

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	Essendine Mansions, Essendine Road, London, W9 2LY,		
Proposal	Development of four new dwellings to the rear of Essendine Mansions, with rear gardens with associated access, landscape, play and recreation improvements. Reinstatement or replacement of boundary treatments.		
Agent	Mr Michael Doyle		
On behalf of	Mrs Markovic		
Registered Number	16/08740/FULL	Date amended/ completed	23 September 2016
Date Application Received	10 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Refuse permission – impact on character of open land; impact on accessible open space; lack of car parking; insufficient information to adequately demonstrate the impact of the development on trees and ecology.

2. SUMMARY

The application site is an elongated rectangular plot of open land to the rear of Essendine Mansions. Essendine Mansions comprise a series of 10 blocks of flats on the west side of the street which were built in the late nineteenth century. To the west of the open land and bordering onto it are the garden plots of properties which face onto Kilburn Park Road. To the south of the open land is Essendine School. The northern boundary of the open land is bounded by 110 Morshead Road. The site lies within the Maida Vale Conservation Area. Access to the site is either gained from within the rear yards of the Essendine Mansions or through a gated access between the mansion buildings (No's 50-60 and 62-66) on Essendine Road.

This site was added to the register of Assets of Community Value on 1 December 2016.

Planning permission is sought for construction of four new dwellings (two houses and two flats) with rear gardens with associated access, landscape, play and recreation improvements. It should be noted that it was originally proposed to create four houses, however during the course of the

application, the plot occupied by Houses A & B are now proposed to be one building divided into a flat at ground and at flat at first floor level (Flats A & B).

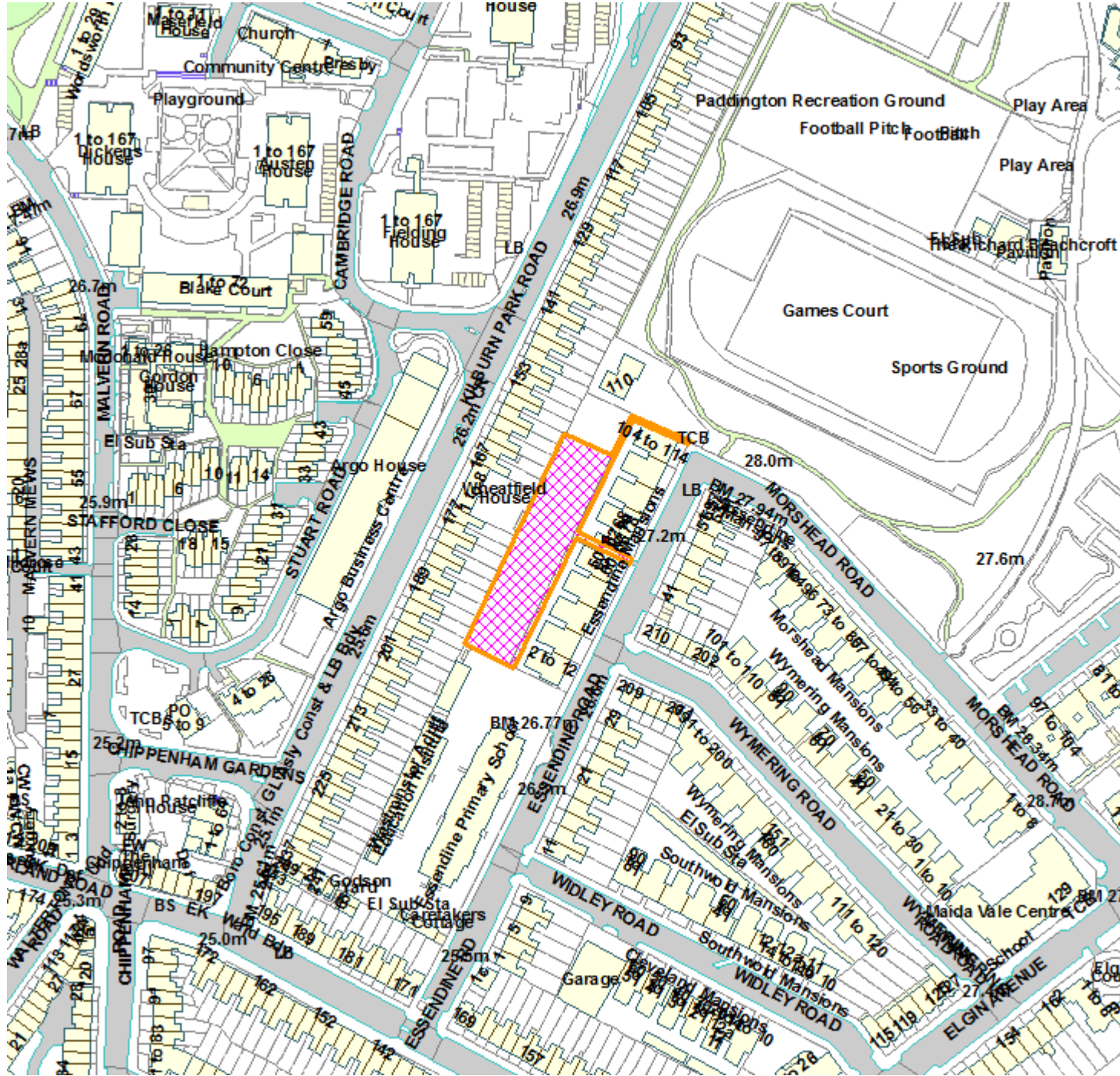
Objections have been received primarily on the grounds of the loss of the garden open space, impact on conservation area, amenity and parking.

The key issues in the determination of this application are:

- The loss of open amenity space;
- The impact of the proposals upon the Maida Vale Conservation Area;
- The impact of the proposals upon the amenity of residents, notably in Essendine Mansions;
- The impact of the proposals upon the highway network;
- The impact of the proposals upon trees and the ecology of the site.

As set out in the report, the application is considered to be contrary to City Council UDP (2007) and City Plan (2016) policies on the grounds of impact on character of open land; impact on accessible open space; lack of car parking; insufficient information to adequately demonstrate the impact of the development on trees and ecology and is therefore recommended for refusal.

3. LOCATION PLAN



4. PHOTOGRAPHS



Satellite image of application site & Entrance to Site from Essendine Road



5. CONSULTATIONS

COUNCILLOR PRENDERGAST:

Verbal objection on the grounds of the loss of open space, loss of amenity, impact upon amenity of nearby residents and impact upon car parking.

COUNCILLOR BEGUM:

Objection raised on the loss of open space and amenity, that is cherished by the local community.

LONDON BOROUGH OF BRENT:

No objection.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Objection raised on the grounds that the residential units will harm the amenity of the area and fragment the open space, harming the conservation area; the proposals would harm the setting of the existing flats of Essendine Mansions. Whilst the provision of sedum roofs are welcomed, they would not be suitable in this landscape

NATURAL ENGLAND:

No comment.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

Objection raised on the grounds of no parking provided and that the cycle storage isn't weatherproof and secure.

CLEANING MANAGER:

Objection raised on the grounds of lack of detailing.

ARBORICULTURAL SECTION - DEVELOPMENT PLANNING

Objection raised on the loss of trees, impact upon landscaping, impact upon trees and landscaping during the course of construction; given the lack of arboricultural assessment.

PARKS & GARDENS:

No response received.

ENVIRONMENTAL HEALTH OFFICER:

No objection in principle, concerns raised with regards to fire safety.

BUILDING CONTROL - DEVELOPMENT PLANNING

No objection in principle, concerns raised with regards to fire safety and open plan layout.

DESIGNING OUT CRIME:

No response.

THAMES WATER UTILITIES LTD:

No objection.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 472

Total No. of replies: 46

No. of objections: 46

Forty six objections, including a number from the Essendine Road Association (which include 2 publications entitled 'Wild Garden' and 'Pigs in Blankets'), received on some or all of the following grounds:

Land use:

- Loss of open/green space that is a community facility and a future Asset of Community Value (application pending decision at the time the objection was written) ;
- Even if the dwellings were allowed, the remainder of the open space couldn't 'actually' be used;
- The proposed dwellings are not in keeping with the character of the area;
- Garden spaces should be retained for families;
- Too little infrastructure to support additional housing;
- It is unclear as to the offer put forward regarding the outdoor classroom and recreation facilities and what the commitment to this provision would be;
- What are the public benefits to the scheme?

