road off Westbourne Terrace Road, although the townhouse would also be accessible from Warwick Crescent. The northern townhouse would be arranged over 6 storeys (albeit appearing as a 4 storey building from Warwick Crescent because of the change in levels); the remainder of the development would be 3 storeys in height, with the lower 'storey' of the southern range essentially an undercroft retaining the vehicle access to the parking beneath the podium of the fire station and providing car parking spaces and cycle and waste storage for the development itself.

The principal facing material would be brick, with a traditional London stock brick used for most of the development, but a far lighter (grey/ white) brick used for the northern townhouse. The top storey in each case, will be a form of mansard roof with a standing seam metal covering, albeit there will be elements where the brickwork runs sheer to the top of the building, notably on axis with the access road and on the rear (east-facing) façade.

The façades of the 3-storey blocks have a varied disposition to the massing, to the building line and to the position and design of windows and balconies, much of which has been introduced to seek to overcome the impact of the scheme on the residential amenity of neighbouring properties.

Areas of flat roof will feature green roofs and photovoltaic panels.

The proposal also includes taking a comparatively small area of the communal gardens to Nos.3-65 Warwick Crescent and using this to provide the mews houses small gardens. As part of this aspect of the scheme it is also proposed to undertake some landscaping amendments to the remaining communal garden area to mitigate the loss of the of existing private communal open space to private gardens.

In land use terms, the scheme would provide 18 residential units comprising 4 market residential units and 14 affordable housing units, which are all proposed to be intermediate affordable units. The mix of units proposed would comprise 11x1 bedroom units, 3x2 bedroom units, 3x3 bedroom units and 1x4 bedroom unit. The market residential units would comprise 3x3 bedroom units and 1x4 bedroom units and would be located at the northern end of the site, with the intermediate units comprising 1x1 bedroom units and 3x2 bedroom units, which would be to the centre and southern end of the site.

**Table 1 – Proposed increases in floorspace.**

| Land Use                          | Existing GIA (m2)              | Proposed GIA (m2) | +/-   |
|-----------------------------------|--------------------------------|-------------------|-------|
| Garages                           | 0<br>(No habitable floorspace) | 0                 | N/A   |
| Market Residential                | 0                              | 569               | +569  |
| Affordable Housing (Intermediate) | 0                              | 720               | +720  |
| Total                             | 0                              | 1299              | +1299 |

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Loss of Existing Garages

The existing 28 garages on the site are in a state of disrepair. Many are currently unused although 10 garages are let on short-term licenses. However, the proportion that are used for car parking purposes is likely to be lower, with many likely to be used for storage. In this context, and in the absence of any conditions limiting the garages to use for parking by residents of neighbouring and adjoining residential buildings, the loss of the garages is acceptable in land use terms and would not conflict with land use or transportation/ parking policies in the UDP and City Plan. This issue is considered further in the context of the proposed development in Section 8.4.

#### 8.1.2 Proposed Residential Accommodation

In this location outside the CAZ and POA, Policy S13 in the City Plan priorities the provision of residential development, whilst Policy S12 (NWEDA) supports development that contributes to improving the quality and tenure mix of housing, which this scheme is considered to achieve for the reasons set out in Section 8.1.3. In this context, the principal of a residential redevelopment of this site is considered to be acceptable in land use terms.

The units proposed would all accord with the minimum size standards set out in the Government's Technical Housing Standards and Policy 3.5 in the London Plan (March 2016). Due to the constraints of the site, in terms of the potential for overlooking to

neighbouring windows and gardens in Westbourne Terrace Road, the flats within the front of the central block would not have external amenity spaces. These units would though have Juliet balconies and all other units would have access to balconies and terraces.

The mix of units proposed, as set out in Section 7, would deliver 22% of the units as family sized units. Whilst this falls below the level of 33% normally required by Policy H5 in the UDP, given the constraints of the site, including the proximity of the Westway/ Harrow Road corridor and the limited scope for larger external amenity space suitable for family use, on much of the site, this proportion is acceptable. Additionally it should be noted that the family sized units that are proposed have been positioned on the northern end of the site where larger external amenity spaces can be provided and the mix proposed is also in part the product of the proposed affordable housing tenure mix, which is wholly intermediate, which necessitates the provision of a greater number of smaller units to meet identified need for that particular tenure (see Section 8.1.3).

### 8.1.3 Affordable Housing Provision

Of the 18 residential units proposed, 14 units (78%) would be provided as affordable housing. The affordable housing units would comprise 11 x 1 bedroom units and 3 x 2 bedroom units. Owing to the form and size of the units that can be accommodated on this constrained size, and to maximise response the scheme makes to affordable housing need, all of the affordable housing units would be provided as intermediate units. The Head of Affordable Housing and Strategy has confirmed verbally that he is satisfied that the tenure and mix of units proposed would address need and responding to the site constraints and therefore the departure from the tenure splits set out in Policy 3.11 of the adopted London Plan (60% Affordable/ Social Rent and 40% Intermediate) and Policy H7 of the draft London Plan (July 2019) (30% Affordable/ Social Rent and 70% Intermediate) is supported.

The intermediate units are to be provided as units for intermediate rent. The Head of Affordable Housing and Strategy has advised verbally that this form of intermediate tenure to be acceptable and he is content that the scheme would be affordable for those registered with the Council's for intermediate housing as the units would be offered at rents no higher than the Mayor's London Living Rent levels. Any further representations from the Head of Affordable Housing and Strategy on these issues will be reported verbally to the Sub-Committee.

The scheme would deliver more than 50% of the units on this publicly owned site as affordable housing (78% when measured by units and 65% when measured by habitable rooms). Therefore, the scheme would be compliant with Policy H6 in the draft London Plan (July 2019) and the guidance set out in the Mayor's 'Affordable Housing and Viability' SPG (August 2017). The scheme therefore exceeds the policy thresholds in the draft London Plan above which viability assessment of the scheme is not required and the scheme delivers a tenure mix that is considered to be acceptable due to the particular circumstances of this site (i.e. the scheme can follow the 'Fast Track Route' under Policy H6). It is recommended that the affordable housing provision, including its tenure and affordability, is secured via a legal agreement and, as required by the draft London Plan and the 'Affordable Housing and Viability' SPG, that the scheme be subject

to an early stage review if agreed progress is not made on the implementation of the scheme within two years of permission being granted.

## 8.2 Townscape and Design

### 8.2.1 Statutory Duties and Key Design Policies

The relevant legislation, policy and guidance which applies to a proposal of this nature is extensive and has been set out in the applicant's submission, notably the Heritage Statement, but it is nevertheless worthwhile to re-state some of the key legislative requirements; and some of the key policies and guidance:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the same Act indicates that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

In terms of the NPPF the key heritage protection considerations are addressed in Chapter 16 with paragraphs 189-202 of relevance and paragraph 192 of particular importance to this case, stating *"In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

Chapter 12 of the NPPF is also relevant in this context promoting the importance of good design.

Policies S25 and S28 of our City Plan are strategic policies which recognise the importance of Westminster's historic townscape and the need to conserve it and require exemplary standards of sustainable and inclusive urban design and architecture. Policy DES1 of our UDP sets out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. The policy sets out considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey

heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings and indicates that unlisted buildings of merit will enjoy a general presumption against demolition, but that demolition may be permitted if the proposed development will result in an enhancement of the conservation area's overall character or appearance. This policy also seeks to protect the setting of conservation areas.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

### **8.2.2 Characteristics and Significance of Designated Heritage Assets and Local Townscape**

The Maida Vale Conservation Area was first designated in 1968 but has been enlarged by extensions in 1990 and again in 1996. This area was still open fields in the 1830s but by the 1860s many of the roads and houses in the southern part of the conservation area (including the area around Westbourne Terrace Road and Little Venice) had been laid out and built. The Maida Vale Conservation Area is predominantly residential in character and the development which pre-dates 1860 tended to be of stucco and brick, and typically either terraced houses or semi-detached villas. This early phase of development formed the original conservation area designation in 1968. Later development, post-1860 in date, which tends to be towards the northern half of the conservation area, while still residential, was typically faced in red brick and also included small blocks of flats. This slightly later phase of development was included in the conservation area when the boundary was extended in 1990. The 1996 review and ultimate enlargement of the conservation area included designating the area which includes the application site. In the designation report, the application site forms part of an area of land referred to as 'Canalside (Paddington Branch)' and the report states: *"Land on both sides of the Grand Union Canal – Paddington Branch, between Little Venice Pool and the Westway, including Warwick Hotel public house, and the land to the rear of Warwick Crescent. Predominantly open space and landscaped gardens beside the canal, which provide an important green setting to views of Little Venice Pool and Warwick Avenue Bridge (a principal entrance into Maida Vale). The inclusion of this proposed extension within the conservation area would give weight to the importance of these views and adequate protection to the setting of the Pool."*

The listed buildings in Westbourne Terrace Road are considered to be typical and very positive components of the conservation area, which strongly contribute to the significance of the conservation area. The post-war crescent at 3-65 Warwick Crescent is considered to make a neutral contribution to the conservation area, while its communal gardens, best appreciated from near the junction of Harrow Road and Warwick Crescent make a positive contribution to the conservation area, as indicated in the 1996 designation report. The application site, notably the single storey garages and the podium wall of the fire station, have a negative impact on the conservation area reflecting nothing of merit in terms of architecture or history. Similarly, the fire station is regarded as having an adverse impact on the setting of the conservation area and the

listed buildings, representing a discordant 1970s insertion into a former area of Victorian townscape. Indeed, most of the land to the south and south-east of the application site does not make a positive contribution to the setting of the conservation area and listed buildings, notably the severe truncation of the townscape caused by the Westway and also the scale and modern appearance of the large new buildings within the Paddington Opportunity Area.

### 8.2.3 Design Assessment

The principle of redeveloping this plot of land is considered acceptable in design terms. The existing buildings on the site detract from the appearance of the area and their removal and replacement offers scope for enhancement.

In terms of height and massing the proposal is considered to integrate acceptably with the surrounding townscape. The main 3-storey range is markedly subordinate to the 5 storey height of the listed terraces in Westbourne Terrace Road and the modern crescent of 3-65 Warwick Crescent. Indeed, the proposed disparity in scale between the new development and the Victorian properties reflects the typical scale change between the main house and the mews house, which is a common feature of Georgian and Victorian townscape in London. The northern townhouse is of a different scale and design and is responding to a different townscape relationship. It will appear at the western end of 3-65 Warwick Crescent and will occupy some of the gap that currently exists between the crescent building and the listed no.14 Westbourne Terrace Road. This is not a historic townscape gap, as it is clear from historic maps and old photographs that a Victorian stucco house formerly occupied all of this gap and occupied the same building line as no.14. The new townhouse will sit back from the line of 3-65 Warwick Crescent and will be very slightly lower, but with a mansard roof storey further emphasising a subordinate scale. The larger part of the gap will be maintained. The proposed height, position and massing of the townhouse complements the adjacent townscape and is considered acceptable.

The proposed choice of brick as the principal facing material is considered appropriate. The chosen yellow London stock brick for the main 3 storey range complements the facing material to the rear of the listed terrace and is a common material both for the Maida Vale Conservation, but also for a mews typology. The selected lighter coloured brick of the townhouse responds to the tonal character of the buildings facing towards Little Venice, whilst clearly being a point of difference from the stucco/render of 3-65 Warwick Crescent, which it abuts.

The architectural approach to the northern townhouse is similarly respectful of its townscape context. While it sits between a 1960s block and a 1840s/50s former house, it expresses a formal and restrained appearance, respecting the rhythm and datums of the adjacent buildings. In short, it nestles relatively unobtrusively into the gap and respects the character and appearance of the buildings facing Little Venice and the conservation area generally.

The architectural approach to the 3-storey range is more varied, with differing and somewhat disjointed elements, including a wide range of window types and architectural features. Much of this has been driven by attempts to overcome amenity impacts, particularly to the residential accommodation within Westbourne Terrace Road, but also

in striving to creating some external amenity space and to address acceptable layouts. While the design does lack a degree of integrity, the impact of this, in townscape terms is relatively minor. In terms of its relationship with the conservation area and the listed buildings, the 3-storey range can principally be seen in street views from Westbourne Terrace Road in the gap between nos.20 and 21; and from the Harrow Road looking north. In the case of the former the current view is considered to have a harmful impact on the setting of the listed buildings, revealing the flank wall to the podium of the fire station, the fire station buildings including the training tower and finally the large scale modern buildings within the Paddington Opportunity Area. While the view from Harrow Road would reveal the gable end to the development and oblique views along the long facades. At present this view is of little merit allowing views down into the relatively unused and dilapidated garages, as well as revealing a rather disjointed area of townscape and fully exposing the rather harsh interface between the fire station and the conservation area buildings to the north and west.

While the 3 storey range does have a somewhat convoluted architectural expression, it nevertheless offers the potential to enhance the appearance of this site and to enhance the character and appearance of the conservation area; and improve the setting to the listed buildings. In the view from Westbourne Terrace Road, the new development will create a better focus to the view and a more seemly building to that which currently exists, whilst also screening off some of the townscape beyond which only detracts from this view. Similarly, from Harrow Road, the new development will replace a rather unattractive area with a more complementary development, which will create a better interface with the fire station and improve the setting of the listed buildings.

The rear façade of the northern range, facing onto the communal gardens, is also likely to be glimpsed from near the junction of Harrow Road and Warwick Crescent, but this will largely be screened by trees and the effect would not adversely affect this landscaped area and the positive contribution it makes to the conservation area and the setting of Little Venice.

In conclusion the proposal is considered acceptable in design terms, subject to conditions to secure aspects of detailed design and materials. The proposal would not have an adverse impact on any designated heritage assets and would accord with the policy framework and guidance referred to earlier.

### **8.3 Residential Amenity**

The application has received significant objection on a range of amenity grounds, principally the impact the proposed development would have in terms of daylight and sunlight, sense of enclosure and overlooking. These concerns are expressed in full in the background papers and summarised in detail in Section 5 of this report. The relevant policies in terms of assessment of the amenity impact of the proposed development are Policies ENV6, ENV7 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

Policies ENV6 and S32 seek to protect existing occupier from noise disturbance resulting from proposed development, whilst Policy ENV7 specifically protects existing residential occupiers and other noise sensitive uses from noise or vibration emanating from mechanical plant within new development.

