

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	3 to 11 Lancelot Place, London, SW7 1DR,		
Proposal	Erection of five single family dwelling houses (Class C3) at 3 to 11 Lancelot Place comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels.		
Agent	tp Bennett		
On behalf of	High Point Estates Ltd		
Registered Number	19/01596/FULL	Date amended/ completed	29 July 2019
Date Application Received	1 March 2019		
Historic Building Grade	Unlisted		
Conservation Area	n/a		

1. RECOMMENDATION

1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure the following planning obligations:
 - i. Notice of commencement of development;
 - ii. A financial contribution of £440,000 to the Affordable Housing Fund to allow provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);
 - iii. A financial contribution of £33,003 to the Carbon Off-Setting Fund (index linked); and
 - iv. Costs of monitoring the S106 agreement.
2. If the S106 legal agreement 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

3 to 11 Lancelot Place were five unlisted single family dwellinghouses, which were recently demolished. The applicant demolished these houses in connection with the redevelopment of the site to provide five new, larger houses which the City Council permitted in 2016.

The proposed development is the erection of five different single family dwellinghouses, comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels.

The main difference between the 2016 permission and current proposals are the above ground works. This latest proposal seeks permission for houses of increased height and with an alternative, bolder design.

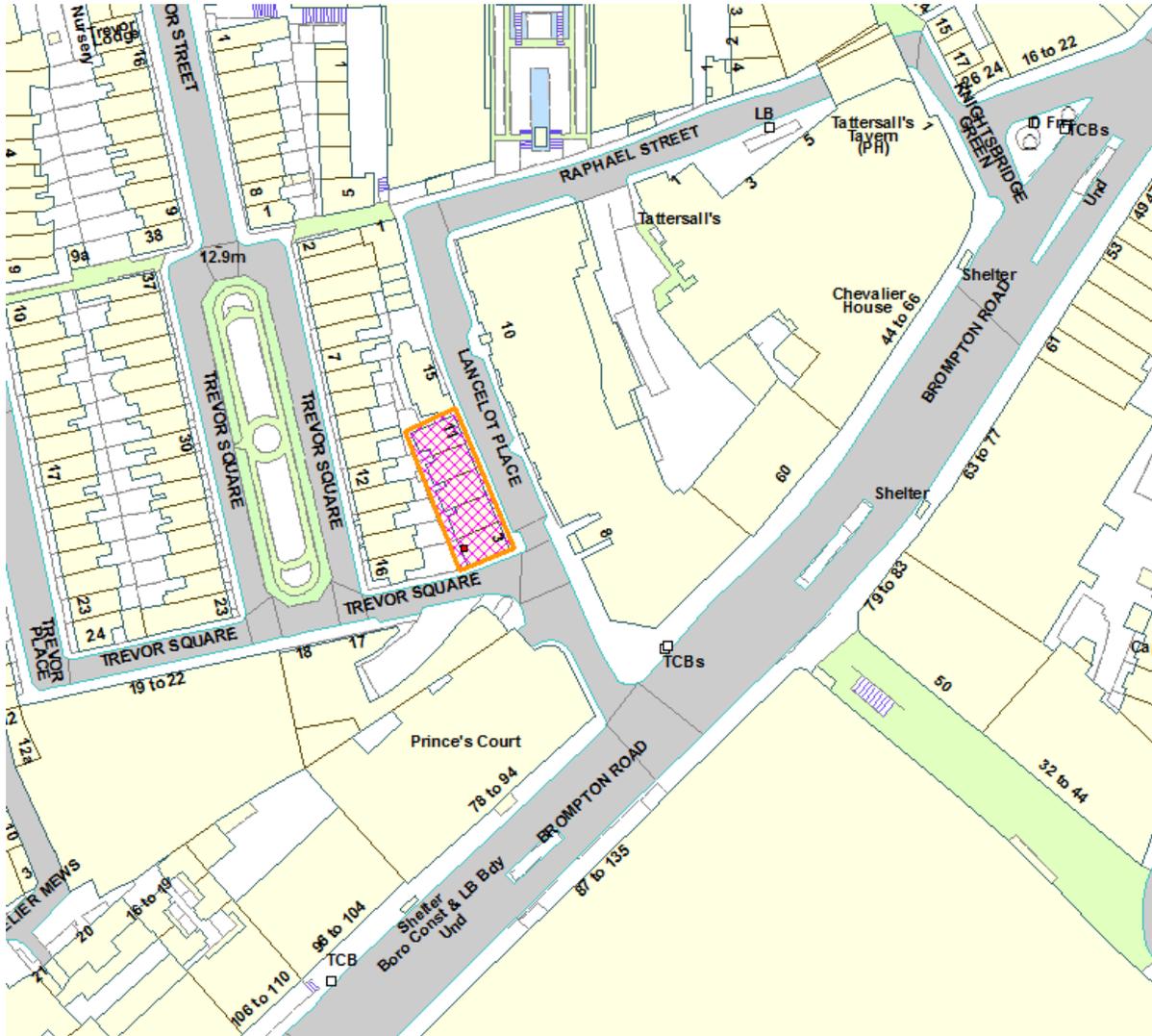
The key issues for consideration are:

- The acceptability of five single family residential dwellinghouses in land use terms;
- The impact of the buildings on the appearance of the area and the setting of the adjacent Knightsbridge Conservation Area and listed buildings on Trevor Square; and
- The impact of the new buildings on residential amenity.

Numerous objections have been received from, or on behalf of, neighbouring residents primarily on the grounds of harm to residential amenity and the appearance of the area. As the report sets out, neighbouring residential occupiers would not be unduly harmed and the proposal represents a successful re-interpretation of the London terrace and that this would contribute more positively to the character of the area than the consented scheme, despite the increases in scale.

For the reasons set out in this report, the proposed development accords with the relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP), Westminster's City Plan adopted in November 2016 (the City Plan) and the Knightsbridge Neighbourhood Plan 2018-2037 adopted in December 2018 (the KNP). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter and the completion of a legal agreement principally securing a payment in lieu of affordable housing and a payment to the Carbon Off-Setting Fund.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Existing Site



View of Site Prior to Demolition

5. CONSULTATIONS

FIRST CONSULTATION

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Object because of the scale, height and massing of the building. Recognise this is the first application in the area to address positively the policies in the Knightsbridge Neighbourhood Plan, but there are areas where the applicant does not appear to demonstrate compliance. Including: no explicit recognition it is a major development, lack of a construction management plan and no commitment to use natural urban greening.

KNIGHTSBRIDGE ASSOCIATION:

Object because of the scale, height and bulk of the building. The proposals would harm residential amenity, including overlooking. No construction management plan has been submitted. The approved height of 15 Lancelot Place/ 1 Trevor Walk (under construction) should not be a precedent for this application because it was an odd approval by the City Council at the time.

