



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (3)**

Meeting Date: **Tuesday 22nd March, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Andrew Smith (Chairman)
Louise Hyams
Barbara Grahame
Robert Rigby

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. OPEN SPACE AT THE REAR OF 4-54 WARRINGTON CRESCENT, W9 1ED | (Pages 5 - 18) |
| 2. DUDLEY HOUSE, NORTH WHARF ROAD, W2 1LE | (Pages 19 - 82) |
| 3. 230 VAUXHALL BRIDGE ROAD, SW1V 1AU | (Pages 83 - 126) |
| 4. 1 CARLTON HILL, NW8 0JX | (Pages 127 - 148) |
| 5. 39 NORTHUMBERLAND PLACE, W2 | (Pages 149 - 174) |

Charlie Parker
Chief Executive
14 March 2016

Agenda Item

CITY OF WESTMINSTER
PLANNING APPLICATIONS COMMITTEE – 22 MARCH 2016
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
1	RN 16/01646/XXXX Little Venice	OPEN SPACE AT THE REAR OF 4-54 WARRINGTON CRESCENT, W9 1ED	Proposed long term management plan for Formosa Amenity Garden London W9.	
<p>Recommendation</p> <p>For Committee's consideration:</p> <p>Does Committee agree that the proposed long term management plan for Formosa Amenity Garden is acceptable, including:</p> <ul style="list-style-type: none"> • The principle of tree removal and replacement • The timescale of tree removal and replacement • The numbers and species of replacement trees and the intended garden design. 				
2	RN 15/11458/COFUL Hyde Park	DUDLEY HOUSE, NORTH WHARF ROAD, W2 1LE	Demolition of existing buildings at Nos. 139-147 Harrow Road and Dudley House and redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access (Council's Own Development).	
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Subject to the concurrence of the Mayor of London, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to a unilateral obligation to secure the following planning obligations: <ol style="list-style-type: none"> a) The provision of all of the residential accommodation as intermediate affordable housing units at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016. b) Provision of lifetime car club membership (25 years) for each residential unit in the development. c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat). d) Provision, monitoring and review of residential, school and church travel plans. e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place. f) Provision of a financial contribution of £5,000 to provide replacement street trees in the vicinity of the application site. g) Provision of a financial contribution of £189,000 (index linked) towards provision of an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site. h) Provision of a financial contribution of £25,000 (index linked) towards improvements to the public open space adjacent to the canal basin (i.e. towpath improvement works). i) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction. j) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network. k) Payment of cost of monitoring the agreement (£500 per head of term). 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 22 MARCH 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
3	RN 15/07260/FULL Vincent Square	230 VAUXHALL BRIDGE ROAD, SW1V 1AU	Use of the first, second, third, fourth and part fifth floor levels as 13 residential units (Class C3) and reconfiguration of three existing residential units at fifth and sixth floor level. Use of basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial and professional service (Class A2). Extension of the existing plant room and stair core at sixth floor level fronting King's Scholar Passage, new entrance and alterations to fenestration.	
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional permission subject to a S106 legal agreement to secure the following: <ol style="list-style-type: none"> a) A financial contribution of £683,060 (index linked and payable on commencement of development) towards the Council's affordable housing fund; b) Car club membership for each residential flat for 25 years; c) The costs of monitoring the s106 legal agreement. 2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then; <ol style="list-style-type: none"> a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				
4	RN 15/01182/FULL RN 15/01183/LBC Abbey Road	1 CARLTON HILL, NW8 0JX	Demolition of an existing balcony and the excavation of a new basement level and associated internal and external alterations.	
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 22 MARCH 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

ITEM No.	References / Ward	SITE ADDRESS	PROPOSAL	APPLICANT
5	RN 15/06654/FULL Bayswater	39 NORTHUMBERLAND PLACE, W2	Excavation of new basement level below the existing footprint of the house and part front and rear gardens including lightwells, associated alterations to the front garden and boundary wall, extension into the front garden at lower ground floor level, erection of a rear infill extension at lower ground floor level, alterations to fenestration at rear including erection of first floor Juliet balcony, alterations to fenestration of side and rear elevations of closet wing.	
Recommendation Grant conditional permission				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	Open Space At The Rear Of, 4-54 Warrington Crescent, London, W9 1ED		
Proposal	Proposed long term management plan for Formosa Amenity Garden London W9		
Agent	The Directors Of Formosa Amenity Ltd		
On behalf of	Formosa Amenity Ltd		
Registered Number	16/01646/XXXX	Date amended/ completed	9 December 2015
Date Application Received	9 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

For Committee's consideration:

Does Committee agree that the proposed long term management plan for Formosa Amenity Garden is acceptable, including:

- the principle of tree removal and replacement
- the timescale of tree removal and replacement
- the numbers and species of replacement trees and the intended garden design.