Design:

- The proposed dwellings are not in keeping with the character of the area;
- Proposals do not comply with policy DES12 of the UDP
- Poor design of the dwellings;

Amenity:

- Overlooking from the proposed dwellings;
- Loss of light from the proposed new boundary treatment to the Essendine Mansions (noted also that no exact dimensions are given)
- Additional noise from the proposed dwellings;
- Light spillage from the proposed dwellings;
- Loss of privacy from the residents of the dwellings walking between the existing mansion blocks.

Access/Highways:

- Impact of four new dwellings upon the existing parking in the area;
- The access from Essendine Road to the site is not sufficient in relation to construction.

Trees/Landscaping:

- The tree plans are misleading and not detailed enough, in that they don't give an accurate picture of the site;
- Concern raised regards different 'levels' across the site and in relation to the existing Essendine Mansions and the impact this could have on soil/ subsistence;

- Loss of trees is unacceptable;
- It is likely that the development will have an affect on the retained trees in terms of damage;
- Future residents of the dwellings are likely to want to fell more of the trees and greenery.

Ecology:

- Significant impact upon the ecology of the site and loss of wildlife;
- The proposals do not comply with S37 of the City Plan;
- The preliminary ecology report is insufficient given the nature of the development.

Other:

- No consultation with local residents;
- Increase in crime and burglary from additional dwellings;
- Impact of new development proposed by 'greedy developers' upon existing neighbours;
- Too much development in the area;
- A precedent would be set if development in the 'garden space' was allowed.
- View from Essendine Mansions to the rear will be lost;
- The site is not suitable for fire and ambulance access;
- Addition of refuse facilities 'outside' will result in vermin;
- Increase in subsidence to Essendine Mansions;
- Impact of proposed development construction upon adjacent school;
- Noise and disruption during the course of construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an elongated rectangular plot of open land to the rear of Essendine Mansions. Essendine Mansions comprise a series of 10 blocks of flats on the west side of the street which were built in the late nineteenth century. To the west of the open land and bordering onto it are the garden plots of properties which face onto Kilburn Park Road. To the south of the open land is Essendine Primary School, which along with its ancillary buildings is a grade II listed London Board School, which dates from 1899-1904. The northern boundary of the open land is bounded by 110 Morshead Road, which is a post-war residential building. All of the application site as well as Essendine Mansions, 110 Morshead Road and Essendine School lie within the Maida Vale Conservation Area. The property boundary between the open space and the garden plots of the properties on Kilburn Park Road forms the conservation area boundary.

Access to the site is either gained from within the rear yards/ gardens of the Essendine Mansions, where the boundary treatment between these yards and the open space over the years has been left in a state of disrepair, or from Essendine Road using the gated access between 50-60 and 62-66 Essendine Mansions. The applicant argues that a small number of people have a key to the gate in order to allow the refuse storage which

is stored behind the gate to be brought to the street or for emergency service access. This gate was apparently installed fifteen years ago by the management company and only resident was originally given the key (this is confirmed in a statement submitted as part of the application). Local Councillors and residents however claim that they installed the gate and many people have access to the site and have key.

6.2 Recent Relevant History

There is no application history relevant to the consideration of the proposed development.

This site was added to the register of Assets of Community Value on 1 December 2016 (ref: WCC/ACV/Essendine) following an application made by the Essendine Residents Association. As a result of the granting of the ACV the land has become known as 'The Wild Garden'. A copy of the confirmation letter to the Essendine Residents Association has been included in the background papers.

7. THE PROPOSAL

Planning permission is sought for construction of four new dwellings (two houses and two flats) with rear gardens with associated access, landscape, play and recreation improvements. The application originally proposed four houses, however during the course of the application, the plot occupied by two houses are now proposed to be one building divided into a flat at ground and a flat at first floor level. The proposals did not alter the footprint of the development and therefore no further consultation was carried out.

According to the applicant, the proposed development would occupy 9.8% of the 'open space' (or 7.2% of the land if only taking the footprint of the buildings into consideration), retaining some 2442m² (or 90.2%) of the 'open space'. The two buildings, comprising two dwellings each are two stories in height and are located fairly centrally within the site. The proposals also include the reinstatement and/or replacement of boundary treatments to the Essendine Mansions.

The plans show indicative locations for a woodland walk and an outdoor learning classroom associated with Essendine Primary School.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of 'the wild garden'

Paragraph 69 of the National Planning Policy Framework ("NPPF") advises that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Paragraph 70 of the NPPF also advises that planning decisions should "guard against the **unnecessary loss of valued facilities and services**, particularly where this would reduce the community's ability to meet its day-to-day needs" (emphasis added).

Paragraph 74 states that existing open space, sports and recreational building and land, should not be built on, unless an assessment is undertaken which has clearly shown the open space, buildings or land, to be surplus to requirements; or the loss resulting from the proposed development would be replaced by an equivalent or better provision.

Paragraph 76 and 77 states that local communities through local and neighbourhood plans, should be able to identify for special protection, greens/green space of particular importance to them. By designating land as local green space, local communities will be able to rule out new development other than in very special circumstances. Local green space designation will not be appropriate for most green area or open space, but should be used where the green space is in reasonable close proximity to the community it serves; where the green space is demonstrable special to a local community and where the green area concerned is local in character and not an extensive tract of land.

Policy ENV15 of the UDP offers protection for both public and private open space, indicating that development will not be granted permission on private open space “of amenity, recreational or nature conservation value, unless the development is essential and ancillary to maintaining and enhancing that land as valuable open space.”

The applicant has sought to justify the loss of this open space given that only 9.2% of the overall land is proposed to be built over with 90.8% of the land remaining. The City Council contends that **any** development would be contrary to the aim of the NPPF and policy ENV15 and in light of the recent designation of the open space as an ACV it is clear that the open space is used and much loved by local residents. Although the open space has not been designated a ‘Local Green Space’, as there is no neighbourhood plan in place for this part of Maida Vale in which this designation could be made, it appears that the open space would fall within the ‘criteria’ used in designation of Local Green Space and is valued as such, by the local community

The applicant argues that the provision of four properties, comprising 3 x 2bed and 1 x 3bed units provides valuable housing which is a key aim of the City Council’s policies.

The applicant has also sought to justify the proposals by offering up as part of the application a semi-public woodland walk to the west of the site and an open space to the south of the site that the adjacent school to the south of the site could use as an open air classroom. The applicant also confirms that direct rear access for residents of Essendine Mansions is embedded into the design proposals. The applicant has offered to transfer the freehold ownership of the remaining open land to a responsible and capable body upon completion of the development. The preferred model to the applicant would have been a development trust, possibly with a charity status, which may be a direct transfer or a transfer to the Local Authority in order to grant a long lease to the trust, if established.

The provision of additional housing is welcome, however this benefit is not considered to outweigh the in principle harm caused as a result of the loss of open space. Whilst works to create a woodland walk maybe aspirational to the local residents, this has not been explored by the applicant further. The applicant has advised the case officer that the neighbouring school has only recently been approached regarding the provision of an outdoor classroom, however it is unclear as to the outcomes of these discussions. Given the principle of the development is considered unacceptable, the offers listed above have not been explored further. It is worth noting that the provision of a woodland

walk and an outdoor classroom would raise other concerns, not assessed as part of this application in regards to design and amenity.

Given the above, the considerations suggested by the applicant do not outweigh the clear conflict with NPPF and development plan policy and the application is recommended for refusal on the grounds of loss of the asset of community value.

8.1.2 Residential use

Had the application been considered acceptable in principle, the provision of additional housing in the form of three x2 bed units and one x3bed unit would have been considered acceptable and compliant with H3 of the UDP and S14 of the City Plan.

Policy H5 of the UDP requires that 33% of new developments are family sized. Only one unit (25%) is proposed to be family sized, however given that all the units are well proportioned and have meaningful designated garden space, it is not considered that this minor shortfall could be a sustainable reason for refusal. The standard of accommodation in terms of the size of the units and that each unit has multiple, large windows, despite being primarily single aspect, are considered acceptable. The proposals would have complied with policy H5 of the UDP in this regard.

