

| | | | |
|---|---|--|------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 8 December 2015 | Classification For General Release | |
| Addendum Report of Director of Planning | | Wards involved Lancaster Gate | |
| Subject of Report | Esca House, 34 Palace Court, London, W2 4HZ | | |
| Proposal | Demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level. | | |
| Agent | Savills (UK) Ltd | | |
| On behalf of | Loxley Holdings Management Ltd | | |
| Registered Number | 15/05691/FULL | TP / PP No | TP/15782 |
| Date of Application | 23.06.2015 | Date amended/ completed | 10.11.2015 |
| Category of Application | Major | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Bayswater | | |
| Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007 | Outside London Plan Central Activities Zone Outside Central Activities Zone | | |
| Stress Area | Outside Stress Area | | |
| Current Licensing Position | Not Applicable | | |

1. RECOMMENDATION

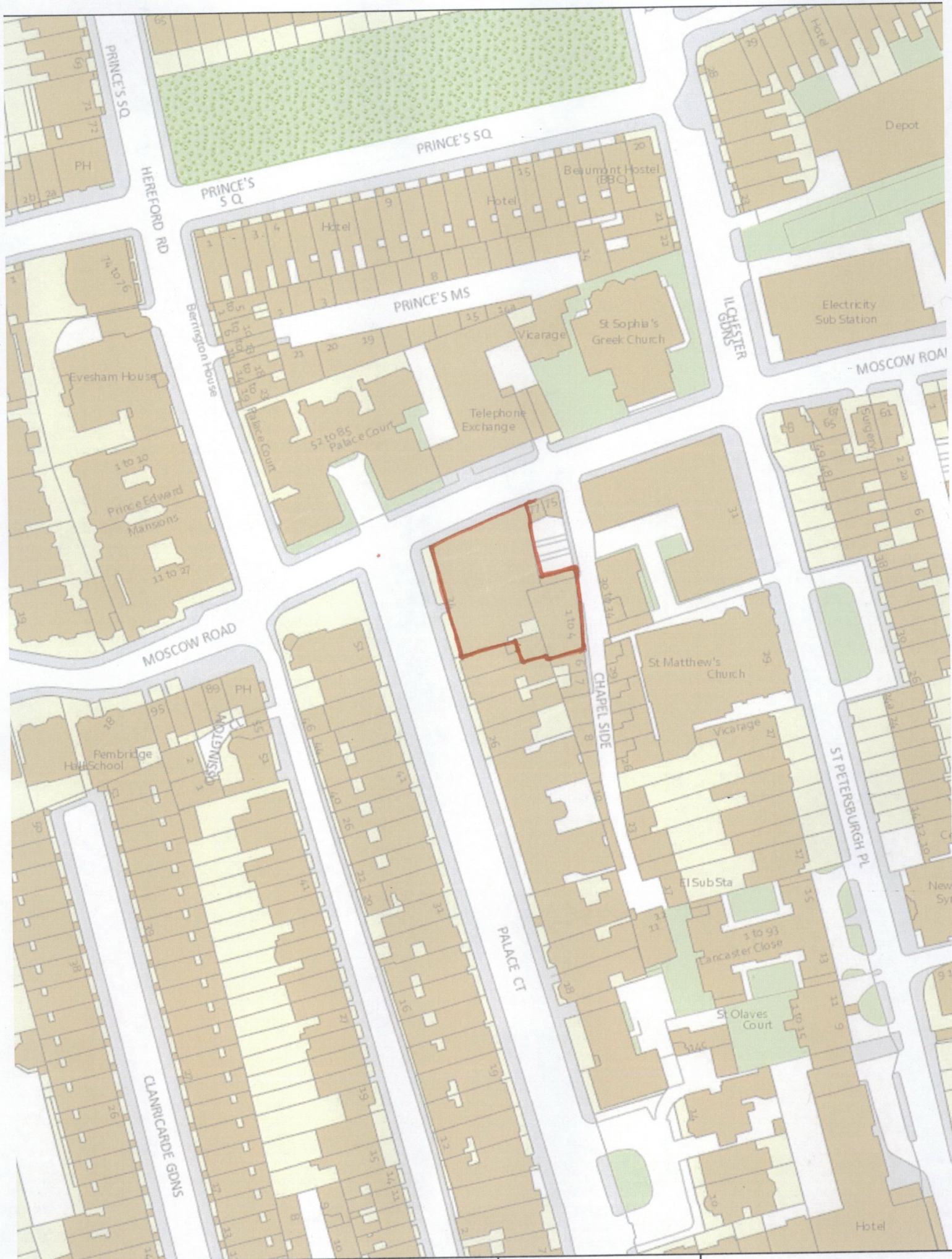
1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;
- c) Provision of lifetime car club membership (minimum 25 years) for all 24 units;

- d) All 18 off street residential parking spaces must be unallocated;
- e) Provision of maintenance and management plan for the car lift prior to occupation and maintained for life of development;
- f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked);
- g) The costs of monitoring the S106 agreement;
- h) Highways works to facilitate development including alteration to Chapel Side;
- i) Dedication of highway on Moscow Road prior to occupation.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

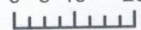
- (a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- (b) The Director of Planning shall consider whether the 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 Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.



N



0 5 10 20 Metres





ESCALATOR HOUSE, 34 PALACE COURT, W2

2. SUMMARY

This application is for the demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side, redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level. The application was reported to the Planning Applications Committee on 20 October 2015 with an officer recommendation for approval.

The Committee deferred consideration of the application for the applicant to consider amending the scheme to set back the Moscow Road frontage; address the loss of light to neighbours to the south of the site; add Dutch gables; re-assess car park management and relieve the blank wall fronting Chapel Side above the underground railway lines.

Revised drawings and further information was received on 2 November 2015. Final amendments and those under consideration at Committee were received on 9 November 2015. Interested parties have been re-consulted. This application is being reported back to the Committee for a decision.

3. CONSULTATIONS

AS PER THE REPRESENTATIONS SET OUT IN THE COMMITTEE REPORT DATED 20 OCTOBER 2015.

ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO COMMITTEE ON 20 OCTOBER 2015

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
No. of Responses: 14 opposed to the development.

In summary, the objections raised include the following issues:

Land Use

- * Insufficient community infrastructure/services to support additional units in local area.
- * Residential use inappropriate with underground tunnel beneath site because of structural and noise issues.
- * Too great housing density.

Design

- * Existing buildings have Victorian character, historic value and are part of an architecturally coherent street which should be preserved.
- * Proposed buildings out of character with neighbouring buildings and unacceptable for conservation area.
- * Loss of street views to St Mathews Church.
- * Object to the four storey blank wall proposed adjacent to vent shaft to underground line adjacent to Chapel Side.
- * Proposed buildings are too high and overbearing.
- * Dislike proposed design.
- * Loss of existing building.
- * Unacceptable mass and bulk.

Amenity

- * Loss of daylight and sunlight to residents of 52-85 Palace Court.
- * Increased noise pollution, parking and traffic from resultant over density of area.
- * Loss of privacy.
- * Loss of views from 52-85 Palace Court of St Mathews Church.

Transportation

- * Increased traffic and congestion and associated pollution and noise.
- * Developers claims of 50 daily two way traffic movements on weekdays unrealistically low.
- * Increased safety risk at Palace Court/Moscow Road junction as a result of more traffic.
- * Additional traffic and cars queuing in mews unwelcome.

Construction

- * Noise and disturbance and pollution during construction and excavation especially over such a period of time and considering on-going other developments in area such as at Red Lodge.

Other Issues

- * Concern on structural impact on property because of excavation and extreme use of roads.
- * No mention of previous "refused" application in report.

RECONSULTATION ON 10/11/15 FOLLOWING AMENDMENTS INCLUDING SET BACK OF MOSCOW ROAD FRONTAGE AT ALL LEVELS AND PROVISION OF WIDER PEDESTRIAN PAVEMENT, REDUCTION OF BULK TO SOUTHERN ELEVATION AND INTRODUCTION OF GABLES TO PALACE COURT ELEVATION

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds. The use of the car lift/stacker is acceptable. The additional dedicated highway is welcomed.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Responses: 14 opposed to the development.

In summary, the objections raised include the following issues:

Land Use

- * Insufficient community infrastructure/services to support additional units in local area.
- * Affordable housing contribution £750,000 instead of £5,424,300.

Design

- * Loss of existing buildings and their Victorian character and historic value.
- * Loss of views to St Mathews Church.
- * Objection to size and design of new building.

Amenity

- * Loss of daylight and sunlight.
- * Increased noise pollution, parking and traffic from resultant over density of area.
- * Loss of privacy.
- * Increased noise pollution, parking and traffic from resultant over density of development.

Transportation

- * Increased traffic and congestion and associated pollution and noise.
- * Concern regarding car lift system and blocking of road.
- * Car parking issues.
- * Road safety concerns.

Construction

- * Disruption including noise and pollution during construction.

Other Issues

- * Structural concerns regarding residential development over underground line.
- * Object under Article 1 of the First Protocol of the Human Rights Act 1998 as the revised proposals interfere with the peaceful enjoyment of property.
- * Impact on the water table and structural impact on train line.

4. BACKGROUND INFORMATION

4.1 Developments since the Committee deferral on 20 October 2015

This application is for the demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side, redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level. The application was reported to the Planning Applications Committee on 20 October 2015 with an officer recommendation for approval.

The Committee resolved to defer consideration for the following reasons:

For the applicant to consider amending the scheme to set back the Moscow Road frontage; address the loss of light to neighbours to the south of the site; add Dutch gables; re-assess car park management and relieve the blank wall fronting Chapel Side above the underground railway lines.

Initial revised drawings and further information was received on 2 November 2015 and were re-consulted on. Final amendments were received on 9 November 2015.

In summary, the revised drawings and information received on 9 November and now under consideration amend the development/provide further clarification as follows:

- The Moscow Road frontage (ground to third floor) has been set back 1.5 metres from the existing building line. The set back also allows the widening of the pavement on this side of Moscow Road in front of the building by 0.5metres. It is proposed that this will be dedicated public highway.
- An increased set back at second floor level and the removal of the third floor to the southern elevation of scheme has been proposed to allow increased daylight levels to the adjacent property at Flat 2, 28 Palace Court.
- Two "Dutch gables" have been introduced to the Palace Court elevation.
- Further documentation/explanation has been submitted regarding the proposed car lift.
- Further details of for the articulation/treatment of the wall facing Chapel Side involving modulated brick detailing have been provided.

Interested parties have been re-consulted and their objections are set out in the background papers. A number of these letters reiterate objections made to the previous application as

outlined in the original Committee report. This application is being reported back to the Committee for a decision.

4.1.1 Land Use

The amendments made in response to the Committee's responses alter the size and layout of some of the units, however, all remain above the Nationally Prescribed Space Standards (March 2015) for residential units and a third of the proposed units are family sized, in compliance with Policy H5 of the UDP.

4.1.2 Townscape and Design

The amendments to the scheme are considered to have responded positively to the concerns expressed by the Committee. Objections have been received reiterating concerns regarding the design of the proposal and the loss of the existing building. An objection has also been received on the grounds that the proposed Dutch gables do not compensate for the demolition of the existing structure.

The amended proposal includes the setting back of the Moscow Road frontage by 1.5 metres from the existing building line. The set back is fronted by railings which "turn the corner" to provide a continuous run of railings linking with those proposed on the Palace Court frontage. This now creates defensible space between the doors and windows of the development on the Moscow Road frontage and the public pavement and helps harmonise the ground floor of these two main elevations.

Two "Dutch gables" have been introduced to the Palace Court elevation in response to Committee's request to consider including such an element. The proposed gables are brick with stone coping.

Further details of the proposed articulation/treatment of the wall facing Chapel Side involving modulated brick detailing have been provided in an attempt to provide architectural interest and soften the impact of this wall. It is considered that these details need further development and therefore it is recommended that a condition requiring that such details are submitted and approved is attached to any permission.

4.1.3 Amenity

Loss of Sunlight/Daylight

The Committee raised concern regarding the impact of the development on the levels of daylight to an adjoining property, Flat 2, 28 Palace Court. Windows to this property, including two to a living room, were the only ones to fail the BRE guidelines in terms of the vertical sky component (VSC) measure of loss of daylight. Objections have been received to the amended proposals reiterating amenity concerns in terms of loss of sunlight/daylight and loss of privacy to properties to the north and south of the development.

The revisions now mean that the proposal fully satisfies the VSC component of the BRE guidelines.

4.1.4 Transport

The Committee raised concern regarding the management and functionality of the proposed car lift. There has been no amendment to the car lift design, however, further documentation has been provided including a statement by the applicant's transport planning consultant

which states that the proposed car lift is able to adequately service the development. Objections have been raised to the amended scheme on the grounds of the car stacker system and the potential impact on the local road network despite the additional documentation.

The submitted statement states that the car stacker is more likely to be used as car storage rather than regular day to day usage/parking. Given the proposal is residential units and no evidence has been provided by the applicant to support this assertion, there is no reason to assume that the car parking for the development would not be used in the way other such facilities would be used in Westminster. However, the Highways Planning Manager has assessed the submission and states that the proposal is acceptable on transportation grounds and usage of the facility is likely to remain low as is the case across Westminster. Sufficient waiting facilities are provided on site which should minimise disruption to the public highway.

It is also proposed that the public footpath in front of the building on Moscow Road is widened by 0.5 metres by dedicating a strip of land as public highway. This would have obvious benefits to the public realm and pedestrian access on this relatively narrow pavement adjacent to the development. This would be consistent with Policies S41 and TRANS3.

BACKGROUND PAPERS

RESOLUTION OF AND REPORT TO PLANNING APPLICATIONS COMMITTEE DATED 20 OCTOBER 2015.