ROYAL BOROUGH of KENSINGTON & CHELSEA:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions.

ENVIRONMENTAL SCIENCES:

No objection, subject to conditions.

WASTE PROJECT OFFICER:

Revisions required to ensure waste and recycling storage meets City Council requirements.

ARBORICULTURAL MANAGER:

No objection.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 262

Total No. of replies: 29 (objections)

29 objections received from or on behalf of neighbouring residents/ interested parties on all or some of the following grounds:

Land Use:

- The overly large houses do not address the housing need in Knightsbridge, and does not optimise housing delivery;
- Affordable housing should be provided, and this should be on site;

Design:

- The additional height of the buildings and their appearance (including materials) would harm the character of the street and wider area, including the listed buildings on Trevor Square and the Knightsbridge Conservation Area;
 - o The applicant should not be allowed to match or go higher than the height of 15 Lancelot Place (currently under construction);
- The buildings are not appropriate in this low-key residential area, characterised by smaller buildings, and the applicant mis-characterises the attributes of this location;

Residential Amenity:

- Loss of daylight and sunlight in excess of BRE guidelines;
 - o No overshadowing assessment carried out;
 - o The current scheme should not be compared to the consented scheme;
 - o The new daylight and sunlight report appears more accurate than the one submitted for the 2016 permission, so the previous application may have been considered on the basis of inaccurate information;
 - o More research should have been undertaken to establish the layouts of adjoining building;
- Increased overlooking;
 - o Windows are overly large/ too numerous;
- Increased sense of enclosure/ overbearing;

Density:

- The building is too dense and not in compliance with the London Plan's density matrix;

Air Quality and Environmental Impacts:

- The height of the buildings will result in increased air pollution being trapped on the road;
- Large windows can result in birds harming themselves against them;
- The development should include more greenery;

Excavation and Construction:

- Noise, vibration and disturbance from the excavation and construction of the basement levels, which current planning policy should prevent (and no exception should be made);
- No mitigation of pollution caused by construction;
- Impact of basements on the local water table;
- Structural impact of the development;

Other:

- The previous chairman of planning committee's relationship with the developers and their communication company should not affect planning decisions;
- Impact of the development on local property values;
- The height of the building will block views;
- The applicant changing the scheme prolongs the works.

SECOND CONSULTATION – After Revisions to Design and Reduction in Massing

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Recognises that the revisions are an improvement on the original proposal but do not overcome the original objection. In addition, the white stucco south facing wall, with 'arrow slit' windows, seems harsh and this wall could be softened with a greenwall, in accordance with Policy KBR10. Also recommend that the utility cabinet is placed out of sight within the building.

KNIGHTSBRIDGE ASSOCIATION:

The revisions have made a number of improvements with regard to the treatment of the mansard, which slightly mitigates the extra height, and the south elevation. Pleased to see reference to a Construction Management Plan. Still regret the proposed extra height when compared with the consented scheme.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 262

Total No. of replies: 10 (objections)

10 objections received from or on behalf of neighbouring residents/ interested parties on all or some of the following grounds:

Land Use:

- The dwellinghouses are still too large, the proposal does not optimise housing delivery and does not address the housing need in Knightsbridge;
- Overdevelopment of the site;

Design:

- White stucco is out of keeping with Lancelot Place and the area, and the originally proposed stone or the brick of the 2016 scheme would be better;
- The mansard top floor is not an improvement;
- The overly large scale and massing of the buildings would harm the appearance of the area, including nearby heritage assets, the additional floor and height should not be allowed;

Residential amenity:

- The application does not accord with BRE guidelines in terms of light/ shadowing and will result in harmful losses of light to neighbours;
- The previous application may have been considered on the basis of inaccurate daylight and sunlight information;
- The applicant should have used the actual layout of 10 Lancelot Place, rather than assumed layouts, in their calculations as this may have different results;
- New windows would increase overlooking of 10 Lancelot Place;

Construction impact:

- The construction will impact on the existing residents of Lancelot Place;

Other:

- The applications seeks to make more profit for the developer;

- The revisions does not address the reason the objections received under the first consultation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

3 to 11 Lancelot Place were five unlisted single family dwellinghouses, which were recently demolished. The demolished houses dated from the 1950s, were of a neo-Georgian style and comprised ground and two upper floors. The applicant demolished these houses in connection with the redevelopment of the site to provide five new, larger houses which they gained consent for in 2016.

While outside of a conservation area, the site backs onto to the grade II listed houses on Trevor Square and the boundary with the Knightsbridge Conservation Area. To the front is the residential development of 10 Lancelot Place. To the north is the development site of 15 Lancelot Place and 1 Trevor Walk. To the south is Brompton Road.

The site is within a central setting, being near the Knightsbridge International Shopping Area, and is also in an area where single family dwellings are protected from conversion into flats.

6.2 Recent Relevant History

On 3 February 2016, the City Council granted permission for demolition and redevelopment of Nos. 3-11 Lancelot Place to provide five single family dwelling houses (Class C3) comprising two basement levels (plus sub basement plant room), ground, first and second floors levels (RN: 15/10163/FULL).

On 20 February 2013, the City Council refused permission for the demolition and redevelopment of Nos. 3-7 Lancelot Place to provide three dwelling houses comprising two basement levels, ground, first and second floors, on the grounds it would unacceptably enclose 9 Lancelot Place and would have been visually harmful (RN: 12/08414/FULL).

Adjacent development site 15 Lancelot Place & 1 Trevor Walk (commonly referred as 15 Lancelot Place)

On 23 February 2016, the City Council granted permission for demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, carparking and cycle parking (site includes 15 Lancelot Place and 1 Trevor Walk) (RN: 15/09276/FULL).

7. THE PROPOSAL

The proposed development is the erection of five single family dwellinghouses, comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels.

The scale and depth of the proposed basement works match that approved in 2016. Works have commenced on site in connection with the 2016 approval therefore this development can be implemented in perpetuity.

The principal difference between the 2016 scheme and the current proposal are the above ground works. This latest proposal seeks permission for houses of increased height and with a new, bolder design. The increased height would result in a building of a similar height to the building under construction at the adjacent development site of 15 Lancelot Place and 1 Trevor Walk (commonly referred to as 15 Lancelot Place).

Table 1: Floorspace Figures

	Pre-Existing* GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	718	1,759	+1,041

*prior to demolition

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

The extant permission allowed the replacement of the dwellinghouses with five larger ones, and the current application seeks permission for five dwellinghouses that are larger still.

The site is within an area of Knightsbridge where the City Council protects single family dwellinghouses from conversion into flats, as set out in policy H 5 of the UDP. The use of the site for five residential dwellinghouses is consistent with the pre-existing use of the site and the use allowed by the extant permission. The use of the site for five residential dwellinghouses is established. The proposal accords with policy H5.