8.2 Townscape and Design

As described above, the application site is an elongated rectangular plot of open land to the rear of Essendine Mansions. Essendine Mansions comprise a series of 10 blocks of flats on the west side of the street which were built in the late nineteenth century. To the west of the open land and bordering onto it are the garden plots of properties which face onto Kilburn Park Road. These properties are three storey terraced houses (now flats) and are slightly earlier in date than Essendine Mansions. Within this group of Victorian terraced houses is Wheatfield House, which is a taller post-war infill development, which replaced some of the earlier Victorian housing. To the south of the open land is Essendine School, which along with its ancillary buildings is a grade II listed London Board School, which dates from 1899-1904. The brick boundary wall to the school which forms a contiguous boundary with the open land forms part of the listed curtilage. The northern boundary of the open land is bounded by 110 Morshead Road, which is a post-war residential building.

All of the application site as well as Essendine Mansions, 110 Morshead Road and Essendine School lie within the Maida Vale Conservation Area. The property boundary between the open space and the garden plots of the properties on Kilburn Park Road forms the conservation area boundary.

The only other designated heritage asset to note is a grade II listed K2 telephone kiosk outside 104-114 Essendine Mansions, which lies adjacent to an all edged former access point into the open land.

The Maida Vale Conservation Area was first designated in 1968 and has been extended on a number of occasions since then. The area of the application site was one of the later extensions, included as part of the conservation area in 1996. The conservation area is predominantly a product of the Victorian age, with the earliest main phase of development commencing in the southern half of the conservation area from the 1830s

following the construction of the Regent's Canal. The principal land use has always been residential and the earliest phase of development saw the construction of stucco villas and terraces. This earlier phase had largely been completed by the 1860/70s with most of the land to the south of Sutherland Avenue being developed. The latter part of the nineteenth century saw the development of the northern half of the conservation area and saw changes in style and house type, with a greater use of red brick-faced buildings and the introduction of mansion blocks. In addition to the housing that was built the area is characterised by its tree-lined roads and the large areas of private communal gardens that were created. The earlier phases of development saw smaller areas of communal private garden laid out, such as those to the rear of Bristol Gardens or to the rear of 1-13 Clifton Gardens. But such gardens became more generous spaces with the laying out of Randolph Crescent and Warrington Crescent, where large areas of communal garden were created to the rear of the properties. It is interesting to note that the 1890 Ordnance Survey Map which shows that Essendine Road has been laid out (although no buildings constructed) shows this general area as comprising a large extent of 'Allotment Gardens'. Some of these 'Allotment Gardens' were maintained in the development of the area and it is evident in the 1910 Ordnance Survey map, that land to the rear of Lauderdale Mansions was still being used as 'Allotment Gardens'.

It is not clear whether the land to the rear of Essendine Mansions was retained as allotment gardens and on the 1910 map which is the first map which shows Essendine Mansions, the land to the rear is shown as a blank rectangular plot, with no buildings in it or any suggestion of landscaping. The access point to this land is shown as a narrow passageway between nos. 50-60 and 62-66 Essendine Mansions.

By the 1930 Ordnance Survey Map the land is shown as subdivided into three rectangular plots with a small T-shaped building at the northern end. This would seem likely to be tennis courts and a pavilion, referred to as 'The Morshead Club (Tennis & Recreation)' on the 1950s Ordnance Survey Map. The presence of tennis courts to the rear of properties in the area is also a common feature, with a large area of tennis courts and bowling greens also located to the rear of properties in Delaware Road and Castellain Road, between Lanark Road and Randolph Avenue; and as part of the Paddington Recreation Ground. By the 1970s Ordnance Survey map, the tennis courts and the pavilion on the application site are no longer shown.

Although a conservation area audit (appraisal) has not been carried out for the Maida Vale Conservation Area, the information leaflet for the area includes the following description:

"...The tree lined streets, vistas and private amenity spaces combine to give the entire area a leafy character and enhance the character of the buildings and the layout of the roads..."

Essendine Mansions date from the 1890s and comprise a series of double-fronted four storey blocks. The front facades to each block are symmetrical, with central doorway and central pargetted gablet and are faced in red-bricks. Each block has a broad T-shaped plan, with a rear projecting wing. The rear facades are again faced in red brick but are plainer with paired sash windows. The one exception to the standardised layout is the block which houses 62-66 Essendine Mansions, which has the appearance of a truncated block. This block lies alongside the passageway to the open land to the rear. It is considered that Essendine Mansions make a positive contribution to the conservation area and can be regarded as an undesignated heritage assets.

The open land is a heavily overgrown plot which includes a number of large trees. The land and the trees can be glimpsed from street level views in Essendine Road and are overlooked by a large number of properties both from within the conservation area (Essendine Mansions) and from beyond its boundary (the properties which back onto the site in Kilburn Park Road). The site was obviously used as a sports facility during the mid-twentieth century and may well have served as allotment gardens prior to that, but in recent years the land has reverted to having an almost woodland character, with minimal evidence of planned maintenance and certainly no planned design. Remnants of the tennis court fencing and boundaries can still be traced and there is evidence of some informal use of the space.

Given the history of the land and its layout, it is considered that as an area of open land, albeit somewhat under maintained, it does contribute positively towards the character and appearance of the conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 historic environment considerations are addressed in Chapter 12. Paragraph 130 in this Chapter is worth noting, which states that “where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.” Paragraph 134 is also relevant to this proposal and relates to circumstances where less than substantial harm occurs to a designated heritage asset.

The current proposal seeks to erect two building, one comprising two houses and the other two flats within the open land. The buildings will be modestly scaled two storey buildings. They will have a contemporary appearance and be constructed in brick (handmade stocks) to the ground floor, with the upper storey clad in larch timber cladding. Large, predominantly frameless doors and windows will be primarily positioned at the ends of the houses, with the longer side walls left largely blank to try and address overlooking/privacy issues. Sedum roofs are proposed for all the buildings. Each property will have its own small private garden, but there will be a landscaped area between the two buildings leading from the entrance passageway which will form a new landscaped setting for the buildings. Further landscaping within the open space in the form of a ‘Woodland Walk’, informal seating areas, a pond, herb gardens and mini allotments are also indicated, although who uses these parts of the space is somewhat ambiguous within the application. The construction of the houses and the landscaping will result in the loss of some trees.

The design and scale of the proposed dwellings has clearly sought to mitigate their visual impact, by positioning them quite centrally within the space, and designing them so that they are far smaller than the neighbouring buildings and of a design which seeks to have a recessive quality and blend with the woodland setting. Nevertheless the introduction of the houses and flats together with the associated landscaping will undoubtedly change the character of the space.

In addition to s.72 of the P(LBCA)Act 1990, the City Council's UDP policy DES 9 also relates to conservation areas and this policy seeks to ensure that permission will only be granted for development, involving a material change of use, which would serve either to preserve or enhance the character and appearance of the conservation area. Other development plan policies to note include DES 1 which amongst other things requires new development to respect, and, where necessary maintain, "the character, urban grain, scale and hierarchy of existing building and the spaces between them...[and] the form, character and ecological value of parks, gardens and planned open spaces." UDP Policy DES 12 is also of relevance and indicates that development on or under open spaces will not be permitted where the open space "form[s] an important element in the townscape, part of a planned estate or street layout; are characteristic features of conservation areas; provide the setting of a listed building; are of significant ecological value.". As discussed above, UDP Policy ENV 15 offers similar protection for both public and private open space, indicating that development will not be granted permission on private open space "of amenity, recreational or nature conservation value, unless the development is essential and ancillary to maintaining and enhancing that land as valuable open space." Policy S35 within the City Plan is a key policy which seeks to protect open space and states in the reasoned justification that "the overall and localised shortage of open space and the difficulty of finding appropriate new sites make it essential to resist the loss of even the smallest open spaces."