Policies ENV13 in the UDP and S29 in the City Plan set out the amenity protections afforded more generally to existing occupiers and seeks to ensure that where there is an opportunity, new development enhance the residential environment of surrounding properties. With particular regard to the impact on daylight and sunlight, Policy ENV13 sets out that material losses of daylight and sunlight will normally be unacceptable:

*“The City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.”*

Paragraph 9.229 in the UDP sets out how the City Council will assess the impact of development on daylight and sunlight levels received by surrounding light sensitive uses (including the habitable rooms) and confirms that the impact of development should be assessed using the Building Research Establishment’s (BRE) Guidelines ‘Site layout planning for daylight and sunlight’, the most recent version of which was published in 2011. Paragraph 9.229 concludes as follows:

*“The City Council will normally aim to ensure that there is a predominantly daylit appearance for habitable rooms to residential buildings. Therefore minimum daylight values are normally unacceptable. There are many residential properties in Westminster which fall well below the recommendations made in the BRE document. In these situations, where principle habitable rooms such as bedsits, living rooms, studies or kitchens are affected, the City Council may find any loss of light unacceptable.”*

In terms of increased sense of enclosure and increased overlooking, Policy ENV13 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 on adjoining buildings, whether in residential or public use.”*

### **8.3.1 Daylight**

As above, Policy ENV13 in the UDP sets out that the impact of development on light sensitive uses should be assessed using the BRE Guidelines. The Guidelines specify two principal methods of assessment to establish the degree of impact a development is likely to have on neighbouring windows. These are the Vertical Sky Component (VSC) and No Sky Line (NSL) methods of assessment. The VSC method of assessment considers the potential for daylight within a room by calculating the angle of vertical sky visible at the centre of each of the windows serving the residential buildings which look towards the site.

A material loss of daylight, which may be visible to the occupier of the room served by the affected window will occur using the VSC method of assessment where the resultant VSC level below 27% and is less than 0.8 times its former value.

Using the NSL method of assessment, a material loss of daylight which may be noticeable to occupiers of the room served by the affected window(s) would occur where the area of the working plane within the room (0.85m above ground level), which can receive skylight, is reduced to less than 0.8 times its former value.

The BRE Guidelines set out that the diffuse daylight received by an existing building may be adversely affected where either of the above test (VSC and NSL) have been exceeded. The BRE Guidelines are though only intended to be applied to habitable rooms such as living rooms, kitchens and bedrooms where occupiers have a reasonable expectation of daylight. They are not applicable to non-habitable rooms, such as bathrooms and circulation spaces. The Guidelines note that they are advisory and *“...need to be applied sensibly and flexibly. There is little point in designing tiny gaps in the roof lines of new development in order to safeguard no sky lines inn existing buildings”*.

In this case the applicant has submitted a detailed daylight and sunlight assessment, which seeks to address the earlier concerns of residents in Westbourne Terrace Road by assessing the impact on these neighbouring properties both with the existing rear conservatories (where properties have them) and without them. This is so that the impact of the proposed development on the rooms beyond the conservatories, within the original envelope of the buildings at lower ground floor level can be more fully understood.

Having regard to the existing townscape around the site (i.e. excluding approved but as yet uncompleted and proposed but not yet approved development in the vicinity), the windows which would suffer a material loss of daylight using the either the VSC or NSL methods of assessment are set out in Table 2. Table 2 sets out the material daylight losses to neighbouring properties including conservatories to those properties that have them in Westbourne Terrace Road. Table 3 sets out material daylight losses to windows/ doors that would exist theoretically, had conservatories/ predominantly glazed extensions not been added to the rear of properties in Westbourne Terrace Road at lower ground floor level. The purpose of this assessment is to demonstrate the impact of the proposed development on the living accommodation within the rear room of the original buildings along Westbourne Terrace Road, which benefit from shared daylight via the predominantly glazed conservatories that have been added to number of the lower ground floor flat.

**Table 2 – Material losses of daylight (including conservatories).**

| Window Location            | Room Use | Existing VSC | Proposed VSC | % VSC Loss | Existing NSL | Proposed NSL | % NSL Loss |
|----------------------------|----------|--------------|--------------|------------|--------------|--------------|------------|
| 3-65 Warwick Crescent      |          |              |              |            |              |              |            |
| W3/ Ground                 | Kitchen  | 10.2         | 6.8          | 33.5%      | 97.8         | 97.2         | 0.6%       |
| W6/ Ground                 | Kitchen  | 7.4          | 5.9          | 20.3%      | 97.8         | 97.2         | 0.6%       |
| 16 Westbourne Terrace Road |          |              |              |            |              |              |            |
| W1/ Lower Ground           | Bedroom  | 14.9         | 11.8         | 20.8%      | 85.8         | 80.4         | 6.3%       |
| W17/ Lower Ground          | Bedroom  | 16.9         | 13.3         | 21.3%      | 85.8         | 80.4         | 6.3%       |
| 17 Westbourne Terrace Road |          |              |              |            |              |              |            |

|                            |                         |      |      |       |      |      |       |
|----------------------------|-------------------------|------|------|-------|------|------|-------|
| W1/ Lower Ground           | Living Room             | 26.1 | 20.7 | 20.7% | 99   | 64.7 | 34.6% |
| 18 Westbourne Terrace Road |                         |      |      |       |      |      |       |
| W4/ Lower Ground           | Living Room             | 29.3 | 21.0 | 28.3% | 98.6 | 54.2 | 45.1% |
| 19 Westbourne Terrace Road |                         |      |      |       |      |      |       |
| W21/ Lower Ground          | Living/ Kitchen/ Dining | 28.5 | 20.2 | 29.1% | 98.6 | 65.3 | 33.8% |
| W1/ Lower Ground           | Living/ Kitchen/ Dining | 25.2 | 18.5 | 26.6% | 98.6 | 65.3 | 33.8% |
| W5/ Lower Ground           | Living/ Kitchen/ Dining | 20.4 | 14.4 | 29.4% | 98.6 | 65.3 | 33.8% |
| 20 Westbourne Terrace Road |                         |      |      |       |      |      |       |
| W1/ Lower Ground           | Bedroom                 | 16.8 | 12.6 | 25.0% | 67.1 | 67.1 | 0%    |
| W7/ Lower Ground           | Living/ Kitchen/ Dining | 21.6 | 15.3 | 29.2% | 99.3 | 76.2 | 23.3% |
| W9/ Lower Ground           | Living/ Kitchen/ Dining | 21.6 | 15.3 | 29.2% | 99.3 | 76.2 | 23.3% |
| W8/ Lower Ground           | Living/ Kitchen/ Dining | 26.6 | 11.5 | 30.7% | 99.3 | 76.2 | 23.3% |
| 21 Westbourne Terrace Road |                         |      |      |       |      |      |       |
| W6/ Lower Ground           | Living/ Kitchen/ Dining | 27.8 | 18.8 | 32.4% | 98.3 | 81   | 17.6% |
| W8/ Lower Ground           | Living/ Kitchen/ Dining | 11   | 8.8  | 20.0% | 98.3 | 81   | 17.6% |
| 22 Westbourne Terrace Road |                         |      |      |       |      |      |       |
| W1/ Lower Ground           | Bedroom                 | 15.9 | 12.6 | 20.8% | 84   | 81.2 | 4.2%  |
| W9/ Lower Ground           | Living/ Kitchen/ Dining | 30.3 | 21   | 30.7% | 92.3 | 73.3 | 20.6% |
| 23 Westbourne Terrace Road |                         |      |      |       |      |      |       |
| W10/ Lower Ground          | Living/ Dining          | 31.5 | 21   | 33.3% | 100  | 100  | 0%    |
| W12/ Lower Ground          | Bedroom                 | 22.8 | 18.1 | 20.6% | 98   | 83.6 | 14.7% |
| 24 Westbourne Terrace Road |                         |      |      |       |      |      |       |
| W2/ Lower Ground           | Kitchen                 | 29.7 | 21.7 | 26.9% | 68.3 | 43.9 | 35.7% |
| W14/ Lower Ground          | Kitchen                 | 30.3 | 22   | 27.4% | 95   | 63.3 | 33.4% |
| 25 Westbourne Terrace Road |                         |      |      |       |      |      |       |

|                         |                               |      |      |       |      |      |       |
|-------------------------|-------------------------------|------|------|-------|------|------|-------|
| W21/<br>Lower<br>Ground | Living/<br>Kitchen/<br>Dining | 29.6 | 22.4 | 24.3% | 94.2 | 84.2 | 10.6% |
|-------------------------|-------------------------------|------|------|-------|------|------|-------|

**Table 3 – Material losses of daylight that would occur to original rear rooms of properties in Westbourne Terrace Road at lower ground floor level if conservatories/ predominantly glazed extensions are omitted. (Relevant to properties at Nos.16, 19, 20, 21, 22, 23, 24, 25 and 26. Note losses are only shown where they exceed BRE Guidelines).**

| Window Location                   | Room Use                      | Existing VSC | Proposed VSC | % VSC Loss | Existing NSL | Proposed NSL | % NSL Loss |
|-----------------------------------|-------------------------------|--------------|--------------|------------|--------------|--------------|------------|
| <b>16 Westbourne Terrace Road</b> |                               |              |              |            |              |              |            |
| W4/ Lower Ground                  | Living/<br>Kitchen/<br>Dining | 25.2         | 20.5         | 18.7%      | 97.6         | 69.6         | 28.7%      |
| <b>19 Westbourne Terrace Road</b> |                               |              |              |            |              |              |            |
| W20/<br>Lower<br>Ground           | Living/<br>Kitchen/<br>Dining | 29.9         | 21.3         | 28.8%      | 98.1         | 49.5         | 49.5%      |
| W18/<br>Lower<br>Ground           | Living/<br>Kitchen/<br>Dining | 25.8         | 19.2         | 25.6%      | 98.1         | 49.5         | 49.5%      |
| W19/<br>Lower<br>Ground           | Living/<br>Kitchen/<br>Dining | 30.4         | 22           | 27.6%      | 98.1         | 49.5         | 49.5%      |
| <b>20 Westbourne Terrace Road</b> |                               |              |              |            |              |              |            |
| W4/ Lower Ground                  | Living/<br>Kitchen/<br>Dining | 25.5         | 19.1         | 25.1%      | 98.5         | 50           | 49.2%      |
| <b>21 Westbourne Terrace Road</b> |                               |              |              |            |              |              |            |
| W2/ Lower Ground                  | Living/<br>Kitchen/<br>Dining | 26.6         | 20.3         | 23.7%      | 97.5         | 72.8         | 25.4%      |
| <b>22 Westbourne Terrace Road</b> |                               |              |              |            |              |              |            |
| W8/ Lower Ground                  | Living/<br>Kitchen/<br>Dining | 28.1         | 22           | 21.7%      | 89           | 62.3         | 30.0%      |
| <b>23 Westbourne Terrace Road</b> |                               |              |              |            |              |              |            |
| W11/<br>Lower<br>Ground           | Living/<br>Kitchen/<br>Dining | 32.4         | 25.1         | 22.5%      | 97.2         | 74.3         | 23.6%      |
| W13/<br>Lower<br>Ground           | Bedroom                       | 31.1         | 24.6         | 20.9%      | 98           | 83.6         | 14.7%      |
| <b>24 Westbourne Terrace Road</b> |                               |              |              |            |              |              |            |
| W12/<br>Lower<br>Ground           | Kitchen                       | 32.5         | 25.4         | 21.8%      | 96.8         | 73.3         | 24.3%      |

The VSC daylight losses that would occur to the rear windows of Nos.3-65 Warwick Crescent would be limited to two kitchen windows at ground floor level. These windows

are over sailed by balconies above and as a consequence of this design feature of the existing building they already receive a relatively limited amount of daylight at the face of the window. However, the NSL assessment demonstrates that within the kitchens the extent of daylight loss would be limited with a less than 1% reduction in the area of the working plane within the room that would receive daylight. Accordingly, the impact on these windows and the kitchens they serve would not so significant to warrant withholding permission.

To the rear of properties in Westbourne Terrace Road the material losses of daylight that would occur would be limited to windows at lower ground floor level, with windows at ground floor level and above not affected to a significant degree using either the VSC or NSL methods of assessment.

At lower ground floor level, the proposed development would result in a material reduction in daylight using the VSC method of assessment to 22 windows (as summarised in Table 2). The affected windows serve lower ground floor flats between No.16 and No.24 Westbourne Terrace Road. The properties are numbered consecutively with the lowest number at the northern end of the site. There would be no material losses of daylight to Nos.14, 15 and 26 at the extreme northern and southern ends of the terrace. The building at No.14 forms the northern end of the terrace and has no vertical windows directly facing the site in its lower floors. At No.15 the lower ground floor has been extended with a solid extension that extends towards the existing flank wall of Nos.3-65 Warwick Crescent, which already reduces significantly the amount of daylight the lower ground floor flat in the building receives relative to others in the terrace to the south. The building at No.26, at the southern end of the terrace, is sufficiently distance from the bulk of the proposed development, which terminates to the rear of No.25, so as not to suffer any significant daylight losses.

At No.16 the proposed development would cause a material loss of daylight to two bedroom windows that would be marginally in excess of 20% VSC (i.e. just above the level at which the BRE Guidelines identify that the loss may be noticeable to an occupier). However, the NSL assessment indicates that the reduction in the working plane within these rooms that would continue to receive daylight would be 6.3%, well below the 20% reduction above which the BRE Guidelines indicate that a material loss of daylight would occur.

By virtue of its predominantly glazed design, the extension/ conservatory to the rear at lower ground floor level would not itself suffer any significant loss of daylight. However, Table 3 demonstrates that the original rear room at lower ground floor level, behind the conservatory, which shares light from it via the opening between the two, would see a VSC reduction of 18.7% and an NSL reduction of 28.7%, the former being a less than material reduction, but latter being sufficient to be noticeable to the occupiers of the lower ground flat. It is understood that this room is used as a kitchen. However, the kitchen does form part of an open plan space in combination with a living room (lit by windows within the front lightwell) and a further living/ dining area within the conservatory which remains well lit. Consequently, the cumulative impact on the quality of the living space within the flat in terms of daylighting would be more limited than if the kitchen comprised a self-contained room.

At Nos.17 and 18 there are no rear conservatory extensions and it is understood that the rear rooms are used as living rooms facing the rear gardens of these properties. The VSC losses to the lower ground floor windows in the rear elevation would be 20.7% and 21.3% respectively, both marginally exceeding the level at which the VSC daylight loss may be noticeable to occupiers. The NSL assessment for these windows indicates that there would be losses of 34.6% and 45.1% respectively in terms of reductions in the daylight received at the working plane within these rooms. The daylight losses would therefore be readily appreciable within the rear rooms of these two flats, but other rooms served by windows set back from the main rear elevations of Nos.17 and 18 would not suffer significant losses of daylight.