Density

Objections have been received on grounds the development is too dense and is not in accordance with the London Plan's density matrix. Within a central setting such as this, the London Plan sets a density range of between 650 – 1100 habitable rooms per hectare. The proposed density of this development is 875 habitable rooms per hectare which accords with the London Plan.

There has also been objection on grounds the site does not optimise housing delivery and could accommodate more residential units (rather than large dwellinghouses). The London Plan's density matrix also considers the number of dwellings per hectare. The proposal is below the range deemed appropriate, so is not dense enough in this regard. However, this is already the case and the number of units and the size of the site would remain unchanged. The site is also within an area where single family dwellinghouses are protected and so increasing the number of units to achieve an increased unit density would conflict with the City Council's policy to protect single family dwellinghouses in this location. In addition, the site has extant permission for redevelopment for five

dwellinghouses. It would be unreasonable to withhold consent on the basis that unit density is too low.

Affordable housing

On 14 May 2019, the Cabinet Member for Place Shaping and Planning issued a formal statement on the application of Westminster's adopted affordable housing policy (S16 of the City Plan) in light of revisions to the National Planning Policy Framework (NPPF) and the emerging London Plan. The new NPPF position conflicts with the adopted City Plan policy with regard to floorspace; the adopted City Plan bases affordable housing provision on net additional floorspace, and not gross. Whereas it is clear in the NPPF that if development is major development then affordable housing is to be provided.

The May 2019 statement explains that the City Council will require affordable housing contributions based on total (gross) residential floorspace. However, the statement explains this will only apply for applications received and validated after 01 June 2019 – this application was received on 01 March 2019 and so this change does not apply .

The net additional residential floorspace comprises 1,041sqm (GIA), and this still triggers a requirement for the provision of affordable housing under the relevant implementation of City Plan policy S16. The affordable housing liability would equate to one residential unit (80sqm).

The policy sets out a hierarchy for this provision with a preference for on-site housing, followed by the use of an alternative site nearby and finally, where neither option is achievable, a payment in lieu for the amount of floorspace required.

For the single affordable housing unit to be provided on site, the buildings would have to be split into residential flats, which would result in the loss of at least one single family dwellinghouse. As explained above, the site is within an area where family dwellinghouses are protected and so this provision would conflict with that policy. The applicant states that they do not have a suitable property located elsewhere in the vicinity of the development that could be utilised for provision of off-site affordable housing, and given only one unit of 80sqm is required, this would likely be difficult for developers to provide. Therefore, it is accepted that a payment in lieu of affordable housing is appropriate in this instance.

A legal agreement is recommended to secure a payment in lieu of affordable housing provision of £440,000 (index linked and payable upon commencement of the development).

8.2 Townscape and Design

The site is outside of but immediately adjoins the Knightsbridge Conservation Area, the boundary of which runs along the western boundary of the site, which is shared with a row of grade II listed townhouses which in turn form the eastern side of Trevor Square, one of the area's most picturesque garden squares. The pre-existing houses on the site were unlisted and of no architectural merit.

The site sits on the corner of Lancelot Place and the southern cross-road of Trevor Square, and is highly visible from Brompton Road to the south, which forms part of the

Knightsbridge international shopping centre. It marks a sudden and almost dramatic point of change in scale, built-character and activity; from the bustling, high energy of Brompton Road to the peaceful residential, almost 'village-like' character of Trevor Square. Whilst the site falls within the setting of the adjacent Trevor Square listed buildings, its surroundings are otherwise dominated by much larger scale, mostly modern non-residential or flatted development, such as the Brompton Road commercial frontages to the south, and the massively scaled residential blocks which form the eastern and northern sides of Lancelot Place itself. Immediately to the north of the application site is a further current development site of 15 Lancelot Place, itself also granted permission for a new single family dwellinghouse and two residential flats in 2016. The planning history for that site is complex, with the permitted development for the 'new no.15' being notably larger in scale and bolder in design than the permitted redevelopment for nos. 3-11.

Legislative, policy and guidance background

When determining applications affecting the setting of a listed building, or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area. Section 66 is relevant to this case in that it has been identified that the site falls within the setting of the adjacent Trevor Square listed buildings. Section 72 does not apply in this case as the site is not within a conservation area; there is no direct statutory duty to consider the setting of a conservation area, although there is a policy / guidance requirement (see below).

Sections 12 and 16 of the NPPF (2018) require that great weight should be placed on high quality new design and on the preservation of designated heritage assets (listed buildings and conservation areas) including their settings. This means that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of a scheme. This should take into account the relevant significance of the affected assets, and the severity of the harm caused.

Locally, UDP policies DES 1 (urban design / conservation principles), DES 4 (infill development), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, including in terms of the setting of the conservation area, whilst S26 and S28 of the City Plan provide the strategic basis for the application. Relevant London Plan policies include 7.4 (Local Character), 7.6 (Architecture), 7.7 (Location and design of tall and large buildings), and 7.8 (Heritage assets and archaeology).

The Knightsbridge Neighbourhood Plan (KNP) is of key relevance to this application, most notably policy KBR1 (character, design and materials), and to a lesser degree, KBR3 (boundary railings and walls) and KBR9 (roofscapes and balconies).

The proposals and their impacts

This current application seeks permission for an alternative scheme of above-ground redevelopment of the site. The current proposals follow extensive negotiations between officers and the applicant following the approval of the redevelopment scheme for no.15 which will adjoin the site immediately to the north. Consisting of three deliberately taller

than standard sheer storeys, the permitted 'new no.15' will be notably taller, bulkier and more boldly designed than the approved development for this site which would have consisted of two relatively standard sheer storeys plus mansard (plus two basement storeys below). Whilst the approved scheme for this site can be built-out, it is relatively pedestrian in design and features some limitations to its design such as the depth of the side (south) elevation. The current application seeks to increase the vertical scale of the proposal to be closer to that approved for no.15 alongside a bolder design.

The current proposals would consist of three sheer storeys (ground to second), plus a mansard third floor, and has been revised since original submission to have a much more contextual design aimed at reinterpreting local terraced housing in a modern manner. As revised, the new houses would feature a rusticated stucco base and plain stucco upper floor elevations to south and east facades, with the rear elevations built of stock brick. The rear elevation would be broken up into alternating recessed and projecting bays, reminiscent of the closet wings which characterise many local terraces, and which helps to both break up the massing of the rear, but also reduce its visual impacts on the setting of the adjacent listed Trevor Square terraced houses. The visual front roofline of the new terrace (i.e. not including the mansard storey) would remain notably lower than that of the approved new development to the north at 15 Lancelot Place.