The proposal will result in a loss of open space, though it is acknowledged and as the applicant points out, the actual footprint of the houses would still leave a substantial area of open space (calculated by the applicants as 90.2% of the existing open space). However, as observed by the Paddington Waterways and Maida Vale Society, the proposal will fragment the open space. Furthermore, the proposal will also change the character of the open space, introducing housing and associated landscaping, with all the attendant activities that residential homes bring. While the Maida Vale Conservation Area does have a residential character, it is also these large areas of private amenity space, often to the rear of properties, which distinguish it. This particular open land was clearly better looked after in the past and served an active amenity function. That it has become a place where there is limited maintenance, does not mean that it has lost its amenity value, nor does it diminish its historic layout and how this contributes to the history of development within the Maida Vale Conservation Area. While it is not suggested that the applicants/owners have deliberately allowed the land to become unkempt and overgrown, it is nevertheless the case, as indicated in paragraph 130 of the NPPF that the deteriorated condition of an asset should not be taken into account. The land as an open space could clearly be enhanced by improved maintenance. It is considered that the land can be regarded as a heritage asset.

The introduction of the proposed new housing and associated landscaping is considered to have a harmful impact upon the Maida Vale Conservation Area, changing the character of one of its distinguishing private amenity spaces. The degree of harm, in the language of the NPPF, is considered to be in the category of 'less than substantial'. Nevertheless, given the statutory duty, any harm to designated heritage assets carries considerable importance and weight, and it is against such harm that the merits of the redevelopment scheme, including its public benefits, must be balanced. The NPPF requires that in cases where 'less than substantial harm' arise that this harm should be weighed against the public benefits of the proposal.

In this case there are potential public benefits, such as delivering more housing, which can potentially be said to deliver economic and social benefits. However, given the duty imposed by statute; the fact that these private amenity spaces are a particular feature of the Maida Vale Conservation Area; and given the importance placed in the development plan upon protecting open space, it is considered that in this case the public benefits of the scheme would not outweigh the harm caused and as such the proposal should be rejected.

The proposals are therefore recommended for refusal on the impact of the development upon the character of the Maida Vale Conservation Area.

8.3 Residential Amenity

Policy ENV13 of the UDP states that new development should enhance the residential environment of surrounding properties and should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing to neighbouring properties.

As described above a number of the objections received have raised amenity concerns, notably on the grounds of overlooking from the proposed dwellings; loss of light from the proposed new boundary treatment to the Essendine Mansions (noted also that no exact dimensions are given), additional noise from the proposed dwellings and loss of privacy from the residents of the dwellings walking between the existing mansion blocks.

8.3.1 Sense of Enclosure

Given the location of the two, two storey buildings at 6m in height set some 11m from the rear elevations of Essendine Mansions and 31m from Kilburn Park Road it is considered that the proposals would not result in any detrimental sense of enclosure to neighbouring properties.

Objections have been received from some of the residents in Essendine Mansions on the grounds that the proposed repair/ replacement boundary treatment to the rear of the Essendine Mansions yards/ gardens could result in a sense of enclosure to the lower ground/ ground floor flats. It should be noted that the application is at a slightly higher ground level than the yards/ gardens of Essendine Mansions. Objectors have pointed out there is little detail as to the height and design of the proposed boundary treatment and whether or not the ground levels have been taken into consideration and what level the boundary treatment would be installed at. The applicant has submitted a 'typical edge detail' which proposed replacement boundary treatment at ground floor level of the application site and at a height of 1.1m. There are however no elevations or design detail. Given the existing treatment is approximately 1m high, comprising fencing and hedging (although it should be noted that in some places no boundary exists) and that this does not appear to be intrusive, the principle of the replacement boundary treatment is acceptable.. Had the application been considered acceptable, further details of this would have been requested so not to have been harmful to adjacent residents.

8.3.2 Privacy

The dwellings have been designed so that the majority of the windows are north and south facing and therefore do not give rise to the residential properties in Kilburn Park

Road or Essendine Mansions being overlooked. A small terrace is proposed to the top floor flat in the building to the south of the site and to the first floor on one of the dwellings in the northern building, however these are considered to be a substantial distance away from the gardens and rear elevation windows of Kilburn Park Road so do not give rise to any overlooking concerns. Whilst the windows in the houses in the northern part of the site have windows that face 110 Morshead Mansions, the distance between these properties is substantial and would partly be obscured by the remaining trees and landscaping within the site. The proposals are not considered to give rise to any significant overlooking to neighbouring properties.

Objections have been received from residents in the Essendine Mansions properties adjacent the access route on the grounds that the future residents of the proposed dwellings would be walking past, in close proximity, kitchen and bedroom windows and therefore this would result in loss of privacy. Users of the open space can already walk directly past these windows. The additional increase in activity is not considered to give rise to any further overlooking, over what can currently be experienced and it therefore it is not considered that the application could be refused on this basis.

8.3.3 Sunlight and Daylight

No sunlight and daylight report has been submitted with the application. Given the siting of the new dwellings within the open space; the proposed two storey design of the building at 6m in height; the distance to the rear gardens and rear windows of neighbouring properties and the remaining trees and landscaping, it is not considered that the proposed development would result in any loss of sunlight and daylight to neighbouring properties.

Objectors have pointed out there is little detail as to the height and design of the proposed boundary treatment and whether or not the ground levels have been taken into consideration and what level the boundary treatment would be installed at. The applicant has submitted a 'typical edge detail' which proposed replacement boundary treatment at ground floor level of the application site and at a height of 1.1m. There are however no elevations or design detail. Given the existing treatment is approximately 1m high, comprising fencing and hedging (although it should be noted that in some places no boundary exists) and that this does not appear to be intrusive, the principle of the replacement boundary treatment is acceptable in terms of sunlight and daylight implications. Had the application been considered acceptable, further details of this would have been requested so not to have been harmful to adjacent residents.

8.3.4 Noise from the Proposed Residential Units

Four new dwellings are proposed and this could give rise to a maximum of 13 occupants (based on bedroom numbers). Whilst it is acknowledged that four new dwellings in this open space would result in a change to the adjacent neighbours, given the existing residential nature of the area and existing garden spaces, it is not considered that the number of units would give rise to significant noise so as to warrant refusal. It must also be remembered that the open space is used by existing residents of Essendine Mansions and other local residents and as can be seen from the objections received, has been used for numerous parties and therefore in the context, it is not considered that the proposed dwellings could be justifiably refused. Objections have been received on the grounds that the new residents would cause noise that would be directly heard by the residents within the mansions either side of the access route when arriving and departing

their homes. Again, given that the site is already used by existing residents and people do walk past the windows which overlook the access route, it not considered that the noise created would be so harmful to refuse the scheme.

8.4 Transportation/Parking

8.4.1 Car Parking

Objections have been received on the grounds of car parking in the area and the potential impact four new residential units will have upon the parking network.

Policy TRANS23 relates to off-Street Parking for Residential Development and details an 80% on-street car park occupancy threshold, above which the provision of additional vehicles to the on-street parking environment, will result in an unacceptable level of deficiency.

Policy TRANS23 includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays. The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 68.3% (consisting of 336 Residents' and 62 Shared Use Bays, 226 and 46 of which were occupied respectively).

The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels.

Overnight the pressure on Residents' and Shared Use Bays increases still further, to 89.4%. Residents can also park free of charge on metered parking bays or single yellow line in the area overnight, but in this area the inclusion of these other bays makes little difference with the overall figure actually increasing slightly to 90%.

Whilst the applicant proposes car club membership to each residential unit for a period of no less than 25 years, this is not considered to sufficiently mitigate against the demand upon on street carparking and therefore it is recommended that the application be refused on lack of parking. It is also proposed to fund additional car club membership spaces; however as this outside the control of the City Council, this offer would have to be in conjunction with a car club provider which has not been submitted as part of this application. A contribution towards electric charging points has been offered, but once again this is not considered to mitigate against the demand of on street car parking. As the parking levels are already above the 80% threshold level set out in Policy TRANS23, the proposals are considered unacceptable.

8.4.2 Cycle Parking

Cycle parking provision has been made for the four units (8 spaces) and 8 spaces have been provided for the 'open space'. The standards for the residential units is in accordance with FALP standards (despite the Highways Planning Managers comments). It is unclear as to the reasoning of the spaces proposed for the open space.

However, the cycle parking is shown as being outside and whilst this is acceptable for the open space provision, for residential properties this should be secure and weather

tight. Further details of this would have requested by condition had the application been recommended for approval.

8.5 Economic Considerations

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

8.6 Access

The site is level from Essendine Road and proposed to be made more accessible through landscaping/ surfacing works. The proposed houses and the ground floor flat are all accessible.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees:

Objections have been received on the grounds of the loss of trees in order to make way for the residential development.

