

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Regent's Park	
Subject of Report	Kings Court , 31 Prince Albert Road, London, NW8 7LT		
Proposal	Demolition and redevelopment of the existing Porters Lodge to provide a replacement single dwelling (Use Class C3); erection of extensions to the rear of Kings Court; facade alterations, including provision of balconies at ground and first floor level to the front elevation of Kings Court, restoration of the existing brickwork and addition of limestone cladding, upgrades to the fenestration; landscaping of the site; provision of terraces to the rear and side of Kings Court.		
Agent	Ben Salter		
On behalf of	Mr Raphael Reuben		
Registered Number	19/05711/FULL	Date amended/ completed	22 July 2019
Date Application Received	22 July 2019		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a conservation area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to an existing two storey Porters Lodge and residential block of flats, located on the north side of Prince Albert Road. The site is neither listed or location within a conservation area. Permission is sought to demolish the Porters Lodge and to erect a new self-contained residential unit over four floors and to extend the existing flats within Kings Court to the rear; erect new terraces to both the front, side and rear; and alterations / refurbishments to the elevations of Kings Court.

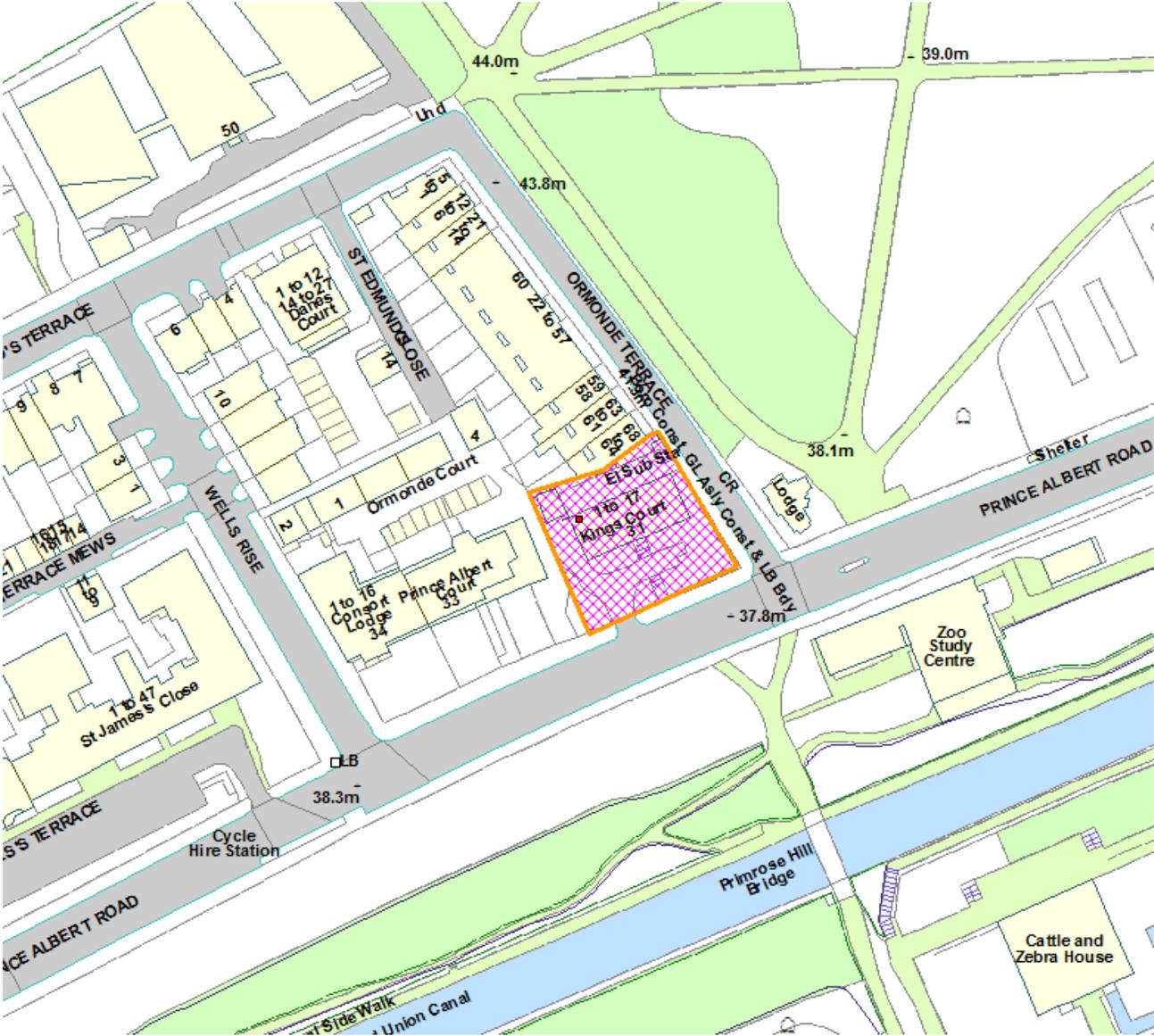
Considerable objection has been received to the development proposals from surrounding residents, largely on design, amenity, highways and construction and logistical grounds.

The key considerations of this case are:

- The impact of the extension on the townscape;
- The impact of the development on the amenity of adjacent occupiers;
- The impact of the development on the highway network.