2. SUMMARY

Formosa Amenity Garden is a private communal garden bounded by properties on Sutherland Avenue, Warrington Crescent, Formosa Street and Castellain Road. Most of the trees in the garden are protected by a Tree Preservation Order. Formosa Amenity Limited manage the garden and have prepared a long term management plan which proposes the removal of 46 existing pollarded London plane trees which line the perimeter of the garden over a period of 35 years, and provision of replacement trees. The removal of the majority of existing trees from the garden is proposed in response to concerns over the risk of subsidence damage, the health, condition and longevity of the trees, their poor appearance, shade and the continued cost of carrying out tree surgery on a regular basis. Formosa Amenity Limited seek the Committee's agreement to the long term management of the garden in order to provide confidence that future formal applications for tree removal will be

approved, provided they are in line with the management plan, and provided the management plan is being implemented successfully.

In support of their case Formosa Amenity Limited have carried out extensive consultation with residents over a period of 5 years and have appointed a landscape architect to prepare a detailed masterplan which has been revised several times in response to the consultation exercise.

Whilst the removal of trees on the grounds of future subsidence risk is not considered appropriate, there is more compelling argument for the gradual removal of the trees over the next 35 years on the basis of their health and condition and life expectancy. The long timescale for tree removal, and the proposal to plant replacement trees prior to removing any existing trees should help to ensure landscape continuity. The design is well conceived in terms of species choice and ultimate canopy cover that the new trees could provide.

4. PHOTOGRAPHS



5. CONSULTATIONS

WARD MEMBER CONSULTATION

Councillors for Little Venice have been consulted. Any views received will be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 250

Total No. of replies: 4

No. of objections: 1

No. in support: 3

PRESS ADVERTISEMENT / SITE NOTICE: No

6. BACKGROUND INFORMATION

6.1 The Site

Formosa Amenity Garden is a private communal garden located at the rear of residential properties on Sutherland Avenue, Warrington Crescent, Formosa Street and Castellain Road. It is within the Maida Vale Conservation Area, and the majority of trees are protected by a Tree Preservation Order made in 1992. About 85 properties surround the garden, many of which are divided into flats. Most of the ground floor properties have direct access on to the garden, and there are gated accesses on Castellain Road.

The garden was laid out in the late 19th century when the properties were developed. 46 London planes line the perimeter of the garden, which are part of the original planting scheme. These trees were brought into a regime of heavy crown reduction/ pollarding in the late 1990s and are now pollarded every two years.

In addition to the perimeter plane trees, there is a large London plane close to the centre of the garden which has a natural spreading canopy, and is also part of the original planting scheme, along with some later planting of different species of large growing trees such as redwood and cedar, and some smaller ornamental trees such as magnolia and purple leaf plum.

Formosa Amenity Limited are responsible for management of the garden. The freeholders of the surrounding properties are shareholders of the company and can vote at the Annual General Meetings. Other residents also have access to the garden.

6.2 Recent Relevant History

There have been a large number of tree works applications in this garden.

In 1992 a proposal to remove 16 trees and pollard 45 trees resulted in the making of Tree Preservation Order Westminster 419.

A subsequent application to remove 13 London planes and 1 sycamore was refused and an appeal dismissed (92/05859/TPO). The Secretary of State commented 'if suitable replacements are planted and allowed to establish, it would provide a rational justification for a programme of removing existing trees, but until such time it would be preferable to retain all of the existing trees'.

A further application for large scale tree removal in 1999 was subject to an appeal against non-determination (99/11599/TPO). It was resolved that some limited tree removal would be appropriate but not the extent of tree removal which was proposed as part of this application.

Since the late 1990s/ early 2000s, consent has been granted every two years to repollard the perimeter London plane trees.

The removal of 4 London plane trees was refused consent in 2006 (06/05613/TPO), and a further application to remove 1 tree was refused consent in 2007 (07/04845/TPO).

Removal of 5 of the perimeter London plane trees has been agreed by the City Council over the past 10 years, on the grounds of the poor condition of the trees.

7. THE PROPOSAL

The applicant seeks the Council's endorsement of a long term management plan for Formosa Amenity Garden. It is not a formal application for consent to remove trees, but endorsement of the management plan is sought in order to provide assurance that future applications for tree removal are unlikely to be refused consent provided the plan is being implemented.

8. DETAILED CONSIDERATIONS

8.1 Reasons for the proposal

The supporting documents identify a number of issues with the 46 London plane trees which line the perimeter of the garden.

Risk of subsidence damage.

Formosa Amenity Limited advises that two surveys carried out in 1997 and 2011 revealed that 44 of the 86 properties surrounding the garden had suffered cracks and 17 properties had been underpinned. Over the past 20 years there have been at least 6 claims against the Formosa Amenity in relation to subsidence damage.

The applicant considers there is a possibility that trees may have contributed to subsidence damage.