The mansard roof would be clad in slates cut to a diamond pattern. Windows would be metal set within metal-lined punched reveals with evenly spaced 'oriel' windows at first floor to the front elevation. Windows to the rear at first and second floor would be faceted such that views outward would be angled to the south in an effort to manage privacy between the new houses and the existing Trevor Square houses to the west. The south flank elevation four semi-concealed windows would be designed to mimic the blind windows seen typically on some flank elevations of traditional terraced houses in the area. The mansard roof would be punctuated by metal clad dormers.

The Knightsbridge Neighbourhood Forum (KNF) and Knightsbridge Association (KA) both objected to the original application proposals on the grounds of scale, height and massing. Concerns over height, bulk and massing however did reflect similar concerns raised by officers, and therefore further revisions were sought and secured during the course of the application.

The KNF recognises this is an improvement but do not consider they overcome their initial concerns and have suggested further greening could be incorporated on the southern flank elevation. A green wall would not be appropriate in this location as successful design-integration with the façade beneath would be problematic – poor integration results in an obviously tacked-on appearance and these types of green wall often die due to poor detailing and lack of maintenance. Indeed, typically they do not suit domestic sites due to the maintenance required to stop them dying. The 'greening' proposed at 15 Lancelot Place, is different - it is ground-planted and was considered from the outset to be a 'desirable' only with the building behind being successful architecturally with or without it. There is also 'greening' not attached to walls proposed here at ground, second and roof levels and this would be acceptable.

The proposed new houses would, by an extra storey, be evidently taller than both the pre-existing (now demolished) houses which occupied the site (approximately 1.89

metres higher), and the 2016 approved development (approximately 1.5 metres higher). This scale and bulk by itself, in close proximity to the adjacent listed buildings and conservation area, would have a slightly negative affect on the setting of these designated heritage assets which, by itself, can be considered to represent 'less than substantial' harm in the terms of the NPPF. This must however be considered against the quality of the new designs before an overall conclusion can be made regarding townscape, design and heritage impacts.

The revisions during the course of the application to the top storey to be a true mansard (whereas before a more sheer storey was proposed) is a notable improvement and gives the development a more subtle and more locally relevant form. The proposed diamond-pattern slate covering would add some visual interest at this level. Critically, and as demonstrated by the architects submitted documentation, the new design would better respond to the local context of terraced housing than both the 2016 approvals for Lancelot Place – both for this site and the adjacent no.15. The influence of the scale, proportions and orderly character of the traditional terraces nearby is evident in the revised design whilst successfully avoiding slavish or pastiche traditional 19th century architectural components.

It is considered that the proposal represents a successful re-interpretation of the London terrace for the 21st century and that this would contribute more positively overall to the character of the area, despite the increases in scale, than the 2015 approval would have done or the pre-existing houses did. Whilst the proposed scale has increased over that approved in 2016 and pre-existed, this is considered to be adequately outweighed by the townscape benefits that the proposed new design would bring in terms of architectural quality and visual interest when viewed from Brompton Road, more fully resolving the modern design character of Lancelot Place alongside the mixture of traditional and modern development which characterises the locality of the site.

Subject to careful detailing to be secured through condition, it considered that the proposals would comply with the relevant local and national policies and guidance as discussed above, and would overall cause no harm to the setting of the adjacent listed buildings and conservation area.

8.3 Residential Amenity

There are numerous residential properties surrounding the site, including opposite within 10 Lancelot Place, to the rear on Trevor Square and under construction adjacent to the site at 15 Lancelot Place.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Neighbouring residents have objected on the grounds the proposal would harm their amenity primarily in terms of loss of light and an increased sense of enclosure.

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE)

guide “Site Layout Planning for Daylight and Sunlight: a guide to good practice”. The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms, and it accepts that bedrooms are of less importance.

The applicant provided an addendum considering the revisions they made to the application and concluded that the reduced bulk and massing of the building would not worsen the results in their original daylight and sunlight assessment.

The 2016 application was supported by a daylight and sunlight assessment, an objector states that the current assessment appears to be more accurate than the previous and so the 2016 application may have been considered on the basis of inaccurate information. As the below sets out, the current assessment, which includes a comparative assessment of the consented scheme, demonstrates that both the current proposal and the consented would not result in undue light losses.

Another objector states the applicant should not compare the consented scheme with the proposed. While the pre-existing versus proposed analysis is of primary importance in the assessment, the comparative analysis is useful as it provides context on a scheme the applicant can lawfully complete – indeed, the consented scheme is a material consideration in the current application.

Further objection has been received on the grounds that the assessment could have done further research to ascertain the layouts of the neighbouring buildings. The assessment has done a relatively high level of research, but not all building layouts are readily available – in these circumstances it is usual to assume the layout.

Daylight

The BRE methodologies for the assessment of daylight values is the ‘vertical sky component’ (VSC) and ‘no sky line’ (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss would be noticeable.

There are breaches of the above criteria in 10 and 15 Lancelot Place and 12, 13, 15 and 16 Trevor Square. It should be noted that for 16 Trevor Square, the results were updated since submission as that building has recently been extended. The results are summarised below:

Table 2: Vertical Sky Component breaches

Neighbouring building	No. of windows assessed	No. BRE complaint	No. BRE breaches			Total
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	
10 Lancelot Place	268	263 (98%)	5	0	0	5
15 Lancelot Place	3	2 (67%)	0	1	0	1
12 Trevor Square	8	7 (88%)	0	1	0	1
13 Trevor Square	14	12 (86%)	0	1	1	2
15 Trevor Square	33	26 (79%)	1	6	0	7
16 Trevor Square	18	14 (93%)	4	0	0	4
Totals*	344	323 (94%)	9	9	1	19

*Excludes properties assessed and found to be BRE compliant

Table 3: No Sky Line breaches

Neighbouring building	No. of rooms assessed	No. BRE complaint	No. BRE breaches			Total
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	
10 Lancelot Place	156	140 (90%)	2	11	3	16
12 Trevor Square	6	5	0	1	0	1
Totals*	162	145 (90%)	2	12	3	17

*Excludes properties assessed and found to be BRE compliant

9 of the breaches of VSC are between 20% and 29.9% and there are 10 breaches greater than 30%. In terms of NSL the majority of the breaches occur at 10 Lancelot Place.

The most significant VSC breaches are to the Trevor Square properties. The applicant sought to compare the results for the proposed scheme and the consented scheme. The daylight and sunlight report analyses the existing, consented and proposed VSC levels and it shows that the proposed VSC levels are largely comparable to the consented VSC levels. Table 4 below shows the 10 most significant breaches (30%+) and shows the results and explains the mitigating circumstances. In some instances, the results are marginally worse and in others they are marginally better.