The proposed development is considered to comply with the relevant policies in the Unitary Development Plan, adopted January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). The application is therefore recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation from prince albert road



Porters lodge to be demolished and access to garage



Kings court on left. Ormonde Terrace on right. Porters Lodge and Prince Albert Court centre.

5. CONSULTATIONS

ROYAL PARKS:

No response to date

ST JOHNS WOOD SOCIETY:

Request that the case officer carefully considers the impact on neighbours amenity (Prince Albert Court and Ormonde Terrace) and that comments of residents of Kings Court are considered

THAMES WATER:

Comments provided in relation to waste and water.

WASTE PROJECTS OFFICER:

Request for a condition for revised details of waste and recyclable storage, should permission be recommended.

HIGHWAYS PLANNING MANAGER:

Raise an objection due to the loss of 2 garage car parking spaces (of 16 spaces) contrary to TRANS 23. No details of cycle parking, however as no increase in units this is not required.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

ARBORICULTURAL OFFICER:

While the loss of the existing Sycamore Tree to the rear is regrettable, it would be difficult to resist given the constrained nature of the site. Trees to front are protected by Tree Protection Orders (TPO's). Following the receipt of additional/revised information no objection raised subject to conditions for tree protection.

ADJOINING OWNERS / OCCUPIERS:

No consulted: 53

No responses: 32 Objections and 10 in support of the development proposals.

The objections are summarised as follows:

Land Use:

- The proposed dwelling would be of a poor standard, lacking light and outlook.

Design:

- Proposed building is clunky eyesore.
- Existing building should be scheduled.
- Building is not subservient to the main structure.
- Location is inappropriate.
- Negative impact on the original design concept of the building.

Amenity:

- Due to the large size of the proposed windows, they would have negative impact on existing occupiers.

- Loss of light and sky to flats and gardens.
- Increased overlooking and loss of privacy.
- Loss of tree unwelcome as it provides privacy.
- Loss of outlook from Prince Albert Court.
- Increased sense of enclosure due to overbearing nature of development.

Highways:

- Two parking bays lost, leaving 14, 6 of which are narrow at 2m wide.
- Lack of parking provided and increased stress on highway network.

Other:

- Request for additional time to comment on the application.
- Concerns in relation to the impact of the building works on health.
- Noise and disruption from building works.
- Concerns in relation to fire safety, particularly for wheelchair users. In addition, increased risk of fire as buildings closer together.
- Increased maintenance charges.
- Residents will be forced to move out of the building during building works.
- Devalue property.
- Resident not agreed to extension of their flat.
- Unnecessary development.
- Ground movement during construction will affect flats.
- Recommend that porters lodge is updated and not replaced.
- Security risk from access from new roofs to adjacent flats.
- Artist visuals are disingenuous.
- Statement of Community Involvement does not reflect response to consultation prior to application.
- Concerns in relation to consultation letters and Site Notice.
- Inaccuracies on drawings.
- Certificate B incorrectly completed.

Support letters state the following:

- Upgrade to the windows greatly required.
- Alterations to dead spaces welcomed.
- Proposed green spaces welcomed.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a residential block of flats located on the north side of Prince Albert Road, on the junction with Ormonde Terrace. The block of flats dates from c.1960 and is unlisted and located outside of a conservation area; however, the boundary of Regent's Park Conservation Area is located down the centre of Prince Albert Road, opposite the application site. From looking at historic maps, it appears as though the site has undergone dramatic change with the original terraces having been replaced with a single block in c.1900, where the rear corner of the southern block of Ormonde Court was given over to the application site. The existing residential block appears to date from c.1960

when a substation was introduced to the rear. The porters lodge, located in the north west corner of the site is a later addition to the block.

There is a car park located at lower ground / basement level adjacent to the porters lodge, which is accessed down the side of the block.

6.2 Recent Relevant History

Permission was granted at planning sub committee on 3 September 2019 for the "Erection of single storey extension at eighth floor level and use of part of flat roof as a terrace with associated balustrade." Application referenced 18/09805/FULL. These works have not been implemented. The same works were previously approved in 2016 under application referenced 15/11197/FULL.

Permission granted on 4 May 2016 for the Erection of single storey side extension at ground floor level, installation of decking and installation of replacement gate to Ormonde Terrace [works in association with Flat 3]." Application reference 16/01268/FULL. These works have not been implemented

Permission granted 18 October 2012 (12/07751/FULL) and 18 August 2008 (08/05191/FULL) for alterations to the front entrance.

Permission granted 14 September 1962 for the erection of a six-storey block of flats (comprising fifteen self-contained flats) with car-parking accommodation for fifteen cars at semi-basement level at No.31 Prince Albert Road.

7. THE PROPOSAL

Permission is sought for the demolition of the existing porters lodge located to the side / rear of the block and for the erection of a replacement building to provide a new residential dwelling. The works also extend out to the rear of the main block of flats to provide extensions to some of the existing flats on the lower floors of the building with associated terraces. Facade alterations, including provision of balconies at front ground and first floor levels, restoration of the existing brickwork and addition of limestone cladding, upgrades to the fenestration and landscaping to the front elevation of the existing residential block. During the course of the application a bin and bike store have been moved within the front garden, which are now proposed centrally.