REPRESENTATIONS INCLUDED IN REPORT TO COMMITTEE ON 20 OCTOBER 2015:

1. Application form
2. Letter from English Heritage dated 11.08.2015
3. Letter from London Underground Limited dated 23.07.2015
4. Emails from Bayswater Residents Association dated 2.08.2015 and 10.08.2015
5. Email from South East Bayswater Residents Association dated 9.10.15
6. Email from Councillor Smith dated 12.09.2015
7. Letters from Karen Buck MP forwarding objections from members of the public dated 6.08.15 and 20.08.15
8. Email from Building Control dated 8.10.15
9. Memos/email from Environmental Health Consultation Team dated 23.07.15; 29.09.2015 and 30.09.2015
10. Memo from Highways Planning Manager dated 29.07.2015
11. Memo from Arboricultural Manager dated 21.08.2015
12. Email from owner/occupier of 23 Palace Court dated 11.08.15
13. Email from owner/occupier of 53A Palace Court dated 12.08.15
14. Emails from owner/occupiers of 54 Palace Court all 3 dated 03.09.15
15. Email from owner/occupier of 56 Palace Court dated 1.08.15
16. Email from owner/occupier of 56A Palace Court dated 31.07.15
17. Letter from owner/occupier of 57 Palace Court dated 31.07.15
18. Email from owner/occupier of 59 Palace Court dated 13.08.15
19. Email from owner/occupier of 62 Palace Court dated 09.08.15
20. Letter from owner of 63 Palace Court dated 26.08.15
21. Letter from owner of 64 Palace Court dated 17.08.15
22. Letter from owner/occupier of 69 Palace Court dated 4.08.15
23. Letter from owner/occupier of 72 Palace Court dated 3.08.15

24. Letter from owner/occupier of 73 Palace Court dated 4.08.15
25. Email from owner/occupier of 76 Palace Court dated 05.08.15
26. Emails from owner/occupier of 76 Palace Court dated 26.07.15, 5.08.15 and 10.08.15
27. Letter from owner/occupier of 77 Palace Court dated 12.08.15
28. Letter from owner/occupier of 78 Palace Court dated 11.08.15
29. Letters from owner/occupier of 80 Palace Court dated 7.08.15 and 2.09.15
30. Email from owner/occupier of 82 Palace Court dated 16.08.15
31. Letter from owner/occupier of 83 Palace Court dated 31.07.15
32. Letter from TP Bennett on behalf of 52-85 Palace Court Ltd (freehold company owned by the lessees of the building) dated 10.09.15
33. Email from owner/occupier of Flat 4A, 24 Palace Court dated 2.08.15
34. Email from owner/occupier of 24 Palace Court dated 30.07.15.
35. Email from owner/occupier of 24 Palace Court dated 10.08.15
36. Email from Managing Agent of Flat 1 26 Palace Court dated 13.08.2015
37. Email from owner/occupier of Flat 1, 28 Palace Court dated 15.08.15
38. Email from owner/occupier of Flat 2, 28 Palace Court dated 07.08.15
39. Email from owner/occupier of Flat 4, 28 Palace Court dated 9.08.15
40. Email from owner/occupier of Flat 6, 28 Palace Court dated 7.08.15
41. Email from owner/occupier of 30 Palace Court dated 3.08.15
42. Email from owner/occupier of 30 Palace Court dated 8.08.15
43. Emails from owner/occupiers of Flat D 30 Palace Court dated 9.08.15 and 15.09.15
44. Email from the owner/occupier of Flat G 30 Palace Court dated 7.08.2015
45. Letter from the owner/occupier of Flat 2, 41 Palace Court dated 1.08.2015
46. Email from the owner/occupier of Basement Flat 43 Palace Court dated 05.08.2015
47. Email from the owner/occupier of Flat 5 43 Palace Court dated 05.08.2015
48. Email from the owner/occupier of 27 Chapel Side dated 6.08.2015
49. Letter from the owner/occupier of 29 Chapel Side dated 06.08.2015
50. Emails from the owner/occupier of 31 Chapel Side both dated 06.08.2015
51. Email from the owner/occupier of 32 Chapel Side dated 11.08.2015
52. Email from the owner/occupier of 33 Chapel Side dated 9.08.2015
53. Email from the owner/occupier of 116 Seymour Place dated 11.08.2015
54. Email from the owner/occupier of 20 Caroline Place dated 13.08.2015
55. Letter from the owner/occupier of 19 Prince Edward Mansions, Moscow Road dated 31.08.2015
56. Email from the owner/occupier of 75 Ladbroke Grove dated 2.09.2015
57. Email from the owner/occupier of 27 Hereford Road dated 10.08.2015

ADDITIONAL AND LATE REPRESENTATIONS REPORTED VERBALLY TO COMMITTEE ON 20 OCTOBER 2015:

1. Email from applicant's agent dated 13.10.15
2. Email from applicant agent (including Point 2 surveyor's letter) dated 30.09.15
3. Email from owner/occupier of Flat 73, Palace Court undated
4. Brochure of the proposed development from applicant's agent
5. Email from Fiona McKenzie dated 19.10.15
6. Email from owner/occupier of 80 Palace Court dated 19.10.15
7. Email from Mr S Lee dated 19.10.15
8. Email and letter from owner of Flat 64 Palace Court dated 19.10.15 and 17.10.15
9. Email from owner of 63 Palace Court dated 19.10.15
10. Email from owner/occupier of 76 Palace Court dated 19.10.15
11. Email from owner/occupiers of 82 Palace Court dated 18.10.15
12. Email from owner/occupier of 74 Palace Court dated 18.10.15
13. Email from owner/occupier of 29 Chapel Side dated 18.10.15
14. Email from owner/occupier of 62 Palace Court dated 18.10.15

15. Email from owner/occupier of 56A Palace Court dated 18.10.15
16. Letter from owner/occupier of 60 Palace Court undated
17. Email from owner/occupier of 54 Palace Court dated 18.10.15

REPRESENTATIONS RECEIVED FOLLOWING DEFERRAL OF APPLICATION ON 20 OCTOBER 2015 AND CONSULTATION ON REVISIONS:

1. Memorandum from Highways Planning Manager dated 20.11.15
2. Email from owner/occupier of 60 Palace Court dated 11.11.15
3. Emails from owner/occupier of 56A Palace Court dated 11.11.15 and 19.11.15
4. Emails from owner/occupier of 27 Chapel Side dated 11.11.15 and 18.11.15
5. Email from owner/occupier of Flat 4 28 Palace Court dated 13.11.15
6. Email from owner/occupier of 78 Palace Court dated 13.11.15
7. Email from owner/occupier of Flat 2 28 Palace Court dated 14.11.15
8. Email from owner/occupier of 56 Palace Court dated 16.11.15
9. Email from owner/occupier of 82 Palace Court dated 18.11.15
10. Email from owner/occupier of 80 Palace Court dated 18.11.15
11. Letter from owner/occupier of 76 Palace Court dated 17.11.15
12. Email from owner/occupier of 68 Palace Court dated 17.11.15
13. Email from owner/occupier of Flat 11 23 Palace Court dated 19.11.15
14. Email from owner/occupier of 27 Chapel Side dated 19.11.15

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

APPENDIX

| |
|----------|
| Item No. |
| 3 |

| | | | |
|---|---|--|------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 20 October 2015 | Classification For General Release | |
| Report of Director of Planning | Wards involved Lancaster Gate | | |
| Subject of Report | Esca House, 34 Palace Court, London, W2 4HZ | | |
| Proposal | Demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use to provide up to 24 residential units over basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level. | | |
| Agent | Savills (UK) Ltd | | |
| On behalf of | Loxley Holdings Management Ltd | | |
| Registered Number | 15/05691/FULL | TP / PP No | TP/15782 |
| Date of Application | 23.06.2015 | Date amended/ completed | 07.08.2015 |
| Category of Application | Major | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Bayswater | | |
| Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007 | Outside London Plan Central Activities Zone Outside Central Activities Zone | | |
| Stress Area | Outside Stress Area | | |
| Current Licensing Position | Not Applicable | | |

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;
- c) Provision of lifetime car club membership (minimum 25 years) for all 24 units;
- d) All 18 off street residential parking spaces must be unallocated;
- e) Provision of maintenance and management plan for the car lift prior to occupation and maintained for life of development;

| |
|----------|
| Item No. |
| 3 |

- f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked);
- g) the costs of monitoring the s106 agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

- (a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- (b) The Director of Planning shall consider whether the 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 Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

Planning permission is sought for the demolition of the existing building and construction of a five storey building with two levels of basement beneath to provide up to 24 residential units. 18 car parking spaces, 24 cycle spaces and the installation of plant is also proposed.

The key issues in this case are:

- The principle of the demolition of the unlisted buildings of merit on site.
- The impact of the proposed new buildings on the character and appearance of the Bayswater Conservation Area.
- The impact of the proposed development on the amenities of surrounding residents.
- The internal and external quality of the residential units and their environment.
- The lack of provision of affordable housing on site and the payment in lieu offered.
- The impact of the proposed development in parking terms and on highway safety.
- The sustainability credentials of the proposed development.

It is considered that the proposal is acceptable and in accordance with our Unitary Development Plan (UDP) policy and our Core Strategy on all key issues and is therefore recommended for conditional approval subject to completion of a legal agreement.

3. CONSULTATIONS

ENGLISH HERITAGE

It is recognised that the applicant has provided additional historic research to indicate a degree of war time damage and subsequent rebuilding. Nevertheless No. 34 is considered to make a modest positive contribution to the special character of the conservation area. Also noted the proposal will curtail views from the corner of Moscow Road and Palace Court of the Church of St Mathew. The proposals are therefore considered to cause some harm to the special character of the conservation area, albeit harm which would be considered less than substantial under the NPPF. As such the Council must be content that there are adequate public benefits by the increased massing of the new proposals.

LONDON UNDERGROUND LIMITED

No objection in principle, applicant should be aware of a number of potential constraints on the redevelopment of a site situated close to London Underground tunnels and infrastructure. Conditions requested.

KAREN BUCK MP

Two letters forwarding correspondence from neighbours and asking them to be taken into consideration by the Planning Committee.

COUNCILLOR SMITH

Submitted representations made to him by residents which include the following concerns which hopes Committee will consider when making their decision. Objections from residents include the loss of the existing building which is an unlisted building of merit and historically a former dairy. Loss of office employment space and resultant support for local businesses. Objections to mass and bulk of building and sense of enclosure to buildings opposite. Objections to design, loss of domestic Victorian architecture, replacement with bland design and jarring modern additional of bronzed aluminium.

BAYSWATER RESIDENTS ASSOCIATION

Objection on the following grounds. The impact of the proposed new building on the character and appearance of the Bayswater Conservation Area. The increase in building height results

in loss of light for a number of residents in both Chapel Side and Palace Court and significantly reduces the views of St Matthew's steeple from Palace Court and Moscow Road. The single entry car park facility for 18 vehicles in the basement and which employs automatic lifts will result in traffic congestion especially for residents opposite in 30 - 33 Chapel Side. There will be more use in the evenings and at weekends and the potential for increased noise. Refuse collection in Chapel Side will increase substantially. The fascia and style of the proposal particularly in Palace Court is unattractive and out of keeping with adjacent buildings. Disruption, noise and dirt in a relatively confined area is a considerable nuisance to residents and unacceptable during the long construction period. A management plan must be submitted.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Strongly object to the proposal and support objection letters. Consider Esca House is attractive building and do not consider replacement "preserves or enhances the Bayswater Conservation Area. Do not think proposed windows are appropriate design and materials. Regrettable loss of view of church and loss of light for residents of 52/85 Palace Court.

HIGHWAYS PLANNING MANAGER

Undesirable on transportation grounds but could be considered acceptable. City Council's latest parking survey indicates that current parking occupancy is marginally below the 80% stress threshold but the proposal would increase this over the threshold. 18 car parking spaces are being provided for the 24 units created. These 18 car parking spaces are considered sufficient for the number of units if unallocated parking spaces and this should be secured by legal agreement. Lifetime car club membership should also be provided to ensure car ownership of the future residential occupiers is maintained at low levels and to ensure that 18 unallocated car stacking parking spaces are sufficient for the proposed 24 units. Vehicle tracking shows that the parking facilities are functional. There is sufficient off- street waiting space should a vehicle already be using the car lift to wait off the highway so no obstruction of other vehicles using Chapel Side should occur. The maximum cycle time for the car stacker is indicated to be 4 minutes. While this is longer than other car lift operations, given the anticipated trip rates of the proposed development and off-street waiting space, there should be no queuing on the highway from this proposal. Management and Maintenance of the car lift will need to be secured by legal agreement. It is common for car lifts to fall into disrepair and the associated basement parking becoming unused, leading to increased pressure on on-street parking spaces. No objection to cycle parking provision or waste storage provision. Details of electric car charging points should be conditioned and a condition should be added to ensure an alternative design to the car parking area so the doors do not open over the highway.

ENVIRONMENTAL HEALTH

Object to the application on the grounds of inadequate means of escape in case of fire.

In relation to plant, no objection subject to standard noise conditions.

In relation to Environmental Inspectorate monitoring during demolition and construction estimates costs of £28,000 per annum which should be agreed via legal agreement.

BUILDING CONTROL

No objection. The Engineer has proposed piling within 3m of the underground tunnel to support the structure which is considered to be appropriate. The scant wall will provide temporary and permanent lateral support, safeguarding the stability of the adjoining buildings. The engineer has not commented on the issue of water table and its flow after the completion.

ARBORICULTURAL MANAGER

Does not believe that the alder tree growing in the pavement on the Palace Court frontage will survive the development as the proposed basement would encroach into the root protection

area of the tree and it would be at serious risk of loss or damage as a result of construction. Thinks there may be an argument for the removal of the tree subject to a contribution toward street tree planting under a section 106 agreement. But if the applicant seeks to retain the tree we will need an arboricultural impact assessment and tree protection details.

With regard to landscaping, large extensive green roof and landscaping and a tree in the internal courtyard is also welcomed. However, additional soil depth and volume over the basement in the courtyard area would be necessary to support the proposed tree and shrub planting. Our basements SPD requires at least 1.2 m build up over to allow for at least 1.0m soil and a drainage layer of a minimum 200mm depth.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 241; Total No. of Replies: 47.