Table 4: Most significant VSC breaches (including consented figures)

Building / Floor / Window	Existing VSC	Consented VSC	Proposed VSC	Loss consented	Loss proposed	Circumstances
15 Lancelot PI / 2 nd / W2	18.6	8.5	13	45.7%	30.1%	Room enjoys other BRE compliant windows
12 Trevor Sq / G / W3	17.4	10.9	11	37.4%	36.8%	Room enjoys another BRE compliant window
13 Trevor Sq / B / W3	14.5	8	8.4	44.8%	42.1%	Room enjoys BRE compliant rooflights
13 Trevor Sq / G / W1	19.3	11.4	11.6	40.9%	39.9%	Room enjoys BRE compliant rooflights
15 Trevor Sq / B / W1	12.3	8.5	8.5	30.9%	30.9%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W2	14.2	9.9	9.8	30.3%	31%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W3	12.8	8.7	8.8	32%	31.2%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W5	16.6	11.2	11.4	32.5%	31.3%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W6	16	10.8	11	32.5%	31.2%	Part of rooflight, other panes are compliant
15 Trevor Sq / B / W7	14.7	10.1	10.1	31.3%	31.3%	Part of rooflight, other panes are compliant

The majority of the most significant VSC breaches are to a rooflight at 15 Trevor Square where other panes are compliant with the BRE guidelines. The other significant breaches at 12 and 13 Trevor Square and 15 Lancelot Place are all to dual aspect rooms which enjoy another BRE compliant window. In these circumstances, while the individual windows or panes would breach the criteria, the rooms they serve would likely remain well lit.

Of the other VSC breaches between 20 to 29.9%, five are to 10 Lancelot Place at ground floor level. The daylight and sunlight report assumes that two of the rooms these windows serve are smaller than they are in reality. From floorplans held by the City Council (and confirmed by an objector) that are associated with this development, all of the rooms affected would enjoy an alternative window which complies with the BRE guidelines. In terms of the other breaches at 15 and 16 Trevor Square, again these are to rooms with alternative compliant windows. Given this, and that the levels are not significantly different to those for the consented scheme, these VSC breaches would not lead to undue light losses.

In terms of NSL most of the breaches occur to rooms at 10 Lancelot Place, at ground and first floors. The applicant again has assumed the rooms are smaller than they are, and this has the effect of worsening these results. The report indicates 16 rooms would be impacted, but floorplans indicate that it would be 12 rooms (7 bedrooms and 5 living rooms). Given that the NSL figures are likely to be better than assumed, that the most affected rooms have windows which would maintain a good VSC figure, and that the figures are not significantly worse when compared to the consented scheme, the proposed development would not unduly harm these residents in terms of daylight.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed.

BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period. Breaches of this criteria these are summarised below:

Table 5: Annual Probable Sunlight Hours breaches

Neighbouring building	No. of windows assessed	No. BRE compliant	Total
10 Lancelot Place	156	148 (95%)	8
11 Trevor Square	1	0	1
12 Trevor Square	1	0	1
Totals*	158	148	10

*Excludes properties assessed and found to be BRE compliant

There is a commonality between rooms that would breach the criteria for APSH and the rooms identified above in the daylight section. 10 Lancelot Place would have the majority of the breaches, and for these windows, the mitigating circumstances identified in the daylight section would apply. For 11 Trevor Square the breach would result in sunlight conditions that would be only marginally below the target values and so would achieve sunlight levels that is relatively common in an urban context. For 12 Trevor Square the assessed window is to a room with an alternative window, and it is understood that this property is being extended to the rear which remove this window which is the only one at the property which faces 90 degrees due south. In these circumstances, the sunlight reaching neighbouring properties would not be unduly reduced.

Overshadowing

The BRE guidelines have methodologies to assess overshadowing of gardens. And the applicant has conducted one with reference to the sun-on-ground on the spring equinox. This is used to determine the areas which receive direct sunlight and those which do not. This method applies to both new and existing areas of amenity space. The BRE Guidelines suggest that the Spring Equinox (21 March) is a suitable date for the assessment as this is the midpoint of the sun's position throughout the year. It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March.

Since submission, and following an objection which referenced it was missing, the applicant has conducted an overshadowing assessment of the Trevor Square properties with gardens to the rear. This included 10 to 16 Trevor Square. Three of these properties currently receive no sun-on-ground and this would not change. The other four (10, 11,

13 and 16) would have a reduction in the sun-on-ground, and these would be excess of 20% of their former values. While the percentage losses are relatively high to some of these properties, the absolute loss of area seeing 2 hours of sunlight on 21 March is low, ranging from 1.4 to 3.7 sqm. Because the existing levels are low, small changes lead to higher percentage losses but as the absolute losses are low this would not be unduly harmful.

Sense of Enclosure

The pre-existing building, the 2016 consented building and the currently proposed building all cover a similar footprint on the site, although the pre-existing building included side returns between the houses. The pre-existing building comprised 2 storeys plus loft, the 2016 consented scheme comprised 3 above ground storeys, and the current application proposes 4 above ground storeys. While an additional storey is proposed currently, the highest point of the building would be 1.5 metres higher than the 2016 proposal.

Since submission, the applicant has reduced the massing and bulk of the second and third floors by introducing recesses to the rear at the second floor and setting back the third floor. Like in the 2016 scheme, the rear building line would be unified so that it is flush at both ground and first floor levels.

As the site converges toward the Trevor Square properties from the south to the north, the gap between the application building and the neighbours on Trevor Square decreases. Therefore, the main building of 16 Trevor Square would be furthest from the application building at approximately 13.5 metres and this gap decreases toward the northern end of the site so that the main building of 11 Trevor Square is approximately 8 metres away. These distances match the pre-existing situation but given some of the Trevor Square properties have been extended on the lower levels, some openings are closer.

The effect of the additional height and bulk of the additional floor would be lessened by the top floor's mansard design and set back from the rear building line on the floors below and by the recesses at second floor. And as reported in 2016, the impact of the unified elevation at first floor would not be significant given the existing mass of the building.

The original layout of the buildings on Trevor Square is typical of townhouses in that the principal living spaces are located at upper ground and first floors. It is understood that for all of the Trevor Square properties opposite the application site, these principal living spaces are large dual aspect rooms. This means these rooms will enjoy outlook to the front onto the more open square, as well as the rear, and so enjoy a good sense of openness.

The 2016 report considered the worst affected property in terms of sense of enclosure would likely be 13 Trevor Square, as this property has extended the furthest into the rear garden. The officer noted that this new rear addition included large rooflights and a fully glazed side infill, which will give this space a considerable openness. Since 2016, 16 Trevor Square has also extended into their rear garden, although 16 Trevor Square enjoys a rear garden of a larger size and so the residents here are less affected in terms of enclosure.