8. DETAILED CONSIDERATIONS

8.1 Land Use

An objection has been received on the grounds that the proposed accommodation will be sub-standard and will lack outlook. The proposed new unit which replaces the existing porters lodge has windows and lightwells to serve its rooms. The main living space for the unit is located at first floor windows and is triple aspect with windows facing north, south and east. The rooms on the ground floor of the unit will have the worst outlook, with the kitchen looking out onto a covered lightwell and the dining room looking out onto a small

new patio. While the comments are noted, it is considered that the new unit will have acceptable light and outlook when taken as a whole unit.

The proposals to extend the units within the existing main block are considered acceptable in land use terms and in accordance with policy H3.

An existing store within the basement is to be converted into the new porters/welfare accommodation with a kitchen. A condition is recommended to ensure that this is not used as self-contained residential accommodation as this would not be acceptable in terms of the standard of accommodation provided.

8.2 Townscape and Design

Objections have been received on the grounds that the proposed building is unacceptable and will have a negative impact on the local townscape.

Alterations and extensions to existing buildings are permissible under UPD policy DES 5. The policy states that permission may be granted where the extension is not visually dominant, is in scale with the existing building and is of a design and materiality which is in keeping with the host building.

The scheme proposed façade improvements to the main residential building, which include cleaning and repairing the existing brickwork and cladding architectural features in limestone. In upgrading the windows, it is also proposed to incorporate bronze into the window frames. The enhancements to the elevations are welcomed in design and heritage terms as they will improve the appearance of the building. The introduction of balconies to the lower and upper ground floor levels are not contentious in design terms.

To the rear it is proposed to erect extensions at ground, first and second floor levels. The lower ground floor level to the rear has historically been infilled and this is to be reconfigured. The massing of the extensions is stepped so that the bulk is located adjacent to the replacement Porter's Lodge, with the deepest projection being contained to the ground floor level. The east elevation contains recesses and projections to further break up the visual mass of the extensions. Green roofs are proposed at all levels around rooflights and landscaping is proposed adjacent to Ormonde Terrace, with a new brick boundary wall. The location, scale and massing of the rear extensions are considered to accord with the aims of DES 5. They are not considered to visually dominate the existing building and are subservient in nature due to their location. The use of projections and set backs enables the visual massing to be reduced, as do the different footprints at each level. The use of green roof and landscaping is considered to enhance the appearance of this part of the building, particularly the large utilitarian area between Kings Court and the flank elevation on Ormonde Terrace. The detailed design is in keeping with the design approach for the façade and therefore comfortably relate to the host building.

The principle of demolishing the existing Porter's lodge is not contentious in design terms. The replacement building is 4no storeys, with the top storey set back. The height and mass are considered to be comfortable in the setting of the building, allowing it to appear as a subservient and secondary addition to the block. The detailed design is reflective of the façade improvement works which allows the addition to integrate into its setting, which is aided by the integration of the architectural features from the block to the new building.

The proposals are considered to be in accordance with DES 1, DES 5 and DES 9 as well as City Plan policies S25 and S28 and will have little impact on the setting of the Regent's Park Conservation Area.

8.3 Residential Amenity

Policy ENV 13 of the UDP and S29 of the City Plan seek to protect the amenity of neighbouring occupiers. Policies ENV5 (Air pollution), ENV6 (Noise pollution) and ENV7 (Noise from plant) are also relevant. 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 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.

Considerable objection has been received from adjacent neighbours on the grounds of the negative impact that the development will have on their amenity.

8.3.1 Daylight and Sunlight

Daylight:

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. For instance a VSC of around 15% in an urban context is not uncommon and may be considered to provide an acceptable level of light.

The applicant has submitted a daylight and sunlight report by point 2, which has assessed the impact of the development on the adjacent properties. The report indicates that of the windows tested 3 fail as summarised within Table 1 below:

Address	Window	Use	Existing	Proposed	% Loss
33 Prince Albert Court	W5/21	Bedroom	17.46	9.2	47.31
	W5/22	Bedroom	19.6	15.47	21.09
Kings Court	W4/31	Bedroom	21.9	17.18	21.55

The two windows which fail in Prince Albert Court both serve bedrooms. From an officers site visit it was apparent that these bedrooms are also served by larger glazed windows which face north, which are little affected by the development proposals. The impact on

these rooms is therefore considered acceptable. The window in Kings Court will retain relatively good levels of light, in excess of 15. Given that this room is a bedroom, which have lower requirements for light as noted by the BRE, and given the relatively good levels of retained light, the proposals are also considered acceptable in terms of the impact on this room. All of these windows meet the requirements in terms of Average Daylight Factor, which is a measure of the daylight within a room, and account for factors such as the number of windows and their size in relation to the size of the room.

Considerable objection has also been received from the occupiers along Ormonde Terrace on the grounds of loss of light. The daylight and sunlight assessment has indicated that these rooms will meet the BRE requirements in relation to VSC, with the worst affected room being a side facing window at lower ground floor level (W2/49). This window already has relatively low levels of light at 6.66, reducing down to 5.35 (a loss of 19.67%). This room appears to be served by another smaller window in the end of the closet wing. As this window only sees a relatively small loss of light, meets the BRE and is served by another window, the impact is considered acceptable.