No.19 has a glazed rear extension/ conservatory. Three windows would suffer a loss of daylight in excess of 20% VSC. These all serve part of a combined living/ kitchen/ dining room to the rear of this lower ground flat. The window to the kitchen area would see a VSC reduction in daylight of 29.1%, whilst the other windows to suffer a VSC loss greater than 20% would form part of the rear conservatory extension, which overall would not suffer a significant loss of daylight. The daylight reaching the working plane within the combined kitchen/ living/ dining room would be reduced significantly in this case from 98.6 to 65.3, a reduction of 33.8%. However, given the very high current proportion of the room that is daylit at the working plane, it would remain comparatively well lit in the proposed scenario. With the conservatory 'removed' (see Table 3), three window openings to the rear would suffer a material loss of daylight using the VSC method of assessment of between 25 and 28%; albeit the resultant VSC for all three windows would be around 20% VSC, which would represent a comparatively good level of daylight in an urban environment. Using the NSL method of assessment with the conservatory 'removed', the daylight reaching the working plane would be reduced by 49.5%.

No.20 also has a glazed rear extension/ conservatory at lower ground floor level of similar design to those found to the north in the same terrace. The internal layout is similar to that of the lower ground floor flat at No.16 with an open plan living room, kitchen and dining/ garden room, with a bay window to the front elevation serving the living room area to the front. Four windows would suffer a material loss of daylight using the VSC method of assessment in excess of the BRE Guidelines, although 3 of these would serve the conservatory which is also top lit meaning it would not suffer a significant loss of daylight overall. The other window/ door serves a bedroom and it would suffer a VSC loss of 25%. However, the bedroom would not suffer any loss of daylight within the room at the working plane using the NSL method of assessment and the retained VSC level of 12.6 VSC would retain an acceptable degree of daylighting given the function of this room as a bedroom rather than as a principal habitable room. With the conservatory 'omitted' the daylight received by the original rear room (now used as an open plan kitchen) would be reduced by 25% to 19.1 VSC. The area of the working plane within the kitchen that receives daylight would be reduced from 98.5% to 50%, a reduction of 49.2%. However, as at No.16, the kitchen forms part of an open plan space in combination with a living room (lit by windows within the front lightwell) and a further living/ dining area within the conservatory which remains well lit. Consequently, the cumulative impact on the quality of the living space within the flat in terms of daylighting would be more limited than if the kitchen comprised a self-contained room.

No.21 is located to the southern side of the entrance to Blomfield Mews. The lower ground floor flat has a rear glazed extension/ conservatory as found to properties to the north in the same terrace and has an open plan layout similar to that at Nos.16 and 20. Two windows would suffer a loss of daylight using the VSC method of assessment in excess of the BRE Guidelines, although both of these serve the conservatory which is also top lit meaning it would not suffer a significant loss of daylight overall. With the conservatory 'omitted' the daylight received by the original rear room (now used as an open plan kitchen) would be reduced by 23.7% to 20.3 VSC. The area of the working plane within the kitchen that receives daylight would be reduced from 97.5% to 72.8%, a reduction of 25.4%. However, as at Nos.16 and 20, the kitchen forms part of an open plan space in combination with a living room (lit by windows within the front lightwell) and a further living/ dining area within the conservatory which remains well lit. Additionally, the rear of the terrace is relatively free of neighbouring daylight obstructions from other built forms relative to similar terraces in this part of the City. Consequently, the cumulative impact on the quality of the living space within the flat in terms of daylighting would be more limited than if the kitchen comprised a self-contained room.

No.22 has the same open plan internal layout as found at Nos.16, 20 and 21, with a rear glazed extension/ conservatory. Two windows would suffer a material loss of daylight using the VSC method of assessment in excess of the BRE Guidelines, although one of these would serve the conservatory which is also top lit meaning it would not suffer a significant loss of daylight overall. The other window/ doors serve a bedroom and would suffer a VSC loss of 20.8%, a reduction from 15.9 to 12.6 VSC. However, the bedroom would not suffer a significant loss of daylight within the room at the working plane using the NSL method of assessment (the NSL would be 4.2%). The retained VSC level of 12.6 VSC would retain an acceptable degree of daylighting given the function of this room as a bedroom rather than as a principal habitable room. With the conservatory 'omitted' the daylight received by the original rear room at No.22 (now used as an open plan kitchen) would be reduced by 21.7% to 22 VSC. The area of the working plane within the kitchen that receives daylight would be reduced from 89% to 62.3%, a reduction of 30%. However, as at other properties that have been extended to the rear, the kitchen forms part of an open plan space in combination with a living room (lit by windows within the front lightwell) and a further living/ dining area within the conservatory which remains well lit. Consequently, the cumulative impact on the quality of the living space within the flat in terms of daylighting would be more limited than if the kitchen comprised a self-contained room.

Whilst No.23 has permission and listed building consent for alterations and extensions to erect a rear extension and alter the internal arrangement of the lower ground floor flat. The works have since been commenced and the new arrangement comprises an open plan internal layout as found at Nos.16, 20, 21 and 22, with a rear predominantly glazed extension, albeit with a solid roof with a rooflight. Two windows would suffer a material loss of daylight using the VSC method of assessment in excess of the BRE Guidelines, although one of these would serve the conservatory which is also top lit meaning it would not suffer a significant loss of daylight overall. The other window/ doors serve a bedroom and would suffer a VSC loss of 20.8%, a reduction from 15.9 to 12.6 VSC. However, the bedroom would not suffer a significant loss of daylight within the room at the working plane using the NSL method of assessment (the NSL would be 4.2%). The retained VSC level of 12.6 VSC would retain an acceptable degree of daylighting given

the function of this room as a bedroom rather than as a principal habitable room. With the conservatory 'omitted' the daylight received by the original rear room at No.22 (now used as an open plan kitchen) would be reduced by 21.7% to 22 VSC. The area of the working plane within the kitchen that receives daylight would be reduced from 89% to 62.3%, a reduction of 30%. However, as at other properties that have been extended to the rear, the kitchen forms part of an open plan space in combination with a living room (lit by windows within the front lightwell) and a further living/ dining area within the conservatory which remains well lit. Consequently, the cumulative impact on the quality of the living space within the flat in terms of daylighting would be more limited than if the kitchen comprised a self-contained room.

At lower ground floor level No.24 has two discreet additions adjacent to either side boundary with Nos.23 and 25. The internal arrangement is unclear, but for the purpose of assessment both have been assumed to provide habitable rooms. The windows in both extensions facing the application site would suffer a material loss of daylight using the VSC method of assessment, with the daylight reaching the rear window in the extension adjacent to the boundary with No.25 reduced by 26.9% to 21.7 VSC, whilst the daylight reaching the rear window in the extension adjacent to the boundary with No.23 reduced by 27.4% to 22 VSC. However, these extensions have other windows to their side elevations and therefore it is necessary to consider the impact in terms of the NSL method of assessment, which considers the cumulative impact on the daylight on the working plane within each room. For the extension adjacent to the boundary with No.25 the NSL would be reduced from 68.3% to 43.9% a reduction of 35.7%. The extension at the boundary with No.23 would see a NSL reduction of 33.4% from 95% to 63.3%. Both the VSC and NSL methods of assessment indicate that there would be an appreciable reduction in daylight within the rear rooms within these extensions that would be appreciable to the occupiers of this lower ground floor flat.

No.25 has the same open plan internal layout as found at Nos.16, 20, 21 and 22, with a rear glazed extension/ conservatory. One window would suffer a material loss of daylight using the VSC method of assessment in excess of the BRE Guidelines, although this window would be one making up the vertical elevations of the conservatory which is also top lit meaning it would not suffer a significant loss of daylight overall. With the conservatory 'omitted' the daylight received by the original rear room at No.25 (which is now used as an open plan kitchen) would be reduced by 21.8% to 25.4 VSC. The area of the working plane within the kitchen that receives daylight would be reduced from 96.8% to 73.3%, a reduction of 24.3%. However, whilst this would exceed the BRE Guidelines using both the VSC and NSL methods of assessment, under both methodologies the resultant daylight levels would be very good for an urban environment and consequently the losses that would occur to the kitchen at No.25 would remain within tolerable levels.

### 8.3.2 Sunlight

The BRE Guidelines establishes the Annual Probable Sunlight Hours (APSH) method of assessment as the appropriate methodology for assessing the impact of proposed development on levels of sunlight reaching neighbouring windows. APSH considers any surrounding windows serving habitable accommodation that faces within 90 degrees of due south of the development. The BRE Guidelines suggest that the APSH should be applied only to living room windows and the Guidelines note that "*In housing, the main*

requirement for sunlight is in living rooms, where it is valued at any time of day, but especially in the afternoon". However, the Guidelines also note that "Kitchens and bedrooms are less important, although care should be taken not to block too much sun". Accordingly, whilst the impact of the proposed development on the living rooms of neighbouring properties is of primary importance, the impact on other rooms such as kitchens and bedrooms must also be carefully considered having regard to the advice in the Guidelines.

Using APSH a neighbouring window may be adversely affected to a material extent (i.e. to an extent that the loss of sunlight may be noticeable to the occupiers of the impacted property) if a point at the centre of a window receives:

- Less than 25% of the APSH during the whole year, of which 5% APSH must be in the winter period; and
- Receives less than 0.8 times its former sunlight hours in either time period; and
- Has a reduction in sunlight for the whole year more than 4% APSH.

As with daylight methods of assessment in the BRE Guidelines, the APSH method of assessment for sunlight impact is designed as a guide and should be applied with flexibility having regard to the use of the rooms affected and other site specific material considerations.

**Table 4 – Material Losses of Sunlight to Neighbouring Windows (Note that the number of annual probable hours of sunlight equates to 14.86 x the APSH figure in the table)**

| Window Location                   | Room Use                | Existing APSH |        | Proposed APSH |        | Loss % |        |
|-----------------------------------|-------------------------|---------------|--------|---------------|--------|--------|--------|
|                                   |                         | Annual        | Winter | Annual        | Winter | Annual | Winter |
| <b>3-65 Warwick Crescent</b>      |                         |               |        |               |        |        |        |
| W3/ Lower Ground                  | Kitchen                 | 20            | 19     | 13            | 13     | 35.0%  | 31.6%  |
| W4/ Lower Ground                  | Kitchen                 | 29            | 18     | 23            | 14     | 20.7%  | 22.2%  |
| <b>16 Westbourne Terrace Road</b> |                         |               |        |               |        |        |        |
| W1/ Lower Ground                  | Bedroom                 | 28            | 8      | 22            | 3      | 21.4%  | 62.5%  |
| W17/ Lower Ground                 | Bedroom                 | 31            | 7      | 25            | 3      | 19.4%  | 57.1%  |
| <b>19 Westbourne Terrace Road</b> |                         |               |        |               |        |        |        |
| W1/ Lower Ground                  | Living/ Kitchen/ Dining | 36            | 2      | 21            | 0      | 41.7%  | 100%   |
| W5/ Lower Ground                  | Living/ Kitchen/ Dining | 30            | 1      | 19            | 0      | 36.7%  | 100%   |
| <b>20 Westbourne Terrace Road</b> |                         |               |        |               |        |        |        |
| W1/ Lower Ground                  | Bedroom                 | 20            | 0      | 10            | 0      | 50%    | 0%     |
| W6/ Lower Ground                  | Living/ Kitchen/ Dining | 38            | 5      | 32            | 3      | 15.8%  | 40%    |
| <b>21 Westbourne Terrace Road</b> |                         |               |        |               |        |        |        |

|                            |         |    |   |    |   |       |      |
|----------------------------|---------|----|---|----|---|-------|------|
| W24/ Lower Ground          | Bedroom | 20 | 2 | 12 | 0 | 40%   | 100% |
| W25/ Lower Ground          | Bedroom | 40 | 6 | 32 | 3 | 20%   | 50%  |
| 23 Westbourne Terrace Road |         |    |   |    |   |       |      |
| W12/ Lower Ground          | Bedroom | 25 | 2 | 17 | 0 | 32%   | 100% |
| W13/ Lower Ground          | Bedroom | 38 | 4 | 31 | 2 | 18.4  | 50%  |
| 24 Westbourne Terrace Road |         |    |   |    |   |       |      |
| W2/ Lower Ground           | Kitchen | 43 | 5 | 30 | 2 | 30.2% | 60%  |
| 25 Westbourne Terrace Road |         |    |   |    |   |       |      |
| W24/ Lower Ground          | Bedroom | 19 | 2 | 12 | 0 | 36.8% | 100% |
| W25/ Lower Ground          | Bedroom | 39 | 5 | 32 | 2 | 17.9% | 60%  |

At Nos.14 and 15 Westbourne Terrace Road the proposed development would not cause any material losses of sunlight relative to the existing situation. All sunlight losses would be within tolerances allowed for by the BRE Guidelines.

At No.16 two windows comprising the door to the bedroom would receive a materially reduced amount of sunlight due to the proposed development. However, given the use of the affected room as a bedroom and not a living room, and as the room would continue to receive a comparatively good daylight given the urban location of the site, the level of sunlight loss that would occur would not amount to a ground on which to withhold permission.

The properties at Nos.17 and 18 have not been extended to the rear at lower ground floor level and consequently the positions of the windows to the rear elevation are such that they would not suffer any losses of sunlight in breach of the BRE Guidelines.

At No.19 two windows serving the open plan kitchen/ living/ dining room to the rear of the lower ground floor level flat would suffer material losses in excess of the BRE Guidelines. This living space has limited existing access to winter sun (1 and 2 APSH respectively reaching each window) and therefore the loss of winter sun is not considered to be so significant so as to be objectionable. In terms of annual sunlight loss, this again would be materially reduced, but the living space would retain comparatively good sunlight levels for an urban location. A further consideration is that one of the affected windows (W5) forms part of the rear conservatory, which will in practice continue to be well sunlit due to its glazed roof.

At No.20 two windows would suffer a material loss of sunlight in excess of the BRE Guidelines, one serving a bedroom and one forming part of the conservatory to the rear of the open plan kitchen/ living/ dining area. The bedroom window does not receive any winter sunlight as existing and therefore there would be no loss at this time during the year. There would be a 50% reduction in annual sunlight hours from 20 to 10 APSH, but given this serves a bedroom and not a principal living room, it is not considered that the reduction of sunlight to this window is objectionable. The window serving the open plan

living room/ kitchen/ dining room forms part of the rear conservatory and therefore as at No.19 this space would continue to be well sunlit. Indeed the residual level of sunlight that would be received (32 APSH) would continue to represent a very good level of sunlight in an urban environment.

At No.21 two windows would suffer material losses at lower ground floor level. These windows both serve a bedroom, with one (W25) comprising the rear glazed door and the other (W24) comprising the rooflight in the flat roof over part of the bedroom. Both windows currently receive a very limited amount of winter sun (6 and 2 APSH respectively) and the losses during winter months are therefore limited to a reduction to 3 and 0 APSH, which is not objectionable given the use of the room as a bedroom. The sunlight received by the bedroom door annually would remain at a good level (32 APSH) and therefore in combination with this, the losses suffered by the rooflight, are not objectionable, particularly given these windows serve a bedroom rather than a principal habitable room.