UDP Policy ENV 16(a) 'Trees and Shrubs' protects trees and ensures new planting is appropriate, respecting historic street character, views and setting of buildings. All trees in conservation areas and all those trees subject to Tree Preservation Orders will be safeguarded unless dangerous. Planning permission will be refused for development likely to result in the loss of or damage to a tree which makes a significant contribution to the ecology, character or appearance of the area. ENV 16(b) states that planning permission will be refused for development likely to result in the loss of or damage to a tree which makes a significant contribution to the ecology, character or appearance of the area. Policy ENV16(e) goes onto states that the City Council will protect trees that form part of green corridors; particularly those located at the rear of private gardens.

The applicant has submitted a tree survey in the form of an 'existing and proposed' plan and a landscaping plan.

The row of Lime trees to the rear of the site (western boundary) which are all subject to a TPO are to retained and are a sufficient distance away from the development to be affected. The existing and proposed tree plan submitted with the application shows seven trees within the middle of the site are proposed to be felled, with replacement trees to be replanted within the remainder of the open space. According to the applicant, the buildings have been sited in order to minimize the loss of trees and ensure that only lower order trees are removed. The applicant states that the trees to be removed are classed as Category C trees, although no arboricultural assessment has been submitted with the application advising what species these trees are and the thought process behind the proposals.

The landscape plan which shows allotments, natural play and the woodland walk for example shows some implausible elements including allotment areas beneath some lime trees within the site. There is not enough light beneath the trees for an allotment and so the pressure to prune to the detriment to tree health and visual amenity will be too great. There is also a hard landscape treatment between the houses and around trees, for which there is no detail to judge the impact on tree roots and root space. Any surfacing

within RPAs would need to be created without excavations so while the proposed surface looks permeable, it is set below the surface which will damage important surface roots of the retained trees in the centre of the site over too large an area.

The applicant was asked to provide an arboricultural assessment during the course of the application which has not been forthcoming. On the basis, there is insufficient information with regards to the loss of seven trees and the impact of the development on the remaining trees to make a recommendation on this aspect on the proposal and it is recommended that the application also be refused on these grounds.

Construction Impact upon Trees

The applicant recognises that low impact construction methods are necessary including “tree safeguarding” measures and it states that the foundations will be a piled raft on mini-piles but as discussed above no assessment or design has been provided to know whether this is feasible. Low impact foundation would require raised ground floor levels (to avoid excavations and retain roots) and this is not proposed as part of the application.

Had the application been considered acceptable, a condition securing tree protection measures and further details would have been required.

8.7.2 Ecology & Biodiversity

Objections have been received on the grounds of the potential impact of the development upon flora, fauna, birds and animals within the open space.

City Plan policy S37 ‘Biodiversity and Green Infrastructure’ states that biodiversity and green infrastructure will be protected and enhanced throughout Westminster and opportunities to extend and create new wildlife habitat as part of development will be maximised. Proposals within Areas of Wildlife Deficiency should include features to enhance biodiversity, particularly for priority species and habitat. Where developments would impact on species or habitat, the potential harm should firstly be avoided, secondly be mitigated, or finally appropriate compensation will be sought. Where harm cannot be prevented, sufficiently mitigated against or adequately compensated for, permission will be refused.

UDP Policy ENV17(a) ‘Nature Conservation and Biodiversity’ seeks to protect habitats of protected species and sites of nature conservation, and encourages measures to conserve and enhance areas of wildlife value. ENV17(d) ‘nature conservation and biodiversity’ requires that developers demonstrate that their proposals either preserve or enhance protected habitats and species. The City Council encourages landowners to plant and manage green spaces in ways that conserve and enhance wildlife value, and in particular plant native species of local provenance; retain green spaces that provide wildlife corridors, such as planted rear gardens; and provide features for wildlife and to promote local biodiversity. Policy ENV17(b) further states it will seek to protect and enhance areas of designated nature conservation value and green corridors. Development likely to have an adverse effect on a Local Nature Reserve, or a Site of Importance for Nature Conservation, or a green corridor will not be approved unless it can be demonstrated that there are reasons for the proposal that outweigh the need to safeguard the nature conservation value of the site. If such development is approved, mitigation will be required.

The site immediately adjoins, but is not included within an area of wildlife deficiency and a Local Site of Nature Conservation Importance (SNCI) covering Paddington Recreation Ground.

A preliminary ecological assessment has been submitted with the application. A desktop study carried out by the ecology consultant does provide records of statutory and non-statutory designated sites (7km for International, 5km for National designations and 2km for local designations) and records of selected protected or notable species within 2km of the site. The assessment notes that whilst the site is suitable for birds, stag beetles, bats and hedgehogs none were witnessed on site at the time of assessment. The appraisal concludes when evaluating the impacts of the proposal:

- The habitats on the site are considered to be of neighbourhood value due largely to the wider urban environment rather than the quality of habitat itself.
- The species value of the site is considered to be of negligible value due to the habitat on site supporting common and widespread species.

It is not sufficient enough that a preliminary assessment was submitted as part of this application. Given the nature of the site and its position adjacent to the Paddington Recreation Ground where there are 14 species of bird noted and 3 species of bat recorded, a full ecological study should have been submitted with the application fully addressing the impact of the development. It is therefore recommended that the application also be refused on the basis that insufficient information has been received to determine the ecological impacts of the development.

8.7.3 Refuse

The design and access statement refers to waste storage areas being provided within the entrance way to the site and the master plan drawing seems to indicate that this will be to in the form of wheelie bins to the rear of 62-66 Essendine Mansions. Whilst this may be acceptable in principle it is expected that these bins would be stored in an enclosure and be able to accommodate refuse and recycling. It is disappointing to see that no refuse storage facilities are shown within the units themselves, or within the gardens of the units i.e. within the building fabric. In any event, further details of refuse and recycling would have been requested by condition.

Objections have been received on the grounds that the refuse storage area will result in vermin. Outside refuse storage areas are not uncommon and therefore it would be considered unreasonable to refuse the application on the basis of potential vermin.

8.7.4 Fire Safety

Objections have been received on the grounds that in the event of a fire, the proposed residential units could not be reached by the Fire Brigade. The applicant has submitted with the application, confirmation from the Fire Brigade that the properties would be reached and the fire hydrant within Essendine Road would be sufficient.

8.7.5 Crime and Safety

Whilst the Crime and Design Officer has not responded to this application consultation (given the nature and size of the development), it is not considered that the development of four dwellings will have a significant impact upon the existing residents of the area, notably those adjacent the existing access way. In terms of additional people accessing the site, it must be remembered that numerous residents have a key and access to the

open space, and whilst it could be argued that all the existing residents know each other, it is not considered that the residents and associated visitors of the four proposed dwellings are likely to result in crime and safety issues.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

As discussed in 8.1.1 of this report, the applicant has offered to provide a woodland walk, an outdoor classroom associated with Essendine Road School and to transfer the remaining open land into a trust of some sort. Given the unacceptable nature of the development these offers were not discussed or further progressed.

8.11 Environmental Impact Assessment

See paragraph 8.7.2 regarding ecological.

8.12 Other Issues

8.12.1 Consultation

Objections have been received on the grounds that no neighbour consultation by the applicant took place. Whilst it is considered that neighbour consultation is extremely beneficial and desirable to officers, it is not a statutory requirement.

8.12.2 Overdevelopment

The matter of 'too much development' again is not a reason for refusal. Each application is to be assessed on its own merits and against local and national policy.

8.12.3 Views

Objections have been received on the grounds that the view of the open space will be lost from the rear residential windows of Essendine Mansions. Whilst the issue of visual amenity is an important one, and addressed above, 'views' cannot be protected and this is not a reason for refusal.

8.12.4 Construction impact

Objections have been received on the grounds of noise and disruption to residents in Essendine Mansions/ Kilburn Park Road and to Essendine School. A draft construction management plan has been submitted (included within the Design and Access Statement) and whilst this sets out the basic method for construction and provides officers with some reassurance that the development will be carried out with as minimal disruption as practicably possible, it doesn't fully outline what equipment to construction the development would be required and how this mechanical equipment would access the site. The applicant is fully aware that developments of this nature require the

applicant to enter into a Code of Construction Practice agreement. Had the application been considered acceptable this would have been subject to a condition, along with the City Council standard hours of working condition and a reason for refusal on the grounds of noise and disruption could not be sustained.