Whilst the openings to these Trevor Square properties at lower ground level are close to the application building, they already look at the rear garden boundaries in close proximity. The rooms affected the greatest would be those on the upper ground and floors above, but the windows here tend to serve dual aspect living spaces on the upper ground and first floors and bedrooms on the upper floors.

Further, for the properties to the north, the relationship between the application building and the Trevor Square properties would be similar to that which would result from the 15 Lancelot Place redevelopment. That building would be a similar in height to the proposed and is a similar distance as that between 11 Trevor Square and the application building.

Overall, whilst the increased bulk of the application building would be apparent in views from rear rooms along the Trevor Square, it is not considered that this would result in an increased sense of enclosure sufficient to justify refusal on this basis.

Given the separation from the application site by the road, it is not considered that the properties opposite the site (on the east side of Lancelot Place) would experience a significant impact as a result of the proposed development.

Privacy

Given the proximity between the application building and the Trevor Square properties identified above, new windows could harm the residents within these properties in terms of overlooking. To mitigate this, the applicant has proposed windows to the rear elevation at first and second floors which direct views away from the Trevor Square properties by using angled slats within the windows to create oblique views through them. This would satisfactorily reduce overlooking through these windows.

These angled slats would not be applied to the rear bathrooms at second windows or the windows to the top floor, however. The second floor bathroom windows would be high level and so views out of them would not be significant. So, all windows except those on the top floor would have measures to prevent harmful levels of overlooking. Given the pre-existing buildings contained rear windows which allowed rear views of the Trevor Square properties, these top floor windows being clear would result in a similar level of overlooking that previously existed, and so these windows cannot be reasonably resisted.

To the front, the new windows would be opposing those to 10 Lancelot Place. Given these are over 12 metres and that this is a typical relationship between properties on either side of a road, these additional windows would not result in unreasonable overlooking.

8.4 Transportation/Parking

Car Parking

The proposal does not provide any off-street car parking spaces and nor did the pre-existing houses. Given the proposal does not represent an increase in residential units the parking arrangements are not contrary to policy TRANS23 of the UDP or KBR30 of the KNP.

Cycling Parking

As required by the London Plan, and supported by policies KBR29 and KBR28 of the KNP, cycle parking spaces are required for each unit. The applicant proposes these in the basement of each dwellinghouse. The highways planning manager notes that a basement location is not ideal but does not object. This provision is to be secured by condition.

8.5 Economic Considerations

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

8.6 Access

Lifts are proposed to all the dwellinghouses, while each unit does include a small number of internal entrance steps, this could be easily adapted if required thereby making all floors accessible if future occupiers require this.

8.7 Other UDP/Westminster Policy Considerations

Basement Development

Policy CM28.1 relates to all basement excavation in the City. This was adopted after the February 2016 permission, in July 2016. Neighbouring occupiers raised considerable concerns in relation to the basement levels in 2016, and many of these related to the impact in terms of residential amenity. The construction works associated with basement excavations can often have a serious impact on quality of life and often last longer than other residential developments with the potential to cause significant disruption to neighbours during the course of works. This has led to significant concern and complaints from local residents in Westminster regarding basements across the City, and this is why the City Council adopted the basement policy which in part sought to reduce the impacts associated with this type of development.

Part (B) and (C) of policy CM28.1 relates to the design and scale of development involving new basement levels. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. The policy limits basements to a single storey below the original ground level.

The 2016 application and the current application proposes two stories of basement, plus a sub-basement plant room. Objectors contend that, considering the basement policy, the current application should be refused because of its size. However, the development allowed in the 2016 application is a material consideration in the current application, particularly because the applicant has begun the 2016 development, thereby meaning they can lawfully construct a basement of the scale proposed in the current application. Indeed, it would be unreasonable to refuse consent for a development because of its scale when that scale is lawful. Still, of relevance to this application are the parts of the basement policy that consider structural impacts, construction impacts, ventilation, flood risk, trees and archaeological impacts and these are discussed below. The policy also seeks to ensure the heritage assets are protected but this is discussed above in section 8.2.

Structural Impact:

The applicant has submitted a detailed structural methodology statement as required by the basement policy. Objectors have raised concern on structural impact grounds, arguing harmful impacts on the structural integrity of the building and adjoining buildings.

The City Council's Building Control team have confirmed that the applicant's structural method statement is satisfactory and have raised no concerns. The applicant has investigated existing structures and geology and Building Control consider this to be of sufficient detail. The developer proposes to construct the basement using piling/underpinning with RC internal walls which Building Control confirm is appropriate, and so too are the plans to safeguard adjacent properties during construction. In these circumstances, there are no grounds to withhold permission because of the structural impacts on neighbouring properties.

It should be noted that the purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that the developer must use during construction which may need to be altered once the site investigation/ excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Construction Impact:

Policy KBR22 of the KNP relates to construction activity and is relevant, along with the basement policy in the City Plan, to the construction impacts. In 2016, objectors raised concern regarding the impact the construction works would have on them and they have reiterated these concerns here.

Unlike in 2016, the applicant has also submitted a draft signed proforma Appendix A of the Code of Construction Practice (CoCP) which demonstrates that the applicant would comply with the code. When the CoCP was adopted, it was a fundamental shift in the way the City Council dealt with the construction impacts of developments relative to the position prior to July 2016. Previously the City Council attached conditions to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that the developer should carry this out if and when the City Council grants planning permission and throughout the construction

process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help reduce the impact of the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible. A condition is recommended requiring evidence to be submitted of compliance with the CoCP. In addition, to be consistent with the previous approval and the approval at the adjacent site 15 Lacenlot Place, hours of building work will be more restrictive than usual as no weekend working will be allowed. This will also help mitigate some of the impact on neighbouring residents.

Plant & Machinery

The basement policy states that new basements should use the most energy efficient means of ventilation, and wherever practicable natural ventilation should be used. In this case, mechanical ventilation is proposed because of the size of the basement means that it would not be possible to ventilate the space naturally.

The applicant has submitted an acoustic assessment as part of the application. Plant equipment is proposed within the basement. The acoustic assessment indicates that the equipment would likely be inaudible at the nearest residential premises. The City Council's Environmental Health Team have confirmed that they agree this would be the case and officers recommend conditions to ensure it. Subject to the conditions set out in the draft decision letters, the proposed plant and ventilation strategy is acceptable in both amenity and design terms, and would accord with ENV 7 of the UDP and KBR 40 of the KNP.

Flood Risk

The site is located within Flood Risk Zone 1, which means there is a low probability of river or coastal flooding. Further, Building Control have confirmed that the applicant has acceptably researched the likelihood of local flooding and impacts on the water table, and have found the impacts to be negligible.

