

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 10 March 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Queen's Park	
Subject of Report	Queens Park Court, Ilbert Street, London, W10 4QA,		
Proposal	Development of existing western car park for the erection of a five storey block providing nineteen Class C3 residential units, demolition of existing storage sheds to west of site to provide four three storey Class C3 dwellings, amenity space, refuse storage, cycle parking, and estate works including the realignment of Droop Street; reconfiguration of the existing central car park, and erection of a replacement boundary wall to the existing nursery.		
Agent	Mr Charles Winch		
On behalf of	Westminster City Council		
Registered Number	19/07659/COFUL	Date amended/ completed	7 October 2019
Date Application Received	3 October 2019		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the completion of a unilateral undertaking to secure the following planning obligations:

- i. Stopping up of part of Droop Street and realignment of parking spaces;
- ii. Provision of lifetime (25 year) car club membership for all affordable units.
- iii. Provision of a financial contribution of £165,277 (index linked) to the Carbon Off-setting Fund.
- iv. Costs of monitoring the agreement (£500 per head of term).

2. If the legal agreement and deed of variation to secure the planning obligations has not been completed within 3 months then:

- a) The Executive Director Growth, Planning and Housing shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

b) The Executive Director Growth, Planning and Housing 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 Making and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site includes the existing car parks of the Queens Park Estate, the green space at the centre of the estate, part of Droop Street, the nursery to the south east corner of the site and the storage units to the west of the site. None of the buildings are listed and the whole site lies outside of conservation area designation.

The existing car parks are used by residents of the estate whom have estate permits and the storage units are allocated to residents on a rolling basis.

Permission is sought for the erection of 19 flats on the car park to the south west of the site, demolition of the storage sheds to allow for the erection of four town houses to the west of the site, associated cycle and waste storage for all the residential units, the stopping up and reconfiguration of Droop Street, a new boundary wall to the south of the nursery and associated estate works.

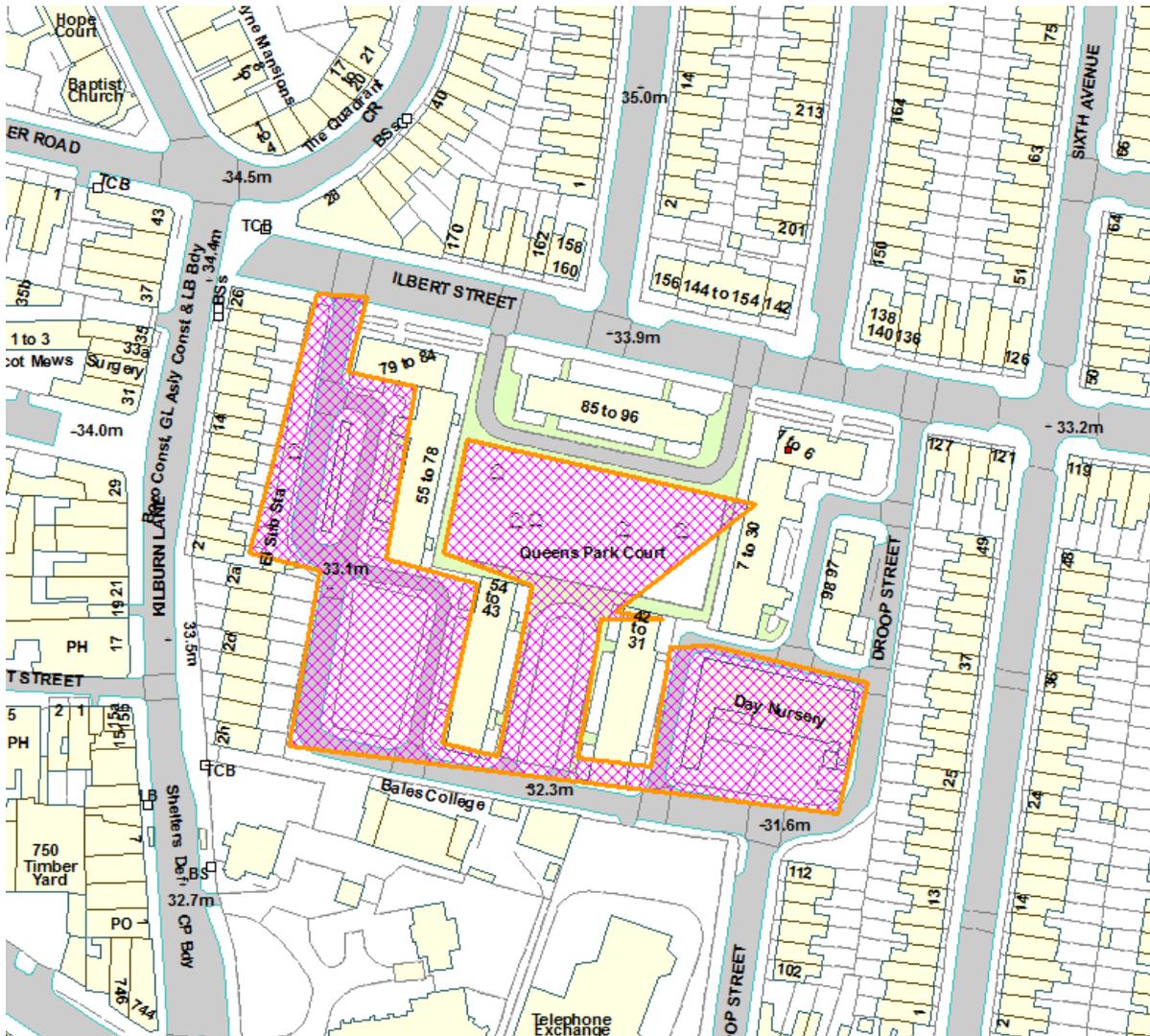
Three letters of objection have been received from neighbours on the grounds of loss of parking and increased traffic, loss of light and privacy, disturbance during construction. Two letters of support have been received from residents and one from Councillor Dimoldenburg.