In response to the risk of subsidence damage a regime of pollarding was put in place on a two yearly cycle in the early 2000's, in order to limit water uptake by the trees. The applicant reports anecdotal evidence that despite the pruning regime damage to some buildings continues to occur.

Appearance of the perimeter trees

The applicant considers the appearance of the trees is such that they are far from magnificent and the piecemeal removal of several trees over recent years on the grounds of their poor condition or health has resulted in gaps appearing in the otherwise regularly spaced trees.

Longevity of the perimeter trees

The applicant advises that in the last 3 years, 2 trees have died or become dangerous. Two thirds of the perimeter trees are reported to have significant cavities and the continued heavy crown reduction regime means the trees lack sufficient energy reserves to effectively resist the spread of decay.

Shade

Whilst some residents on Sutherland Avenue complain of shade as a result of the trees, particularly in the second year after their regular pollarding, other residents are keen for more shade to be cast by trees with wider spreading canopies than the perimeter London planes. The applicant considers the garden plan will assist in meeting these concerns.

8.2 Options considered by the Directors of Formosa Amenity Limited

The supporting documents consider only one alternative to the long term removal and replacement of the perimeter London plane trees, namely the continued pollarding of the trees and their replacement on an ad hoc basis when they need to be removed. The applicant does not consider this to be desirable due to the continued cost of tree surgery, perpetuating the poor appearance of the trees. Replacement of trees on a like for like basis in the same arrangement would also eventually lead to a repetition of the current issues experienced with the trees.

8.3 Residents views

In 2010 Formosa Amenity Ltd Annual General Meeting (AGM) resolved to develop options for the trees and garden to address issues of subsidence.

In 2012 an informal view was sought from Council officers regarding the future of the garden and the protected trees. The AGM of Formosa Amenity Ltd 2012 considered options for management of the garden and voted in favour of developing a long term management plan. The Board of Directors of Formosa Amenity subsequently engaged with 30-40 residents to help develop an understanding of residents views, and then commissioned a landscape architect to draw up design proposals. At a 'town-hall' meeting in 2013, to which all residents were invited, there was a large vote in favour of progressing the new garden design (28 for, 5 against). Feedback from the meeting resulted in revised garden design proposals, which went through several iterations, until in 2013 the AGM voted in favour of a revised design (27 for, 1 against and 2 abstentions).

8.4 Appraisal

Risk of subsidence damage

Past applications for large scale tree removal with Formosa Amenity Garden were made in the 1990s and 2000's on the grounds of subsidence damage, but consent was refused for most of these applications. However, over this period, a heavier tree pruning regime was agreed in order to control the risk of subsidence damage. The trees are now pollarded every 2 years.

It is not considered that the removal of the perimeter London planes on the basis of possible future subsidence damage would be acceptable. There are many mature trees in Westminster on clay soils and in similar proximity to buildings. In the absence of detailed evidence it is not possible to predict that a particular tree will cause damage to a particular building. Applications for work to protected trees submitted on the grounds of subsidence damage require the submission of detailed technical information such as crack or level monitoring and sub soil

and foundation details to support such proposals. Endorsing tree removal on the basis of future subsidence risk without sufficient technical evidence would create an unfortunate precedent which could result in large numbers of trees being removed throughout the north of Westminster.

Longevity, health and condition of the existing trees

A more persuasive justification for tree removal and replacement is made on the grounds of the health, condition and longevity of the 46 perimeter London plane trees. Most of these pollarded trees are unlikely to survive for more than 40 years. There is a reasoned argument that the implementing a phased programme of tree removal and replacement over an extended time period with reference to an agreed landscape masterplan carries weight over the option of piecemeal removal of trees and uncertainty over when and whether trees are replaced.

Timescale

The applicant intends to plant 15 large growing new trees in the first year of implementation of their plan, and prior to removing any of the existing trees. Planting trees which will form the main structure of the future garden design at the outset is welcomed, as the trees will be able to contribute to landscape continuity. The timescale for tree removal, over 35 years, would allow the new trees to grow and develop and provide a meaningful contribution to amenity by the time that all of the existing perimeter London plane trees are removed.

Design

The linear arrangement of the existing London plane trees around the perimeter of the garden is the original planting design. Formosa Amenity Limited intend to alter this to create a more informal layout with large growing specimen trees and new elliptical planting beds with smaller ornamental trees, shrubs and ground cover plants. The beds have been positioned to provide elements of screening whilst retaining an open 'pleasure ground' arrangement suitable for areas of children's play and areas for more quiet recreation. The proposed larger growing specimen trees are arranged in the lawns away from the perimeter of the garden to allow sufficient space for new trees to develop natural canopies without the need for regular tree surgery to address concerns about proximity to dwellings.