Sunlight:

The applicant has provided a sunlight assessment, which measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE guidance advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of Annual Probable Sunlight Hours (APSH) including at least 5% of annual probable sunlight hours during the winter. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The daylight and sunlight report has identified 2 rooms, a kitchen at lower ground floor level of 61-63 Ormonde Terrace and a living/kitchen/dinner at lower ground floor level of 64-66 Ormonde Terrace, which both breach the recommendations within the BRE. These APSH results for these rooms are summarised in the table below:

Address	room	Use	Existing Winter	Existing Annual	Proposed Winter	Proposed Annual	Winter % Loss	Annual % Loss
61-63 OT	R1/49	kitchen	6	30	0	24	100	20
64-66 OT	R1/39	L/K/D	2	19	0	14	100	26.3

As demonstrated by the figures above, the proposed extension will have a material impact in terms of sunlight, particularly in winter. The BRE suggests that 'all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.'

The windows at 61-63 serve a kitchen, and only just fails in terms of the BRE with a 20% loss. The BRE notes that kitchens are less important, and 24 hours of sunlight are retained. For 64-66 the proportional loss of sunlight is higher, however it is also noted that this is a duplex flat, with another living area located above at ground floor level, which faces out towards the road. While it is noted that the loss of light is in excess of the BRE, given the above, it is not considered that refusal on these grounds could be sustained.

Overshadowing:

The submitted daylight and sunlight report indicates that on the 21 March the adjacent gardens to the north receive 0 hours of sunlight, which will therefore not be affected. The dwelling is likely to have an impact on summer sunlight due to the increased bulk, however it is also noted that the mature tree is to be removed from the site, which will currently block the majority of light in the spring/summer when in leaf to these gardens. The proposals are therefore, on balance, considered acceptable.

8.3.2 Sense of Enclosure & Privacy

The existing porters lodge sits at lower ground and ground floor levels and has planting including a mature Sycamore Tree along the boundary with Prince Albert Court. There is an existing single storey wall/fence and trellis which separates the site from the gardens to north to the rear of the properties on Ormonde Terrace. The proposals will increase the height of this boundary by approximately 1.56m. At first floor level the bulk steps back in the area adjacent to the rear closet of Ormonde Terrace, and then steps back again at second floor level through the removal of the main staircase. This stepping back of the building leaves some breathing space between the rear closet wing of Ormonde Terrace and the new Lodge House. Small terraces are proposed within the gap between Ormonde Terrace and Kings Court for both the new Lodge House and existing flats within Kings Court.

The proposals will have an impact on neighbouring properties in terms of sense of enclosure and privacy, each taken in turn below.

Prince Albert Court:

Located directly to the west of the site, with windows located on the side elevation, the proposed new 4 storey dwelling will impact on flats within this building. The windows are separated by approximately 3.5m by an existing road which runs up to Ormonde Court. The main impact will be on bedrooms which have a side window which faces the side elevation of Kings Court and a main window which looks north. The proposed new building will result in an increased sense of enclosure to the side windows and oblique views from the north facing windows. As these rooms are dual aspect, with the main north facing windows being less affected, it is not considered that the impact will be so significant as to justify refusal.

Due to their separation, size and relationship, it is not considered that the new windows within the side of Kings Court, or the new small window to the stairs in the new unit, will have a significant impact in terms of privacy.

Ormonde Court:

Of the properties in Ormonde Court, the main impact will be on No 4 which is located to the north west of the site and has windows looking south the rear of Prince Albert Court. Due to their separation and existing outlook towards Kings Court and Prince Albert Court, it is not considered that the proposed new building will have a significant impact on this neighbouring property.

Kings Court:

Extensions are proposed to existing flats within Kings Court and terraces are proposed to the front, side and rear.

In order for the 4 storey new unit to be considered acceptable in relation to the existing units within Kings Court, a condition is recommended to ensure that the extensions to these existing units are provided prior to the new building which replaces the porters lodge. This condition is to ensure that these parts of the planning application are implemented, as should only the Porters Lodge part of the development be undertaken, then the development would have an unacceptable impact on rear windows within Kings Court, which would then look out onto the flank elevation of the new building. Subject to this condition the proposals are considered acceptable in terms of the impact on this block.

The new terraces to the front and rear are welcomed in terms of providing some outdoor space for the flats and are not considered to have a negative impact on this building.

Ormonde Terrace:

The most impacted neighbours are those located directly to the north of the site at 64-68 Ormonde Terrace. The flat at lower ground and ground floor levels has a living/kitchen/dinner with doors which open out onto the rear patio garden. At ground floor level a window which serves a walk in wardrobe / changing room, is located at the end of the closet wing, directly overlooking the site. There is also a window at ground floor level which is set back in the main rear elevation, which looks over a terrace towards the site.

The flat above this at first floor level has windows in the south and west facing elevations directly overlooking the site from the closet wing. Both of these windows are opaque glazed and serve a bathroom. There is a high level window serving stairs to the split level flat and a window in the main rear elevation which serves a bedroom each of which look towards the site, however the stair window is at such a level that its main outlook is more of the upper levels of Prince Albert Court.