There would be no material losses of sunlight in excess of the BRE Guidelines caused to the rear windows of No.22 Westbourne Terrace Road.

At No.23 two windows would suffer material losses at lower ground floor level. These windows both serve a bedroom. Both windows comprise vertical windows/ doors within the rear elevation. Both windows currently receive a very limited amount of winter sun (2 and 4 APSH respectively) and the losses during winter months are therefore limited to a reduction to 0 and 2 APSH, which is not objectionable given the use of the room as a bedroom. The sunlight received by the bedroom windows/ doors annually would remain at a good level (17 and 32 APSH respectively) and therefore in combination the loss of sunlight within the bedroom would not be so significant so as to warrant withholding permission, particularly as it is a bedroom rather than a living room.

At No.24 one window would suffer a material loss of sunlight in excess of the BRE Guidelines. This window to the rear at lower ground floor level is understood to serve a kitchen. This window only fails the BRE Guidelines due to the reduction of winter sun from 5 APSH to 2 APSH and would continue to be very well daylighted (30 APSH) annually. Given this window serves a kitchen and not a living room, the limited loss of winter sunlight is not considered to be a ground on which permission could be withheld.

At No.25 two windows would suffer material losses at lower ground floor level. These windows both serve a bedroom, with one (W25) comprising the rear glazed door and the other (W24) comprising the rooflight in the flat roof over part of the bedroom (i.e. the same arrangement as at No.21). Both windows currently receive a very limited amount of winter sun (5 and 2 APSH respectively) and the losses during winter months are therefore limited to a reduction to 2 and 0 APSH, which is not objectionable given the use of the room as a bedroom. The sunlight received by the bedroom door annually would remain at a good level (32 APSH) and therefore in combination with this, the losses suffered by the rooflight, are not objectionable, particularly given these windows serve a bedroom rather than a principal habitable room.

There would be no material losses of sunlight in excess of the BRE Guidelines caused to the rear windows of No.26 Westbourne Terrace Road due to the position of this property marginally to the south of the southern end of the proposed development.

At No.3-65 Warwick Crescent two windows would suffer a material loss of sunlight in excess of the BRE Guidelines. These windows both serve a kitchen at ground floor level. The windows are over sailed by balconies above and the BRE Guidelines advise that *“Balconies and overhangs above existing windows tend to block sunlight, especially in summer. Even modest obstruction opposite may result in a large relative impact on the sunlight received”*. Consequently, it is likely that the balconies are contributing to the impact on these windows. Despite this, the windows would continue to receive good levels of winter sunlight, compliant with the BRE Guidelines. It is annually that the levels of sunlight would be reduced in excess of the BRE Guidelines. However, the windows would continue to receive a reasonable level of sunlight (13 and 24 APSh respectively) and given the windows serve a kitchen below an over sailing balcony, the reductions that would be caused are not considered to be objectionable.

### 8.3.3 Cumulative Daylight and Sunlight Impact

The application site is located on the north side of Harrow Road and the elevated Westway (A40). Immediately to the south of the Harrow Road/ Westway corridor is Kingdom Street, within the Paddington Opportunity Area (POA). Sites along Kingdom Street have been fully developed over the last 20 years and existing tall buildings to the south and south east of the site have been modelled in the daylight and sunlight considerations in Sections 8.3.1 and 8.3.2 in this report. The final undeveloped site at the western end of Kingdom Street is known as No.5 Kingdom Street. There is a previously approved and part implemented scheme (basement floors to podium level only) (RN: 97/06935/OUT and 09/08353/RESMAT for redevelopment of the site to provide an office building of 13 storeys in height. During the course of the current application for the Blomfield Mews site a fresh planning application was made for the site at No.5 Kingdom Street. This application proposes the development of that site to provide an office block of 19 storeys (RN: 19/03673/FULL) and this scheme remains under consideration by officers and has yet to be determined. In response to the concerns of neighbouring residents and officer’s regarding the potential cumulative impact of the previously approved and now proposed schemes at No.5 Kingdom Street with the scheme for Blomfield Mews, the applicant has provided a supplementary daylight and sunlight report to investigate the cumulative impact. This assessment has been the subject of reconsultation.

#### Cumulative Daylight Impact

**Table 5 – Applicant’s summary table showing the relative number of windows failing the BRE Guidelines using the VSC and NSL methods of assessment**

| Property              | Baseline                   |                          | Existing v Proposed<br>(Assessment 2) |                          | Existing v Cumulative<br>(13 Storeys) |                          | Existing v Cumulative<br>(19 Storeys) |                          |
|-----------------------|----------------------------|--------------------------|---------------------------------------|--------------------------|---------------------------------------|--------------------------|---------------------------------------|--------------------------|
|                       | VSC Compliance<br>(Window) | NSL Compliance<br>(Room) | VSC Compliance<br>(Window)            | NSL Compliance<br>(Room) | VSC Compliance<br>(Window)            | NSL Compliance<br>(Room) | VSC Compliance<br>(Window)            | NSL Compliance<br>(Room) |
| 3-65 Warwick Crescent | 6/29                       | 15/15                    | 27/29                                 | 15/15                    | 16/29                                 | 14/15                    | 10/29                                 | 14/15                    |
| 14 Westbourne Terrace | 0/5                        | 2/5                      | 5/5                                   | 5/5                      | 4/5                                   | 4/5                      | 3/5                                   | 4/5                      |
| 15 Westbourne Terrace | 6/11                       | 8/9                      | 11/11                                 | 9/9                      | 11/11                                 | 9/9                      | 11/11                                 | 9/9                      |
| 16 Westbourne Terrace | 5/10                       | 8/8                      | 8/10                                  | 7/8                      | 7/10                                  | 7/8                      | 7/10                                  | 7/8                      |
| 17 Westbourne Terrace | 4/8                        | 7/8                      | 7/8                                   | 7/8                      | 7/8                                   | 7/8                      | 7/8                                   | 7/8                      |
| 18 Westbourne Terrace | 6/7                        | 7/7                      | 6/7                                   | 6/7                      | 6/7                                   | 6/7                      | 6/7                                   | 6/7                      |
| 19 Westbourne Terrace | 7/9                        | 5/6                      | 5/9                                   | 5/6                      | 5/9                                   | 5/6                      | 4/9                                   | 6/6                      |
| 20 Westbourne Terrace | 5/8                        | 6/7                      | 6/8                                   | 6/7                      | 6/8                                   | 5/7                      | 4/8                                   | 5/7                      |
| 21 Westbourne Terrace | 10/12                      | 7/7                      | 10/12                                 | 6/7                      | 10/12                                 | 6/7                      | 9/12                                  | 6/7                      |
| 22 Westbourne Terrace | 10/13                      | 8/9                      | 11/13                                 | 8/9                      | 10/13                                 | 6/9                      | 9/13                                  | 5/9                      |
| 23 Westbourne Terrace | 9/14                       | 8/9                      | 11/14                                 | 8/9                      | 10/14                                 | 8/9                      | 10/14                                 | 8/9                      |
| 24 Westbourne Terrace | 5/7                        | 7/7                      | 6/7                                   | 6/7                      | 3/7                                   | 4/7                      | 3/7                                   | 3/7                      |
| 25 Westbourne Terrace | 7/14                       | 7/9                      | 14/14                                 | 9/9                      | 11/14                                 | 7/9                      | 7/14                                  | 7/9                      |
| 26 Westbourne Terrace | 6/9                        | 8/9                      | 9/9                                   | 9/9                      | 3/9                                   | 2/9                      | 1/9                                   | 2/9                      |

(Note 'Baseline' in Table 5 represents the existing situation prior to any development and 'Assessment 2' refers to assessment of the impact of the proposed development with the conservatories to the rear of properties in Westbourne Terrace Road omitted').

The applicant has summarised the cumulative impact in terms of daylight loss in Table 5 and the following paragraphs consider in more detail the degree of impact on each of the neighbouring properties.

Windows on the lower ground floor at the northern end of the Westbourne Terrace Road (between Nos.14 and 21) would experience a very limited cumulative impact, with between 0% and 1.3% additional VSC losses for the implemented 13 storey scheme. The 19 storey scheme would result in greater impact, typically between 0% and 2% additional VSC losses.

At ground floor level to Nos.14 to 21, the majority of windows would experience limited additional losses of between 0.1% and 2.2% when considering the 13 storey scheme and between 0.1% and 3% when considering the 19 storey scheme). One ground floor window in 21 Westbourne Terrace will suffer a slightly larger 5% loss when considered in conjunction with larger scheme and this results in a marginal failure of the BRE Guidelines as the retained VSC value would be 26.4%, marginally below the level of adherence, which is 27%. Nonetheless, this window would remain very well daylight.

At No.22 five lower ground windows will see additional reductions in VSC between 0.3% and 2.1% for the 13 storey scheme and between 0% and 3.1% for the 19 storey scheme. Only one window would suffer the largest 3.1% additional reduction in VSC and this window would retain a residual daylight level of 18.9% VSC, which is good for an urban location.

At ground floor level at No.22 one window would suffer an additional 4.3% VSC loss due to the 13 storey scheme and a 5.4% VSC loss due to the 19 storey scheme. However,

this window would retain a very good level of daylight of 27.2% and 26.1% VSC respectively.

At No.23 seven lower ground windows will see experience additional reductions in VSC (of between 0.1% and 3.4% due to the 13 storey scheme) and between 0% and 4.5% due to the 19 storey scheme. In each case, however, retained VSC values exceed 20%, which is considered to be very good for a dense urban environment.

One ground floor window at No.23 would experience a loss of 5.9% VSC due to the 13 Storey Scheme and a loss of 7.1% VSC due to the 19 Storey Scheme. However, the window would retain 26.4% and 25.3% VSC respectively, both of which represent a very good level of daylight.

At No.24 two lower ground windows would see an additional reduction of between 2.1% and 3.5% VSC due to the 13 storey scheme and between 2.7% and 4.7% VSC due to the 19 storey scheme. One of the two windows have a resultant VSC value in excess of 20%, whilst the other would have a value of 9.9% due to the 13 storey scheme. The 19 storey scheme would reduce the daylight to the second window to 9.3% VSC. However, both window form part of a larger predominantly glazed extension with a rooflight and glazed elevations facing away from the cumulative obstruction on the 5 Kingdom Street site and as such, the overall daylight level within the room would not be so significantly reduced.

One ground floor window at No.24 would see a loss of 6.5% VSC due to the 13 storey scheme and a 7.9% VSC loss due to the 19 storey scheme. The window would though retain a VSC values of 27.8% and 24.6% VSC against the respective schemes and these levels of daylight are either compliant with the BRE Guidelines (i.e. above 27% VSC) or very close to this level, demonstrating that the window would continue to be well daylit.

At No.25 five of the seven lower ground windows would continue to be materially unaffected by the proposed development even when the cumulative impact of the No.5 Kingdom Street schemes is included. The other two windows would see an additional reduction in VSC between 2.6% and 4.4% due to the 13 storey scheme and between 3.4% and 5.7% due to the 19 Storey Scheme. However, one of these windows forms part of a glazed extension where the overall daylight level within the conservatory would not be significantly increased by the cumulative effect, whilst the other serves a bedroom with a rooflight, which would not suffer significant cumulative reduction in the amount of daylight it receives. Accordingly, the overall daylight level within the bedroom would not be significantly reduced by the cumulative impact of the No.5 Kingdom Street schemes.

At ground floor level at No.25 one ground floor window would see a 10.5% VSC reduction due to the 13 storey scheme and a 12% VSC reduction due to the 19 storey scheme. The impact of the schemes in Kingdom Street are more pronounced in this location due to the raised position of the windows at ground floor level and above, where there are less existing obstructions, and as they are much closer to the position of No.5 Kingdom Street. However, despite this proximity, whilst the cumulative effect would be to cause a material loss to this window, it would continue to receive a good level of daylight with a VSC value of 25.1% and 23.6% against the respective No.5 Kingdom Street schemes. The application scheme causes a loss of only 0.3% VSC to this window and

therefore it is important to note that almost all of the loss to this window would be due to the approved and proposed schemes at No.5 Kingdom Street. The 19 storey scheme would cause a further five material losses of daylight at first and second floor levels

At No.26 two lower ground windows would see additional losses of VSC between 1% and 5.3% due to the 13 storey scheme and between 1.5% and 6.6% VSC due to the 19 storey scheme. One of the two windows suffers no loss of daylight at all due to the proposed development in Blomfield Mews and therefore the impact on that window is wholly due to the No.5 Kingdom Street schemes. The other window would suffer some daylight loss due to the Blomfield Mews scheme; however, this would be a significantly less than material loss and it is predominantly the impact of the Kingdom Street schemes that results in this becoming a material loss.

One ground floor window would see an additional loss of 10.7% VSC due to the 13 storey scheme and a 10.9% VSC loss due to the 19 Storey Scheme. However, the window would retain a VSC value of 24.4% and 22.8% against the respective schemes, which is good level of daylight for an urban environment. Again, the additional losses to this property are almost entirely attributable to the cumulative schemes on the No.5 Kingdom Street site and this window suffers only a 5.1% VSC reduction due to the Blomfield Mews scheme (resulting in a VSC reduction from 35.5% to 33.7%). This is therefore another window where the material loss of daylight is predominantly attributable to the previously approved and proposed schemes on the No.5 Kingdom Street site.

The specific effect of the cumulative schemes is also felt on the upper floors due to the proximity of this building with the 13 storey scheme causing a further material loss of daylight to four windows at first and second floor levels and the 19 storey scheme causing material losses to 6 windows between first and third floor level; whereas the application site scheme has no impact on these windows.

In summary, the cumulative daylight loss impacts are most apparent where windows of properties directly face the 'cumulative effect schemes' in Kingdom Street, such as at Nos.3-65 Warwick Crescent and where properties are in much closer proximity to the northern edge of the site of No.5 Kingdom Street (i.e. at the southernmost end of Westbourne Terrace Road). Away from these locations, the cumulative impact is generally more limited, particularly on the lower floor levels long Westbourne Terrace Road where the orientation of the majority of windows means they face away from Kingdom Street and towards the application site. There are also more existing obstructions impacting upon these windows. Accordingly, typically the cumulative impact of the previously approved 13 storey scheme, which remains extant, amounts to circa 1%-3% additional VSC losses. Whilst this additional daylight loss results in some limited additional windows that breach the BRE Guidelines (as summarised in Table 5), the losses are not so significant that the resulting daylight levels would be significantly worse than the impact of the application scheme when considered in isolation (i.e. as in Section 8.3.1).