The key issues are:

- The acceptability of the proposals in land use terms.
- The acceptability of the proposed buildings in design terms.
- The impact of the loss of off street car parking;
- The impact of the proposals upon the amenity of neighbouring residents.

For the reasons set out in this report, the proposals are considered acceptable in land use, design and amenity grounds and the application is recommended for conditional approval subject to the completion of a legal agreement.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved. License Number LA

4. PHOTOGRAPHS

View of existing car park looking south



View of the existing sheds looking north from car park



5. CONSULTATIONS

COUNCILLOR DIMOLDENBERG:

No objection.

QUEEN'S PARK COMMUNITY COUNCIL:

No response to date

AFFORDABLE HOUSING SUPPLY MANAGER:

Welcomes the delivery of 23 new affordable homes, representing 100% of the residential delivery on this scheme.

ENVIRONMENTAL HEALTH:

Further to the receipt of some clarifications, no objections subject to conditions.

HIGHWAYS PLANNING TEAM:

Objection raised to the loss of off street car parking. If officers considered the works acceptable conditions should be added to the permission to secure car club membership, cycle parking, disabled car parking spaces. Stopping up to be secured by S106 agreement

ARBORICULTURAL OFFICER:

No objection raised subject to conditions.

BUILDING CONTROL:

No response to date

DESIGNING OUT CRIME:

No response to date

THAMES WATER UTILITIES LTD:

No objection subject to conditions

WASTE PROJECT OFFICER:

No objection following the submission of revised drawings.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 240

Total No. of replies: 6

No. in support: 3

No. of objections: 3 letters of objection have been received one from neighbouring residents on one or more of the following grounds.

Land use:

- Overcrowding/over development

Design:

- Design not in keeping with Queens Park Court

Amenity:

- Loss of light caused by the three storey dwellings
- Loss of trees outside of block 42-48 will harm visual amenity

Highways:

- Loss of parking
- Lack of parking for new units

Other Matters:

- Noise and traffic during construction

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site currently comprises of land located in the south west of the Queen's Park Estate, currently in use as a resident's car park; patches of open space; an existing nursery and a row of storage sheds serving the estate. The application site also includes the central estate car park; existing garden and play space within the centre of the Estate; and a one storey building currently in use as a nursery located in the south east corner of the site. Parts of Droop Street, which runs through the Queen's Park Court Estate from Ilbert Street to Sixth Avenue, are also included within the application site.

None of the buildings are listed. The very western boundary of the site with the properties on Kilburn Lane lies within the Queens Park Conservation Area.

6.2 Recent Relevant History

There has been no recent planning history relating to this part of the estate.

7. THE PROPOSAL

The proposal involves repurposing an existing parking area and storage sheds for residential units, with alterations to the public realm. The scheme includes four, three storey houses and a five storey block of nineteen flats. An existing car park is to be redesigned and an area of public space between the new flatted building and an existing flatted building is proposed. It is also proposed to replace the boundary treatment to the nursery building in the south east corner.

The 19 flats on the existing car park to the south west of the site comprise of 5 x 1-bed 2-person, 4 x 2-bed 3-person, 2 x 2-bed 4-person, 6 x 3-bed 4-person and 2 x 3-bed 5-person apartments.

The four houses to the west comprise of 3 x 2-bed 4-person houses and 1 x 3-bed 5-person house. The houses are to have individual gardens and the apartments are all proposed to have private amenity space in the form of a balcony or a terrace. Cycle parking and waste storage is proposed for all the residents units.

As part of the application the south boundary of the nursery will be demolished and rebuilt with a brick wall measuring 2m and a close boarded wooden fence.

Between the new apartment block and the existing flats to the east there will be a new public space with planting. The existing car parking in the middle of the site (between two existing blocks of flats) is to be reconfigured to provide more spaces (as a result of the loss of the parking in the main car park where the new block of flats is proposed).

The stopping up of part of Droop Street will prevent vehicles traveling between the housing blocks and broadly direct traffic around the boundary of the site.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Affordable Housing (social rented)	0	2191	+ 2191
D1 Nursery	433	0	0
Ancillary storage	79	0	- 79
Total	512	2191	+1679

8. DETAILED CONSIDERATIONS

8.1 Land Use

The relevant City Plan policies are S12 North Westminster Economic Development Area (NWEDA), S14 Optimising housing delivery, S15 Meeting Housing Needs, S16 Affordable Housing, S34 Social and Community Infrastructure and Unitary Development Plan (UDP) Policies H3 To Encourage the Provision of More Housing, H5 Providing a Range of Housing Sizes, SOC1 Community facilities in general and SOC 3 Childcare facilities.

8.1.1 Loss of parking and storage

The proposals result in an overall loss of 10 off street parking spaces as some of those lost are to be re-provided in the reconfiguration of the retained car park in between two existing residential blocks.. TRANS 23 states that the loss of off street car parking is only acceptable in exceptional circumstances.