These windows will experience an increased sense of enclosure. The majority of the bulk of the two additional stories for Lodge House is located at the western side of the site, with the massing stepped away from the boundary with Ormonde Court as you go up. The Lodge House will however raise two additional stories compared to the existing porters lodge. While there is additional bulk in closer proximity to these neighbouring windows and gardens, it is set in front of the considerable existing bulk of Prince Albert Court behind. An area of breathing space has also been maintained, by stepping the building back from the boundary and the rear of Ormonde Terrace as it goes up. The most impacted windows in the rear elevation of the closet wing serve non habitable rooms (a walk in wardrobe at ground and a bathroom with opaque glazing at first), with the habitable rooms set back from the development in the main rear elevation of the building, which retain a more open aspect. The lower ground floor windows will experience increased enclosure however already have an outlook onto an enclosed courtyard. While the objections from these neighbours is appreciated, it is not considered that the increase in sense of enclosure will be so significant as to justify a refusal in this instance for the reasons as stated above.

Due to the height of the proposed extension and their relationship, the rear facing windows located above the ones discussed above in Ormonde Terrace are impacted to a lesser extent as they will largely look out over the development rather than be impacted by it.

In relation to privacy, each of the proposed terraces is to have a wrap around screen which will shield views into the existing windows / gardens. Details of these screens is to be secured by condition to ensure that they are installed and of a suitable design and height. Given their small size and other existing gardens adjacent, it is not considered that they will have a significant impact in terms of noise. A condition is also recommended to ensure that the other areas of flat roof are not used for sitting out.

8.3.3 Amenity conclusion

While it is appreciated that there is a close relationship due to the small size of the site, it is not considered that subject to suitable conditions, that a recommendation for refusal could be sustained in this instance. The application is therefore considered acceptable in amenity terms.

8.4 Transportation/Parking

The proposals result in the loss of two of the sixteen car parking spaces within the basement. The Highways Planning Manager has objected to the proposals as this is contrary to UDP Policy TRANS23, which does not allow the loss of parking except in exceptional circumstances. It was apparent from the officers site visit that the majority of the parking was not in use. The case officer queried with the applicant in relation to costs of renting one of these spaces, and it was confirmed that they are offered at below average costs for the area.

Following officer comments in relation to the loss of this parking, a dedicated secure and covered cycle parking store is to be provided to the front of the site, with a space for each of the existing flats within Kings Court, details of which are to be secured by condition. In addition, the applicant has offered car club membership for the new Lodge House unit.

While it is noted that the loss of the parking spaces is contrary to policy, as 14 of the spaces are to be retained, the benefits of providing an additional dwelling, and with the benefits of providing a dedicated cycle store and car club membership, it is considered that on balance, the loss of the two spaces is acceptable in this instance.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size, however any benefits are welcomed.

8.6 Access

Access arrangements are to remain as existing.

8.7 Other UDP/Westminster Policy Considerations

Noise and Plant Equipment:

Environmental Health has recommended conditions in relation to mechanical ventilation, internal noise levels and a supplementary acoustic report in relation to the upgrading of the windows. As the proposals are to upgrade windows to existing residential units, it is not considered that conditions for the submission of a scheme of mechanical ventilation

for the existing dwellings could be sustained. Any benefits in terms of reducing noise from entering the existing flats and improving the thermal performance of the building are welcomed. Westminster's standard condition to ensure that the noise within the new Lodge House is however considered acceptable.

No air conditioning equipment is proposed. An informative is recommended to advise the applicant that if any plant is required then this will require a separate application for planning permission and supported by an acoustic report.

Refuse /Recycling:

A condition is recommended for details to be submitted of waste and recycling facilities, in accordance with the recommendation of the cleansing officer.

Trees & Biodiversity:

The proposals have been amended following comments from the Councils Arboricultural Officer to remove works under the trees to the front of the site. The Arboricultural officer is happy with the proposed amendments subject to conditions in relation to tree protection measures during building works.

The proposals result in the loss of a Sycamore Tree at the north western corner of the site. The Arboricultural Officers notes that this tree is currently not protected and could therefore be removed without reference to the City Council. While objections in relation to the loss of this tree have been received, including concerns such as loss of outlook and privacy, given that it does not require consent to be removed, and given its constrained location, its loss is acceptable.

The Arboricultural Officer has requested a hard and soft landscaping scheme. A condition is recommended for details to be provided of a living / green roof for the bike and bin store to the front of the site. Along with securing the green roofs proposed to the rear of the site, it is considered that these two conditions will meet the requirements of the Arboricultural officers request for hard and soft landscaping details, given that the remaining landscaping is not proposed to be altered.

Security:

Concerns have been raised by neighbouring properties in relation to reduced security as a result of the proposed development, with rear windows becoming more readily accessible. There is already an area of flat roof which separates Kings Court and Ormonde Terrace, which could already readily provide access to the rear of the properties of Ormonde Terrace, however as the area is to be amended and improvements in relation to security could be gained, a condition is recommended for the submission of details of ways in which the security of both the site and adjacent residents can be improved.

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 Neighbourhood Plans

The site is not within an area with an adopted or draft neighbourhood plan.

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 tree protection measures. Confirmation from the applicant of acceptance of the conditions will be confirmed verbally.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application.

The estimated Westminster CIL payment is approximately £234,300 and Mayoral CIL of £34,080.

8.13 Environmental Impact Assessment (EIA)

An EIA is not required for a development of this size.