The impacts of a 19 storey scheme for the site at No.5 Kingdom Street are more pronounced, but follow a similar pattern to that described in the preceding paragraph, particularly in terms of the impact on windows in Nos.3-65 Warwick Crescent and Nos.25 and 26 Westbourne Terrace Road. However, given the 19 storey scheme has

not been approved and remains an application under consideration at the current time, the cumulative impact of this scheme on daylight is not a ground on which to withhold permission. It will though be a relevant and significant consideration in the future assessment of the acceptability of the 19 storey scheme for redevelopment of No.5 Kingdom Street.

### Cumulative Sunlight Impact

**Table 6 – Applicant’s summary table showing the relative number of windows failing the BRE Guidelines using the APSH method of assessment**

| Property              | Baseline                    |                           | Existing v Proposed<br>(Assessment 2) |                           | Existing v Cumulative<br>(13 Storeys) |                           | Existing v Cumulative<br>(19 Storeys) |                           |
|-----------------------|-----------------------------|---------------------------|---------------------------------------|---------------------------|---------------------------------------|---------------------------|---------------------------------------|---------------------------|
|                       | APSH Compliance<br>(Window) | APSH Compliance<br>(Room) | APSH Compliance<br>(Window)           | APSH Compliance<br>(Room) | APSH Compliance<br>(Window)           | APSH Compliance<br>(Room) | APSH Compliance<br>(Window)           | APSH Compliance<br>(Room) |
| 3-65 Warwick Crescent | 15/29                       | 9/15                      | 27/29                                 | 15/15                     | 22/29                                 | 11/15                     | 16/29                                 | 9/15                      |
| 14 Westbourne Terrace | 5/5                         | 5/5                       | 5/5                                   | 5/5                       | 4/5                                   | 4/5                       | 5/5                                   | 5/5                       |
| 15 Westbourne Terrace | 6/9                         | 7/9                       | 9/9                                   | 9/9                       | 9/9                                   | 9/9                       | 8/9                                   | 8/9                       |
| 16 Westbourne Terrace | 10/10                       | 8/8                       | 8/10                                  | 8/8                       | 7/10                                  | 7/8                       | 7/10                                  | 7/8                       |
| 17 Westbourne Terrace | 5/8                         | 5/8                       | 8/8                                   | 8/8                       | 8/8                                   | 8/8                       | 7/8                                   | 7/8                       |
| 18 Westbourne Terrace | 7/7                         | 7/7                       | 7/7                                   | 7/7                       | 7/7                                   | 7/7                       | 7/7                                   | 7/7                       |
| 19 Westbourne Terrace | 7/9                         | 5/6                       | 8/9                                   | 6/6                       | 8/9                                   | 6/6                       | 8/9                                   | 6/6                       |
| 20 Westbourne Terrace | 7/8                         | 7/7                       | 7/8                                   | 7/7                       | 7/8                                   | 7/7                       | 7/8                                   | 7/7                       |
| 21 Westbourne Terrace | 5/8                         | 6/7                       | 6/8                                   | 7/7                       | 5/8                                   | 6/7                       | 6/8                                   | 7/7                       |
| 22 Westbourne Terrace | 9/9                         | 9/9                       | 9/9                                   | 9/9                       | 8/9                                   | 8/9                       | 7/9                                   | 7/9                       |
| 23 Westbourne Terrace | 9/10                        | 8/9                       | 10/10                                 | 9/9                       | 9/10                                  | 9/9                       | 8/10                                  | 8/9                       |
| 24 Westbourne Terrace | 6/7                         | 6/7                       | 7/7                                   | 7/7                       | 6/7                                   | 6/7                       | 6/7                                   | 6/7                       |
| 25 Westbourne Terrace | 7/10                        | 8/9                       | 8/10                                  | 9/9                       | 8/10                                  | 9/9                       | 6/10                                  | 7/9                       |
| 26 Westbourne Terrace | 8/9                         | 8/9                       | 9/9                                   | 9/9                       | 8/9                                   | 8/9                       | 7/9                                   | 7/9                       |

Cumulative assessment of the impact on sunlight reaching neighbouring windows has also been undertaken and is set out in Table 6.

The additional occurrences of material losses of sunlight resulting from the cumulative impact of the previously approved scheme for a 13 storey building at No.5 Kingdom Street, which remains extant, are limited (i.e. comparison of the green and blue ‘window’ columns in Table 6. In the case of most buildings the additional material losses are limited to a single window and therefore given each building is sub-divided into multiple flats, the number of dwellings suffering any significant cumulative material sunlight loss would be extremely limited. The cumulative impact with the 13 storey scheme would not therefore warrant withholding permission on loss of sunlight grounds.

The impacts of a 19 storey building on the site at No.5 Kingdom Street are more significant in terms of the numbers of windows receiving a BRE Guidelines compliant level of sunlight. Most notably a greater number of windows in Nos.3-65 Warwick Crescent and to the southern end of the terrace on the east side of Westbourne Terrace Road would be affected. However, it is evident from the locations where the impact of the cumulative effect of the schemes is felt that the significant majority of the overall

impact would be caused by the proposed 19 storey building on the Kingdom Street site and not the development on the application site. Given this, and as the 19 storey scheme has not been approved and remains an application under consideration at the current time, the cumulative impact on sunlight with this scheme is not a ground on which to withhold permission. It will though be a relevant and significant consideration in the future assessment of the acceptability of the 19 storey scheme for redevelopment of No.5 Kingdom Street.

#### 8.3.4 Garden Overshadowing

The BRE Guideline advises that when designing new garden or amenity areas, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. When considering the impact of proposed development on an existing garden or amenity area, the BRE Guidelines recommend that if the of sunlight reaching the affected garden areas falls below the aforementioned level on 21 March and is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

**Table 5 – Loss of Sunlight to Garden Areas from Overshadowing**

| Property No. in Westbourne Terrace Road | Area Receiving 2+ hours of sunlight on 21 March (%) |          | % Loss |
|---|---|----------|--------|
|   | Existing  | Proposed |        |
| 15                                      | 22.2  | 22.2     | 0%     |
| 16                                      | 23.3  | 22.8     | 2%     |
| 17                                      | 44.8  | 43.3     | 3%     |
| 18                                      | 45  | 42.6     | 5%     |
| 19                                      | 37.9  | 32.7     | 14%    |
| 20                                      | 17.8  | 17.6     | 1%     |
| 21                                      | 60.3  | 53       | 12%    |
| 22                                      | 44.5  | 41       | 8%     |
| 23                                      | 69.3  | 65.6     | 5%     |
| 24                                      | 62  | 58.2     | 6%     |
| 25                                      | 68.1  | 65.1     | 4%     |
| 26                                      | 3.9   | 3.9      | 0%     |

As set out in Table 5, less than half of the garden areas of Nos.15, 16, 17, 18, 19, 20, 22 and 26 do not currently receive two or more hours of sunlight on 21 March. However, despite this, the level of sunlight loss caused by overshadowing from the proposed development would be relatively limited and in all cases below the 20% loss threshold set out in the BRE Guidelines. Whilst there may be some impact on the communal gardens of Nos.3-65 Warwick Crescent, given the large size of the communal garden as a whole, there would be no significant overshadowing impact on this garden. Accordingly, the overshadowing impact of the development on existing garden areas to the east and west of the site would be acceptable and in accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

#### 8.3.5 Sense of Enclosure

Policy ENV13 in the UDP states that *'Developments should not result in a significant increase in the sense of enclosure... or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use'*. Policy S29 in the City Plan states *'The Council will resist proposals for that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment'*.

The proposed development would introduce a taller built form on to the application site to replace the existing single story garages, which are no higher than the existing boundary walls and fences to the rear of properties in Westbourne Terrace Road and Warwick Crescent. Consequently, the increased height and bulk of the proposed redevelopment of this site will have an impact on the degree of enclosure experienced by the occupiers of neighbouring residential properties.

At the northern end of the site the scheme includes the provision of a basement, ground and four upper storey townhouse against the end elevation of Nos.3-65 Warwick Crescent. The end elevation is a blank elevation without fenestration and therefore the height of the townhouse would not cause an increase in enclosure to the occupiers of Nos.3-65 Warwick Crescent. The western flank elevation of the proposed townhouse would be 6.3m from the rear of No.15 Westbourne Terrace Road at lower ground floor level, 9.5m at ground level, where both buildings step back from their respective side of their shared boundary and 10.6m on the upper floors, owing to a further set back of the western flank of the proposed townhouse.

The mews houses at the northern end of the site, to the rear of Nos.16 to 20, would be three storeys in height, with the top floor designed as a mansard type form, set behind the roof edge parapet. These mews houses would be approximately 7.6m from the rear of those properties that have extensions at lower ground floor level and 11m from the rear elevations of the upper floors of properties in Westbourne Terrace Road.

The central block at the entrance to the mews (to the rear of Nos.20 and 21 Blomfield Mews) would be approximately 11.2m from the main rear elevation of No.20 and circa 8.5m from the rear of the lower ground floor rear extension of No.20.

To the southern end of the site, to the rear of Nos.21 to 26 Westbourne Terrace Road, the scheme would comprise a three storey block with the top storey designed in a mansard form set behind the roof edge parapet. The southern block would be set back 2.5m from the boundary with the rear gardens of these properties and would be approximately 13.3m from the rear elevations of properties in Westbourne Terrace Road. It would set back circa 10.5m from those properties that have extensions at lower ground floor level.

At present properties in Westbourne Terrace Road generally enjoy a very good south easterly outlook in views from their rear elevation windows owing to the limited built form of the structures on the application site and beyond to the east of the site. The existing degree of enclosure is slightly greater to the northern end of the site where views from the rear of Nos.14 and 15 are curtailed by the flank elevation of Nos.3-65 Warwick Crescent and to the south of the site, where the raised deck of the fire station and other fire station structures are visible in the mid ground in views to the rear of Nos.21 to 26.

The proposed development would increase enclosure to the occupiers of flats in Nos.14 to 26 Westbourne Terrace Road, with the proposed development rising two storeys in height above the rear boundaries of these properties. To the northern end of the site the mews houses would be set back approximately 4m from the boundary with properties in Westbourne Terrace Road. To the southern section of the mews, the proposed development would be set back approximately 2.5m from the rear boundaries. The set backs would serve to reduce the sense of enclosure to a degree, but the impact would be such that it would have a noticeable adverse impact on existing levels of outlook to the rear of flats in Westbourne Terrace Road, particularly flats at lower ground floor level.

The increase in enclosure caused to Nos.14 and 15 Westbourne Terrace Road by the townhouse at the northernmost end of the site, facing Warwick Crescent, would be significant, but within acceptable tolerances at ground floor level and above, due to the existing proximity of the end elevation of Nos.3-65 Warwick Crescent. The relationship with the lower ground floor flat at No.15, which has been extended to the rear would be more severe owing to the proximity of the townhouse to the rear elevation of the flat (6.3m) and the significant height of the proposed townhouse. The townhouse would therefore result in a material increase in enclosure to this lower ground floor flat.

### 8.3.6 Privacy

In terms of overlooking towards properties in Westbourne Terrace Road, along the northern section of the mews, the number and scale of window openings and terraces would be extremely limited. The townhouse at the northern end of the site would have a blank western flank wall with only one vertical window at first floor level which would offer a restricted southerly view along the new mews and not towards the windows of properties in Westbourne Terrace Road. The first floor of the townhouse would be predominantly lit via rooflights to limit the need for windows in the side and rear elevations. The townhouse is proposed to have a roof terrace to the rear above first floor level; however, this would be screened to the western and eastern sides to prevent overlooking towards windows and gardens in Westbourne Terrace Road and the windows of properties in Nos.3 to 65 Warwick Crescent. It is recommended that the screens are to be secured by condition.

The three mews houses and flats to the northern end of the mews (to the north of the entrance to the mews behind Nos.16 to 20 Westbourne Terrace Road, would only have high level windows to the western elevation facing the mews where windows served rooms within these flats and houses. Within the mews houses all the high level windows would serve bathrooms. The habitable rooms within the proposed flats, which would be served by high level windows, would also have fall height windows and doors offering outlook to the south east over the communal gardens of Nos.3 to 65 Warwick Crescent. Given the south easterly orientation of these windows, doors and associated terraces they would not cause a material increase in overlooking to the rear windows of properties in Nos.3-65; albeit this is subject to the northern end of the proposed terraces being fitted with appropriately detailed privacy screens, which it is recommended are secured by condition. Stained glass windows are proposed to the west facing windows servicing the staircases within the mews houses and the block of flats and this would serve to obscure the presence of occupier using these staircases in views from

properties in Westbourne Terrace Road. Given these are transient spaces where people do not tend to remain for any length of time, it is considered that the use of stained glass is sufficient to mitigate the sense of overlooking that may be caused by the staircase windows.

The flats within the central block at the entrance to the mews, to the rear of Nos.20 and 22 Westbourne Terrace Road employ differing architectural devices to the northern section of the development to mitigate and reduce the potential for overlooking. This is necessary as the central and southern parts of the application site adjoin the western boundary of Paddington Fire Station to the rear where windows cannot be provided due to the height of the existing wall of the fire station at first floor level and the potential for noise disturbance to the proposed flats from the general use and operation of the station including periodic noisier activities such as car cutting.

The central block has living windows at first and second floor level set within a series of folds in the front elevation which enable the windows to be south west facing, thereby angling the windows away from the rear of No.20 Westbourne Terrace Road and lessening the extent to which these windows give rise to the perception of overlooking. Screens are also proposed to the sides of these windows to further reduce the extent to which they give rise to overlooking. Other than these windows, only 4 other windows serve habitable rooms in the central block. These windows serve 2 bedrooms, one at first floor level and one at second floor level. These are currently arranged as a full height window and full height door with Juliet balcony on each floor. The doors are positioned such that they would face the entrance to the mews and would be flanked by screening 'fins' to match the windows within the folded section of the façade. The position and design of the doors and associated fins would be sufficient to avoid significant overlooking to the neighbouring properties at Nos.20 and 21 Westbourne Terrace Road. The bedroom windows would though, due to their size and position to the rear of No.20, the bedroom windows are of greater concern in overlooking terms. As such, an amending condition is recommended to require the windows to be redesigned to comprise window openings with clear glazing only to their upper half with opaque glazing/ a solid spandrel panel to the lower half. The recommended condition would be sufficient to ameliorate the degree to which these windows could give rise to overlooking to the occupiers of No.20.

There is a set of windows/ doors and a balcony to the rear of the central block at both first and second floor levels. These would offer distant views towards the rear of Nos.3-65 Warwick Crescent, across the communal gardens. However, the windows/ doors and balconies would be some 37m from windows in the rear of elevation of Nos.3-65 and at this distance the degree of overlooking caused would not be so significant so as to warrant withholding permission.