The Highways Manager has objected to the loss of off street parking spaces on the grounds that it would result in increased pressure for on street parking in the surrounding streets and that exceptional circumstances have not been demonstrated. Data provided by Housing Management indicates that there are currently only 25 parking licensee holders for this estate. The proposed scheme includes 25 parking spaces (2 of which are disable spaces) for licensee holders and the latest parking data demonstrates that the surrounding streets have the capacity to absorb the displaced licensee holders.

The Highways objection is discussed in further detail in the Highways and Transport section of this report, however the loss of off- street parking must be considered in the context of the delivery of 23 affordable housing units and is considered acceptable.

The proposal would result in the loss of 12 storage units to the west of the site. The units are let to residents on a rolling basis and are not included within tenancies or deeds. 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.

8.1.2 Proposed Residential Accommodation

In this location outside the CAZ, Policy S14 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 mix of units, as set out above would deliver 39% of the units as family sized and this is in accordance with policies H5 of the UDP and S15 of the City Plan.

The proposed units are all in accordance with the minimum size standards as set out in the London Plan and the Nationally Described Housing Standards. The ground floor flats all have outside amenity space in the form of front gardens and the flats to the upper floors have balconies. The new houses have private rear gardens. Two of the flats on the ground floor are DDA compliant.

The proposed new housing is in accordance with the above adopted policies and therefore acceptable on land use grounds.

8.1.3 Affordable Housing

All of the proposed units are for social rent which meets the demand for social rented units in Westminster as detailed in the latest assessment of affordable housing need (Westminster Housing Market Analysis prepared by WCC and Wessex Economics (June 2019)). The City Council Housing Supply Manager has welcomed the 100% social rent provision.

8.2 Townscape and Design

The site does not contain any listed buildings however the Queen's Park Estate Conservation Area surrounds the application site running along the north and east boundaries; a parcel of land along this boundary and included within the site demarcation for Queen's Park Court Estate sits within the conservation area. The application site is also bound to the south by a boundary wall to the Grade II listed 'Church of St John the Evangelist'.

Legislation and Policy

The City Council aims to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historical interest which it possesses, and to preserve or enhance the character and appearance of a

conservation area, this is in accordance with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

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 S25, S26 and S28 of the City Plan provide the strategic basis for the application.

Of particular relevance is UDP Policy DES 4 which seeks 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 development must have regard to the prevailing character and quality of the surrounding townscape specifically noting that the development conforms or reflects established boundary lines and local scale, storey heights and massing of adjacent buildings, characteristic frontage plot widths, roof profiles including silhouettes of adjoining buildings, distinctive forms of prevalent architectural detailing and type of characteristic materials.

The Proposed Development

Along the western boundary to the north of the site it is proposed to erect 4no new houses. Each house fronts the highway and has a private garden to the rear, forming a boundary with the buildings fronting Kilburn Lane. The terrace is of 3no storeys with the upper storey pitched to distinguish it as a roof storey. The central flat roof contains solar panels.

To the south west of the site a 5no storey block of 19 flats is proposed parallel to existing Block C of Queens Park Court. Similar to the houses, the upper two storeys of the building are pitched and contain recessed balconies. The first and second floor levels have projecting balconies whilst the private amenity space to the ground floor units is concealed by brick boundary walls or planting.

Both sets of buildings proposed the same material pallet; clay brick shingles to the roof, white buff brick to the ground floor level and red brick to the upper levels. Reconstituted Portland stone is proposed to demark principal entrances. All fenestration and rainwater goods are to be aluminium and the balcony rails on the block of flats will be aluminium. A new landscaped shared garden space is provided between the existing and proposed flat block and the existing car park to the south is to be redesigned.

Improvements are also proposed to the nursery boundary. The existing fencing along the south boundary is to be replaced with a red brick retaining wall with wooden fencing, in a diamond pattern, above. On the other three elevations the existing security wire is to be replaced with a hostile topping.

Assessment

The redevelopment of these sites is accepted in design and heritage terms. The location of the buildings align with the established line of the neighbouring buildings and the

layout of Queen’s Park Court as a whole and therefore is in accordance with the aims of DES 4. The form of the buildings is appropriate for their location, with the building heights comfortably relating to their immediate neighbours and the wider townscape. The views from within the Queen’s Park Estate Conservation Area and from the Grade II listed church are considered to be preserved owing to the complimentary building form and heights.

With regards to detailed design, within a neighbour objection and concern has been raised with the detailed design of the new buildings and them being in keeping with Queens Park Court. Whilst the detailed design of the buildings is not a direct replica of the existing buildings, the design concept references the Arts & Crafts character of the Queen’s Park Conservation Area and the Queen’s Park Court Estate material palette. The use of a white brick for definition and the dominant use of red brick is reflective of the surrounding buildings, albeit the tone is brighter which will demark the buildings as part of a later phase and a group, together making a contribution to the area. Detail is generated through the highlighting of features with a contrasting material. The side and rear elevations are detailed like the front elevation owing to their high visibility in private views from the buildings that overlook the site from Kilburn Park Road and from within Queen’s Park Court. The use of a pitched roof form is in keeping with the surrounding blocks and the use of photovoltaic panels on the roof is supported and secured by condition. The scale of the fenestration creates hierarchy and relates the buildings to their neighbours. The detailed design is therefore considered to accord with the aims of DES 4 as it responds to the distinctive forms of prevalent architectural detailing and materials found within Queens Park Court and the Queens Park Estate Conservation Area.