8.14 Other Issues

Construction impact

Concerns have been raised in relation to construction. The development is not of sufficient scale for the applicant to be required to sign up to the Councils Code of Construction Practice. A condition is however recommended to ensure that the hours of building work are restricted to daytime hours and at the weekends. An informative is also recommended to advise the developer to sign up to the Considerate Constructors scheme, to help reduce the impact of the development on neighbouring residents. To further restrict the development due to the construction impact would not be reasonable.

Fire risk:

Concerns in relation to increase fire risk particularly for wheelchair users have been submitted. Access arrangements are not being changed, with existing stepped access to the front of Kings Court and a ramp down to the basement car park retained. Concerns are also raised in relation to the reduced distance between the buildings could increase fire risk. Close nit development is common in urban locations, and refusal on these grounds could not be sustained under planning legislation, an informative is however recommended that Building Regulations approval will be required for the proposed works, which includes legislation in relation to fire.

Other:

Objections on grounds for which planning permission could not be withheld have been received, these include increased maintenance charges, residents having to move out during building works and property value decreasing. They also state that the statement of community involvement does not reflect responses to pre consultation. While community involvement prior to submission is welcomed it is not a requirement, and does not impact on the consideration of the planning application.

Concerns in relation to incorrect certificate being completed, inaccurate drawings and lack of time for consultation have also been received. A corrected certificate was submitted and a considerable length of time has now passed to allow for consultation responses. The submitted drawings are considered acceptable to consider the application.

Structural concerns in relation to the building works are a matter for building regulations, and permission could not be withheld on these grounds.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