To the southern section of the mews a further set of architectural devices are used to seek to ameliorate the impact of the proposed development on the privacy of the occupiers of Nos.21 to 26 Westbourne Terrace Road. This section of the mews would be set back 2.5m from the prevailing rear boundary line of the properties in Westbourne Terrace Road at first and second floor level, where the proposed development would be visible above the existing brick and fence rear boundary treatments. This is with the exception of No.24 where the original garage within the mews has been demolished and replaced with an extension of the garden area to that property.

At first floor level all but one window would comprise high level windows. The one window that would not be limited to high level would be a secondary window to a living room and this would be obscure glazed. A condition is recommended to ensure it is obscure glazed and fixed shut. The doors proposed from living rooms at first floor level would all open on to terraces, which would be enclosed by 2m high timber slatted privacy screens. These screens would alleviate overlooking from both the doors and the terraces. A condition is recommended to reserve details of these screens to ensure they are appropriately designed to prevent overlooking and to ensure they are installed prior to occupation and thereafter permanently retained.

At second floor level doors on to terraces are proposed to flats 16, 17 and 18. Whilst these are marginally further recessed from the rear of properties in Westbourne Terrace Road than those at first floor level, they still offer the potential for overlooking, particularly to overlooking and therefore a condition is recommended to require the introduction of a limited screen (for example to screen persons sitting on these terraces) so as to mitigate the extent to which these doors and terraces cause overlooking. On plan the windows proposed to bedrooms and the window to the communal hallway are all small in scale such that they would not cause significant overlooking. However, the bedroom windows to flats 16 and 17 appear larger in elevation and an amending condition is recommended to ensure the windows are more limited in size (i.e. a single pane in width) as shown on plan.

### **8.3.7 Other Amenity Impacts and Amenity Summary**

The proposed development would introduce a number of terraces and balconies along the length of the mews. These are though of limited scale and would be screen appropriately in terms of overlooking as set out in Section 8.3.3. Due to their limited size the terraces and balconies are unlikely to be capable of accommodating large groups of people and thus the impact from their use in terms of noise is not considered to be so significant so as to warrant refusal. Accordingly, in this regard the proposals would be consistent with Policy ENV6 in the UDP and S32 in the City Plan.

For the detailed reasons set out in Section 8.3 and its subsections, the proposed development is considered to have a material impact on neighbouring occupiers in terms of its impact on the level of daylight reaching properties at lower ground floor level Westbourne Terrace Road and in terms of the sense of enclosure that would be caused to the lower floors of properties in Westbourne Terrace Road. However, as set out elsewhere in this report and as summarised in Section 2, it is considered that the material losses of amenity to neighbouring occupiers that have been identified, which are contrary to Policies ENV13 in the UDP and Policy S29 in the City Plan, are not so significant in this case that they outweigh the public benefit derived from the redevelopment of this site in the form proposed to provide both market and affordable housing. Accordingly, the impacts on the amenity of neighbouring occupiers are considered to be acceptable, subject to the mitigation measures to be secured by condition, and the securing of the wider public benefits of the scheme via a S106 agreement.

## **8.4 Transportation/ Parking**

### 8.4.1 Car Parking

The Highways Planning Manager objects to the loss of the existing garages on basis that their loss is likely to increase the pressure on on-street residents' parking in the vicinity of the site. The applicant has identified that currently 10 of the 28 garages are let. It is unclear how many of the 10 let garages are being used to park vehicles of local occupiers, rather than being used alternatively for general storage or for the storage of vehicles of persons living more remotely from the application site. As such, on the basis of their current usage levels, which is influenced by the poor condition of many of the garages, the redevelopment of the site has the potential to increase demand for on-street parking in the vicinity by up to an additional 10 vehicles. However, this additional demand, should it arise, could be accommodated on street as neither the overnight occupancy of residents' on-street parking spaces (67%), nor the daytime occupancy of on-street residents' parking spaces in the vicinity (74%) have reached the level of serious deficiency (80%) that is identified in Policy TRANS23 in the UDP.

The proposed development would deliver 18 units, served by 9 on-site car parking spaces. Census data indicates that 33% of households in the Westbourne Ward own one or more car and therefore it is likely that the development would increase demand on on-street parking by circa 6 spaces, assuming those with cars within the development have access to the parking spaces provided. Three of the on-site spaces are to be allocated to the larger family sized units to the northern end of the development and it is more likely that these units will have occupiers who are car owners. The remaining 6 spaces are to be provided for occupiers of the smaller intermediate affordable flats to the southern end of the site. This approach is likely to maximise the likelihood of on-site parking being provided to occupiers with cars. Furthermore, the applicant has offered to provide lifetime (25 year) car club membership for each unit within the development to seek to further reduce car ownership among occupiers of the development.

The existing on-street residents' parking occupancy levels are such that the cumulative impact of the loss of the existing garages and the potential additional vehicles generated by the proposed development can be accommodated on street in the vicinity. As such, despite the concerns of the Highways Planning Manager in respect of the loss of the existing garages, the proposal would accord with Policies STRA25, TRANS21 and TRANS23 in the UDP. Conditions are recommended to ensure the provision and retention of the 9 on-site parking spaces for the occupiers of the development, and to ensure 20% of the spaces have active provision of electric charging points and 20% have passive provision. It is also recommended that the provision of lifetime car club membership is secured via the S106 agreement.

TfL have objected to the scheme on the basis the on-site parking would promote car use and therefore would increase congestion on the nearby Transport for London Road Network and Strategic Road Network. However, given the limited scale of the proposed development and as it would replace 28 garages on the site with 9 parking spaces, it is not considered that there would be any net increase in vehicle movement on the surrounding road network. As such, the ground for objection by TfL is not supported and a Travel Plan is not required for a wholly residential development of this limited scale.

### 6.4.2 Cycle Parking

The London Plan Policy 6.9 requires 1 cycle parking space per 1 bedroom residential unit and 2 spaces per 2 plus bedroom unit and this equates to 25 cycle parking spaces in this case. The scheme includes the provision of 32 cycle parking spaces, which would be secure and weather proof and therefore the level of cycle parking provision is considered to be acceptable and compliant with the London Plan policy. A condition is recommended to ensure the provision and retention of the cycle parking.

### 6.4.3 Vehicle Access

Objection has been raised on grounds that the access arrangements to the site from Westbourne Terrace Road would present highways safety concerns due to the proximity of on-street parking spaces to the junction and the resultant impact this would have in terms of visibility at the junction for road users and pedestrians alike. However, the proposed development would not change the existing vehicle access from Westbourne Terrace Road and the vehicle movements generated by the 9 residential parking spaces proposed would not be greater than could be generated by the 28 garages currently on the application site. As such, the proposed development would not materially worsen the safety of pedestrians or vehicular traffic at the junction between Westbourne Terrace Road and Blomfield Mews relative to the existing situation and therefore the proposal is considered to accord with Policies TRANS2 and TRANS3 in the UDP and Policy S41 in the City Plan.

Within the site the internal vehicle manoeuvring areas for the residential car parking are considered sufficient to enable the functional use of the space. The vertical clearance height of 2.4 metres is provided through the site to the London Fire Brigade's undercroft parking area below the Harrow Road Fire Station is greater than the 2.27m clearance height at the existing entrance to the undercroft from Blomfield Mews and is therefore not objectionable and would not prejudice the size of vehicle that could use the undercroft relative to the existing situation. It is noted that the London Fire Brigade have not objected to the proposed access arrangements.

### 6.4.4 Servicing

The submitted vehicle tracking demonstrates that the development could be suitably serviced off-street via the existing entrance to the mews from Westbourne Terrace Road. As this is a residential development of limited scale, the principal servicing activity will be refuse and recycling collections.

The proposal includes refuse storage for the residential units. The Waste Project Officer has raised some concerns regarding the detail of the waste collection strategy. These are principally that the bins are not indicated and labelled 'R' and 'W' on the drawings to demonstrate that the bin stores are of sufficient size to accommodate the predicted refuse volumes and as it is unclear who will be responsible for moving the waste and recycling from the separate waste stores within the development to the central collection point. To resolve these issues a condition is recommended that requires the waste storage capacity and for the collection arrangements to be clarified. An informative is recommended advising the applicant that an operative acting on behalf of the owner/ managing agent for the development should be appointed to collect the bins from the waste stores and move them to the refuse collection position.

Subject to the condition recommended above, the proposed development would accord with Policies ENV12 and TRANS20 in the UDP and Policy S42 in the City Plan.

## **8.5 Economic Considerations**

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

## **8.6 Access**

All of the units within the development would be designed to be compliant with M4 (2) of the Building Regulations so that they would be 'accessible and adaptable dwellings'. Policy 3.8 in the London Plan seeks 10% of units to be compliant with M4(3) of Building Regulations, so that these units are 'wheelchair user dwellings'. However, in this case no wheelchair user dwellings are proposed. This is due to the omission of a lift from the central and southern blocks within the development and as a result of the level change between the blocks and the public highway in Westbourne Terrace Road. The lift was omitted from earlier iterations of the scheme to remove the previously proposed lift overrun, which added further bulk at roof level, and to allow the proximity of the central block to the rear of properties in Westbourne Terrace Road to be increased by 0.7m. Therefore, whilst the lack of provision of wheelchair accessible dwellings within this development is regrettable, due to the constraints of the site and the wider public benefit it will deliver in terms of affordable housing delivery, it is not considered that this is a ground on which permission should be withheld.

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

### **8.7.1 Energy Strategy/ Sustainability**

The proposed energy strategy would be compliant with Policy 5.2 in the London Plan and Policy SI2 in the draft London Plan (July 2019). The strategy would deliver a 11.8% reduction in CO2 emissions relative to 2013 Building Regulations Target Emissions Rate through energy efficiency measures, with a further 30.9% reduction achieved through the provision of a photovoltaic panel array consisting of 77 panels at roof level. This would deliver an overall reduction in CO2 emissions of 42.7%. In accordance with the London Plan and the Mayor's Energy Assessment SPG, the shortfall in achieving zero carbon emissions is to be met via a financial contribution of £26,388 to the Council's Carbon Off-Setting Fund. It is recommended that the financial contribution is secured via the legal agreement prior to the commencement of development.

### **8.7.2 Trees and Landscaping**

The alignment of the northern end of the development and the gardens associated with the three proposed mews houses would result in the loss of some of the current private open space for occupiers of Nos.3-65 Warwick Crescent. The western end of the private communal open space currently comprises a mix of soft landscaped space and a hard landscaped area (a former 'ball court') and the proposal would affect a 4 metre wide strip along the existing western boundary of the private communal garden to the rear of the three proposed mews houses. All public and private open space is protected by Policy ENV15 in the UDP and Policy 35 in the City Plan.

However, the 4m wide strip would almost entirely remain as private open space; albeit its function would alter to become private open space serving the three mews houses, rather than serving the occupiers of Nos.3-65 Warwick Crescent. The proposed development requires the removal of three prominent mature lime trees from the private communal gardens to the rear of 3-65 Warwick Crescent to enable the 4 metre strip to be used as private gardens and to enable the mews houses to be constructed on the existing garages. As identified by the Arboricultural Manager, the Lime trees make a positive contribution to the visual amenity of this part of the Maida Vale Conservation Area and contribute to the prevailing character of the conservation area, which is characterised by residential buildings or blocks set within mature landscaping.

To mitigate the marginal loss of private open space and the loss of the three Lime trees, the application includes proposals to enhance the remaining private communal open space to the rear of Nos.3-65 Warwick Crescent. The enhancement works include works to repurpose the existing redundant hand landscaping so that it forms part of a coherent landscaping scheme for the western end of the garden area, install a rose garden, provide a wildflower garden, improve pathways and introduce new tree planting (9 new trees).

Despite the replacement planting proposed, the Arboricultural Manager has concerns regarding the loss of the mature Lime trees and their removal, if considered in isolation of the wider public benefits of the proposed development, would be unacceptable due to the adverse impact on the visual amenity of this part of the Maida Vale Conservation Area. However, having regard to the wider public benefits of the scheme, including housing delivery and affordable housing provision, the loss of the trees is considered to be justified. The loss of the trees would be further mitigated by the provision of 9 replacement trees within the proposed relandscaping scheme for the private communal gardens to the rear of Nos3-65 Warwick Crescent. The replacement trees are proposed to be a combination of fruit trees, Himalayan Birch, Bird Cherry and Amelanchier Lamarckii. The number and position of each tree type is not clear and therefore it is recommended that the final choice of tree species is reserved by condition to ensure the replacement planting adequately mitigates the loss of the Limes in terms of their future contribution to the visual amenity of the area. A condition is recommended to secure the replacement tree planting, including amended tree species, and enhanced landscaping within 6 months of occupation of the development.

Subject to the recommended condition the proposed landscaping works and replacement tree planting proposed are considered to deliver sufficient enhancement of the open space under Part (B) of Policy ENV15, ENV16, ENV17, S35 and S38 to mitigate the loss of private communal open space to private open space and the loss of the existing Lime trees. A condition is recommended to ensure the delivery of the landscaping enhancement works within 6 months of the occupation of the development.

To the west of the site there are small trees in the rear gardens of Westbourne Terrace Road, which the Arboricultural Manager notes may be affected in the proposed development. The arboricultural report recommends pruning some of these trees back to the property boundary, which whilst not ideal in visual amenity terms, is not unacceptable given the limited size and species of these trees as this is unlikely to have a long term impact on their health.

The Arboricultural Manager has expressed concern at the landscaping proposals for within Blomfield Mews within the development due to the lack of substantive planting. However, there is no landscaping within the mews in its current configuration as garages and it is not uncommon for mews to be entirely hard landscaped. In this context the use of planting in pots and a small 1m x 1m planting bed is considered to be acceptable. Details of the planting to be provided is recommended to be secured by condition, with the expectation that the planting would be 'drought resistant' planting to address the Arboricultural Manager's concerns that the use of pots and planters that are not connected to ground soil would be overly reliant on watering.

### **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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. The responses to Regulation 19 consultation are currently under consideration.

In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in paragraph 48 of the NPPF, it will generally attract very limited weight at this present time.

### **8.9 Neighbourhood Plans**

There are no emerging or adopted neighbourhood plans for area within which the application site is located.

### **8.10 London Plan**

The application does not raise any strategic issues and is not referable to the Mayor of London.

The currently adopted version of the London Plan was adopted in March 2016 and forms part of the development plan for Westminster. The Mayor is currently in the process of adopting a new London Plan (the 'draft new London Plan') and the draft new London Plan will accrue increasing material weight as it progresses towards adoption in accordance with Paragraph 48 in the NPPF. The draft new London Plan was the subject of formal consultation between December 2017 and March 2018. The Mayor then published consultation responses on the draft new London Plan and a 'Draft New London Plan showing Minor Suggested Changes' on 13 August 2018. The Examination in Public for the draft new London Plan began on 15 January 2019 and ended in May 2019. The Mayor published an updated version of the draft London Plan titled 'the Draft London Plan – Consolidated Suggested Changes Version July 2019' The 'consolidated' version of the London Plan shows all of the Mayor's suggested changes following the

Examination in Public (EiP) of the draft Plan. The EiP Panel report is due in summer/autumn 2019, after which the draft new London Plan may be adopted.