Forty seven letters of objection on all or some of the following grounds:

Land Use

- Residential use inappropriate with underground tunnel beneath site because of structural issues.
- Would materially change the character of the area.
- Loss of local employment land/jobs.
- Overdevelopment.
- Insufficient community infrastructure/services to support additional units in local area.
- Lower density of development should be considered

Design

- Existing buildings have great charm and attractive features such as its "gable ends" which are in keeping with the local conservation area.
- Existing buildings have Victorian character, historic value and are part of an architecturally coherent street which should be preserved.
- Proposed buildings out of character with neighbouring buildings and unacceptable for conservation area.
- Proposed buildings are too high and over-bearing.
- Loss of views to St Mathews Church from corner of Palace Court and Moscow Road.
- Dislike style and colour of proposed windows.
- Plant should be integral to proposed design.
- Proposal bland and an eye sore.
- Object to the four storey blank wall proposed adjacent to vent shaft to underground line adjacent to Chapel Side.
- Proposal cheap looking.
- Architecture is characterless.
- Historic frontage should be kept.

Amenity

- Loss of daylight and sunlight to residents of 52-85 Palace Court, to Chapel Side and to 28, 30 (to rooflights of flat G) and 32 Palace Court.
- Sense of enclosure.
- Loss of privacy for residents of 52-85 Palace Court and through rooflights of Flat G 32 Palace Court from balconies.
- Increased noise pollution from resultant over density of area.
- Noise from plant, car lift opening doors and manoeuvring vehicles in mews.
- Loss of views from 52-85 Palace Court of St Mathews Church.
- Concern regarding cars sweeping close to doors in Chapel side to get access to the vehicle entrance.
- Large tree should be removed so does not prevent flats in front having light or views.

Transportation

- Increased traffic and congestion and associated pollution and noise.
- Increased safety risk at Palace Court /Moscow Road junction as a result of more traffic
- Increased pressure on car parking.
- Car parking problems due to mechanical car park lift.
- Additional traffic and cars queuing in mews unwelcome
- Developers claims of 50 daily two way traffic movements on weekdays unrealistically low.
- Deliveries and refuse collection should go to Palace Court not Chapel side.
- Congestion problems likely on Chapel Side.

Construction

- Noise and disturbance and pollution during construction and excavation especially over such a period of time and considering on-going other developments in area such as at Red Lodge.
- No Construction Management Plan attached to application

Other Issues

- Objection to process being forced upon residents in August when many people are away.
- Concern on structural impact on property because of excavation and extreme use of roads.
- Concern that rental income and capital value to owners of property will reduce.
- Concern at scaffolding proposed on Chapel Side frontage for 15 months
- Basement proposed 3 storeys. Westminster reported in local paper as only allowing 1.
- Human Rights Acts issues regarding impact on residents amenity.

ADVERTISEMENT /SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

No.34 Palace Court and Nos.1-4 Chapel Side are unlisted buildings which positively contribute to the Bayswater Conservation Area which they form part of. These buildings along with the adjoining No.32 Palace Court (which is also owned by the applicants) are predominantly used as offices (Class B1(a)) by ESCA Estates Ltd, but with an element of residential in the form of four flats and parking within Nos.1-4 Chapel Side.

No.34 Palace Court is an unlisted two storey corner building which has a street frontage to both Palace Court and Moscow Road and adjoining neighbouring buildings Nos.75-77 Moscow Road, which is thought to be in use as a hostel. Nos. 1-4 Chapel Side which lie to the rear of Nos.32-34 Palace Court is an unlisted four storey building. All of the buildings are linked to one another and the entire site encompassing the above buildings is located within the Bayswater Conservation Area.

Beneath part of the site running east/west is the London Underground Circle and District Line tunnel and an associated tunnel ventilation shaft. Further to the east lies the Grade II* listed Church of St Matthew on St Petersburg Place.

The applicants also own the adjoining No.32 Palace Court, an unlisted five storey plus basement building located on the east side of Palace Court currently in office use but with an extant planning permission for conversion into two dwellings. Furthermore, they also own No.6 Chapel Side.

| |
|----------|
| Item No. |
| 3 |

The surrounding immediate area is predominantly residential in character within Palace Court and Chapel Side. Opposite the site on the northern side of Moscow Road are Palace Court Mansions and the BT Telephone Exchange.

4.2 Relevant History

4.2.1 No.34 Palace Court, Nos.75-77 Moscow Road and No.31 St Petersburg Place

Planning permission was refused in 1972 for a proposal to redevelop the site to create a six storey building for mixed office and residential use.

4.2.2 No.32 Palace Court

Permission granted on 24 December 2014 for use as two residential maisonettes with associated external alterations (Ref: 14/09260/FULL).

5. THE PROPOSAL

Planning permission is sought for the demolition of No.34 Palace Court and demolition behind a retained façade and side walls at Nos.1-4 Chapel Side and redevelopment of the site and change of use from office to provide up to 24 residential units over basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and installation of plant.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Loss of office use

The proposed use of the site solely for residential purposes would result in the loss of office floor space (Class B1) at a location outside of the Central Westminster (Central Activities Zone and the CAZ frontage) and special policy areas.

Objections have been raised to the loss of local employment. Notwithstanding these objections there is no policy to protect office use in this location. Accordingly an objection to the proposed development on this basis could not be sustained.

6.1.2 Proposed residential

As the use of land for residential purposes is encouraged outside of the special policy areas, the proposed residential use is acceptable in principle in land use terms and in accordance with Policy H3 of our UDP and CS14 of our City Plan. The concerns raised in respect of the change of use materially changing the character of the area are not supported.

Twenty four residential units are proposed, 1x4 bedroom unit 7x3 bedroom units, 10x2 bedroom units, 6x1 bedroom units. Policy H5 of our UDP and S15 of our City Plan requires an appropriate mix of unit sizes and that 33% are family sized units (3xbedroom or more). The proposed mix of unit sizes is therefore considered to be acceptable as exactly 33% of the total number of units are family sized.

The main access to the property would be via Palace Court with a secondary access and emergency exit on Chapel side. Two units would have their own ground floor access via Moscow Road. Three of the eight family sized units would have dedicated private amenity space and the remainder of the units would have visual and physical access to a communal courtyard. Due to the tight urban nature of the site the difficulty of providing useful private

amenity space to all units is recognized. The introduction of external balconies may also have design and amenity implications due to the prevailing surrounding architectural style and the close proximity of units. It is recognized that the private amenity space made available is targeted at three of the family sized units and that all units will have access to a communal courtyard. For these reasons the proposal is considered acceptable in terms of amenity space provision.

In terms of the internal environment created for future occupiers of the residential units, the proposal creates units of adequate floorspace, ranging from 55m² for a one bedroom unit to 220m² for a four bedroom unit and of good quality in terms of natural light and ventilation. An assessment of internal light levels has been submitted by the applicant and has concluded that all rooms within the development meet BRE guidance. The proposal therefore complies with Policy H10 of our UDP and S2 of our City Plan.

Environmental Health have objected to the proposal on the ground of inadequate means of escape in the case of fire. Although more appropriately dealt with under other Acts an informative explaining this issue and the need to resolve it will be added to any planning permission.

Other concerns in respect of the quality of the residential environment for future occupiers relate to issues of privacy given the proximity between windows of different residential units within the development. The only direct views between windows are at a distance of 12 metres or over. The remaining views are at indirect angles and between communal corridors (where people are unlikely to dwell or be sensitive to overlooking) and private units rather than between two units. For these reasons it is considered that the internal levels of privacy are adequate for such a tight urban development.

Given the proximity of the London Underground District and Circle Line tunnel beneath part of the site, the applicants have submitted a Train Induced Vibration and Assessment Report. This identifies the possibility of re-radiated vibration in the basement and ground floor. The report recommends a number of design and construction measures. The Environmental Health Consultation Team have raised no objection on these grounds but have recommended a condition requiring that 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.

The proposal is therefore considered to provide a satisfactory residential environment for future occupiers, with sufficient natural light space and privacy. This complies with Policy ENV13 of our UDP and S29 of our City Plan as well as the Nationally Prescribed Space Standards (March 2015).

6.1.3 Affordable housing

The proposal seeks to create twenty four new residential units on a site where only four flats previously existed and with in excess of 1,000 m² of additional residential floorspace created. A proposal for a housing development of this scale is expected to provide a proportion of the floorspace as affordable housing. The existing residential floorspace on site is 383m² and this is proposed to increase to 4736m² within the proposed development, an uplift of 4353m² (GEA).

A policy compliant scheme in affordable housing terms would deliver fourteen on-site affordable housing units in accordance with Policy H4 in the UDP and S16 in the City Plan. In *the event that it is demonstrated* that it is not viable to provide affordable housing on-site or off-site in the vicinity, a financial contribution to the Affordable Housing Fund that would be

consistent with the formula set out in the Interim Guidance Note: Affordable Housing Policy (November 2013) would be £5,424,300.

The applicant initially set out that the development was not sufficiently viable to provide any affordable housing on-site or any financial contribution to the Affordable Housing Fund. In this context a viability report was submitted with the application to support the applicant's assertions on viability.

During the course of the application the applicant's viability report has been assessed by independent viability consultants on behalf of the City Council. They initially advised that whilst the scheme could not viably provide affordable housing on-site, the scheme could provide in the region of £712,000 as a payment in lieu.

In response the applicant has accepted this position and has made an offer of £750,000 as an affordable payment in lieu to the Council's Affordable Housing Fund. Given the advice of the independent viability consultant it is recommended that the financial contribution to the Affordable Housing Fund is secured via a S106 agreement, which requires it to be provided prior to commencement of development.

6.1.4 Housing Density

A number of objections have been received on the grounds of the proposal been overdevelopment and of an inappropriately high density. Policy H11 of the UDP controls housing density. Zone 2 applies to this location and this requires development to conform to the range of 250-500 hr/ha. The proposed development would provide a density level of 633 hr/ha (based on a site area of 0.11 hectares and 73 habitable rooms). Part B of this policy however states that proposals for new housing developments that are above the density ranges may be granted permission if they are close to public transport and open space facilities and meet other policies in terms of design, residential amenity, parking and maintaining any special feature of urban fabric. The proposal meets all these policies except for the last one (although there is some retention in respect to the façade in Chapel Side) and therefore it is considered the proposal complies with this policy and is an acceptable density.

6.2 Design and Townscape

34 Palace Court (ESCA House) and 1-4 Chapel Side are both unlisted buildings within the Bayswater Conservation Area. Within the immediate vicinity of the site are no.47 Palace Court, which is opposite the application site and is a grade II listed building; the Church of St Matthew, which lies a short distance to the south-east of the application site and is a grade II* listed building; and the Greek Cathedral of Aghia Sophia lies just to the north-east of the site and is a grade I listed building.

Thus in terms of heritage issues which arise from the current proposal, these include the impact on the character or appearance of the Bayswater Conservation Area; and the impact on the setting of these listed buildings.

6.2.1 Legislation and Policy

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

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

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise the Bayswater Conservation Area and the nearby listed buildings.

Policies S25 and S28 of our City Plan are strategic policies which recognise the importance of Westminster's historic townscape and the need to conserve it, and require exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES1 of our UDP sets out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. The policy sets out considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings and indicates that development proposals involving the demolition of unlisted buildings may be permitted where the existing building(s) makes either a negative or insignificant contribution to the character or appearance of the area, and/or if the proposed development will result in an enhancement of the conservation area's overall character or appearance.

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

6.2.2 The Bayswater Conservation Area and the Significance of Affected Heritage Assets

The current application proposes the demolition of 34 Palace Court and this aspect of the proposal has provoked considerable objection. A detailed heritage appraisal has been submitted with the application, which has assisted an assessment of the contribution that 34 Palace Court makes to the conservation area and to the setting of the nearby listed buildings. The Bayswater Conservation Area covers a large area and although it has many uniform features, it nevertheless can be regarded as being composed of distinct sub-areas and this certainly applies to the area around Palace Court, with many of the buildings, dating from the late nineteenth century and built in red brick in a Queen Anne Revival style, exhibiting Flemish and Jacobean influences. Many of the buildings in Palace Court share similar plot widths and are typically 6 storeys in height and, comprising a lower ground floor, a ground floor and four upper storeys. Usually the lower floors are in red brick with painted or stone dressings and mullion and transom windows. Often the top two storeys are in the form of a double-pitched mansard, with decorative brick gables at third floor level. There are minor fenestration differences between the Palace Court buildings but there are also several unifying features such as the imposing tall party wall upstands / chimney stacks, projecting bay windows typically up to first floor level, cornice and string courses, front railing lightwells – all of which contribute to a coherent townscape.

Many of these buildings were constructed in the late 1880s and 1890s, were architect designed houses and were built for fashionable collectors and artists who wanted to reside in Palace Court. Indeed the street is described in Pevsner as *'the most interesting corner of Paddington for late Victorian domestic architecture'*. No.34 Palace Court did not form part of this phase of development and is still shown as a vacant site on the 1893 Ordnance Survey map.

The first building on the site of 34 Palace Court was probably erected during the early part of the twentieth century as part of the expanding Aylesbury Dairy Company's premises and it is likely that the gabled brick bays, facing towards Palace Court formed part of this first building. There is documentary evidence that the building underwent alterations during the 1920s, with many of these focussing on the northern part of the site, i.e. the northern end of the Palace Court façade and the Moscow Road façade. During the Second World War this area suffered bomb damage and the LCC Bomb Damage Maps indicate that ESCA House was seriously damaged with aerial photographs suggesting that much of the northern section was substantially destroyed and would account for plans dated to 1949 for the refurbishment of the building. At this time, no.79 Moscow Road was demolished and replaced as an extension of ESCA House. Thus the current building on the site comprises a two storey red brick building, with the gabled bays on the Palace Court elevation likely to be a surviving element of the initial early twentieth century building on the site and the remainder of the building either rebuilt or substantially altered and extended in the 1950s. The roofscape of the building is also utilitarian in appearance, comprising a corrugated cladding to pitched roofs, behind façade gables; areas of flat roof, particularly to the north part of the site and areas of exposed plant.