15 large growing specimen trees are proposed alongside retention of an existing London plane, cedar, redwood and false acacia. Four new London plane trees are proposed together with a variety of other species such as tulip tree and kastura. The provision of new London planes means that this species will remain the dominant structural tree in the garden. This is welcomed as it is the characteristic tree in Formosa Amenity Garden and in other nearby private communal gardens, as well as in streets and other private gardens within Maida Vale. The choice of species for other large growing trees is well considered and increases diversity. Fewer large specimen trees are proposed than exist at present, but the new trees could ultimately attain their natural heights and spreads without the need for significant tree surgery, so it appears that the design would achieve equivalent or greater tree canopy cover than the current arrangement. The natural form of the new trees would provide a high visual amenity value in comparison to the existing pollarded trees, as well as other important benefits derived from large canopy trees in terms of air quality and pollution absorption. Whilst it is regrettable that the historic linear arrangement of the plane trees is not intended to be replicated in the new design, on balance the benefits of the new design, and the provision of large growing naturally formed trees with potentially high amenity value is considered to outweigh any harm caused by not retaining the original planting plan.

Resident's views

Past applications to remove trees in the garden have generated numerous and strong opinions, both for and against tree removal. Formosa Amenity Limited has undertaken a deliberately measured approach to their consultation on the proposals and has considered the ways they have communicated their plans carefully. In doing so, it appears a significant majority agreement has been reached on the long term management plan.

8.5 Policy Considerations

The National Planning Policy Framework (NPPF) sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and minimising impacts on biodiversity and providing net gains in biodiversity.

In addition, local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Policy S25 of Westminster's City Plan: Strategic Policies adopted in November 2013 aims to conserve Westminster's extensive heritage assets including listed buildings and conservation areas.

Policy S38 of Westminster's City Plan: Strategic Policies adopted in November 2013 aims to protect and enhance biodiversity and green infrastructure.

UDP Policy DES 9 aims to preserve or enhance the character or appearance of conservation areas and their settings.

UDP Policy ENV16 states that trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme.

In considering this proposal special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area. The information leaflet for Maida Vale Conservation Area advises 'The tree lined streets, vistas and major private amenity spaces combine to give the entire area a leafy character and enhance the character of the buildings and the layout of roads'.

8.6 Conclusion

The long term management plan has been carefully thought out, and if implemented successfully it will provide new trees in an attractive garden design for future generations to enjoy. Whilst there is likely to be some loss of amenity and harm to the character and appearance of the conservation area in the short term, this is mitigated by the design, and the long timescale over which removal of trees is envisaged, and there is a rational basis for gradual tree removal on the grounds of the likely longevity of the existing perimeter trees. If Committee agrees to endorse the plan, then future applications for tree removal can be dealt with under delegated authority,

provided that they conform with the masterplan and provided the masterplan is being implemented successfully.

9. BACKGROUND PAPERS

1. Proposed Long Term Management Plan for Formosa Amenity Garden London W9 dated November 2015
2. Letter from City Council to applicant dated 03 February 2012
3. Email from City Council to applicant dated 24 February 2016
4. Email from applicant to City Council dated 02 March 2016
5. Letter of consultation from City Council to residents dated 02 March 2016
6. Email seeking views of ward councillors dated 02 March 2016
7. Email from owner/ occupier of 179 Sutherland Avenue dated 06 March 2016
8. Email from owner/ occupier of 26/28 Warrington Crescent dated 09 March 2016
9. Email from owner/ occupier of 14 Castellain Road dated 08 March 2016
10. Email from owner/ occupier of 145 Sutherland Avenue dated 08 March 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT BARBARA MILNE ON 020 7641 2922 OR BY EMAIL AT bmilne@westminster.gov.uk

9 KEY DRAWINGS

Existing tree plan



Year 1 masterplan

Year 1 Masterplan

Plan showing all existing trees and proposed 1st phase trees including birch groves have been planted.

Gleditsia triacanthos x 2, *Liriodendron tulipifera*, *Liquidambar 'Worplesdon'*, *Platanus hispanica* x 3, *Catalpa bignonioides*, *Davidia involucreata*, *Tilia henryana*, *Prunus 'Tai-Hoku'* x 2, *Sorbus intermedia* Brouwers, *Malus hupehensis*



Formosa Amenity Garden Year 1 Masterplan

MARK LUTYENS ASSOCIATES
 Studio 111, Great Western Studios,
 65 ALFRED RD, LONDON W2 5DU
 www.marklutyens.co.uk Tel: 0203 2143111

End of year 20 masterplan

End of year 20 Masterplan

Plan showing all planting at 20 years of maturity.