8.12.5 Subsidence

A number of objections have referred to the fact that Essendine Mansions have been subject to subsidence in the past and that the proposed development would result in further subsidence. Whilst this has not been addressed in the application submission, this would be a matter for building regulations.

8.12.6 Setting a Precedent

Whilst a significant concern to many, the matter of a development setting a precedent is not a material planning consideration and each application has to be assessed on its own merits.

8.12.7 Profit from Development

The City Council cannot refuse to assess an application on behalf of a developer or refuse an application because a developer may receive a profit on the proposals. Each application has to be assessed on its merits.

9. BACKGROUND PAPERS

1. Application form
2. ACV letter
3. Email from Councillor Begum dated 21 October 2016
4. Response from London Borough of Brent dated 5 December 2016
5. Letter from Paddington Waterways and Maida Vale Society dated 14 October 2016
6. Response from Thames Water dated 27 September 2016
7. Response from Building Control - Development Planning, dated 27 September 2016
8. Response from Natural England dated 28 September 2016
9. Response from Cleansing Manager dated 3 October 2016.
10. Response from Environmental Health Consultation, dated 14 October 2016
11. Response from Arboricultural Officer dated 17 November 2016.
12. Response from Highways Planning Manager dated 29 November 2016.
13. Letter from occupier of 159 Delaware Mansions, Delaware Road dated 7 October 2016
14. Letter from occupier of 9 Elgin Mansions dated 8 October 2016
15. Letter from occupier of 80 Ashworth Mansions, Grantully Road dated 8 October 2016
16. Letter from occupier of 35e Sutherland Avenue dated 8 October 2016
17. Letter from occupier of 43 Essendine Road dated 8 October 2016
18. Letter from occupier of 80 Ashworth Mansions, Grantully Road dated 8 October 2016
19. Letter from occupier of 52 Essendine Mansions, Essendine Road dated 8 October 2016
20. Letter from occupier of 52 Essendine Mansions, Essendine Road dated 8 October 2016
21. Letter from occupier of unnumbered property in Essendine Mansions dated 11 October 2016
22. Letter from occupier of 99 Heath Street dated 11 October 2016
23. Letter from occupier of 21 Essendine Road dated 11 October 2016
24. Letter from occupier of 14 Essendine Mansions, Essendine Road dated 12 October 2016
25. Letter from occupier of 56 Essendine Mansions, Essendine Road dated 14 October 2016

26. Letter from occupier of 104 Essendine Mansions, Essendine Road dated 13 October 2016
27. Letter from occupier of 28 Essendine Mansions, Essendine Road dated 14 October 2016.
28. Letter from occupier of 38 Essendine Mansions, Essendine Road dated 15 October 2016
29. Letter and photos from occupier of 60 Essendine Mansions, Essendine Road dated 15 October 2016
30. Letter from occupier of 78 Essendine Mansions, Essendine Road dated 15 October 2016
31. Letter from occupier of 2 Elsie Lane Court, Westbourne Park date 15 October 2016
32. Letters from occupiers of 2 Essendine Mansions, Essendine Road dated 15 and 17 October 2016
33. Letter from occupier of 1, 19 Essendine Road dated 15 October 2016
34. Letter from occupier of 44 Essendine Mansions, Essendine Road dated 16 October 2016
35. Letter from occupier of 2, 23 Essendine Road dated 16 October 2016
36. Letter from occupier of 14/24 Essendine Mansions, Essendine Road dated 16 and 17 October 2016
37. Letter from occupier of 86 Essendine Road dated 16 October 2016
38. Letters from occupiers of 8 Essendine Mansions, Essendine Road dated 17 October 2016
39. Letters from occupiers 42 Essendine Mansions, Essendine Road dated 17 and 18 October 2016
40. Letter from occupier of 104 Essendine Road (on behalf of the Residents Association) dated 17 October 2016
41. Letter from occupier of 14 Essendine Road dated 17 October 2016
42. Letter from occupier of 22 Essendine Mansions, Essendine Road dated 17 October 2016
43. Letter on behalf of Essendine Residents Association dated 17 October 2016
44. Letter from occupier of 24 Essendine Mansions, Essendine Road 17 and 31 October 2016
45. Letter from occupier of 25 Essendine Road dated 18 October 2016
46. Letter from occupier of unnumbered Essendine Road dated 19 October 2014
47. Letter from occupier of 93 Wymering Mansions dated 23 October 2016
48. Letters from occupiers of 4 Essendine Mansions, Essendine Road dated 25 October 2016
49. Letter from anonymous occupier of Essendine Mansions, Essendine Road dated 25 October 2016
50. Letter from occupier of 48 Essendine Mansions dated 30 October 2016
51. Letter from occupier of 44 Wymering Mansions, Maida Vale dated 2 November 2016
52. Letter from occupier of 110a Morshead Road dated 7 November 2016
53. Letter from occupier of 92 Essendine Mansions, Essendine Road dated 15 November 2016
54. Letter from occupier of 92 Essendine Mansions, Essendine Road dated 19 November 2016.

Selected relevant drawings

Existing and Proposed Plans, sections and elevations. Visuals.