1-4 Chapel Side is probably the earlier building on the site, dating from the late nineteenth century. It is a four storey stock brick building, with hipped slate roofs and timber sash windows. This may also have been built as part of the Aylesbury Dairy Company complex.

The application site forms part of an extension to the Bayswater Conservation Area, which was added in 2002, but the buildings were not referred to in the detailed description of the extension area, at the time this extension was confirmed.

The conclusion reached by the applicant's heritage assessment is that no.34 Palace Court *'makes only a very modest contribution to the character and appearance of the Bayswater Conservation Area'* and it is considered that this is a reasonable conclusion to draw. In terms of its materials and some of its detailing, notably the gables to the Palace Court elevation it is complimentary to the high quality, late Victorian and Edwardian brick buildings in the immediate vicinity, however, its contribution is limited: the Moscow Road façade is largely a post-war elevation and is utilitarian in its appearance and detailing, unlike the more crafted and scholarly detailing to other buildings in the area; also the low height of the building compared to the prevailing scale of buildings in the area, means that it contrasts with the general character and appearance and also has the unfortunate consequence of exposing the gabled ends to no.32 Palace Court and no.77 Moscow Road. The building's historic connection with the Aylesbury Dairy Company is probably a greater contributor to the significance of the conservation area, than its architectural merits.

6.2.3 The Proposed Development

The proposed new building on the site of no.34 Palace Court comprises a part five and part four storey façade to Palace Court and a four storey façade to Moscow Road. In terms of height the five storey element would abut and be one storey lower than no. 32 Palace Court, while the four storey element would turn the corner and abut no.77 Moscow Road and would be of a comparable height to it. The principal building material is to be red brick, with Portland Stone window dressings and Portland Stone string courses and cornices. The main entrance will be in the Palace Court façade and will have a Portland Stone surround. The Palace Court façade will feature projecting bays, which will match the prevailing height of projecting bays

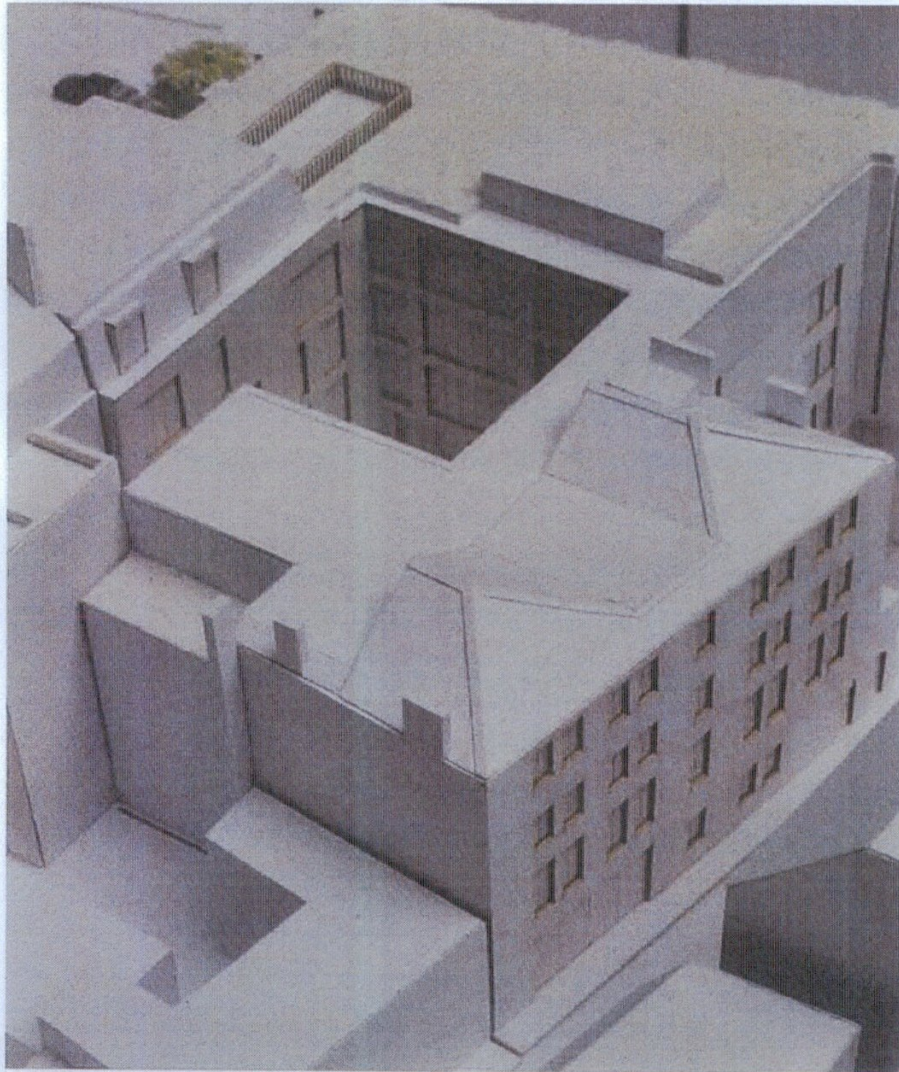


Fig.6.46. Chapel Side facade retention. 1:200 cardboard model.

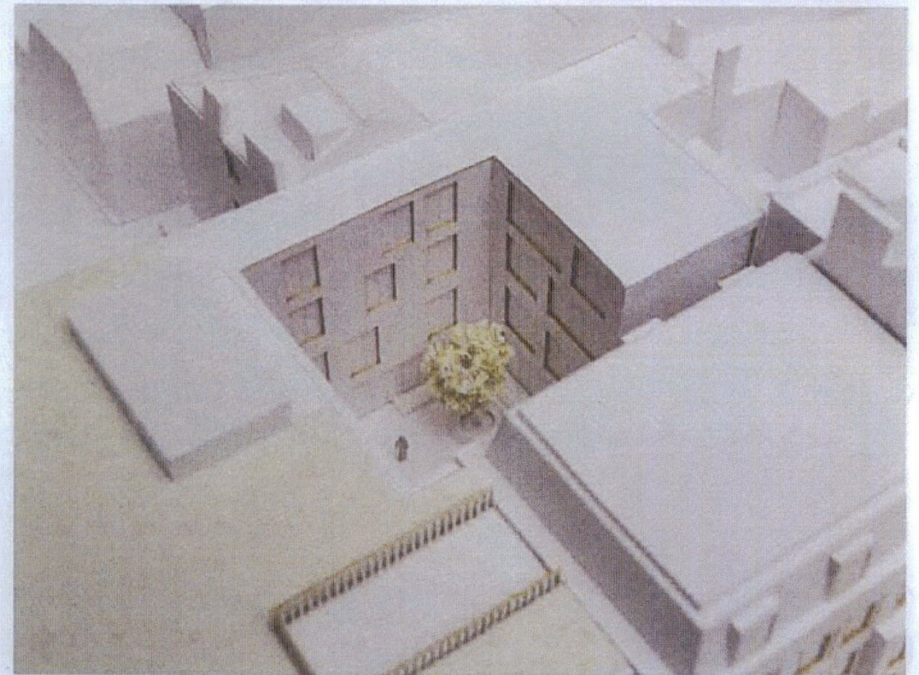


Fig.6.47. Looking into the courtyard. 1:200 cardboard model.



paul davis + partners
 architects urban designers
 175 Abchurch Lane, London EC4A 3DF
 Tel: +44 (0)20 7730 1175 Fax: +44 (0)20 7645 2607

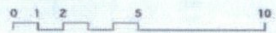
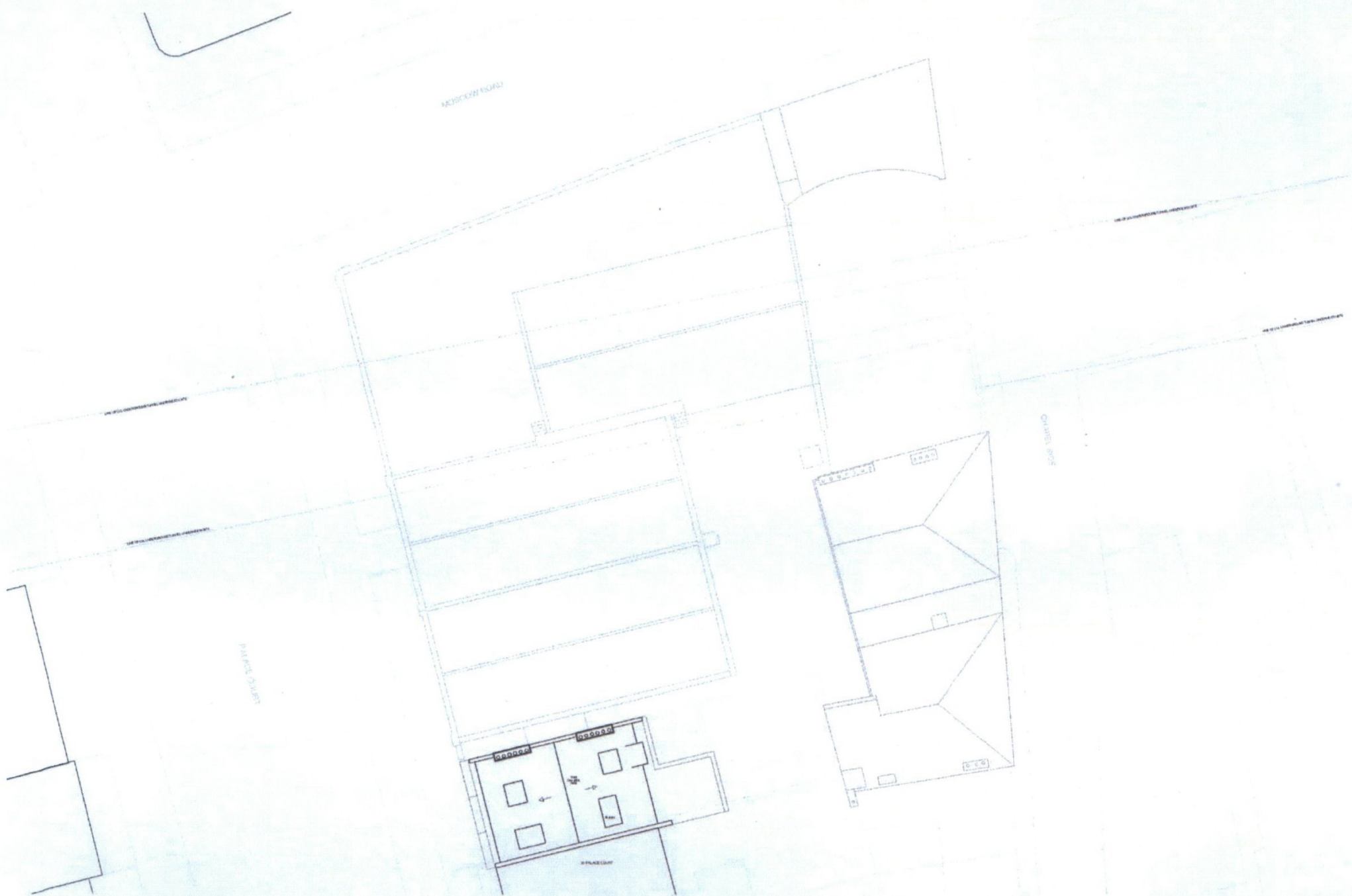
scale 1:100 @ A1
 1:200 @ A3