Plane Trees removed as follows:

Year 11: T15, T17, T5

Year 14: T20, T22, T24

Year 17: T53, T31, T37

Year 20: T41, T38, T35



- Existing tree to be retained
- Pollarded Plane tree removed
- Proposed tree
- Shrub and herbaceous planting areas
- Building Line
- 5m from existing Plane trees
- 15m from building line

Formosa Amenity Garden End of year 20 Masterplan

MARK LUTYENS ASSOCIATES
Studio 111, Great Western House,
65 Abchurch Lane, London EC4A 3DF
www.marklutyens.co.uk Tel: 0203 2143111

End of year 50 masterplan



Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Dudley House, North Wharf Road, London, W2 1LE,		
Proposal	Demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and proposed redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access (Council's Own Development).		
Agent	WYG Planning		
On behalf of	Westminster City Council		
Registered Number	15/11458/COFUL	Date amended/ completed	7 December 2015
Date Application Received	24 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

1. Subject to the concurrence of the Mayor of London, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to an unilateral obligation to secure the following planning obligations:
 - a) The provision of all of the residential accommodation as intermediate affordable housing units at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016.
 - b) Provision of lifetime car club membership (25 years) for each residential unit in the development.
 - c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat).
 - d) Provision, monitoring and review of residential, school and church travel plans.
 - e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place.
 - f) Provision of a financial contribution of £5,000 (index linked) to provide replacement street trees

in the vicinity of the application site.

- g) Provision of a financial contribution of £189,000 (index linked) towards provision of an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site.
 - h) Provision of a financial contribution of £25,000 (index linked) towards improvements to the public open space adjacent to the canal basin (i.e. towpath improvement works).
 - i) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction.
 - j) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network.
 - k) Payment of cost of monitoring the agreement (£500 per head of term).
2. If the unilateral undertaking has not been completed by 30 April 2016 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 such a decision under Delegated Powers, however, if not:
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

This planning application for Council's Own Development involves the demolition of Dudley House and the existing buildings at Nos.139-147 Harrow Road in connection with the comprehensive redevelopment of the site to provide between 187 and 197 residential units (Class C3), a new secondary school (Class D1), a replacement church (Class D1) and a retail unit (flexible Class A1/A2/A3 use) within a new building ranging between 7 and 22 storeys.

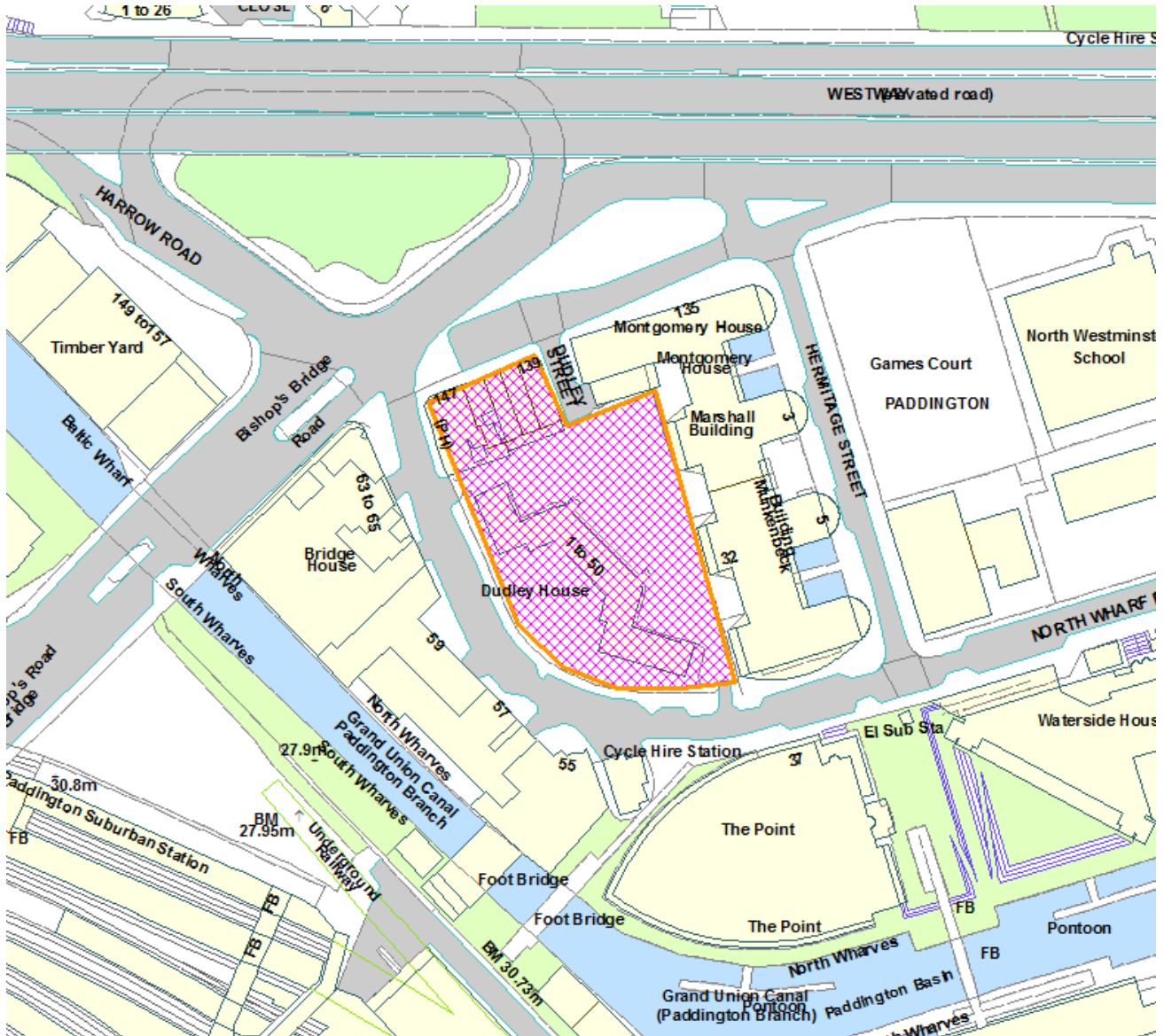
The site does not contain any listed buildings and is not located in a conservation area. The site is located within the Paddington Opportunity Area (POA).