In terms of drainage of rain water, given the basement would largely be underneath the footprint of the pre-existing dwellings (rather than permeable surfaces of a large garden), there would limited additional impacts.

Archaeological Impact

The site is outside of an Archaeological Priority Area which means there is negligible risk of harm to archaeological heritage assets.

Trees

Given that work has already commenced on the 2016 application, and the changes to the scheme to not alter the extent and depth of the basement works, the Arboricultural Manager advises that there would no increased impact on the retention/ protection of surrounding trees than the previous scheme.

Biodiversity

Policy 38 of the City Plan and KBR 10 of the KNP promote the inclusion of biodiversity and urban greening measures in new developments. Objection has been received on the grounds there is not enough greening.

Given the constraints of the site, the scope to add significant levels of urban greening is limited. Notwithstanding this, the revision the applicant made to their proposal included the introduction of setbacks and they took this as an opportunity for the inclusion of more greenery. As such, each property would contain planting a ground floor and at elevated positions on the houses at second floor and roof levels. This planting is welcomed and allows for a greater level of greening than the pre-existing houses or the extant scheme. In these circumstances, the proposals accord with the aims of the relevant policies.

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) as well as policies KBR 35 and KBR 40 of the KNP. The strategy would deliver a 10.44% reduction in CO2 emissions relative to 2013 Building Regulations Target Emissions Rate through energy efficiency measures, with a further 27.41% reduction achieved through the provision of a photovoltaic panel array integrated into the roof of the building and through ground source heat pumps. This would deliver an overall reduction in CO2 emissions of 37.85%.

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 £33,003 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.

Air Quality

Policy S31 City Plan and KBR34 KNP seek to reduce air pollution from developments. Objection has been made on the grounds the new taller building could trap pollution within the street.

The increased height of the building would have minimal impacts on the presence of air pollution. Moreover, the energy efficiency measures proposed by the applicant will reduce emissions from the development thereby improving air quality.

Refuse /Recycling

A condition is recommended to secure details of waste and recyclable materials to ensure that these are in line with the City Council's requirements.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 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. In the case of a draft local plan that has been published and subject to 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 para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

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

- i. Notice of commencement of development;
- ii. A financial contribution of £440,000 to the Affordable Housing Fund to allow provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);
- iii. A financial contribution of £33,003 to the Carbon Off-Setting Fund (index linked); and
- iv. Costs of monitoring the S106 agreement.

CIL

The development is liable to pay the Mayoral and Westminster CIL. The estimated* payments are:

Mayoral CIL: £140,720

Westminster CIL: £967,450

*The developer may be able to apply for abatement under the CIL regulations as it is understood they have already paid a CIL payment in connection with the 2016 permission.

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

Objections have been received on the grounds the proposal will impact on property values and will block local views. Property values and private views are not material planning considerations, although the impact on residential amenity and the townscape have been considered elsewhere in this report.

(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: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

9. KEY DRAWINGS



Images: View from Lancelot Place Looking North Above, View Looking South Below





Images: View from Brompton Road Above, View from Trevor Square Below





Image: View of Rear Façade Above, View of Front Façade Below





Pre-Existing Front Elevation Above, Proposed Front Elevation Below





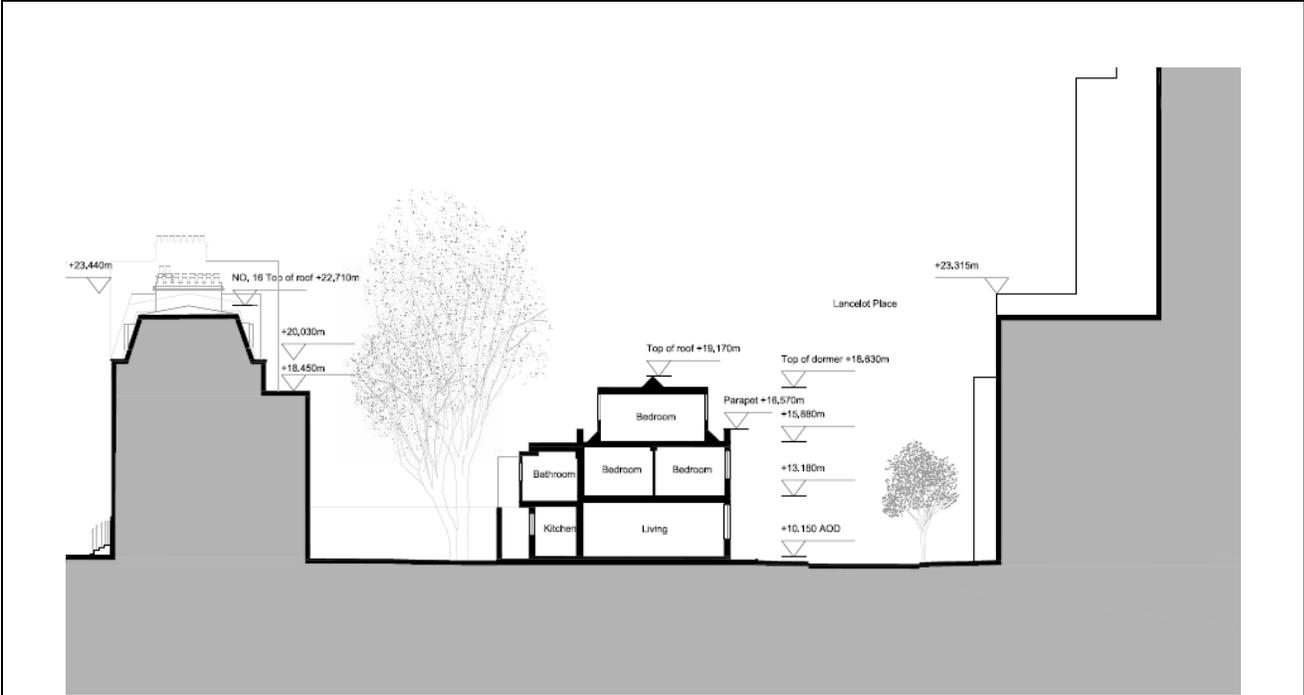
Pre-Existing Rear Elevation Above, Proposed Rear Elevation Below