The introduction of a new public space is welcomed and the outlined design is considered to be appropriate for the location, creating a new type of open space to compliment the existing greens and play space. The reconfiguration of the car park is also welcomed as it contributes to wider public realm enhancements.

The proposed new boundary to the nursery, notably the timber element adds significant height to the back edge of the pavement in this location. Whilst tall, it is considered to be an enhancement on the existing timber fence. The use of materials and detailed design is considered to compliment both the new buildings and the wider estate. Whilst security details, such as the hostile topping proposed to the existing boundary, are not aesthetically desired in the public realm, the need for them in the context of providing a secured environment to the nursery is recognised. Furthermore the method of security will be an enhancement on the existing arrangement and therefore is accepted.

In conclusion, the proposal is considered to comply with UDP policies DES 1 DES 4 DES 9 and DES 10 as well as S25 and S28 of the City Plan. The new buildings will preserve the character and appearance of the Queen’s Park Estate Conservation Area and will have no impact on the setting of the Grade II listed church.

8.3 Residential Amenity

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 Sunlight and Daylight

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 intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the same BRE guidelines apply. Many sites throughout central London have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. It is accepted that a VSC of around 18% in an urban context is not uncommon and is considered to provide an acceptable level of light.

The applicant has submitted a detailed assessment of 125 windows which include 63 windows in the elevation of the existing blocks within the estate (43-54 and 55-78 Queens Park Court, facing the new buildings and 62 windows in the rear of the buildings of 2-20 Kilburn Lane.

Of the 125 windows assessed, 93 retained a VSC of 0.8 or greater of the current level. Of the 32 windows which were below 0.8 of the existing value, 27 retained a VSC level of 18% or above.

The remaining 5 windows which have a retained VSC level of between 15% and 18% are located on the ground floor level of block 43-54 Queens Park Court, which is directly west of the proposed five storey block of flats. These windows are recorded in the report as window numbers 72, 75, 78, 81 and 84. Window 72, a bathroom with obscure glazing and windows 75 and 84, which appear to serve kitchens are not habitable rooms. Windows 78 and 81 are habitable rooms although it is unclear as to what they serve.

The report includes a No Sky Line (NSL) assessment for these five windows which demonstrates that all of the windows would retain an NSL factor of 0.8 of their previous value in accordance with BRE guidance.

Overall the majority of windows assessed would retain an acceptable level of light following the development, and whilst there would be losses for 5 windows which would result in a degree of harm from a reduction in VSC which is greater than considered acceptable in the BRE guidance, these losses must be considered against the 23 new socially rented units that are being delivered. In light of the social benefits of the new social housing offered it is considered that on planning balance that the proposals are not so harmful to warrant refusal of the application.

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.

62 windows have been assessed. Only 3 windows showed retained annual hours less than 0.8 times the current value and less than 25% of total hours available. In 2 of those cases, the windows already have very low levels of direct sun, exacerbating the effect of the proposals. The proposals are therefore considered acceptable in this regard.

8.3.2 Sense of Enclosure

The proposed new houses are located more than 10m from the rear elevation of houses 2-20 in Kilburn Lane and some 13m from the main western elevation of 55-78 Queens Park Court. The proposed 5 storey flat building is located 16m from the closest rear elevation of houses 2a-2h in Kilburn Lane (these are staggered, so this distance increases) and some 11m from the western elevation of 43-54 Queens Park Court.

The proposed block of flats at 5 stories is of a comparable height to the existing buildings in the Queens Park Court estate and the houses are similar in height to those found on Kilburn Lane.

The block directly to the east of the new flats 43 to 54 Queens Park Court contains 24 flats. It is unclear as to the internal layout of these flats and arrangement on each floor however it is likely that 12 flats look directly out onto the existing car park from the west facing windows with views toward the houses on Kilburn Lane and the sky beyond. As part of the proposed works the area between the buildings would become open communal space with landscaping and tree planting.

The existing views from these existing flats to the buildings on Kilburn Lane would be replaced by views of the new block of flats with sky above, the views to the south and north would be retained as existing. It is recognised that for the flats on the ground floor

the impact of the new building would be greater than those to the upper floors who would retain a greater sense of outlook over the top of the new building. However, given the distance between the buildings and the improvements to the public space directly outside of the west facing windows of these flats it is not considered the works would result in an unacceptable level of harm from sense of enclosure which would justify the withholding of planning permission.

Given the distance between the proposed block of flats to the residents of 2a-2h Kilburn Lane, and that their rear outlook is already of the blocks of the Queens Park Court estate, the proposals are acceptable in terms of enclosure to these properties.

The four new houses are not of a height or in a position which would raise concerns regarding harm from an increased sense of enclosure to residents 2-20 Kilburn Lane or 55-78 Queens Park Court.

8.3.3 Privacy

Given the distances between the existing flats in the estate and the houses on Kilburn Lane, over a streets width apart and similar to distances found in the surrounding estate, it is not considered that the proposed new residential accommodation would result in any harmful overlooking to existing properties.

8.4 Transportation/Parking

Loss of off street car parking

As discussed briefly in the land use section of this report, TRANS23 states “The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.”

It is acknowledged that the existing site has existing car parking comprising 35 ‘formal’ spaces, nine in a central area between two existing blocks, and 26 in a carpark to the west of the site. The proposals result in the total loss of the car park to the west of the site and as a result of a reconfiguration of the central car parking area, 25 replacement spaces are proposed (2 spaces for which are disabled spaces).