The key issues in this case are:

- the acceptability of the proposal in land use terms and compliance with the Council's affordable housing policy;
- the quality of the residential accommodation that would be provided;
- the acceptability of providing a new secondary school in this location;
- the acceptability of the replacement building in design terms, particularly in terms of its height, bulk and detailed design;
- the impact on the amenity of neighbouring residents and the adjoining site at 55-65 North Wharf Road, which has an extant permission for a mixed residential and commercial redevelopment;
- the acceptability of the proposed car parking and access arrangements.

For the detailed reasons set out in this report the proposed development is considered to be acceptable and in accordance with the relevant policies in the UDP and City Plan, with the exception of the affordable housing mix and tenure, which are considered to be acceptable due to the provision of a wholly affordable housing scheme that is designed to meet identified intermediate affordable housing need. As such, it is recommended permission is granted subject to the conditions set out in the draft decision letter and completion of a unilateral undertaking to secure planning obligations as set out in the recommendation. If Committee agree to grant conditional permission, this application will need to be referred back to the Mayor of London for his concurrence that permission may be granted in accordance with the Committee's resolution.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from Harrow Road Gyratory (top) and from North Wharf Road (bottom).

5. CONSULTATIONS

GREATER LONDON AUTHORITY (GLA)

Application does not yet comply with the London Plan, but guidance provided to set out how concerns can be remedied. Main conclusions are:

- Support provision of school but ask that community use of the facilities are confirmed.
- Re-provision of a church on the site is supported.
- Fully intermediate affordable housing is supported, but applicant should provide further explanation in response to London Plan Policy 3.11, including details of assumed rents.
- Significant concerns about the quality of some of the residential units.
- Public benefit of the scheme outweighs the loss of un-designated heritage assets on the site.
- Number of cores in the building should be increased, the number of dual aspect units increased, an increase in the quality of the micro units and confirmation of internal floor to ceiling heights. The security of the school should be considered further and the blank frontage along North Wharf Road reduced.
- Number of wheelchair adaptable units should be increased.
- Further details of Air Quality Neutral Assessment are required prior to Stage 2 referral to the Mayor.
- Impact on bus services should be assessed and mitigated. Advice provided on car and cycle parking. Contribution of £189,000 sought for a new 27 docking point cycle hire docking station.
- Ask for details of how the site can be connected to a district heating network in the Paddington Basin Area to be provided.

COUNCILLOR COX

Concerned that application should be reported to committee on 8 March 2016 as a delay would be 'a big problem' for staff and pupils of the Marylebone Boys School.

COUNCILLOR ARZYSANOW

Passed on concerns from resident regarding TV interference and reflective road noise.

WARD COUNCILLORS (CHURCH STREET, HYDE PARK AND LITTLE VENICE WARDS)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Objection. All street level elevation should be small retail and/ or small business units or church or school frontage. School should extend one floor or more above ground level. There should be a cornice point about 7 floors up with set back to higher floors. Balconies should be omitted and roof gardens provided instead. Insufficient shared space. Loss of rear street through the site is 'disastrous' and creates 'ready made vandal space'. Pavement space around the scheme would be a 'windswept ghetto'.

PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT (PRACT)

Concern regarding increase in height from 14 storeys in approved scheme to 19 or 22 storeys with increased massing in proposed scheme; the public realm on the Harrow Road frontage of the site; and the loss of the existing public house.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Supportive of principle of application subject to: (1) lack of outdoor space for school; (2) school should have priority use of the layby if its sports strategy is to be achieved; (3) consideration needs to be given to pedestrian flow and whether a crossing and patrol/ traffic calming is required across North Wharf Road; (4) area of pavement outside school entrance needs to be able to accommodate a surge of pupils unless end of school day is staggered; (5) evacuation strategy for the school needs to be established; (6) dark brick to school may make it feel overbearing/ austere/ uninspiring given lack of outside space; (7) lack of soft landscaping is a missed opportunity; (8) must be confirmed that intermediate affordable housing will remain as such and will not be converted to market housing after a short period; (9) micro units are very small and unsustainable and should be omitted from the scheme.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Objection. Excessively height and bulky building relative to approved scheme. Proposal would detract from the setting of Paddington Station in viewpoint 7. Adverse impact on character of adjacent conservation areas in viewpoints 11, 12 and 16-18. Concerned that there is no guarantee that neighbouring approved developments that are as yet unbuilt will be delivered in the form currently approved and can therefore not be relied upon when considering setting. Proposal is overdevelopment of the site and this isn't outweighed by provision of school. Regret the loss of the pub and doubt there are nearby alternatives in the vicinity. £250,000 should be provided for public realm improvements outside the site in Harrow Road. Review of parking should be carried out in North Wharf Road at applicants expense and improvements made to the footpath and carriageway. Public art should be provided.

ST MARYLEBONE SOCIETY

Support proposal for more affordable housing and location of Marylebone Boys School on this site. However, not clear what is meant by '100% intermediate affordable' housing in terms of affordability for average working person. Agree there is a need for more housing for people to live and work in the area. Regret loss of remaining fragment of small historic buildings at corner of Harrow Road and North Wharf Road.

ARBORICULTURAL MANAGER

Significant quantity of buildings are being accommodated on site at the expense of a worthwhile amount of space for effective tree planting and other forms of soft landscaping. Not convinced that planting shown on flat roof areas is sufficient and ask that the scheme is revisited to provide substantive tree planting and landscaping.

BUILDING CONTROL

Any response to be reported verbally.

CANAL AND RIVER TRUST

No objection in principle. Request a financial contribution of £25,000 towards towpath improvements to off set increased use of canal side walkways by users and occupiers of the development.

CHILDREN'S SERVICES

Support proposals for a 4 form entry secondary school.

CHURCH STREET LARP

Any response to be reported verbally.

CLEANSING MANAGER

Concern about the use of chutes transport recycling to basement level. Under counter waste storage needs to be provided in each residential unit. Capacity and number of refuse storage for residential communal use, school and retail units is not specified. An area is needed to store bulky waste.

DESIGNING OUT CRIME OFFICER

No objection. Advises that he has met with the architects in June 2015 and provided advice on Secure By Design. Recommended that the facade of the building is designed to incorporate blast protection measures, including laminated glass. Minutes of meeting with the applicant's architect are provided.

ENVIRONMENT AGENCY

No comment.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

GO GREEN PROGRAMME MANAGER

Any response to be reported verbally.

GREAT WESTERN RAILWAY (FIRST)

No objection, but ask that the impact on the movement of taxi traffic into and out of Paddington Station is taken in to account when determining the application.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Supports application. Welcomes 197 homes for intermediate (sub market) rent affordable housing. In view of the scheme being wholly intermediate affordable it is supported despite not providing a mixture of social and intermediate housing. The Council will provide funding from the Affordable Housing Fund (AHF) to part fund the development costs of the scheme and to ensure the homes are provided as affordable housing. Should a proportion of the homes provided not be used as affordable housing in the future, a proportion of the AHF contribution will be required to be repaid. Accept micro units given these comprise a small proportion of the overall number of units and also have low weekly rental values. Guidance provided on the rent levels proposed, which will be affordable to individuals with

a gross annual income between £21,250 to £29,500. Information provided on existing intermediate housing demand by income band and household composition.

HIGHWAYS PLANNING MANAGER

Objection. Insufficient off-street car parking is proposed for the residential element of the scheme and this would increase pressure on on-street parking in the vicinity which already exceeded the level of serious deficiency. Lifetime (25 year) car club membership should be provided for all units within the development to mitigate parking shortfall. Applicant has not address the loss of existing residential parking on the site (reduced from 55 to 32 spaces). Cycle parking for the church and retail uses are insufficient. Off-street servicing is welcomed in Dudley Street, but further details of the management of the servicing bay are required. Loss of on-street parking to provide coach drop off is objectionable due to existing pressure on on-street parking. Notes that a separate Traffic Management Order would be required to remove existing parking bays. Areas of land between the existing back edge of the pavement and the building line should be dedicated as public highway to maintain footpath width. No objection in terms of other cycle parking, electric charging points, non-residential parking and trip generation. Conditions and informatives recommended. Recommend that legal agreement secures highway works, provision of residential parking on an unallocated basis, provision of car club membership and dedication of highway.

HISTORIC ENGLAND

Any response to be reported verbally.

HOUSING SERVICES (CHURCH STREET REGENERATION)

Any response to be reported verbally.