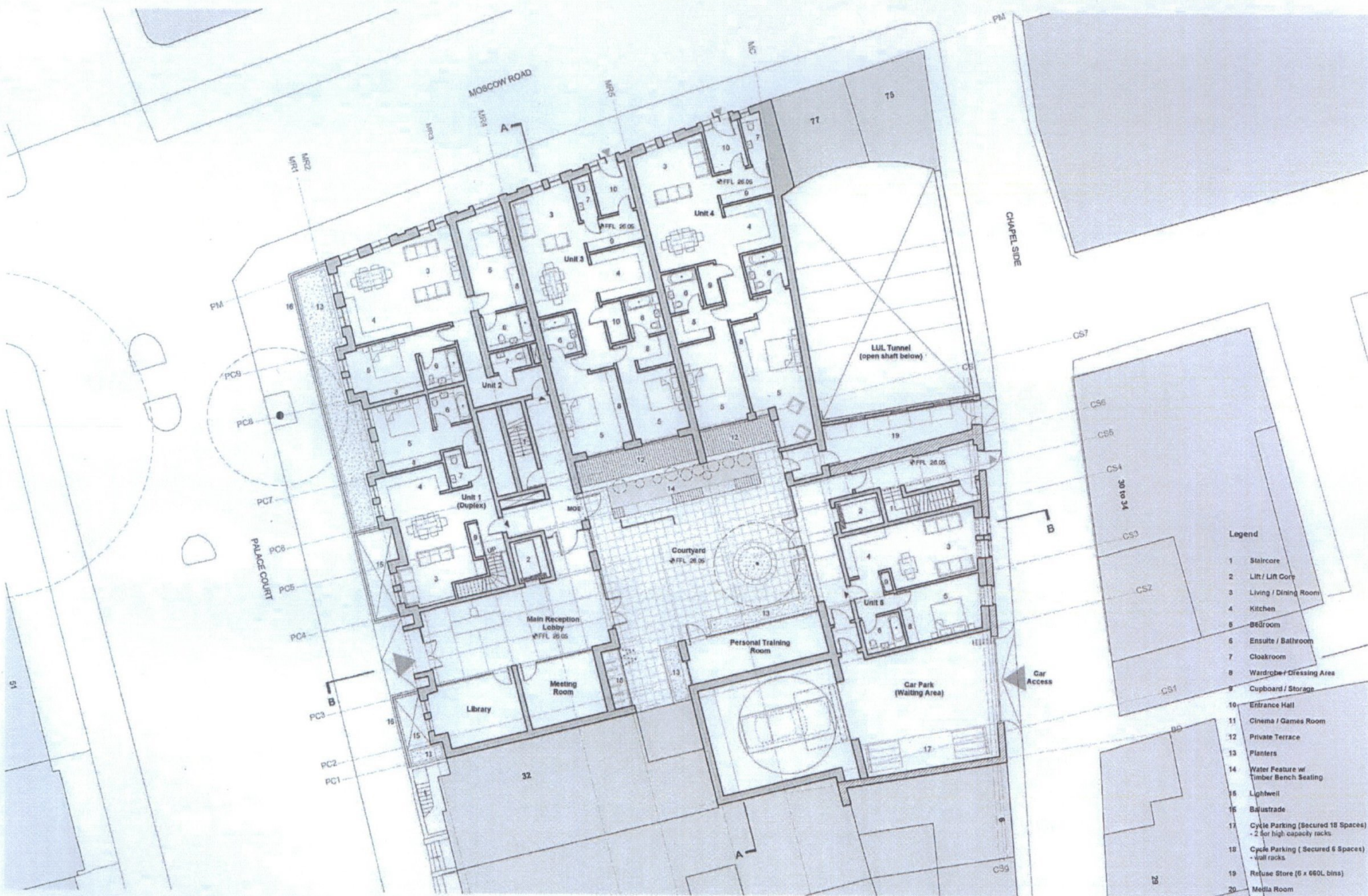


June 2015

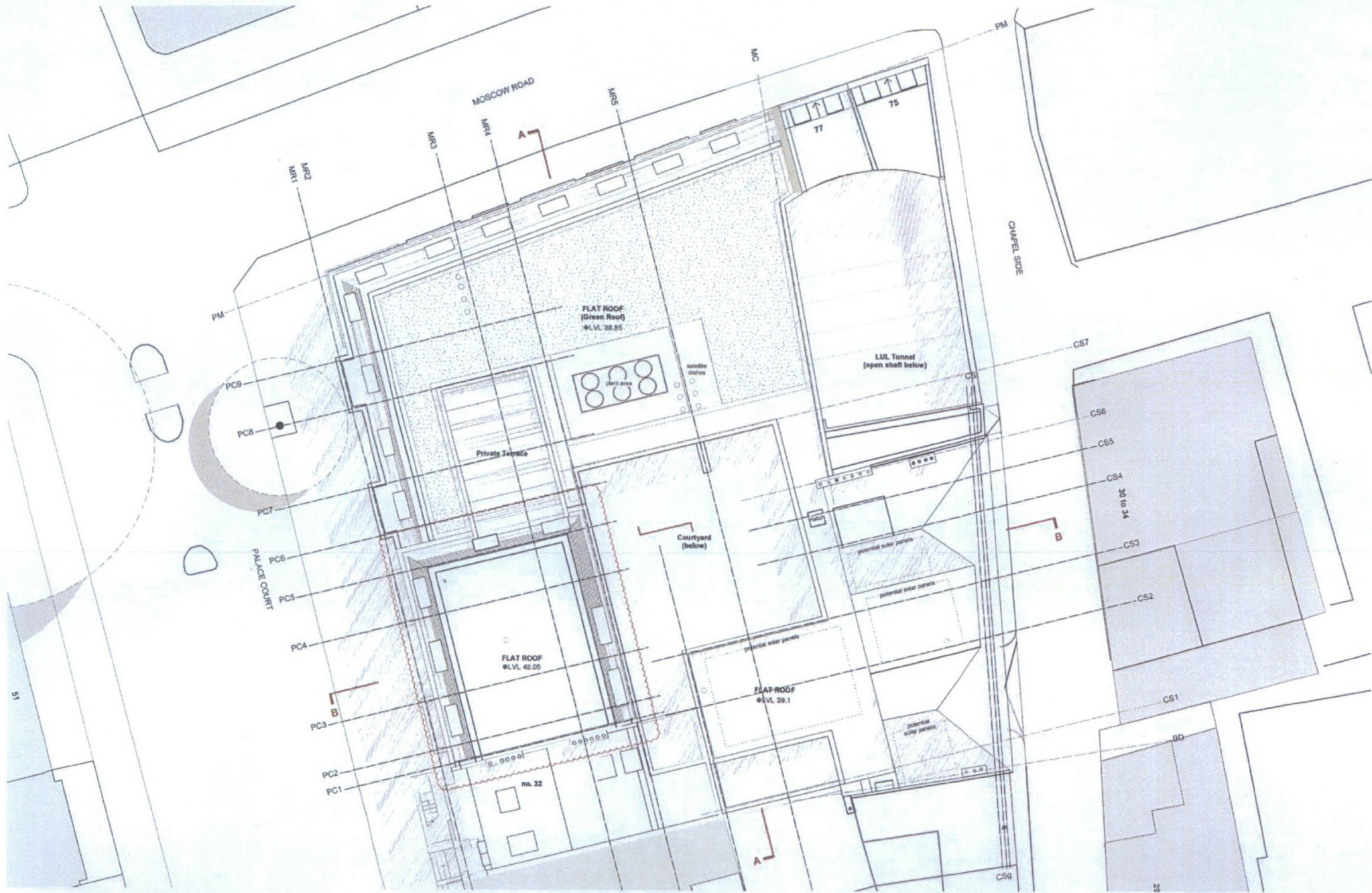
1703 (00)000 rev.-
 Existing Plan Level 00

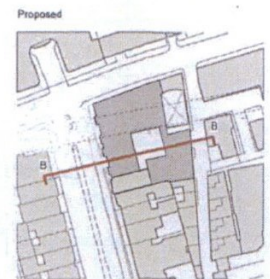
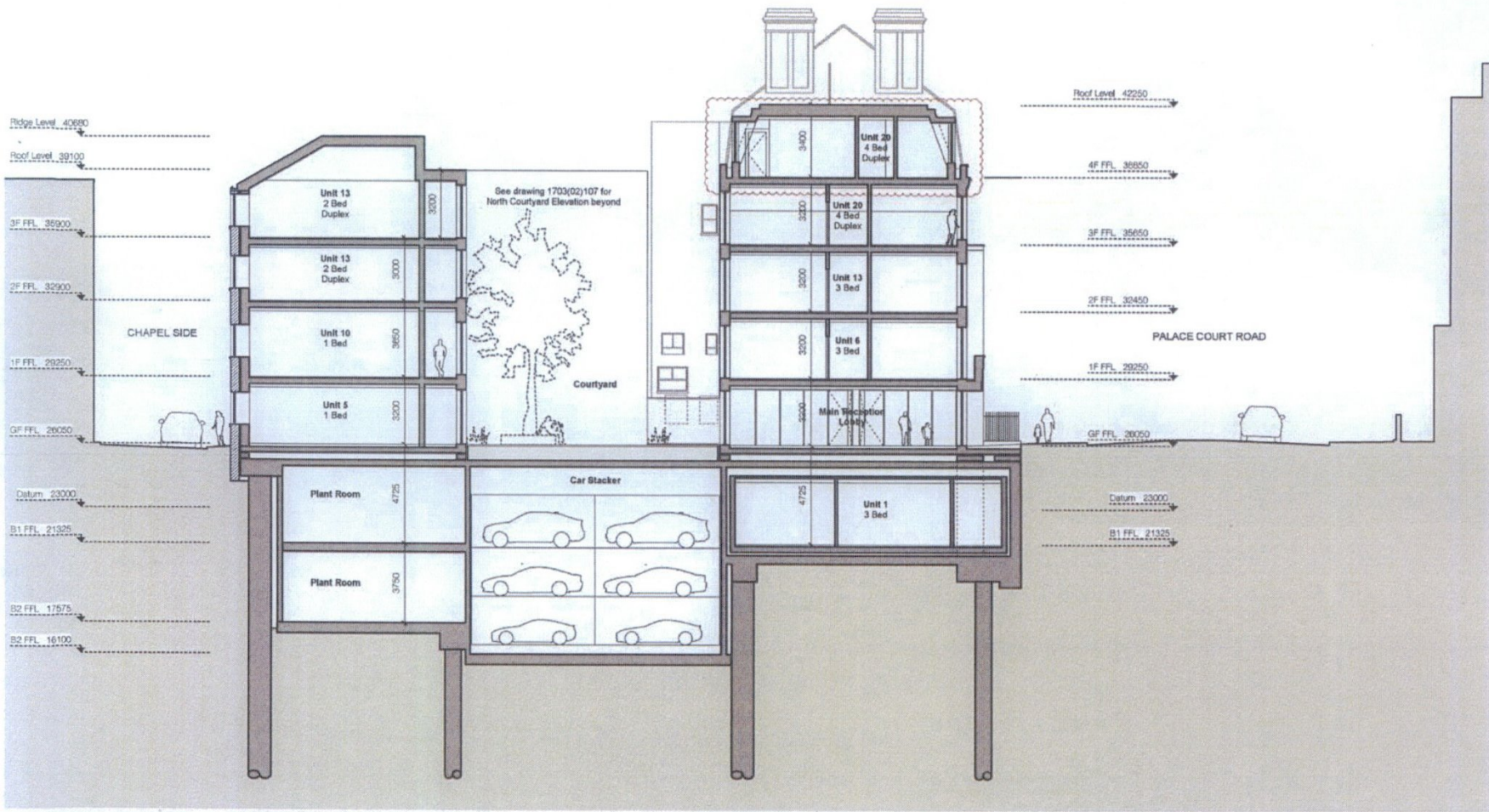
34 Palace Court
 Loxley Holdings Management Ltd.

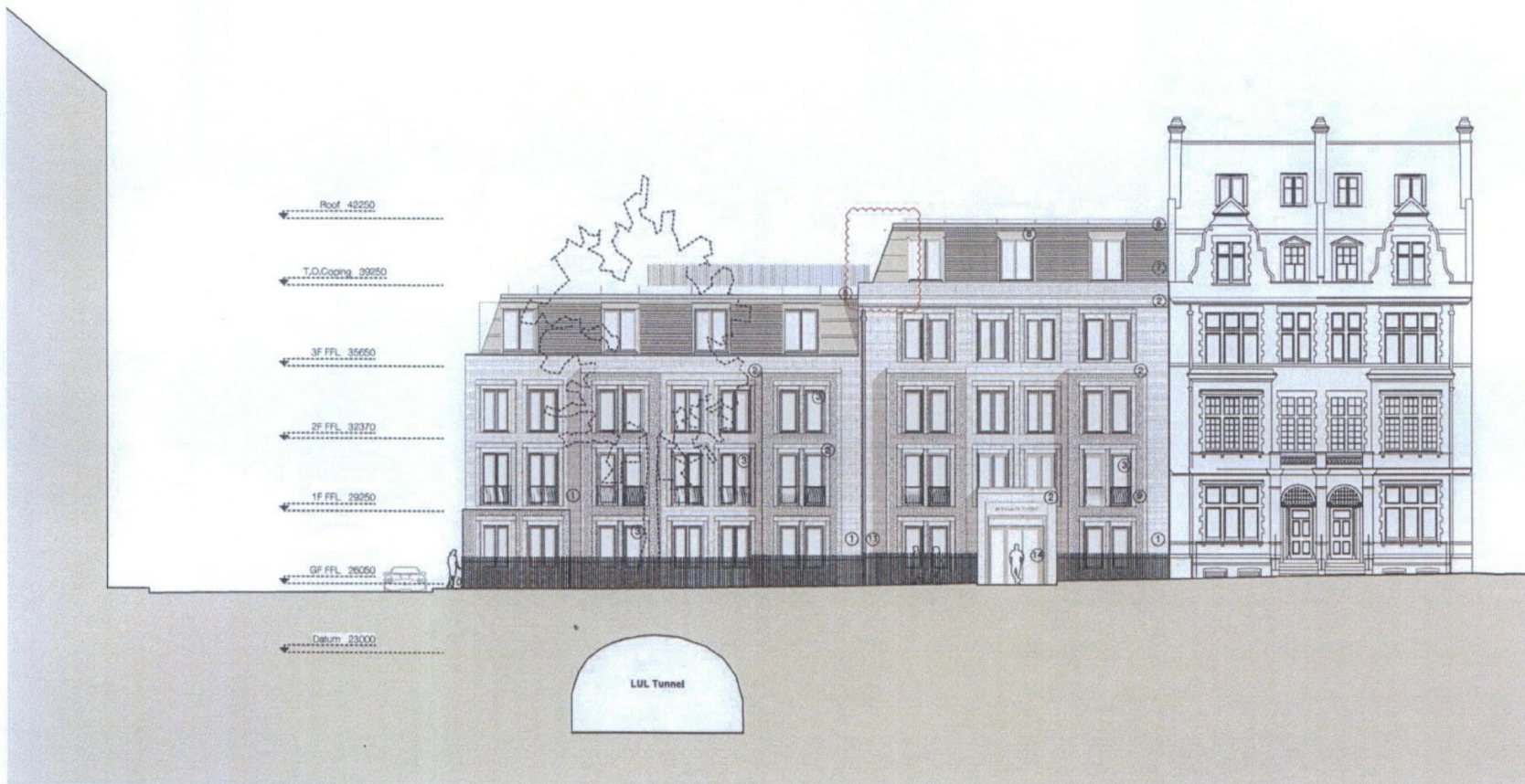




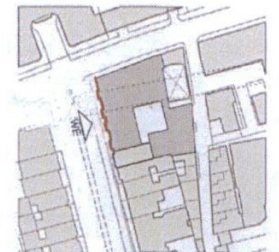
- Legend**
- 1 Staircore
 - 2 Lift / Lift Core
 - 3 Living / Dining Room
 - 4 Kitchen
 - 5 Bedroom
 - 6 Ensuite / Bathroom
 - 7 Cloakroom
 - 8 Wardrobe / Dressing Area
 - 9 Cupboard / Storage
 - 10 Entrance Hall
 - 11 Cinema / Games Room
 - 12 Private Terrace
 - 13 Planters
 - 14 Water Feature w/ Timber Bench Seating
 - 15 Lightwell
 - 16 Balustrade
 - 17 Cycle Parking (Secured 18 Spaces) - 2 for high capacity racks
 - 18 Cycle Parking (Secured 6 Spaces) - wall racks
 - 19 Refuse Store (6 x 660L bins)
 - 20 Mella Room