The applicant states that only 25 licenses have been granted to residents to park, however it should be noted that 9 more vehicles have been surveyed parking in the spaces (in front or behind of existing spaces and adjacent the pavement to the west of the site). The Highways Planning Manager indicates this is a demand for these existing off-street car parking spaces and states that any additional vehicles above the 25 re-provided spaces would be required to park on-street in the surrounding area, adding to existing demand.

When considered against TRANS23A the proposal is not consistent with the existing UDP policy. The loss of the car parking will add to existing on-street parking pressures and be contrary to TRANS23.

Officers consider that in light of the proposals, providing 23 affordable housing units, all of which are an acceptable standard of housing with gardens and amenity space, in an

area where the demand of this form of housing is required, is an exceptional circumstance to allow the loss of this existing off-street parking.

Car Parking Provision

The impacts of high parking demand are well known and include:

1. drivers being forced to circulate around an area seeking empty spaces which causes unnecessary congestion, environmental pollution and noise disturbance;
2. drivers being tempted to park in dangerous or inconvenient locations, such as close to junctions or on pedestrian crossing points;
3. drivers having no choice but to park some distance from their homes causing inconvenience and more serious problems for elderly or disabled residents.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2018 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 72%. TRANS23 includes all legal parking spaces (eg Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 68%.

The evidence of the Council's most recent daytime parking survey in 2018 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 48%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential Bays and Shared Use Bays.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the Queen's Park Ward is 37% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy. 61 extra vehicles on-street would increase the stress level to over the 80% threshold overnight.

The proposed 23 residential units (based on the ward car ownership level), would be expected to generate 9 vehicles. Combined with the 9 additional vehicles currently parking off-street that will no longer be able to, this could amount to more than a total of 18 vehicles that would need to park on-street in the surrounding area, increasing existing on-street stress levels. As this is not considered to increase the stress level either during the day time or overnight, over the 80% threshold, the proposed new residential units are consistent with TRANS21 and TRAN23.

The revised car parking layout is considered operational.

Highways Works

Works are proposed to stop up part of Droop Street to allow the reconfiguration of the existing central car parking spaces and to create a communal landscaped area between the existing flats and the newly proposed block of flats. The Highways Planning Officer has no objection to this and these works are to be secured through a unilateral undertaking.

Nursery Boundary Treatment

The Highways Planning Manager has no objections to the proposed nursery wall and its height.

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', and the block of flats contains a lift providing access to all floors.

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'. Two of the ground floor units are compliant with M4(3). While this is not 10% of the development, given the whole scheme is to be socially rented the rounding down to 2 units rather than rounding up to 3 is considered acceptable.

8.7 Other UDP/Westminster Policy Considerations

Open Space

The site lies within an area of public open space deficiency. This is despite the existing area of open space within the estate, which includes some informal play equipment (such as monkey bars and gym like equipment). Whilst the proposals provide amenity space to each unit, the applicant is strongly encouraged to incorporate informal play equipment to the proposed communal landscaped area.

Refuse /Recycling

The City Councils Waste Project Officer has confirmed that the proposed refuse and recycling arrangements are acceptable subject to them being secured by condition.

Trees

The City Council's Arboricultural Officer has no objection to the proposal subject to conditions requiring details of the construction of the nursery boundary wall and details of proposed landscaping.

Energy/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 31% reduction in CO2 emissions relative to 2013 Building Regulations Target Emissions Rate. Of the proposed 31% reduction, 15% is saved through demand reduction measures such as low energy lighting and insulated building fabric. The remaining 16% savings are made through the inclusion of renewable energy in the form of 16.9kWp array of photovoltaic (PV) cells on the roof of the proposed flatted building.

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 Council's Carbon Off-Setting Fund secured via the unilateral undertaking. At the standard GLA rate of 7,560 £/tCO₂, preliminary calculations presented in this report, the carbon off-setting contribution would be £165,277.

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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, 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 London Plan

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

8.10 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 trees protection measures
- Site investigation of possible land contamination

The applicant has agreed to the imposition of the conditions.

8.11 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. Stopping up of part of Droop Street and realignment of existing car parking.
- ii. Provision of lifetime (25 year) car club membership for all affordable units.
- iii. Provision of a financial contribution of £165,277 (index linked) to the Carbon Off-setting Fund.
- iv. Monitoring costs.

8.12 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.

8.13 Other Issues

Air Quality

An Air Quality Assessment has been submitted as part of the application and all the findings and recommendations have been agreed (this was further to clarification from the applicant to the Environmental Sciences officer). The City Council's Environmental Sciences officer have requested that, as the proposed boiler specification has not been determined and therefore the air quality neutral assessment for building emissions cannot be undertaken at this stage, a condition is attached to any permission requiring that the applicant demonstrates that the development will achieve air quality neutral prior to the installation of any combustion plant.

The City Council's Environmental Sciences officer has also requested that due to the close proximity to existing residential properties and a nursery, the applicant should seek to undertake a (construction) noise assessment at an early stage so the impacts of the construction phase can be fully understood and any required mitigation can be factored in.

Noise and Disruption During Works

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. These details need to be agreed with the City Council prior to the commencement of the development.

Thames Water

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.