### **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 the following:

- Details of adherence with the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development.
- Details of a contaminated land investigation to ensure mitigation measures are introduced in the event of any contamination being identified.

Officers will confirm verbally whether the applicant has agreed to the imposition of these pre-commencement conditions.

### **8.12 Planning Obligations**

The draft 'Heads of Terms' for inclusion in the unilateral undertaking to be completed prior to the issue of planning permission are proposed to cover the following issues:

- i. Notice of commencement of development.
- ii. Provision of on-site affordable housing prior to occupation of the market residential units, to the quantum, mix, tenure and affordability set out in Section 8.1 of this report and subject to an early stage review process.
- iii. Provision of lifetime (25 year) car club membership for all affordable units.
- iv. Provision of a financial contribution of £26,388 (index linked) to the Carbon Off-setting Fund.
- v. Costs of monitoring the agreement (£500 per head of term).

The development is liable to pay the Mayoral and Westminster CIL. The estimated Mayoral CIL payment would be circa £182,000, whilst the estimated Westminster CIL payment would be circa £910,000. It should be noted though that the affordable housing within the scheme would be likely to be eligible for CIL relief and therefore the actual CIL liability is likely to be significantly lower than these figures due to 14 of the 18 residential units being provided as affordable housing, if relief is sought and obtained subsequent to planning permission being granted.

### **8.13 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental issues have been considered in other sections of this report.

#### **8.14 Other Issues**

The impact of construction is to be controlled by the use of conditions to control the hours of construction works and to require the development to be carried out in accordance with the City Council's Code of Construction Practice, which includes monitoring of the construction works by the Environmental Inspectorate, to ensure compliance with the Code, at the applicant's expense.

Thames Water have requested a condition to ensure necessary work is carried out to the water network to accommodate the additional flows or alternatively to require a housing and infrastructure phasing plan. The condition has been included on the draft decision letter to ensure the capacity of the sewerage infrastructure can accommodate the additional demand from the proposed development.

(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



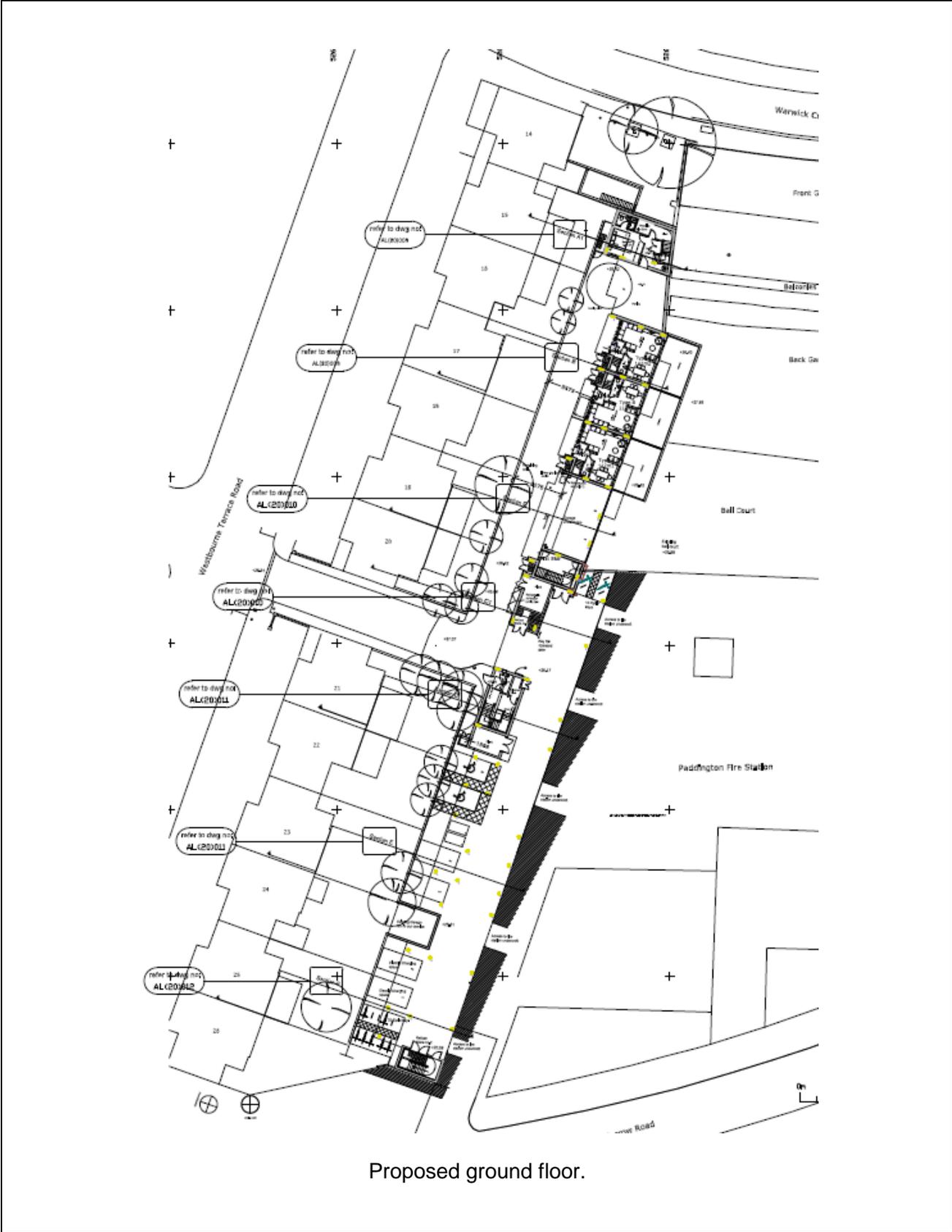
Elevation of central block as seen from entrance to mews from Westbourne Terrace Road (top) and proposed front elevation of townhouse from Warwick Crescent (bottom).



Aerial view of proposed mews from southern end of site looking north (top) and aerial view of southern end of the site from above the entrance to the mews from Westbourne Terrace Road (bottom)



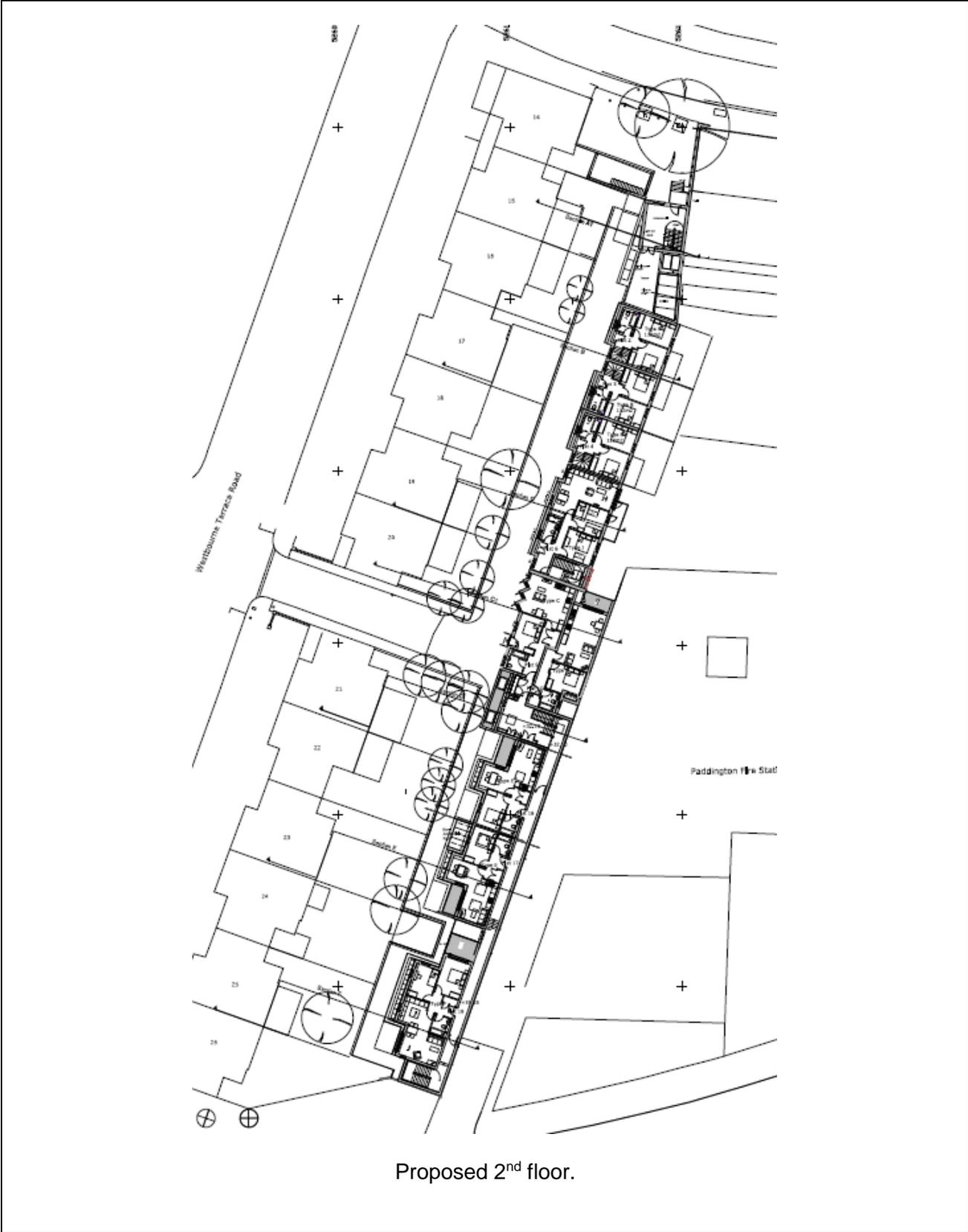
View of proposed rear elevation of northern end of the mews facing the private communal gardens of Nos.3-65 Warwick Crescent (top) and view north along northern end of mews (bottom)



Proposed ground floor.



Proposed 1<sup>st</sup> floor.



Proposed 2<sup>nd</sup> floor.



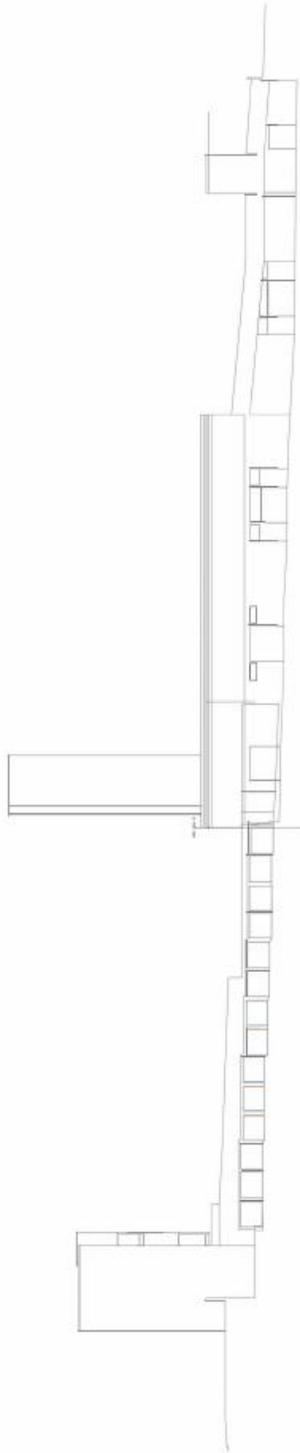
Proposed 3<sup>rd</sup> floor.





First Floor Plan (street level)

Proposed first floor plan showing affordable housing units in red and green, market mews houses in yellow and market townhouse in blue.



Elevation 4

Front Elevation  
As Existing



Elevation 4

Front Elevation  
Proposed

Existing (top) and proposed (bottom) front (west) elevations.



Existing (top) and proposed (bottom) rear (east) elevations.