- 1 New London stock brick
 - 2 Portland stone
 - 3 Metal window frames and reveals with 'Antique' bronze finish
 - 4 Cambridge cream brick with coloured matched mortar to internal courtyard elevations
 - 5 Reclaimed yellow stock bricks to match the existing Chapel Side elevation
 - 6 Retained yellow stock bricks to be repaired, cleaned and repointed
 - 7 Welsh slate roofing
 - 8 Lead/metal flashings
 - 9 Bespoke artisan type balustrading
 - 10 Metal railings
 - 11 Metal gutters and rainwater goods
 - 12 Bi-folding timber doors
 - 13 Clear glass sliding doors
 - 14 Metal frame doors
 - 15 Timber doors
 - 16 Existing stone cills to be repaired and cleaned
 - 17 Replaced timber sliding slim line double glazed sash windows
 - 18 Replaced timber sliding slim line double glazed windows
 - 19 New London stock brick
- Proposed

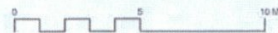


WE Proposed West Elevation

paul davis + partners
architects urban designers
the old school house 178 elbury street london E9 1UJ uk info@pauldavispartners.com
t +44(0)20 7730 1176 l +44(0)20 280 9071

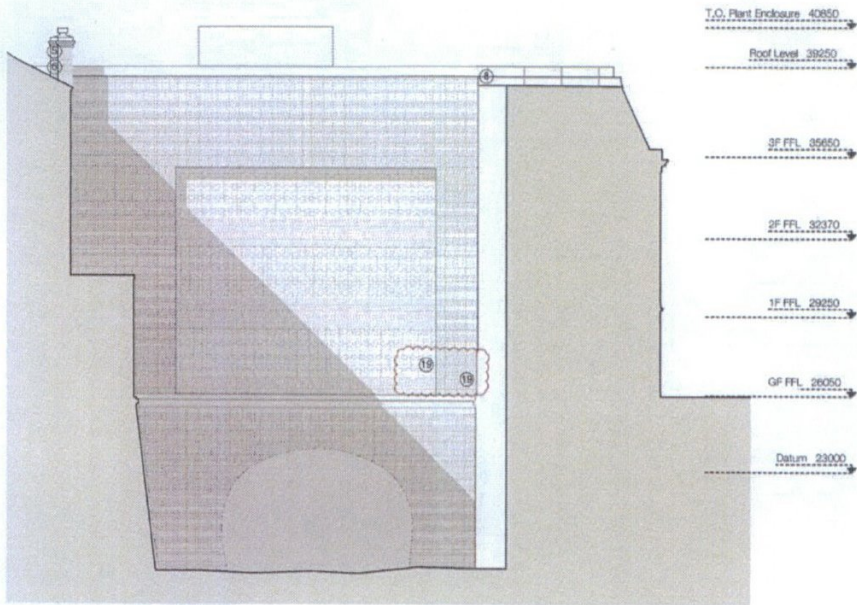
scale 1:100 @ A1
1:200 @ A3

June 2015

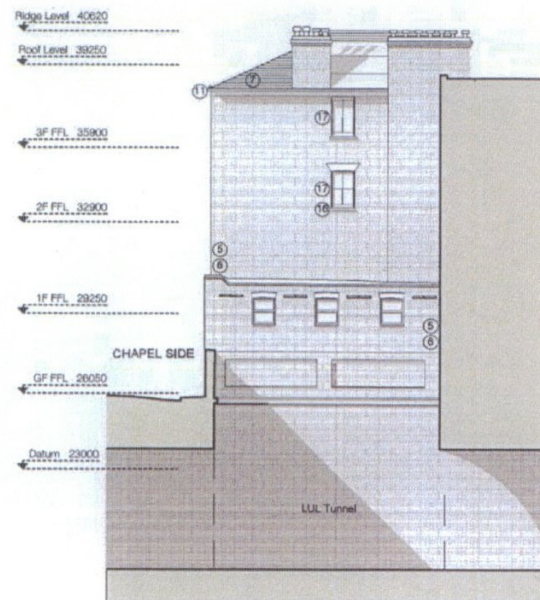


1703 (02)100 rev.A
Proposed West Elevation

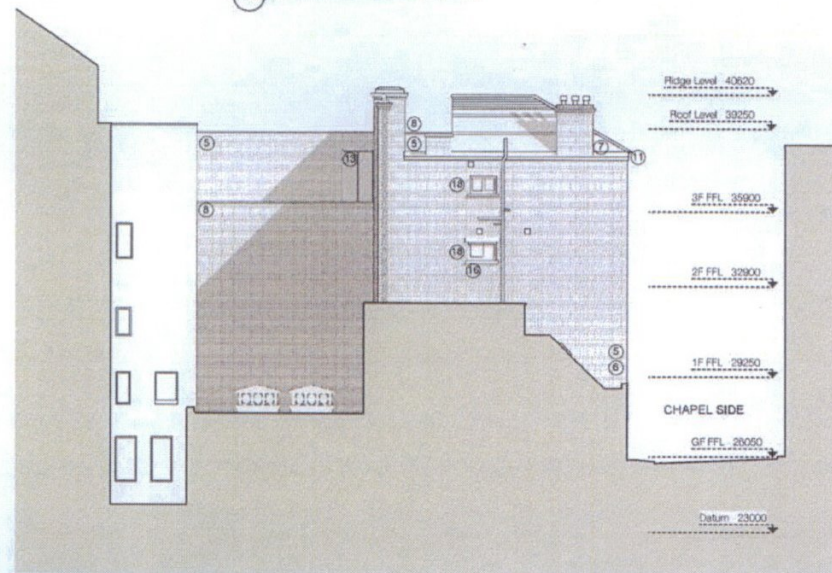
34 Palace Court
Loxley Holdings Management Ltd.



VSEE Proposed Vent Shaft East Elevation

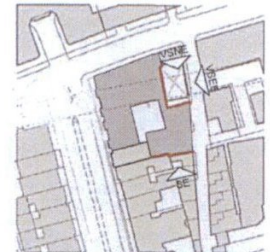


VSENE Proposed Vent Shaft North Elevation



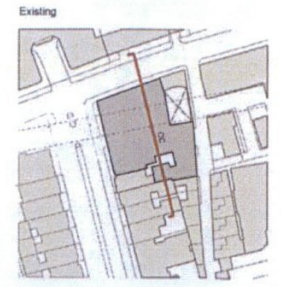
SE Proposed South Elevation

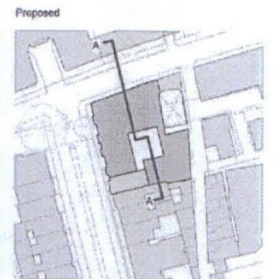
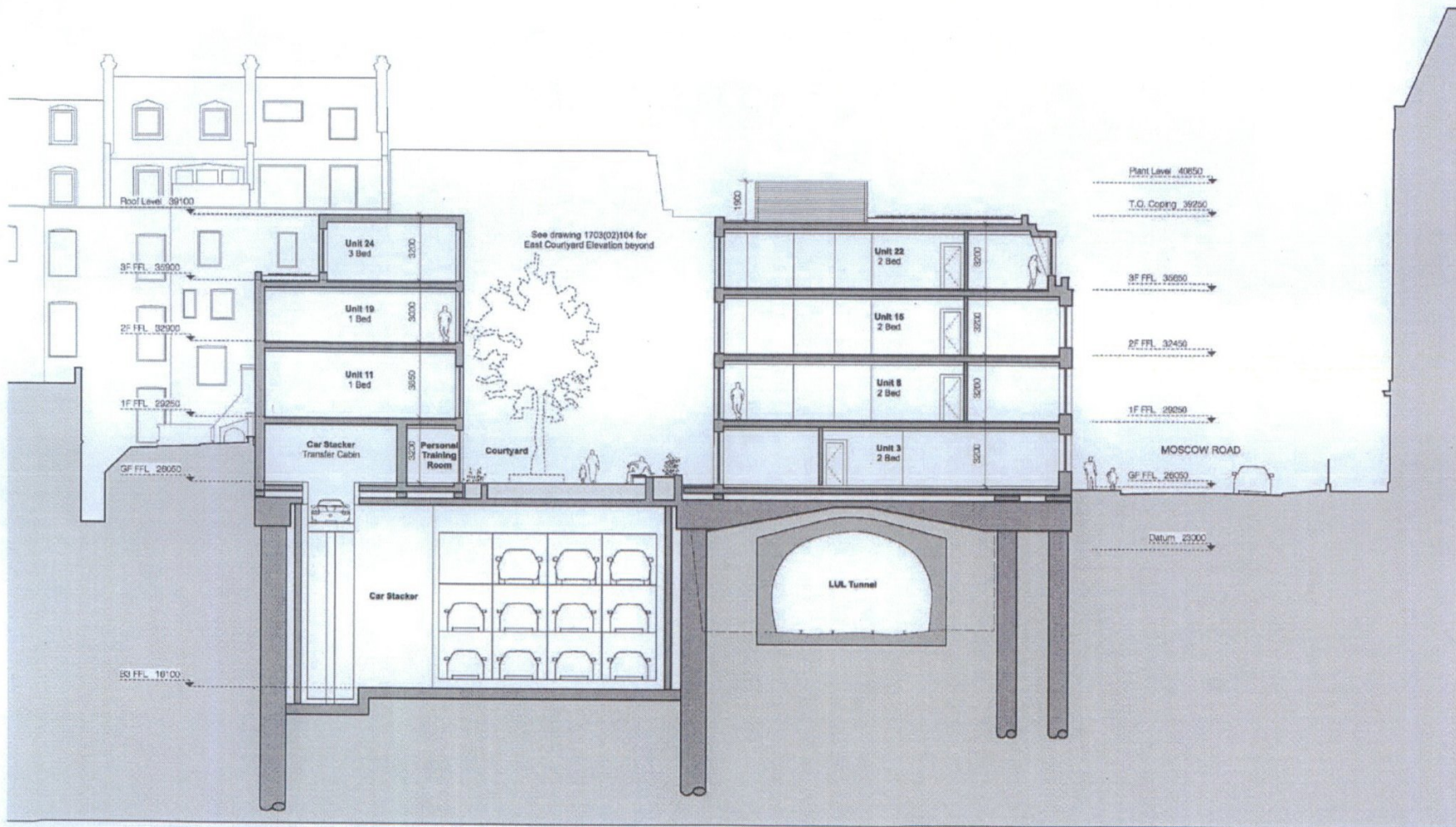
- ① New London stock brick
- ② Portland stone
- ③ Metal window frames and reveals with 'Antiqua' bronze finish
- ④ Cambridge cream brick with coloured matched mortar to internal courtyard elevations
- ⑤ Reclaimed yellow stock bricks to match the existing Chapel Side elevation
- ⑥ Retained yellow stock bricks to be repaired, cleaned and repointed
- ⑦ Welsh slate roofing
- ⑧ Lead/metal flashings
- ⑨ Bespoke artisan type balustrading
- ⑩ Metal railings
- ⑪ Metal gutters and rainwater goods
- ⑫ Bi-folding timber doors
- ⑬ Clear glass sliding doors
- ⑭ Metal frame doors
- ⑮ Timber doors
- ⑯ Existing stone cills to be repaired and cleaned
- ⑰ Replaced timber sliding slim line double glazed sash windows
- ⑱ Replaced timber sliding slim line double glazed windows
- ⑲ New London stock brick





Datum 29.60m





within Palace Court. This vertical rhythm will also be taken round onto the Moscow Road façade, albeit the bays will have a very minimal projection on this side. There will also be two rather more modest entrances in the Moscow Road façade, which will provide independent access to two of the new units. The Palace Court side of the building, will feature railings to the back of the pavement, which will contain either a small landscaped area at ground floor level, or two small lightwells either side of the main entrance, providing light down into the basement unit. The new building would enclose a small private courtyard, which would be faced in a lighter brick with larger glazed openings.

The development bridges over the Circle and District Underground Lines and there is an open shaft behind nos. 75-77 Moscow Road. The new building would present a blank brick wall to this shaft, which would be visible from Chapel Side. This wall is to be in a stock brick and would feature some form of relief panel(s), in the absence of windows to this façade.

The roof of the four storey element will be covered by a green roof with a 1.9m high plant enclosure, set back from the perimeter edge of the roof. There would be a small terrace to part of this roof.

With respect to 1-4 Chapel Side the proposals retain the facades visible from Chapel Side, but demolish behind these and modify fenestration and also undertake modifications at roof level.

6.2.4 Assessment

The loss of the existing building on the site, the design and scale of the replacement building and the loss of views of the spire of St Matthew's Church are all cited by objectors as causing harm to the conservation area and being reasons to refuse permission. Whether harm is caused and the degree of that harm is a subjective judgement, but on the basis of considering the significance of this part of the conservation area and the impacts the proposal will have, it is considered that the proposal would not result in harm to the conservation area. Indeed the proposed replacement building at 34 Palace Court in terms of its design and scale has the potential to enhance this part of the conservation area, reflecting the character and appearance of the area in a complementary but contemporary fashion, while also removing the existing unattractive roofscape and the exposed gable walls, which currently flank the site.

The additional height of the proposed new building is also a common aspect to many of the objections because it will reduce views of the spire to the Church of St Matthew. It should be noted that the local views identified within the Bayswater Conservation Area Audit, do not include a view of the spire from Moscow Road or Palace Court. Nevertheless, because of the low scale of the existing building on the site, there are views of the tower and spire from the junction of Moscow Road and Hereford Road and from various points along Moscow Road. As the viewer moves further westward towards Pembridge Square, the spire remains in view but its extent is restricted by no.51 Palace Court (this latter view is identified as a local view in the conservation area audit). These views of the tower are considered to be pleasing and incidental, but are not formal in their arrangement and in no case allow a full visual appreciation of the whole of the church and its spire. This full view of the spire and church are largely restricted to views north and south along St Petersburg Place and from the north along Ilchester Gardens. Because of the height of the spire, relative to the prevailing townscape, it is inevitable that it will be visible above the lower buildings around it and in some cases more of the tower and spire will be visible and in other cases less or none will be visible. Unquestionably, by building a taller building on the application site, less of the tower and spire will be visible in certain viewpoints and there are likely to be points, where the spire is currently visible, but would no longer be.