Electricity Sub-station

The site includes an electricity sub-station (where the garden is in one of the houses proposed). The applicant has demonstrated they are in discussions with UK Power Networks Ltd with regards to the future of this asset. Cadent Gas have responded directly to the City Councils consultation requesting that an informative is attached to any permission granted requiring the applicant to contact them directly regarding the gas infrastructure on site before any development takes place.

Statement of Community Involvement

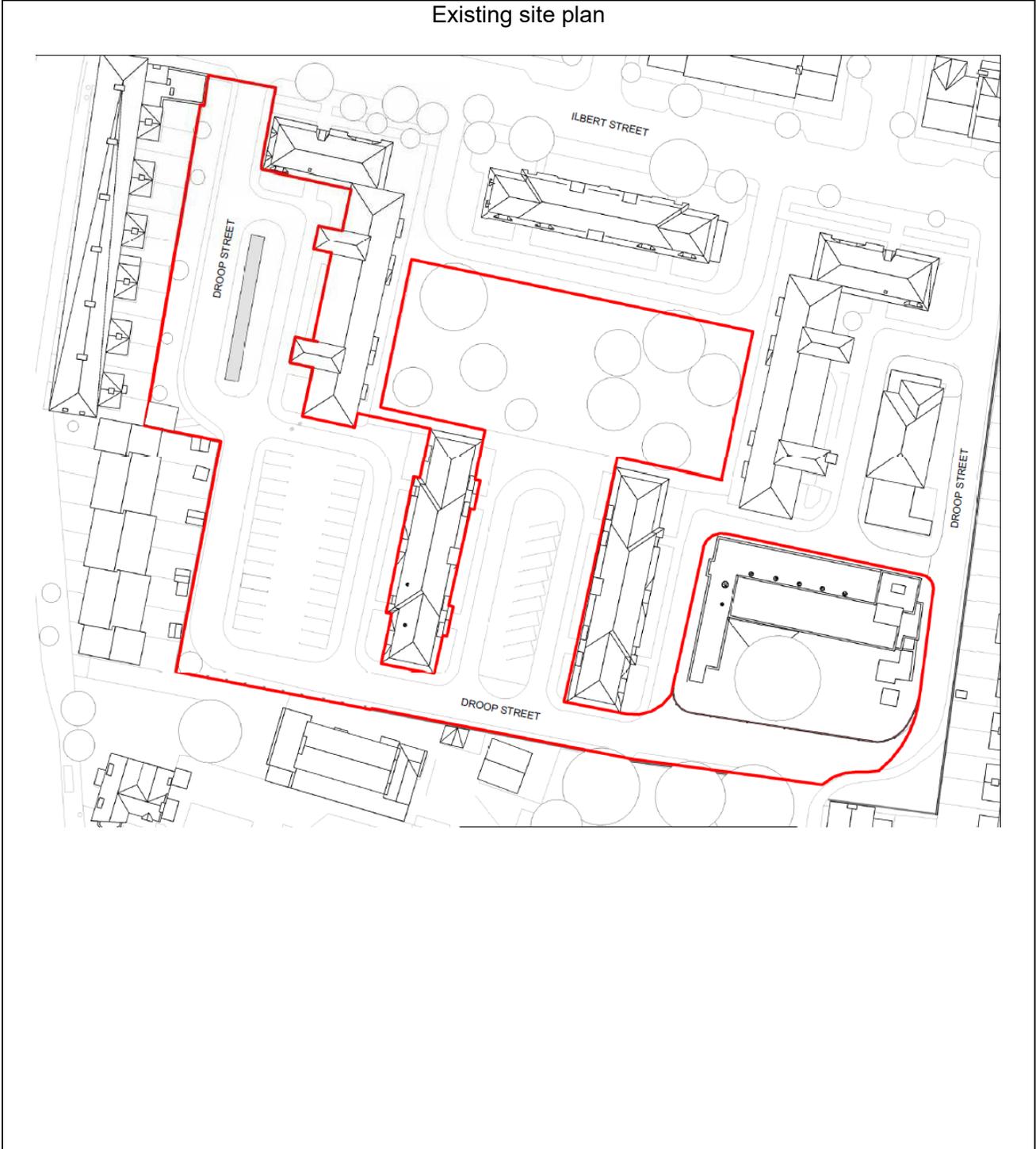
The proposals have been subject to community involvement with two phases of public consultation between May and July 2019.