Side Elevation C - North  
As Existing

Side Elevation D - South  
As Existing

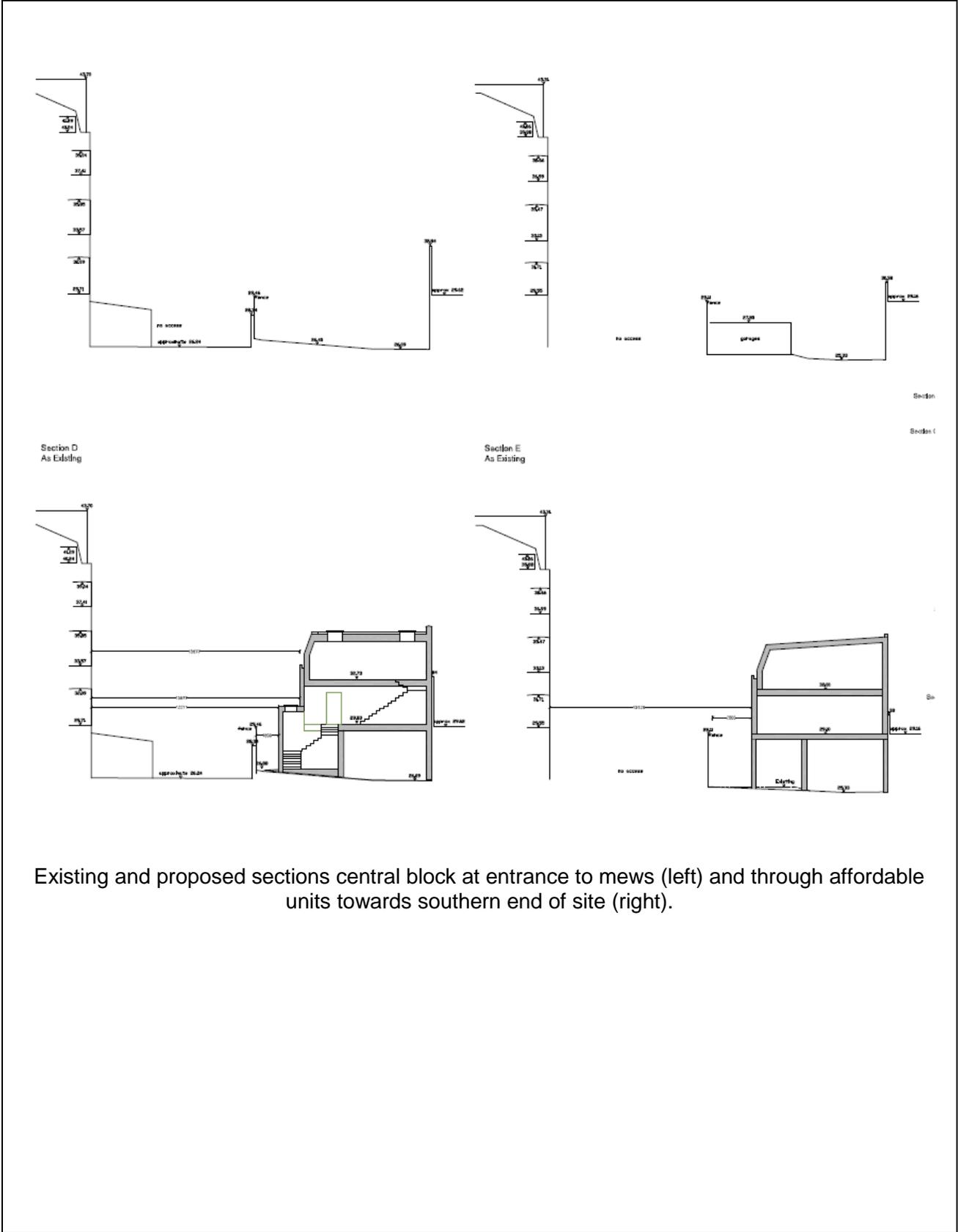


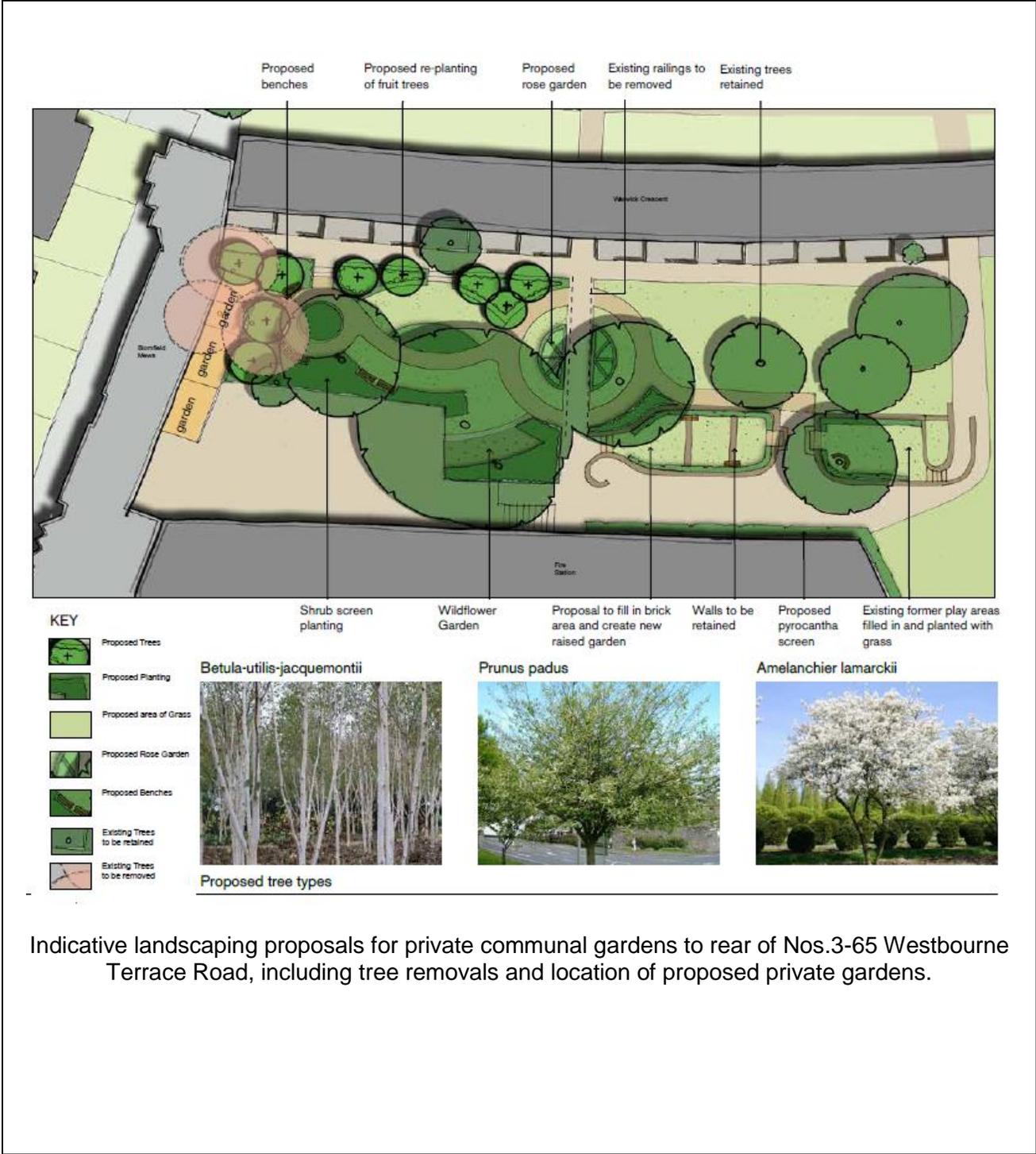
Side Elevation C - North  
Proposed

Side Elevation D - South  
Proposed

Existing (top) and proposed (bottom) north and south elevations from Warwick Crescent and Harrow Road respectively.







Indicative landscaping proposals for private communal gardens to rear of Nos.3-65 Westbourne Terrace Road, including tree removals and location of proposed private gardens.

**DRAFT DECISION LETTER**

**Address:** Blomfield Mews, London

**Proposal:** Demolition of 28 single storey garages and erection of replacement three storey buildings, with the exception of one building comprising four storeys fronting Warwick Crescent and two lower floors to connect with the mews, to provide 18 residential units comprising 4 dwellinghouses and 14 flats (Class C3), car parking spaces and waste and cycle storage. Reconfiguration of communal landscaping of gardens to the rear of Warwick Crescent including removal of 3 trees.

**Plan Nos:** (00)010, (00)020, (00)040 A, 02, 03, (20)001 F, (20)002 N, (02)003 L, (20)004 J, (20)005 J, (20)006 J, (20)007 C, (20)009 D, (20)010 C, (20)011 B, (20)012 C, (20)400 C, (20)410 D, (20)420 C, (21)001 J, (21)002 J, (21)003 I, (21)004 K, (21)005 I, 21.005.1 I, (21)006 J, (21)007 J, (21)008 I, (21)009 I, (21)010 C, (21)400 D, (21)401, (21)402, (21)410 D, (21)420 C, (21)430 D, (21)440 C, (21)450 C, (21)460 D, (21)470 C and 06-648-102 G. Design and Access Statement dated January 2019, Planning Statement dated December 2018, Transport Assessment dated December 2018, Heritage Statement dated December 2018, Tree Survey Report dated November 2018, Daylight and Sunlight Assessment dated 09/11/18, Internal Daylight and Sunlight Assessment dated 30 October 2018, Daylight and Sunlight Overshadowing Impacts on Neighbours report dated 12 April 2019, Addendum Daylight and Sunlight Assessment (Cumulative Impact) dated 15/07/19, Energy Assessment dated November 2018 (Rev.D), Noise Impact dated 14 December 2018 (ref: J0405\_R01B), Assessment Air Quality Assessment dated 13 December 2018 (as supplemented by email from Maddox Associates dated 16 April 2019), Surface Water Drainage Strategy dated November 2018, Utilities Assessment Statement dated January 2018 (ref: RB/CC/P17-1360/05) and UXO Risk Assessment.

**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 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 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Maida Vale 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 apply to us for approval of detailed drawings of the following parts of the

development:

- (a) Railings to the front elevation of the townhouse.
- (b) Louvred screens to balconies.
- (c) Windows and doors
- (d) Sliding vehicular gate to parking area at southern end of the site.
- (e) Balconies to rear elevation.
- (f) Entrance stairs and railings to townhouse.
- (g) The folded facade at first and second floor levels to the central block within the mews.
- (h) Stained glass windows.

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 Maida Vale 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)

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale 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)

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

investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

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

Phase 1: Desktop study - full site history and environmental information from the public records (submitted with application and therefore no further information required for this phase).

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

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

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

(C18AA)

Reason:

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

(R18BA)

- 9
- (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)

- 10 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)

- 11 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure

and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 12 You must install the mechanical ventilation with heat recovery (MVHR) systems to each flat in accordance with the specifications set out in Section 7.2 of the Noise Impact Assessment dated 14 December 2018 (ref:J0405\_R01B) prior to occupation of each of the flats. Thereafter the MVHR system for each flat must be permanently retained and maintained over the lifetime of the development.

Reason:

To ensure the building provides an acceptable internal living environment in accordance with S28, S29, S31 and S32 in Westminster's City Plan adopted in November 2016, ENV6 in the Unitary Development Plan adopted in January 2007 and Policies 5.9 and 7.14 in the London Plan (March 2016).

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

Reason:

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

- 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 Prior to occupation of the development you must provide 20% of the parking spaces within the development with active electric vehicle charging points and a further 20% of the spaces must have passive provision for future electric vehicle charging points. Thereafter the electric vehicle charging points must be permanently retained.

Reason:

To provide electric vehicle charging in accordance with Policy 6.13 in the London Plan (March 2016).

- 16 Notwithstanding the details submitted in your application, you must apply to us for approval of details of how waste is going to be stored on the site, including labelling of all bins to demonstrate sufficient capacity will be provided and the provision of a strategy to demonstrate who will be responsible for moving the bins to their collection 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 waste stores in line with the approved details, and clearly mark them and make them available at all times to everyone occupying the flats and houses. You must not use the waste stores for any other purpose.

Reason:

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

- 17 Prior to occupation of the development you must apply to us for approval of details to confirm that either:

(a) all combined water network upgrades required to accommodate the additional flows from the development have been completed; or (b) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

You must not occupy the development until we have approved what you send us. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

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

Reason:

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

- 19 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the townhouse and three mews houses at the northern end of the development (Units 1, 2, 3 and 4) and you must not enlarge these units without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the amenity of neighbouring occupiers and 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 Maida Vale Conservation Area. This is as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 6, DES9 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 20 You must apply to us for approval of detailed drawings of all balcony louvred screens and privacy screens to roof terraces, Juliet balconies and windows on the approved drawings to demonstrate that their detailed design would obscure views from the balconies, terraces and windows/ doors towards neighbouring residential windows and gardens. 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 the detailed drawings we approve prior to use of the roof terraces and balconies. Thereafter the balcony louvred screens and privacy screens shall be permanently retained. (C26DB)

Reason:

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

- 21 Notwithstanding the landscaping shown on the approved drawings, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for Blomfield Mews and the rear gardens of Plots 2, 3 and 4 which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

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

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Maida Vale Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 22 Notwithstanding the landscaping shown on the approved drawings, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for Warwick Crescent Gardens which includes the number, size, species and position of trees and shrubs. The landscaping scheme shall include not less than 3 new trees to replace the 3 Lime trees to be removed from the western end of the gardens. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of occupation of the development (or within any other time limit we agree to in writing).

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

Reason:

To mitigate the impact of the development on Warwick Crescent Gardens, due to the loss of

some of the garden area at its western end and the removal of three mature Lime trees, to make sure the development contributes to the character and appearance of this part of the Maida Vale Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 23 You must install the vehicle turntable at the northern end of the mews in accordance with the approved drawings and make it operational prior to occupation of the townhouse (Plot 1). Thereafter you must permanently retain the turntable in an operational state for the lifetime of the development.

Reason:

To ensure vehicles can re-enter the public highway in forward gear so as to maintain public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 24 **Pre Commencement Condition.** Notwithstanding the measures set out in the submitted tree survey, you must apply to us for approval of an amended method statement explaining the measures you will take to protect the trees on and close to the site during construction of the mews development and the works to Warwick Crescent Gardens. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 25 You must apply to us for approval of details of the security measures to be protect the safety of future residents. 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 details we approve prior to the occupation of the development. (C26DB)

Reason:

To ensure the safety of future residents in accordance with Policies S28 and S29 in Westminster's City Plan and Paragraph 91 of the NPPF (February 2019).

- 26 You must apply to us for approval of details of additional privacy screens to be installed in the following locations in the development:

(a) To the northern ends of the rear balconies to the mews houses.

(b) To the second floor terraces/ balconies along the southern end of the mews, to the rear of Nos.21 to 26 Westbourne Terrace Road.

(c) To the east side of the second floor Townhouse terrace adjacent to the 'flat roof' on (20) 003 L.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then install the privacy screens we approve in accordance with the approved drawings prior to occupation of the residential units to which they relate. Thereafter you must permanently retain the privacy screens in these locations for the lifetime of the development.

**Reason:**

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

- 27 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: replacement of the northernmost full height windows serving the bedroom of Units 7 and 9 with window openings that are clear glazing only to their uppermost half, with opaque glazing/ a solid spandrel panel to the lower half. 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 and thereafter you must not remove the opaque glazing/ a solid spandrel panel from the lower half of the window. (C26UB)

**Reason:**

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

- 28 Notwithstanding the annotation on (20) 002 N, the west facing window serving the living room of Unit 14 shall be wholly obscure glazed and fixed shut and shall be retained as such for the lifetime of the development.

**Reason:**

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

**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 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 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
  1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
  2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

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

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
  
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
  
- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
  
- 7 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into

the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

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

- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 9 Condition 8 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

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

Phone: 020 7641 3153  
(173AB)

- 10 Conditions 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 11 This permission is governed by a Unilateral Undertaking from the applicant under Section 106 of the Town and Country Planning Act 1990. The Undertaking relates to
- i. Notice of commencement of development.
  - ii. Provision of on-site affordable housing prior to occupation of the market residential units, to the quantum, mix, tenure and affordability set out in Section 8.1.
  - iii. Provision of lifetime (25 year) car club membership for all affordable units.
  - iv. Costs of monitoring the agreement (£500 per head of term).
- 12 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)
- Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**
- CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
- Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)
- Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 13 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 14 The developer can request information to support the discharge of Condition 17 by visiting the Thames Water website at [Thameswater.co.uk/preplanning](http://Thameswater.co.uk/preplanning). You may wish to liaise with the Thames Water Development Planning Department (telephone 0203 577 9998) prior to submitting details pursuant to Condition 17.
  
- 15 You are reminded that the design of the improvements to the landscaping of Warwick Crescent Gardens should be progressed collaboratively with the residents of Warwick Crescent and their residents association prior to details of the finalised landscaping being submitted for approval pursuant to the relevant condition attached to this decision letter. You should ensure that the design of the landscaping is such that it minimises the need for any increase in maintenance cost for residents of Warwick Crescent.
  
- 16 You are advised that where possible the security measures required by Condition 25 should accord with Secure by Design principles.
  
- 17 The waste and recycling details required by Condition 16 should clarify who will be responsible for collecting the bins from the waste stores and move them to the refuse collection position and visa versa.