In terms of the impact of the proposal on the setting of the adjacent listed buildings, the NPPF defines setting as the surroundings in which a heritage asset is experienced. It is considered that the new development while it would fall within the setting of these designated assets does

not have an adverse impact on their setting. The impact of the development on the setting of 47 Palace Court and the Greek Cathedral of Aghia Sophia is considered to be very slight and positive. The complementary design of the new development, both in terms of scale and detailing, is considered to strengthen and enhance the streetcape within which these listed buildings lie.

With respect to the impact on the setting of the Church of St Matthew, while from some viewpoints less of the tower and spire will be visible, this is not considered to adversely affect the setting of the church. These particular views are not considered to be formal in their composition and thus not significantly contributing to the setting. The proposed development will not be taller than the prevailing townscape (indeed, it will be lower than many surrounding buildings) and the tower and spire will continue to rise above this townscape and appear as a skyline landmark. The materials and scale of the proposed development would also complement the character of Palace Court and as such would not harmfully alter the scale and appearance of the townscape in relation to the church.

With respect to 1-4 Chapel Side, given that any significance of this structure is considered to principally reside in its street-facing facades and its historic association with the Aylesbury Dairy Company, it is considered that the modifications proposed will mean that the character and appearance of this building and its contribution to the conservation area will be preserved.

In conclusion, having given regard to the duties imposed by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal is considered acceptable in design and heritage terms, as it would have no adverse impact on the character or appearance of the Bayswater Conservation Area or upon the setting of adjacent listed buildings. The proposal is also considered to accord with policies S25 and S28 of the Council's City Plan; and DES 1, DES 4, DES 9 and DES 10 of the UDP; as well as Chapter 12 of the NPPF.

6.3 Amenity

The proposed development is surrounded on all sides by residential properties. It is therefore a sensitive site in terms of its potential impact on the amenities currently enjoyed by the occupiers of surrounding residential properties. Consequently, a number of objections have been raised by occupiers of residential properties surrounding the site on Palace Court, Moscow Road and Chapel Side.

The existing two storey building facing Palace Court which is between 7.3-10.4m in height is to be replaced with a six storey building of a maximum height of 15.9m. Given the proposed height and distance of over 20m to properties on the west side of Palace Court, the proposed development is not considered to raise significant amenity issues for these properties.

No. 32 Palace Court to the south of the site is under the same ownership as the development site. Although it was granted permission in December 2014 for use as two residential maisonettes the property has remained in office use and this permission has not been implemented therefore it cannot be afforded the same protection in amenity terms as if it was a residential dwelling.

The key amenity issues are the potential impact of the proposed redevelopment on the amenities of the occupiers of Nos. 52-85 Palace Court Mansions located on the northern side of Moscow Road, the adjoining Nos.75-77 Moscow Road, properties on the east and west side of Chapel Side and Nos. 30 and 32 Palace Court.

view of the nearby St Mathews Church spire. However, such views cannot be protected in themselves if the proposal does not create an unreasonable sense of enclosure.

The buildings at 75 and 77 Moscow Road would remain protected from any sense of enclosure by the non-developed buffer created by the underground lines ventilation shaft directly behind. The buildings on Chapel Side would not experience any significant increase in sense of enclosure as the façade of 1-4 Chapel side will be retained and there would be no increase in height and the remainder of this elevation would be set back from Chapel Side behind the underground ventilation shaft.

There would be an element of sense of enclosure created to the south of the site where currently some windows to flats in the rear extensions and closet wings of 28 and 30 have clear views towards the north and the site. The proposal would result in a two storey increase in height at this boundary, with another storey above set back by 3 metres. Because of the nature of the tight urban environment, this situation, although not ideal is not sufficient to warrant refusal.

No. 6-7 Chapel side are located adjacent to the retained side elevation of 1-4 Chapel Side. Part of the retained wall projects perpendicular to the side wall meaning the southern wall of the development is largely hidden from these properties behind this existing wall.

For the reasons set out above, the proposal is not considered to raise concerns in terms of sense of enclosure. The objections raised by residents on this ground are therefore unable to be supported in this case and the proposal accords with policy S29 of the City Plan and ENV 13 of the UDP.

6.3.3 Privacy

Given the location of the development and its windows and the distance to neighbouring residential properties, windows within the proposed development are not considered to raise significant privacy issues. A number of objections have been received regarding loss of privacy caused by the proposal from residents in Palace Court Mansions. Even at their closest point the windows of Palace Court Mansions and the development site will be 15 metres from each other. This is sufficient to prevent significant overlooking and is a reasonable distance for properties fronting either side of a residential street. A roof terrace is also proposed on the new block however this is set a further 8 to 9 metres back from these properties. The distance to windows on the west side of Palace Court is even greater at 22 to 23 metres.

The façade retention at 1-4 Chapel side and the lack of windows in the rest of this elevation above the Underground ventilation shaft means there will be no increase in overlooking from the Chapel Street elevation. The new southern elevation does not have any windows apart from sliding doors accessing the flat roof at third floor level. The set back and position of these sliding doors is likely to prevent direct overlooking down to the windows opposite in the closet wing of 22 Palace Court however it is recommended that a condition is attached to any permission requiring that these doors are obscure glazed to prevent overlooking into the rear of windows of No 30 Palace Court. A condition is recommended requiring that the flat roof created by the set back at third floor level on this south elevation is not used as a terrace as this would create significant overlooking issues.

For these reasons it is not considered that the objections in relation to overlooking are sustainable and the proposal accords with policy S29 of the City Plan and ENV13 of the UDP.

6.3.5 Noise

It is proposed to install building services plant on the roof of the development. An acoustic report has been submitted with the application and assessed by a City Council Environmental

Health Officer who has confirmed that the proposal is likely to be acceptable subject to standard noise conditions. Subject to these conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S29 of the City Plan.

6.4 Transportation/Parking

The applicants have submitted a Transport Strategy report in support of their proposal which sets out details in respect of the existing situation, the development proposals and the servicing and parking strategy.

6.4.1 Car Parking

The proposal seeks to provide 18 off street car parking spaces within the site via a car stacker system below ground level and accessed from Chapel Side. The City Council's latest parking survey indicates that current parking occupancy in the vicinity is marginally below the 80% stress threshold but the proposal would increase this above the threshold. The 18 car parking spaces are considered sufficient for the number of units (24) if they are unallocated parking spaces and this will need to be secured by legal agreement. It is also considered that Lifetime car club membership should be provided to ensure car ownership of the future residential occupiers is maintained at low levels and to ensure that 18 unallocated car parking spaces is sufficient for the proposed 24 units. Subject to securing these provisions the Highways Planning Manager considers that the proposal is acceptable in terms of car parking and the objections on these grounds are unsustainable.

Despite objections, vehicle tracking shows that the parking facilities are functional. There is sufficient off street waiting space should a vehicle already be using the car lift to wait off the highway so no obstruction of other vehicles using Chapel Side should occur. Given the anticipated trip rates of the proposed development and off-street waiting space, there should be no queuing on the highway from this proposal. Management and maintenance of the car lift will need to be secured by legal agreement as it is common for car lifts to fall into disrepair with the risk that the associated basement parking will become unused, leading to increased pressure on on-street parking spaces.

Details of electric car charging points should be conditioned and a condition should be added to ensure an alternative design to the car parking area so the doors do not open over the highway.

6.4.2 Cycle Parking

The proposal makes provision for the parking of 24 bicycles which meets the requirements under Policy TRANS10 of our UDP. Policy 6.9 of the London Plan (FALP- March 2015) requires 1 cycle parking space for a 1 bedroom residential unit and 2 spaces per residential unit of 2 or more bedrooms. As there are 6, 1 bedroom units and 18, 2 or more bedroom units proposed a minimum of 42 cycle parking spaces should be provided. However only 24 cycle parking spaces are indicated on the submitted drawings. As the proposal is not consistent with FALP requirements, it is recommended that a condition is added to any permission requiring the provision of 42 cycle parking spaces in accordance with the London Plan.

6.4.3 Servicing

The proposed serving for the development is via Chapel Side and Moscow Road. Given the location of the refuse storage areas it is likely that waste collection will take place from Chapel Side. Waste for the application site has historically been collected from Chapel Side and the Council's refuse lorries currently access this street to make collections. It is likely that those properties with direct frontage to Moscow Road will have refuse collections made from that street. Delivery vehicles will have the lawful option of serving from either Chapel Side or

| |
|--------------|
| Item No. |
| 3 |

Moscow Road. Objections from neighbours have been received regarding servicing, especially from residents within Chapel Side. However, it is likely that servicing would not be greater than the existing office use and therefore the proposal would be in accordance with Policy TRANS20 of our UDP and S42 of our City Plan.

6.4.4 Increased vehicular activity

Given the proposed change in the use of the site from predominantly office use to 24 residential flats and the associated proposed car parking, it is expected that the development will increase overall vehicle traffic in Chapel Side. Whilst Chapel Side has a reduced width entrance at Moscow Road the anticipated increase in traffic is not in itself considered to generate a significant highway safety or operational problem. Whilst concerns have been raised by residents in respect of increased traffic and congestion, this view is not supported.

6.4.5 Waste Storage

There is a waste storage area proposed at the ground level, accessed both internally and from Chapel Side. Collection will be direct from Chapel Side, with the bins manoeuvred to the refuse vehicle.

While the bins are not marked for refuse or recycling, the quantum of bins is sufficient to provide for the minimum required by the Westminster Recycling And Waste Storage Requirements. It is noted that no provision for organic/food waste is provided, but on balance, it is considered that there is sufficient space within the refuse store to allow for future storage. Overall the provision is consistent with policy S44 of the City Plan and Policy ENV12 of the UDP.

6.5 Economic Considerations

The proposal is in accordance with the UDP and the economic benefits generated by the proposed residential units are welcomed.

6.6 Equalities and Diversities (including Disabled Access)

The proposal includes level access at street level with lift access to all floors.

6.7 Other UDP/Westminster Policy Considerations

None relevant

6.8 London Plan/National Policy/Guidance Considerations

Where relevant these consideration are discussed above.

6.9 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- a) Provision of £750,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);
- b) A contribution of £10,000 (index linked and payable upon commencement of development) towards new tree planting in the vicinity of the site;
- c) Provision of lifetime car club membership (minimum 25 years) for all 24 units;
- d) All 18 off street residential parking spaces must be unallocated
- e) Provision of maintenance and management plan for the car lift prior to occupation and maintained for life of development.
- f) A contribution of £28,000 per annum towards Environmental Monitoring for the demolition and construction phase of the development (index linked).
- g) the costs of monitoring the s106 agreement.

The proposed development is also liable for a Mayoral CiL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

6.11.1 Sustainability

The applicants have submitted an Energy and Sustainability Report in connection with this proposal including a Code for Sustainable Homes Assessment. This indicates that it is intended that the development will achieve a Level 4 Code for Sustainable Homes. It is proposed the development will include the following sustainable credentials.

- Central gas fired boiler plant with a small scale combined heat and power plant (CHP).
- Green roof is proposed at fourth floor level on the main roof of the area fronting Moscow Road.
- Photovoltaic's at fifth floor roof level.

Such sustainability features are welcomed in meeting Policy S40 of our City Plan which requires that all major development throughout Westminster should maximise on-site renewable energy generation and increase energy efficiency.

6.11.2 Biodiversity

The proposal includes the provision of a green roof which would not be accessible for amenity use. In addition, a courtyard with some soft landscaping and the addition of a mature tree is proposed. The Arboricultural Manager has raised some concerns at the depth of top soil proposed in the courtyard which should ideally be 1m plus 0.2m drainage layer, not the proposed 0.8metres. In this case because of the limited size of the courtyard, the close proximity of the underground lines and the potential structural issues that would be created by the size of tree requiring that depth of topsoil it is considered that in this case the landscaping provision is acceptable. Further details of the green roofs including maintenance strategy will be required as recommended condition.

6.11.3 Street Trees

In close proximity to the site there is an existing street tree (Alder) on Palace Court. Given the importance to protect this street tree which has amenity value within the Bayswater Conservation Area, it is considered appropriate and necessary to seek to protect this tree. However, as it lies outside of the application site, this would need to be secured through a legal agreement.

The applicant has offered a financial contribution of £10,000 towards the planting of street trees in the vicinity of the site which is welcomed. It is recommended that this is secured by a legal agreement.

6.11.4 Sustainable Urban Drainage

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The application site is entirely covered in hard surfaces and buildings at present and provides no run-off attenuation. The green roofs and planters would provide storm rates attenuation on-site. Whilst this would not achieve greenfield run-off rates, it would significantly reduce run-off rates in comparison to the existing building. The Lead Local Flood Authority has also been consulted and any comments received will be reported verbally. Accordingly, the proposed drainage system proposed is considered acceptable.

6.12 Other Issues

6.12.1 Excavation and Structural Matters

Basement extensions are an increasingly common form of development in Westminster, and guidance on this issue in the 'Basement Development in Westminster Supplementary Planning Document' (SPD), was adopted by a Cabinet Member decision dated 20 October 2014. This SPD does not include new planning policy but supports the implementation of

adopted policies in the Council's development plan and in particular provides guidance on i) when a planning application is required and what information you will need to submit (Section 3-4); and ii) the adopted policy framework and how planning applications for basement development will be assessed in relation to this (Section 2 and 6).

As part of our emerging City Plan, a new planning policy on basements is being developed, however, this document cannot be afforded any weight in the determination of this current application.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, as cited above. To go further would be to act beyond the bounds of planning control.

Objections have been received from neighbours concerned about the structural implications of the proposed basement on the foundations of neighbouring buildings. The City Councils Building Control have been consulted on the proposal and have no objection to the proposal. The Engineer has proposed piling within 3m of the underground tunnel to support the structure which is considered to be appropriate. The second wall will provide temporary and permanent lateral support, safeguarding the stability of the adjoining buildings. It has been pointed out by Building Control that the engineer has not commented on the issue of water table and its flow after completion.