Pre-Existing Rear Elevation Above, Proposed Rear Elevation Below



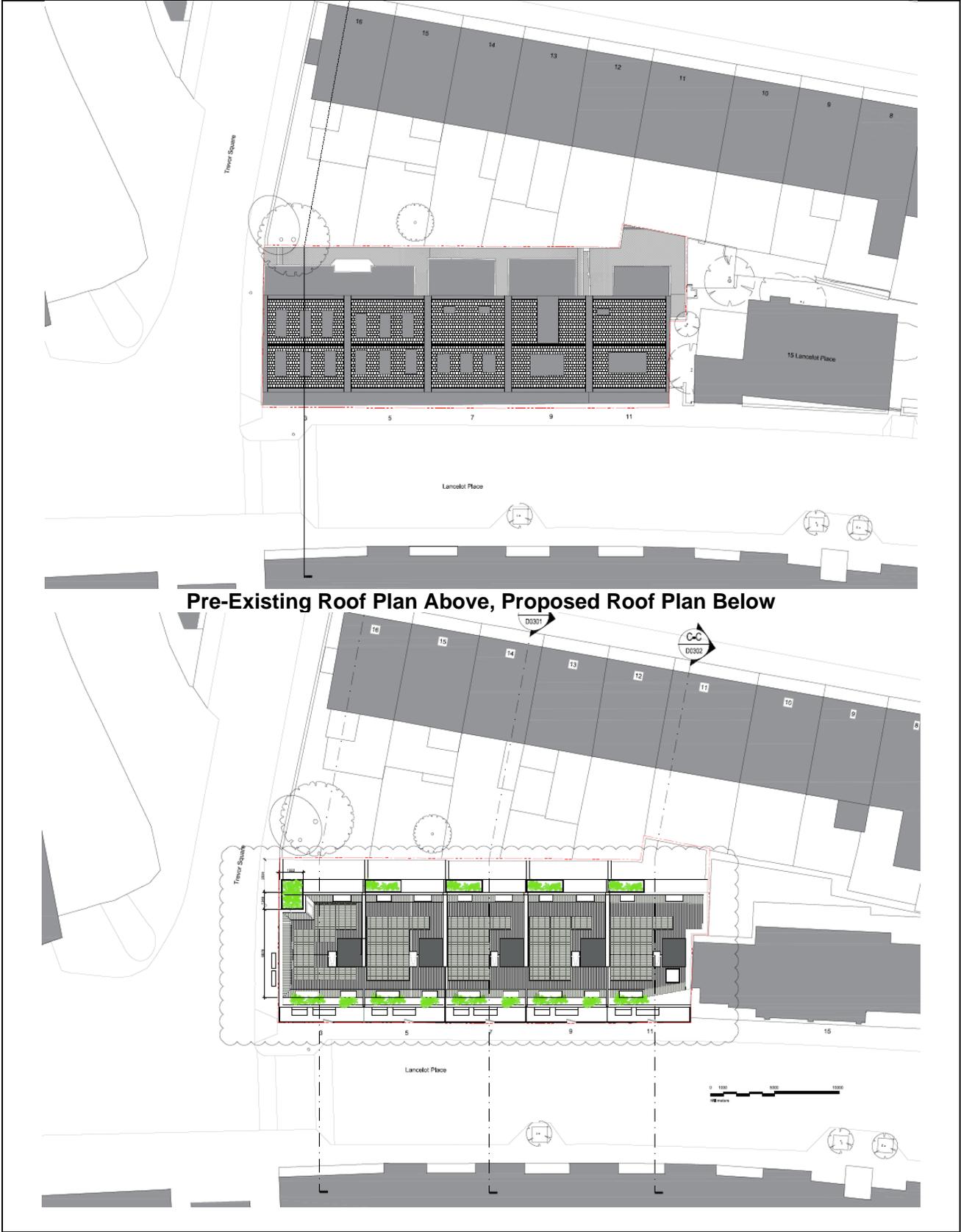


Pre-Existing Section Above, Proposed Section Below





Pre-Existing Ground Floor Above, Proposed Ground Floor Below



DRAFT DECISION LETTER

Address: 3 Lancelot Place, London, SW7 1DR

Proposal: Erection of five single family dwellinghouses (Class C3) at 3 to 11 Lancelot Place comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels.

Reference: 19/01596/FULL

Plan Nos: Drawings:
Site Location Plan; D4981 - D 1001 rev I2; D 0600 rev I1; D 0601 rev I1; D 0602 rev I1; D 0200 rev I1; D 0201 rev I1; D 0202 rev I1; D 0203 rev I1; D 0500 rev I1; D 0097 rev I2; D 0098 rev I2; D 0099 rev I2; D 0100 rev I2; D 0101 rev I2; D 0102 rev I2; D 0103 rev I2; D 0104 rev I2; D 0300 rev I2; D 0301 rev I2; D 0302 rev I2; D 0400 rev I2; D 0401 rev I2; D 0402 rev I2.

Documents:

Design and Access Statement and Addendum (tp bennett); Townscape and Heritage Statement (tp bennett); Planning Statement (tp bennett); Arboricultural Assessment Report and Tree Protection Plan (Barrell Tree Consultancy); Daylight and Sunlight report and Addendum (gia); Overshadowing Impact Assessment rev A (gia); Amenity Within the Site Report (gia); Energy and Sustainability Statement (LIBRA services); Acoustic Assessment Report (PC Environmental); Transport Statement (TPP).

For Info only:

Geo-environmental Site Assessment (RSK); Structural Methodology Statement (RSK); Report on Ground Investigation (K F Geotechnical); Details of Previously Approved Construction Traffic Management Plan; Details of Shared Pile Agreement; Statement of Community Involvement.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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; 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 further:

- (a) Earthworks/piling and/or
- (b) 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 a written and photographic schedule of the facing materials and finishes you propose to use, including reference to sample / trial panels prepared on-site for our inspection, cross-referenced to annotated versions / excerpts of the approved elevations and roof plans to show where each of the materials would be used. You must not start work on the relevant parts of the development until we have approved in writing what you have sent us. You must then carry out the work using only the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 5 You must apply to us for approval of further information (as set out below) about the following parts of the development:
- a) Typical bay studies (detailed overall part-elevations and sections at 1:20);
 - b) Windows and external doors, including their reveals and surrounds (detailed elevations and sections at 1:5);
 - c) External railings and balustrades (detailed elevations and sections at 1:10).

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B or C of Part 1 or Class C of Part 2 of Schedule 2 of the Order shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 7 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the new single family dwellinghouses. (C14EC)

Reason:

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

- 8 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)

- 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)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

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

1. The planting shown on drawings D0100 rev I2 and D0104 rev I2.

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 14 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

1. The photovoltaic panels and ground source heat pumps.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

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

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

24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP
Phone: 020 7641 2000

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 6 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.

- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:

www.westminster.gov.uk/cil

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

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

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

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

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 9 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

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

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

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

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

- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteq.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 11 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)
- 12 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. Notice of commencement of development;

- ii. Provision of a payment in lieu of affordable housing provision of £440,000 (index linked and payable upon commencement of the development);
 - iii. Provision of a financial contribution to the Carbon Off-Setting Fund of £33,003 (index linked); and
 - iv. Costs of monitoring the agreement.
- 13 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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