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

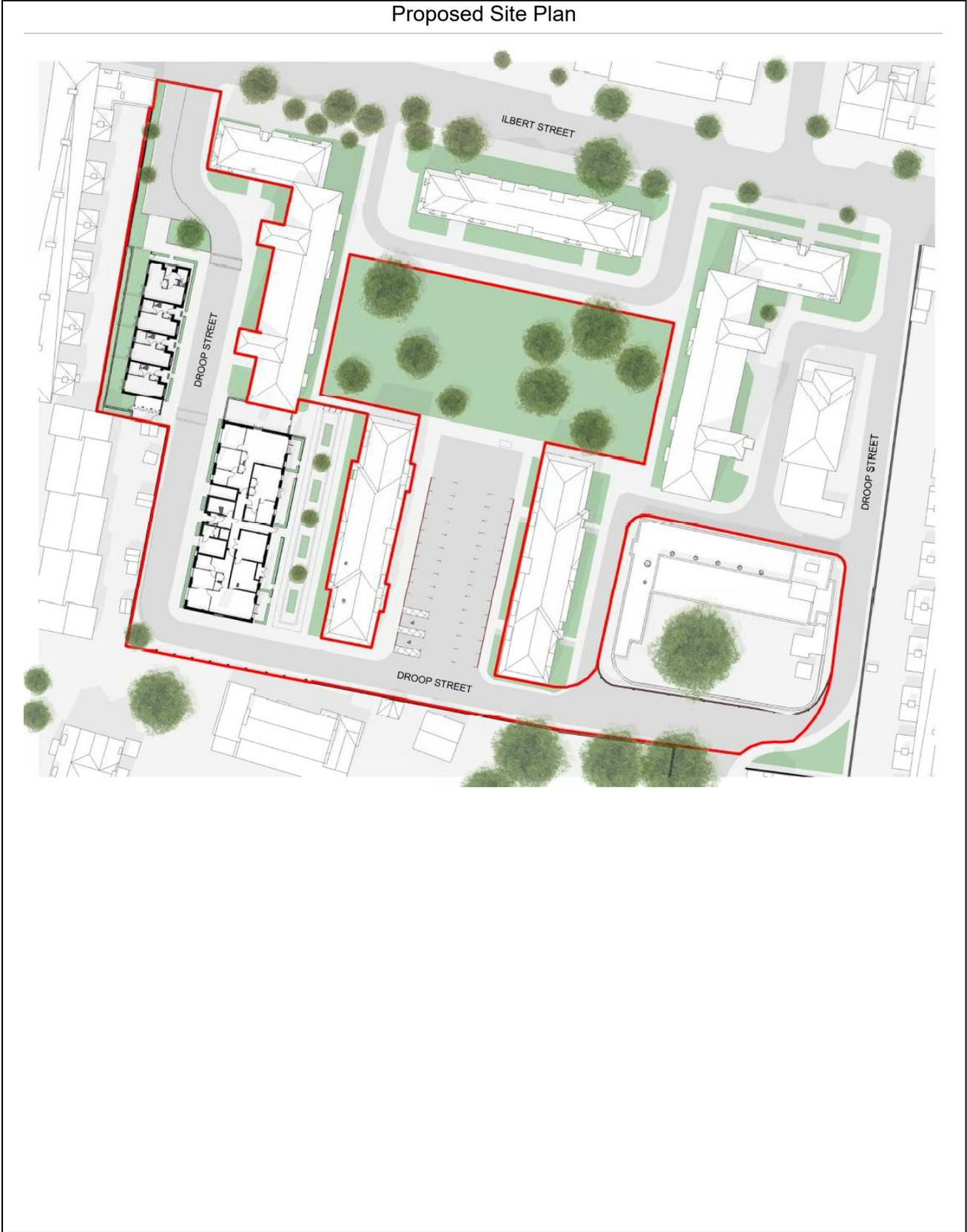
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT KDAVIES1@westminster.gov.uk

9. KEY DRAWINGS

Existing site plan



Proposed Site Plan



Proposed east and west elevations of new block of flats



Proposed east and west elevations of four new houses



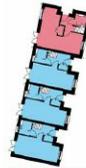
1 HOUSE EAST ELEVATION 1:100



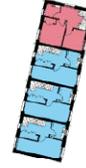
3 HOUSE WEST ELEVATION 1:100

Floor plans

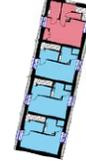
MIX - HOUSES						
	1B 2P	2B 3P	2B 4P	3B 4P	3B 5P	Total
Level 00	0	0	3	0	1	
Level 01	0	0	0	0	0	
Level 02	0	0	0	0	0	
Level 03	0	0	0	0	0	
Level 04	0	0	0	0	0	
Total	0	0	3	0	1	4



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

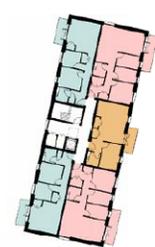
MIX - FLAT BLOCK						
	1B 2P	2B 3P	2B 4P	3B 4P	3B 5P	Total
Level 00	1	0	2 Acc	0	0	
Level 01	1	2	0	2	0	
Level 02	1	2	0	2	0	
Level 03	2	0	0	2	0	
Level 04	0	0	0	0	2	
Total	5	4	2	6	2	19



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FOURTH FLOOR PLAN

Proposed Visuals



Proposed Visuals



DRAFT DECISION LETTER

Address: Queens Park Court, Ilbert Street, London, W10 4QA,

Proposal: Development of existing western car park for the erection of a five storey block providing nineteen Class C3 residential units, demolition of existing storage sheds to west of site to provide four three storey Class C3 dwellings, amenity space, refuse storage, cycle parking, and estate works including the realignment of Droop Street; reconfiguration of the existing central car park, and erection of a replacement boundary wall to the existing nursery.