6.12.2 Construction Management

Objections have been received to the proposal on the grounds of the disruption caused during the demolition, excavation and construction especially in terms of noise disturbance, pollution and increased traffic. It is considered that the impact of construction works can be adequately controlled by use of the City Council's standard hours of work condition, which includes additional controls to prevent excavation works at weekends and on bank holidays and a condition requiring the submission and approval of a detailed Construction Management Plan, which demonstrates the measures that will be undertaken during construction works to minimise disruption to neighbouring occupiers and the operation of the public highway.

7. Conclusion

For the reasons set out in this report, the proposed development is considered acceptable, subject to the recommended conditions, and legal agreement and would accord with the relevant land use, design, amenity, transportation, and environment policies within the UDP and City Plan.

BACKGROUND PAPERS

1. Application forms
2. Letter from English Heritage dated 11.08.2015
3. Letter from London Underground Limited dated 23.07.2015
4. Emails from Bayswater Residents Association dated 2.08.2015 and 10.08.2015
5. Email from South East Bayswater Association dated 9.10.15
6. 6.Email from Councillor Smith dated 12.09.2015
7. Letters from Karen Buck MP forwarding objections from members of the public dated 6.08.15 and 20.08.15
8. Email from Building Control Officer dated 8.10.15
9. Memos/Email from Environmental Health Consultation Team dated 23.07.15; 29.09.2015 and 30.09.2015
10. Memo from Highways Planning Manager dated 29.07.2015
11. Memo from Arboricultural Manager dated 21.08.2015
12. Email from owner/occupier of 23 Palace Court dated 11.08.15
13. Email from owner/occupier of 53A Palace Court dated 12.08.15
14. Emails from owner/occupiers of 54 Palace Court all 3 dated 03.09.15
15. Email from owner/occupier of 56 Palace Court dated 1.08.15
16. Email from owner/occupier of 56A Palace Court dated 31.07.15
17. Letter from owner/occupier of 57 Palace Court dated 31.07.15
18. Email from owner/occupier of 59 Palace Court dated 13.08.15
19. Email from owner/occupier of 62 Palace Court dated 09.08.15
20. Letter from owner of 63 Palace Court dated 26.08.15
21. Letter from owner of 64 Palace Court dated 17.08.15
22. Letter from owner/occupier of 69 Palace Court dated 4.08.15
23. Letter from owner/occupier of 72 Palace Court dated 3.08.15
24. Letter from owner/occupier of 73 Palace Court dated 4.08.15
25. Email from owner/occupier of 76 Palace Court dated 05.08.15
26. Emails from owner/occupier of 76 Palace Court dated 26.07.15, 5.08.15 and 10.08.15
27. Letter from owner/occupier of 77 Palace Court dated 12.08.15
28. Letter from owner/occupier of 78 Palace Court dated 11.08.15
29. Letters from owner/occupier of 80 Palace Court dated 7.08.15 and 2.09.15
30. Email from owner/occupier of 82 Palace Court dated 16.08.15
31. Letter from owner/occupier of 83 Palace Court dated 31.07.15
32. Letter from TP Bennett on behalf of 52-85 Palace Court Ltd (freehold company owned by the lessees of the building) dated 10.09.15
33. Email form owner/occupier of Flat 4A, 24 Palace Court dated 2.08.15
34. Email from owner/occupier of 24 Palace Court dated 30.07.15.
35. Email from owner/occupier of 24 Palace Court dated 10.08.15
36. Email from Managing Agent of Flat 1 26 Palace Court dated 13.08.2015
37. Email from owner/occupier of Flat 1, 28 Palace Court dated 15.08.15
38. Email from owner/occupier of Flat 2, 28 Palace Court dated 07.08.15
39. Email from owner/occupier of Flat 4, 28 Palace Court dated 9.08.15
40. Email from owner/occupier of Flat 6, 28 Palace Court dated 7.08.15

41. Email from owner/occupier of 30 Palace Court dated 3.08.15
42. Email from owner/occupier of 30 Palace Court dated 8.08.15
43. Emails from owner/occupiers of Flat D 30 Palace Court dated 9.08.15 and 15.09.15
44. Email from the owner/occupier of Flat G 30 Palace Court dated 7.08.2015
45. Letter from the owner/occupier of Flat 2, 41 Palace Court dated 1.08.2015
46. Email from the owner/occupier of Basement Flat 43 Palace Court dated 05.08.2015
47. Email from the owner/occupier of Flat 5 43 Palace Court dated 05.08.2015
48. Email from the owner/occupier of 27 Chapel Side dated 6.08.2015
49. Letter from the owner/occupier of 29 Chapel Side dated 06.08.2015
50. Emails from the owner/occupier of 31 Chapel Side both dated 06.08.2015
51. Email from the owner/occupier of 32 Chapel Side dated 11.08.2015
52. Email from the owner/occupier of 33 Chapel Side dated 9.08.2015
53. Email from the owner/occupier of 116 Seymour Place dated 11.08.2015
54. Email from the owner/occupier of 20 Caroline Place dated 13.08.2015
55. Letter from the owner/occupier of 19 Prince Edward Mansions, Moscow Road dated 31.08.2015
56. Email from the owner/occupier of 75 Ladbrooke Grove dated 2.09.2015
57. Email from the owner/occupier of 27 Hereford Road dated 10.08.2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE
BACKGROUND PAPERS PLEASE CONTACT ON 020 7641 OR BY E-MAIL –
@westminster.gov.uk

OLIVER GIBSON

X

ogibson@

DRAFT DECISION LETTER

- Address:** Esca House, 34 Palace Court, London, W2 4HZ
- Proposal:** Demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side. Redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and plant at basement level.
- Plan Nos:** 1703(91)000; 1703(00)000; 1703(00)001; 1703(00)002; 1703(00)003; 1703(00)004; 1703(00)005; 1703(00)006; 1703(00)100; 1703(00)101; 1703(00)102; 1703(00)200; 1703(00)201; 1703(0)202; 1703(01)000; 1703(01)001; 1703(01)002; 1703(01)003; 1703(01)004; 1703(01)005; 1703(01)006; 1703(01)100; 1703(01)101; 1703(01)102; 1703(01)200; 1703(01)201; 1703(02)000; 1703(02)021RevA; 1703(02)022RevA; 1703(02)023RevA; 1703(02)024RevA; 1703(02)025RevA; 1703(02)026RevA; 1703(02)027; 1703(02)028; 1703(02)120RevA; 1703(02)101RevB; 1703(02)102; 1703(02)103RevB; 1703(02)104RevB; 1703(02)105; 1703(02)106RevB; 1703(02)107RevA; 1703(02)200RevB; 1703(02)221; Statement of Community Involvement; Planning Application Report dated 22.06.2015 (partly amended by Planning Application Committee Meeting Response dated 09.11.15 and Letter from Point 2 Surveyors dated 2nd November 2015) including Heritage Report; Structural Methodology Statement (for information only); Ground movement Analysis (for information only) Impact Assessment Report (for information only) Energy and Sustainability Report; Acoustic Report; Daylight and Sunlight Report; Air Quality Assessment; Transport and Servicing Report; Construction Traffic Management Plan; Borehole Test Report (for information only); Planning Application Committee Meeting Response Report dated 9.11.15. Letter dated 9 November 2015; Letter from Point 2 Surveyors letter dated 2nd November 2015, Committee response from ttp Consulting.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

* between 08.00 and 18.00 Monday to Friday;

* between 08.00 and 13.00 on Saturday; and

* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- provide details on all structures
 - accommodate the location of the existing London Underground structures and tunnels
 - accommodate ground movement arising from the construction thereof
 - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be

representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 6 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.

- 7 Notwithstanding what is shown on drawing 1703(02)001, you must hang all doors or gates so that they do not open over or across the road or pavement.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 8 You must apply to us for approval of details of 42 secure cycle storage for the development. 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 of the London Plan (FALP-March 2015).

- 9 You must provide the waste store shown on drawing 1703(02)001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the development. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must apply to us for approval of the following parts of the development:

- the location of 4 Electric Vehicle Charging Points within the basement parking level.

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

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (FALP - March 2015).

- 11 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential

part of this development. (C22BA)

Reason:

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

- 12 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, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 13 You must apply to us for approval of technical details of the following parts of the development:
- i) Photovoltaic Panel
 - ii) Green Roofs (including maintenance strategy)
- 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 works according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;

- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must not use the roof of the building, including the flat roof at third floor level at the southern part of the site, for sitting out or for any other purpose except where specified as a private terrace on the approved drawings. You can however use the roof to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

(R21BC)

- 16 Notwithstanding drawing 1703(2) 004 the glass that you put in the doors in the south elevation of the building at 3rd floor level must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

(R21BC)

- 17 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application:

- i) Combined Heat and Power;
- ii) Green Roof at third and fourth floor level.;
- iii) Photovoltaic panels as detailed in Appendix 5 of your Energy Statement

You must not remove any of these features.

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: Strategic Policies adopted November 2013.

- 18 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 20 You must apply to us for approval of full details of the following parts of the development:

- i) typical new windows and external doors;
- ii) all new metal railings and balustrades;
- iii) brick detailing to introduce relief and decoration to the blank wall above London Underground shaft;
- iv) plant screen enclosure including detail of finish;
- v) location and size of movement joints;
- vi) ventilation and other services terminations at facade and roof level.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 21 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 this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 22 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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: Strategic Policies adopted November 2013, Unitary Development Plan, 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 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements required under Condition 3, in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

- 4 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. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition 9 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 Environmental Health have assessed the submitted layout drawings and have commented that the proposed Means of Escape in the case of fire appear to be inadequate as it appears the occupiers of the bedrooms are required to escape via the area of highest risk, namely the kitchen areas. They advise that the scheme should be revised so as to provide adequately protected escape routes.

Proposed scheme

Proposed and existing street views



Fig.6.43. Moscow Road looking east towards Palace Court - Existing.



Fig.6.44. Moscow Road looking east towards Palace Court - Proposed.

Proposed scheme

6.17. Proposed and existing street views



Fig 0.41. Palace Court looking north towards Moscow Road - Existing.



Fig.6.42. Palace Court looking north towards Moscow Road - Proposed.

Proposed scheme

6.18. White cardboard model 1:200

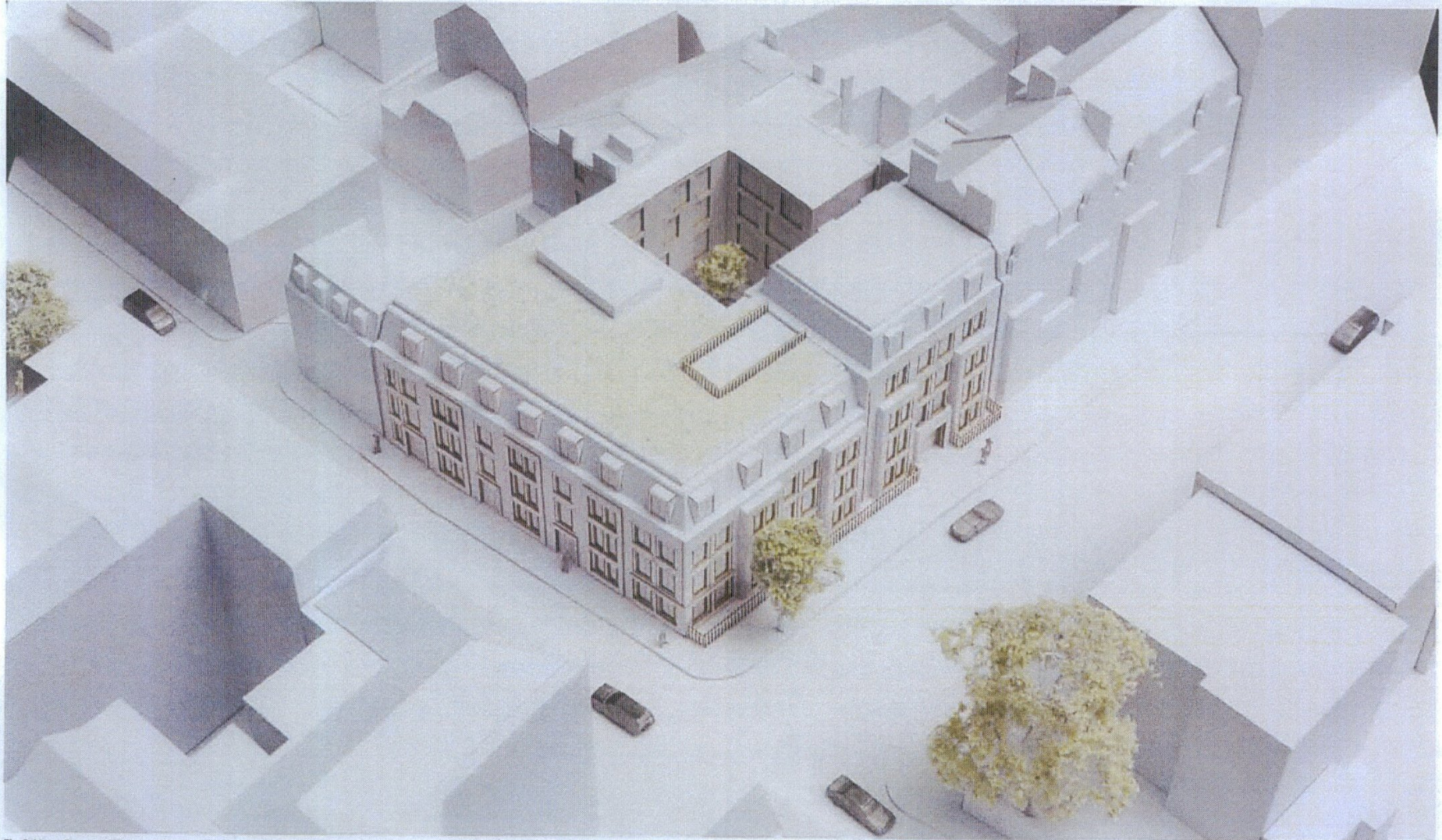


Fig.6.45. Corner of Moscow Road and Palace Court, 1:200 cardboard model.