9. KEY DRAWINGS

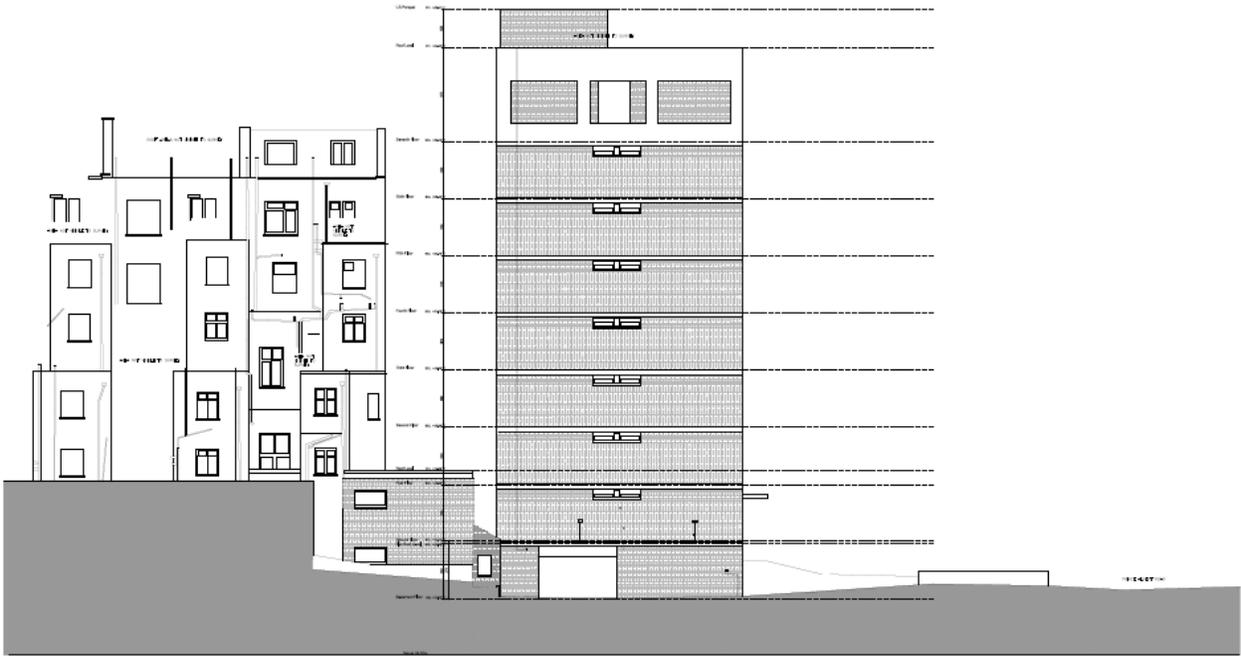
Existing front elevation



Proposed front elevation



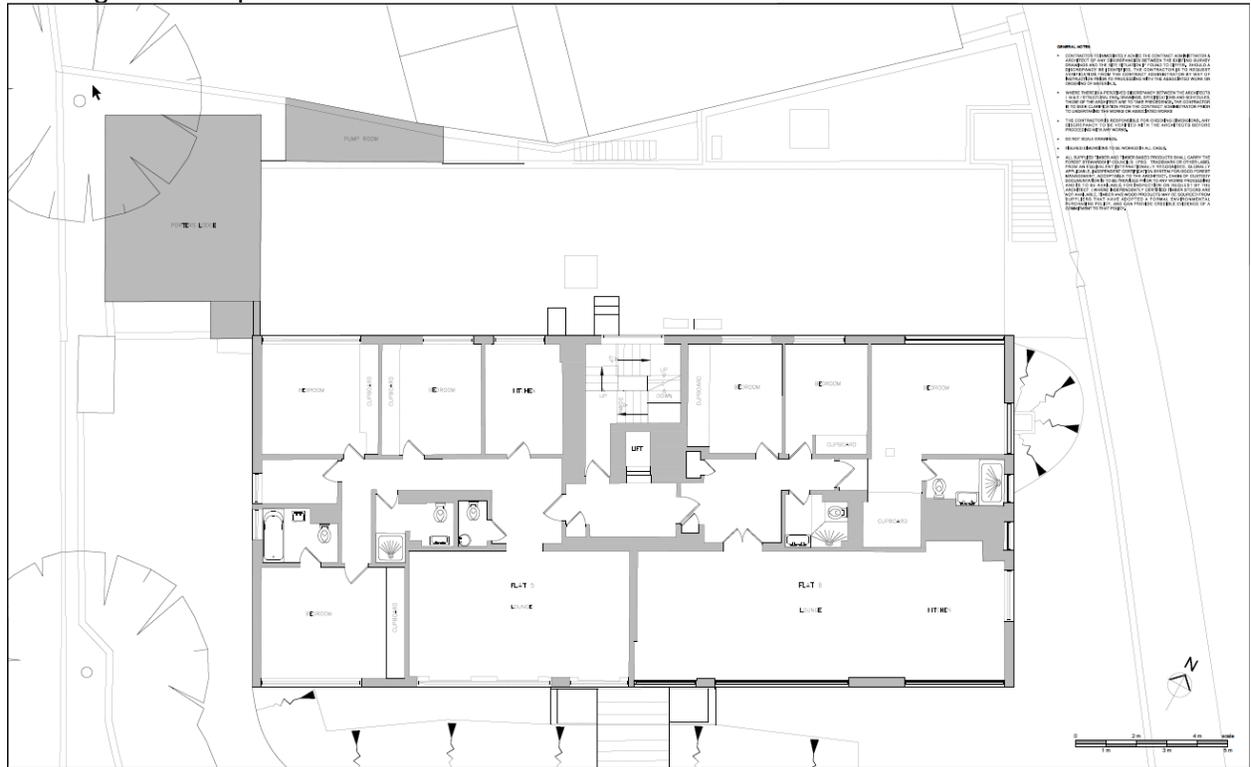
Existing side elevation



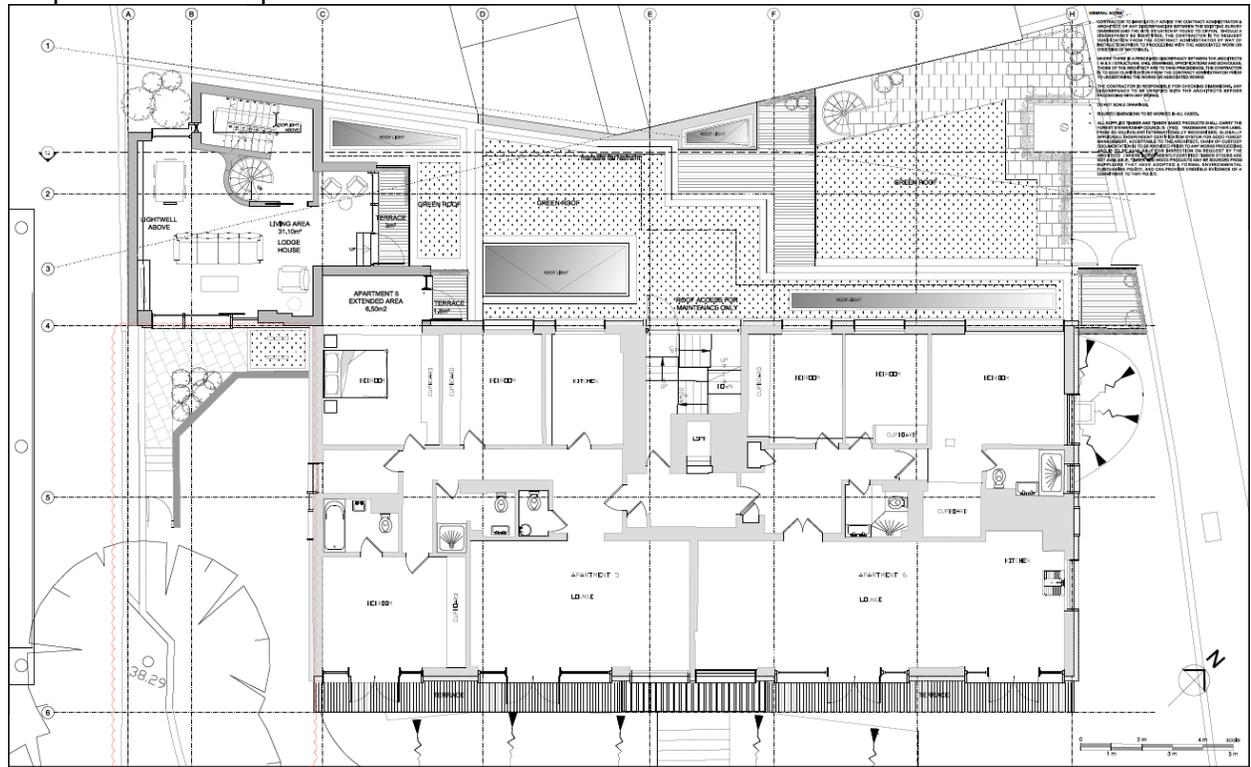
Proposed side elevation



Existing first floor plan



Proposed first floor plan



DRAFT DECISION LETTER

Address: Kings Court , 31 Prince Albert Road, London, NW8 7LT

Proposal: Demolition and redevelopment of the existing Porters Lodge to provide a replacement single dwelling (Use Class C3); erection of extension to the rear of Kings Court; facade alterations, including provision of balconies at ground and first floor level to the front elevation of Kings Court, restoration of the existing brickwork and addition of limestone cladding, upgrades to the fenestration; landscaping of the site; provision of terraces to the rear and side of Kings Court.