Reference: 19/07659/COFUL

Plan Nos: Proposed Elevations - Flat - Sheet 1 of 2 QPC-DMA-XX-ZZ-DR-A-03101 P8; Proposed Elevations - Flat - Sheet 2 of 2 QPC-DMA-XX-ZZ-DR-A-03102 P3; Proposed Elevations - House - Sheet 1 of 2 QPC-DMA-XX-ZZ-DR-A-03103 P3; Proposed Elevations - House - Sheet 2 of 2 QPC-DMA-XX-ZZ-DR-A-03104; Existing South Elevation QPC-DMA-XX-DR-A-03201; Existing East Elevation QPC-DMA-XX-ZZ-DR-A-03202; Existing North Elevation QPC-DMA-XX-ZZ-DR-A-03203; Existing West Elevation QPC-DMA-XX-ZZ-DR-A-03204; Nursery Fence Elevation QPC-DMA-XX-ZZ-DR-A-03205; Proposed Sections - Flat - AA BB QPC-DMA-XX-ZZ-DR-A-04501; Proposed Sections - House - AA BB QPC-DMA-XX-ZZ-DR-A-04502; Existing Site Plan QPC-DMA-XX-ZZ-DR-A-01001; Proposed Site Plan QPC-DMA-XX-ZZ-DR-A-01101; Layout Plans - Level 00 QPC-DMA-XX-ZZ-DR-A-02002 P5; Layout Plans - Level 01 QPC-DMA-XX-ZZ-DR-A-02003; Layout Plans - Level 02 QPC-DMA-XX-ZZ-DR-A-02004; Layout Plans - Level 03 QPC-DMA-XX-ZZ-DR-A-02005; Layout Plans - Level 04 QPC-DMA-XX-ZZ-DR-A-02006; Layout Plans - Roof Plan QPC-DMA-XX-ZZ-DR-A-02007; Proposed Stopping Up Plan 44802-PBA-XX-C-SK 002; Air Quality Assessment; Design and Access Statement; Daylight/Sunlight Assessment; Ecology Statement; Energy Assessment; Planning Statement; Noise Assessment; Drainage Statement; Ground Conditions Statement; Statement of Community Involvement; Transport Statement; Arboricultural Impact Assessment; Foul Water and Utilities Statement; Unexploded Ordnance Statement.

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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 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 , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

- 4 You must 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's

City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

- 7 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: Photovoltaics on the roof.
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)

- 8 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. 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)

- 9 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme 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 1 year of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

- 10 You must apply to us for approval of details of the construction of the boundary wall adjacent to the nursery, including details of the foundations. You must not start work on this part of the development until we have approved what you have sent us. You must then construct the wall according to the approved details.

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)

- 11 You must provide the waste store shown on drawing QPC-DMA-ZZ-ZZ-DR-A-02101 Rev P5; before anyone moves into the property. You must clearly mark it and make it permanently available and used for no other purpose. No waste should be left or stored on the public highway.

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)

- 12 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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)

- 13 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for residential parking.

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 hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 15 **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),

- 16 No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. 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:

At the request of Thames Water because network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

- 17 **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 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.

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 18 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)

- 19 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 18 of this permission. 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 details approved before the residential units are occupied and thereafter retain and maintain.

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)

- 20 You must submit an Air Quality neutral Assessment which demonstrates that the development will achieve air quality neutral prior to the installation of any combustion plant within the development.

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),

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 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures., , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control
- 3 When you apply for us for approval under condition 8 you will need to include details of the method of construction of the boundary wall adjacent to the nursery, according to the details approved by us under condition 10.
- 4 When you apply for us for approval under condition 8 you will must ensure that any areas of soft landscaping are adequately protected from compaction and contamination, in addition to any retained trees, in accordance with Section 6.2.1.2 of BS5837 ((2012): Trees in relation to design, demolition and construction.
- 5 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before

starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 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). For further information please use the following link: www.westminster.gov.uk/private-sector-housing. However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email at ehconsultationteam@westminster.gov.uk.
- 7 As this development involves demolishing commercial, institutional or public buildings, you should consider if there is any contaminated land from previous activities on the site. For example, this building may contain asbestos materials or hydrocarbon storage tanks associated with the heating system., , Your investigation should follow the advice in publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 8 Condition 20 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 9 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habitat. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (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.habinteg.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.
- 10 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: www.westminster.gov.uk/street-naming-numbering (I54AB)

- 11 Please email our Project Officer (Waste) at cleansing@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 12 The term 'clearly mark' in condition 12 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 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 email AskHighways@westminster.gov.uk. 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).
- 14 Operational gas and electricity infrastructure has identified within the application site boundary., , In the case of Gas apparatus, all developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. , , Email: plantprotection@cadentgas.com Tel: 0800 688 588 , , In the case of Electricity infrastructure all developers should contact UK Power Networks Ltd, , Email: lee.metselaar@ukpowernetworks.co.uk 01279 824724
- 15 With reference to condition 15 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council 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, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , 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 must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 16 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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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

**BACKGROUND PAPERS - Queens Park Court, Ilbert Street, London, W10 4QA,
19/07659/COFUL**

1. Application form
2. Response from Councillor Dimoldenberg dated 4 November 2019
3. Email form Thames Water dated 7th November 2019
4. Memorandum from Housing Supply Manager dated 15th November 2019
5. Responses from Environmental Sciences dated 3rd January 2020 and 6th February 2020
6. Responses from Waste Projects Officer dated 30th October 2019 and 6th January 2020
7. Response from Highways Planning dated 6th January 2020
8. Response from Cadent Gas Ltd dated 14th January 2020
9. Email from Agent relating to correspondence from UK Power Networks dated 10th January 2020
10. Response form Tree Section dated 6th February 2020
11. Letter from occupier of Flat 37 Queen's Park court dated 26 October 2019
12. Letter from occupier of 80 Fifth Avenue dated 1 November 2019
13. Letter from occupier of Flat 75, Queens Park Court, London, dated 5 November 2019
14. Letter from occupier of 23c Lydford Road dated 13 November 2019
15. Letter from occupier of The Vicarage Kilburn Lane, Kensal Green, dated 14 November 2019