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

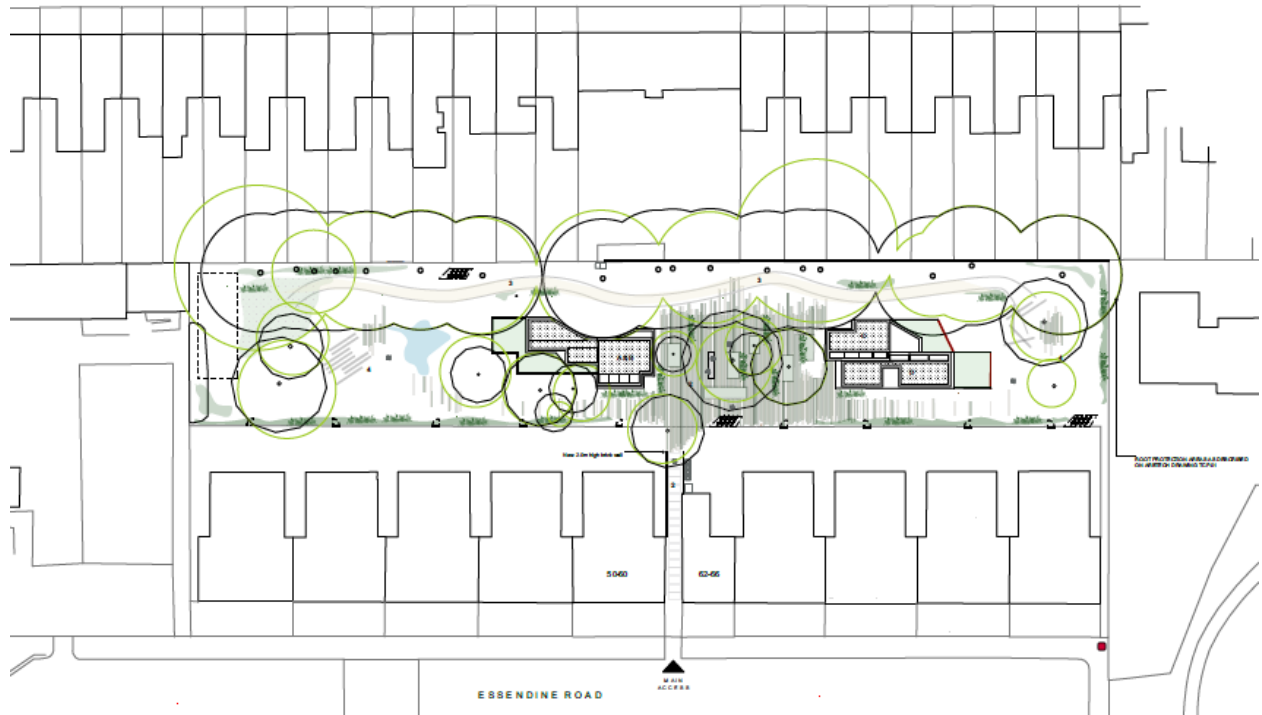
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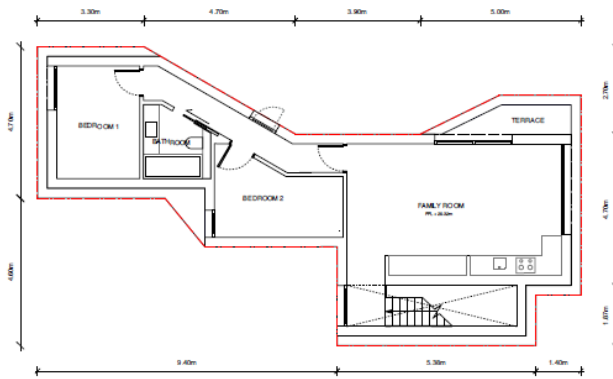
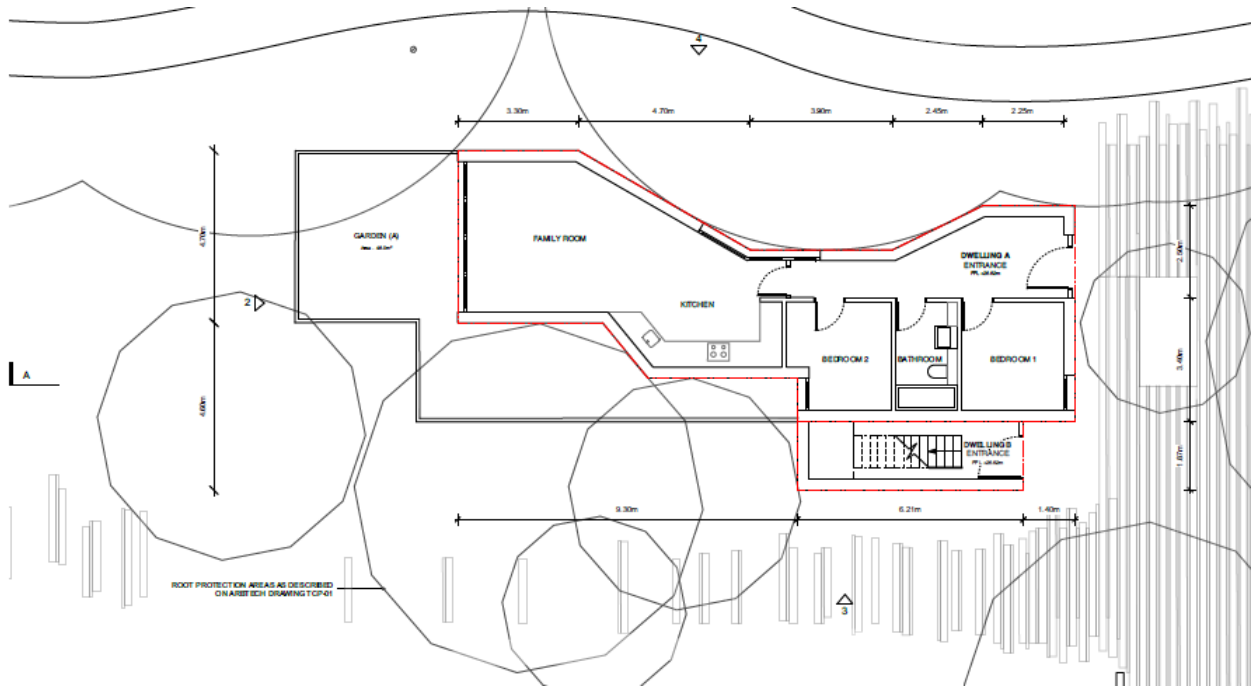
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk
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10. KEY DRAWINGS

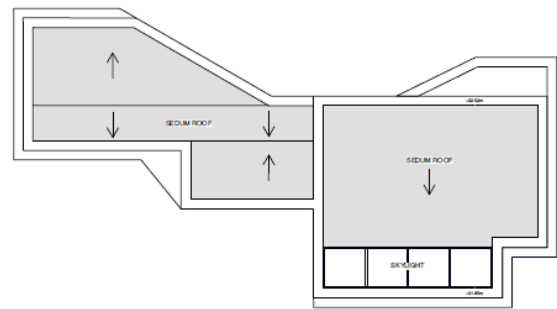
Masterplan Drawing



Proposed Floorplans – Flats A&B

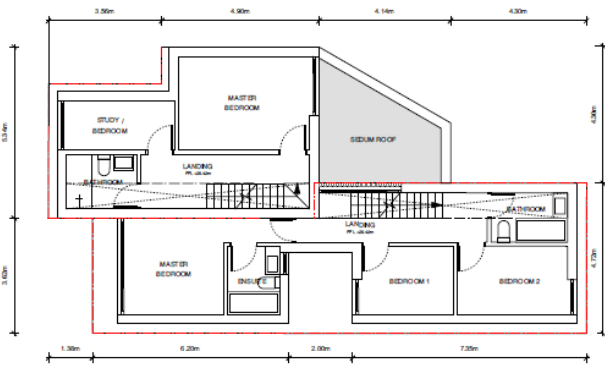
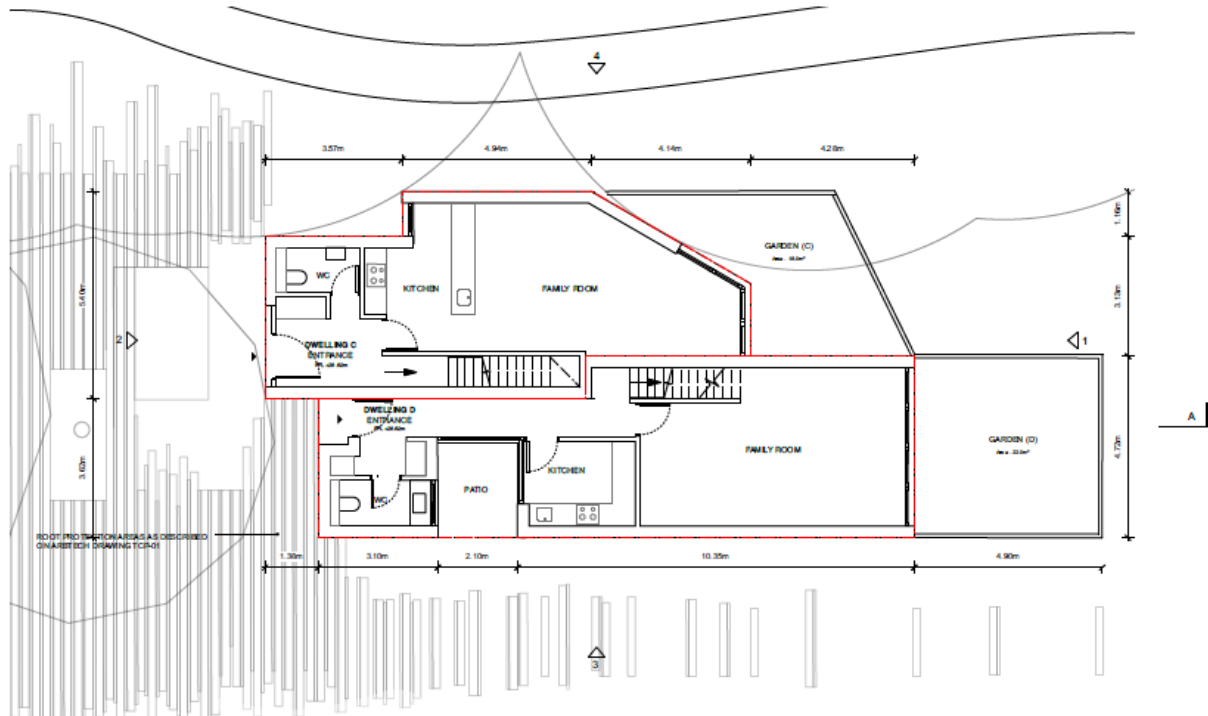