Plan Nos: PL-P-00-MF-07-01 Rev P3; PL-P-00-MF-07-02 Rev P3; PL-E-20-B1-04-01 Rev IN2; PL-E-25-MF-04-01 Rev IN1; PL-E-25-MF-04-02 Rev IN1; PL-E-25-MF-04-03 Rev IN1; PL-E-25-MF-04-05 Rev IN1; PL-E-00-0S-04-01 Rev IN1; PL-E-20-01-04-01 Rev IN2; PL-E-20-0G-04-01 Rev IN2; PL-P-20-LG-07-01 Rev P2; PL-P-20-0G-07-01 Rev P2; PL-P-20-0R-07-01 Rev P2; PL-P-20-01-07-01 Rev P2; PL-P-20-02-07-01 Rev P2; PL-P-25-MF-07-01 Rev P2; PL-S-25-MF-07-02 Rev IN1; PL-P-25-MF-07-03 Rev P2; PL-P-25-MF-07-11 Rev P2; PL-P-25-MF-07-11 Rev P2; PL-P-26-MF-07-01 Rev P2; Noise Impact Assessment by KP Acoustics Rev A

For information only: Arboricultural Impact Assessment by RPS; Daylight, Sunlight and overshadowing report by Point 2 dated July 2019 V1; Planning Statement & Statement of Community Involvement by Savills; Structural Methodology Statement by morph structures dated July 2019; Townscape Assessment by Geoff Noble dated July 2019; Transport Statement by Caneparo dated July 2019.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of photos and specifications 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 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.

green roofs

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)

- 7 You must apply to the Local Planning Authority for approval of detailed drawings including materials of the following parts of the development - the terrace screens. You must not start any work on these parts of the development and you must not access any of the terraces, until these details have been approved. The development must then be carried out in accordance with these drawings.

Reason:

To protect the privacy and environment of people in neighbouring properties, and to make sure that the appearance of the screens are suitable and that they contributes to the character and appearance of the area. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and ENV 13, DES 1 and DES 5 or DES 6 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 8 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)

- 9 You must not occupy the building labelled 'Lodge House' on the drawings hereby approved, until the extensions to apartments 2, 3, 5 and 7 have been completed in accordance with the drawings hereby approved.

Reason:

To protect the environment of apartments, 2, 3, 5 and 7 within Kings Court, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 10 You must apply to us for approval of detailed drawings and specifications of the bike and bin store to include green/living roof. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To make sure that the appearance of the structure is suitable and that it contributes to the character and appearance of the area and to increase the biodiversity of the environment. This is as set out in S28 and S38 of Westminster's City Plan (November 2016) and ENV 17, DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 11 **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, other than works relating to the refurbishment of the facades of Kings Court, 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 protect trees and the character and appearance of the site 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. (R31CC)

- 12 **Pre Commencement Condition.** You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- i) identification of individual responsibilities and key personnel.
- ii) induction and personnel awareness of arboricultural matters.
- iii) supervision schedule, indicating frequency and methods of site visiting and record keeping
- iv) procedures for dealing with variations and incidents.

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, other than the works to refurbish the facades of Kings Court, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

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)

- 13 You must apply to us for approval of details of any new foundations, level changes, new surfacing or other structures within the root protection area of any tree shown to be retained on your Tree Removal/Retention Plan. 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 works 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)

- 14 You must only use the areas marked as 'Terrace' on the plans hereby approved. You not use the other areas labelled 'green roof' or 'rooflight' for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21BA)

Reason:

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

- 15 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 . (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)

- 16 Prior to the occupation of the development, a scheme to help reduce crime shall be submitted to an approved by the Local Planning Authority. The crime reduction measures shall then be installed and retained thereafter.

Reason:

To reduce the chances of crime as set out in S29 of Westminster's City Plan (November 2016).

You must provide each cycle parking space shown on the approved drawings prior to occupation of Lodge House. 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)

- 18 Prior to the occupation of Lodge House, you must apply to the Local Planning Authority with details of lifetime (minimum of 25 years) car club membership for the new residential unit.

Reason:

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

- 19 The 'Porter's Welfare' unit at lower ground floor level shall not be used as overnight sleeping accommodation.

Reason:

The unit would provide a poor standard of accommodation by reason of inadequate natural lighting, outlook and ventilation which results in sub-standard living accommodation and is contrary to policy S29 of Westminster's City Plan (November 2016) and saved policy H3 of our Unitary Development Plan (January 2007).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 WASTE COMMENTS:

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please

read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

WATER COMMENTS:

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 4 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 5 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.

- 6 Any external plant equipment will require a separate application for planning permission and should be supported by an acoustic report.
- 7 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 8 In relation to condition 7, the screens shall be a minimum of 1.8m high and be of a suitable density to ensure that overlooking to the north is minimised.