FIRST FLOOR AS PROPOSED / HOUSES A&B

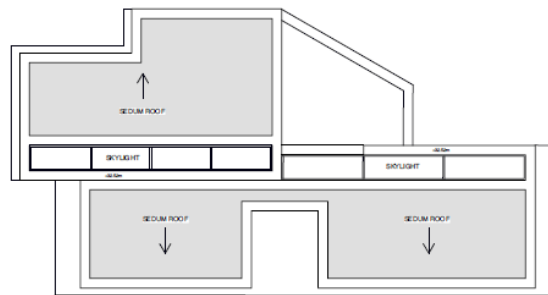


ROOF PLAN AS PROPOSED / HOUSES A&B

Proposed Floorplans – Houses C & D

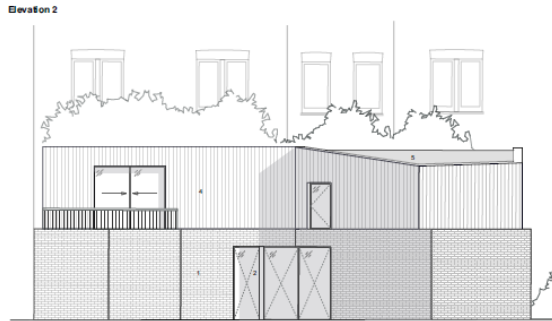
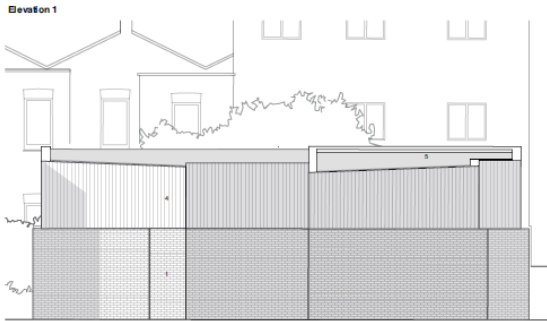
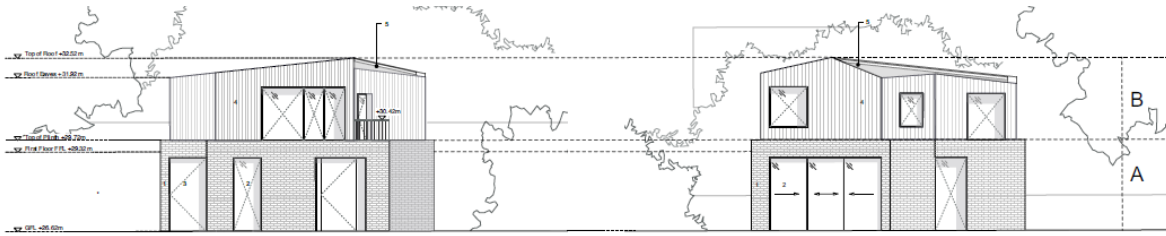


FIRST FLOOR AS PROPOSED / HOUSES C&D



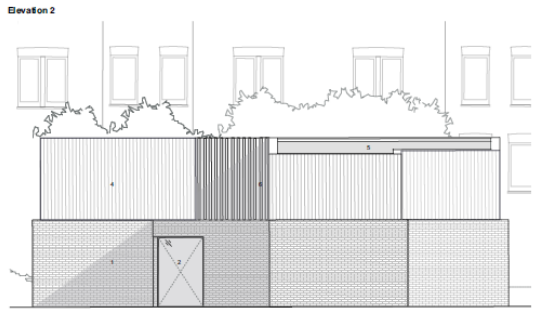
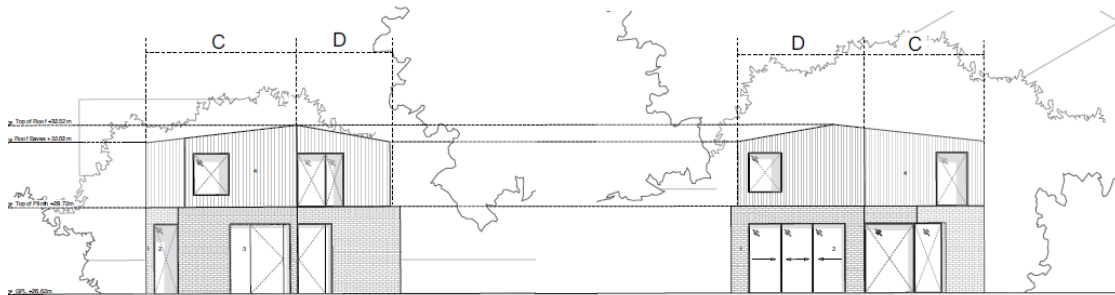
ROOF PLAN AS PROPOSED / HOUSES C&D

Proposed Elevations



Elevation 3

Elevation 4



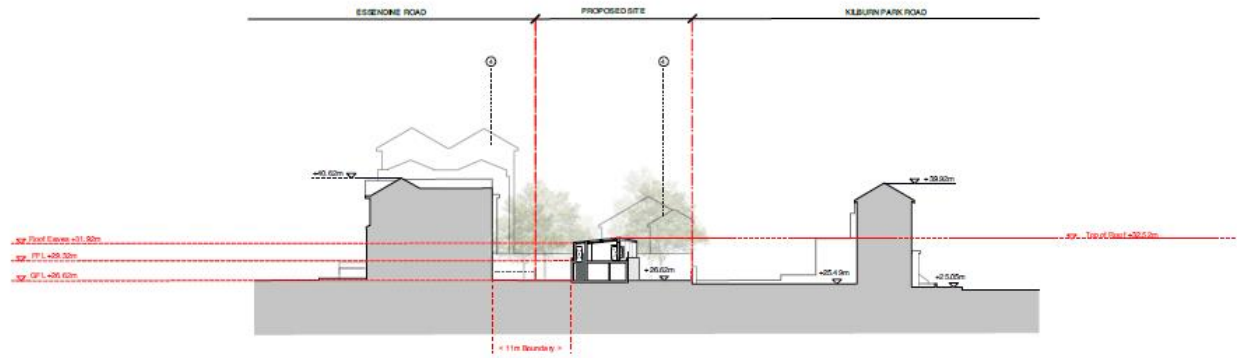
Elevation 3

Elevation 4

Proposed Sections



Section AA
Scale 1:500 @A3



Section BB
Scale 1:500 @A3

Aerial View Visual



DRAFT DECISION LETTER

Address: Essendine Mansions, Essendine Road, London, W9 2LY,

Proposal: Development of four new dwellings with rear gardens with associated access, landscape, play and recreation improvements. Reinstatement or replacement of boundary treatments.

Reference: 16/08740/FULL

Plan Nos: 139-EX: 001;002; 010; 011 139-L: 101 A; 102 A; 103; 104; 105 A; 106;107; 108; 109; 110; 139-GA: 200 B; 203 A; 204 A; 300 B; 301 B; 304 A; 305 A; 139-D: 400; 401; 139-SK: 500; 501; 502; Planning Statement dated August 2016; Design Statement dated August 2016; Access Statement dated August 2016; Open Space Assessment dated August 2016; Preliminary Ecological Appraisal dated September 2016; Community Safety Statement dated October 2016 Additional Supporting letter dated 1 November 2016.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

Recommended Condition(s) and Reason(s)

- Reason:
- 1 The proposed development would result in the unnecessary loss of a valued community open space, to the detriment of the local community and contrary to the National Planning Policy Framework, policy S25, S28 and S35 of Westminster's City Plan (November 2016) and DES 1, DES 9, DES 12 and ENV 15 of our Unitary Development Plan that we adopted in January 2007.

Reason:

 - 2 Because of their location the proposed new houses and associated landscaping would harm the character and appearance of this open land and fail to maintain or improve (preserve or enhance) the character and appearance of the Maida Vale Conservation Area. This would not meet S25, S28 and S35 of Westminster's City Plan (November 2016) and DES 1, DES 9, DES 12 and ENV 15 of our Unitary Development Plan that we adopted in January 2007.

Reason:

 - 3 Your development would add to an already high demand for on-street car parking in the area and this would affect people already living in the area. This would not meet our parking policy as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (X07AB)

Reason:

 - 4 Insufficient information has been submitted to demonstrate that the development would not cause harm to the environment and ecology including harm to the adjacent site of importance for nature conservation. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

Reason:

- 5 Insufficient information has been submitted to demonstrate that the development would not cause harm to the environment, through the felling of seven trees and the impact that the development may have upon remaining trees and landscaping. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16 of our Unitary Development Plan that we adopted in January 2007.

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