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY (LFEP)

Any response to be reported verbally.

PADDINGTON BID

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

TRANSPORT FOR LONDON

Basement car park ramp location is not objectionable. Would support a reduction in the number of residential car parking spaces proposed. Note that 20% of car parking spaces should be provided with an electric charging point. Residents should be prevented from obtaining residents parking permits. Applicant should investigate if a car club bay should be provided on site. Residential and school cycle parking provision is compliance with the London Plan. Provision of coach parking on the highway should not be at expense of Blue Badge parking. Changing, showering and storage facilities should be indicated for staff of the Church and retail units. Identify that they would want to work with the school to ensure there is sufficient bus capacity. School and residential travel plans should be secured via the legal agreement. A school management plan should include transport related management issues. Request financial contribution of £189,000 for a new 27 docking point cycle docking station, with the location to be agreed with the City Council or alternatively enlargement of an existing docking station or more frequent emptying/ filling of

the existing docking stations. Servicing should be carried out outside of school hours to limit disturbance. The construction management plan submitted should be secured by condition. Disappointed that construction loading and unloading will be carried out on street. Request that deliveries during construction are made outside of peak hours.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2717.

Total No. of replies: 16.

No. of objections: 16.

No. in support: 0.

16 emails/ letters received raising objection on all or some of the following grounds:

Land Use

- Support redevelopment of area and provision of more housing and schools, but current application is 'mission creep' in height and design terms.
- Lack of retail space being replaced and resultant lack of space for locals to meet up in. Bad for community spirit.
- Inappropriate location for an 840 pupil school.
- Question need for a church when typically church congregations are falling.

Design

- Object to 22 storeys.
- Development is too high and building would be disproportionate with its surroundings.
- Overdevelopment to the point that tall buildings form a solid wall along the Paddington Basin area. Undesirable to extend this architectural blight further.
- 7 storey plus element facing Harrow Road is too high. No need for more than 3 storeys doe school/ church and retail units to this frontage.
- Unnecessary for current scheme to exceed 14 storeys as approved and other buildings in the vicinity.
- Higher elevation will detract from the uniformity of the Basin area.
- Precedent for further taller buildings.
- Development should be consistent with others in the area in terms of design.
- Design is 'hideously ugly'.
- Paddington Basin is being 'walled' by increasingly tall development.
- Building will dominate historic canal side, garden and canal basin landscape.

Amenity

- Loss of daylight and sunlight to neighbouring residential properties.
- Building should be reduced in height and bulk moved away from neighbouring buildings to reduce loss of light.
- Facades should be constructed in light colour brick to maximise reflected light.
- Loss of privacy to neighbouring residential properties.
- Noise disturbance from school use.
- Increased noise disturbance to properties to the north from reflected road noise from A40 and A404.
- Main tower will block views from neighbouring properties.

Highways/ Parking

- Visitor parking will be reduced for local residents. Basement resident's car park will not help much.
- Additional traffic and pollution in North Wharf Road.
- Junction with Harrow Road is already dangerous and congested and will be worsened by provision of school.
- School drop offs and collections by car cannot be accommodated in North Wharf Road.
- School traffic will block North Wharf Road and this will have knock on effects for the Harrow Road Gyratory.
- School will cause traffic and pedestrian problems.
- Increased traffic in Hermitage Street.

Other Issues

- Narrow streets between buildings create wind tunnels.
- Adverse impact on digital terrestrial television signals and no mitigation proposed.
- Noise and disturbance from construction works.
- Unsuitable site for a school given high pollution levels.

ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The majority of the application site comprises Dudley House, which is a 1930's Council owned block of flats which is located off North Wharf Road. This five storey block of which part has a hipped roof with dormers comprises of 50 flats. The existing building provides 11x1 bed flats, 25x2 bed flats and 14x3 bed flats. There is a small landscaped area and young children's play area at the front of the building facing onto North Wharf Road, and a large off -street surface car parking area for 55 cars to the rear which is accessed from North Wharf Road. The access into the flats is from the car park at the rear.

The application site also includes the terrace of properties to the north known as Nos.139-147 Harrow Road includes a café (Class A3) at No.139, a church (Class D1) at No.141, the former Paddington First Recruitment Centre offices (a nil planning use) at Nos.143-145, and the Dudley Arms Public House (Class A4) at No. 147. These terraced Victorian properties are two and three storeys high. The buildings are now vacant, with the exception of the church.

The wider site comprising Dudley House and Nos.139-147 Harrow Road is the subject of a Compulsory Purchase Order (CPO), which was made by the City Council on 19 June 2013. Following objections to the CPO a Public Inquiry was held in January 2014. The Secretary of State for Communities and Local Government subsequently confirmed the Order on 31 July 2014. Since that date the whole of the site has been transferred to the City Council as compensation packages have been agreed with remaining land owners. As a result vacant possession of the site has now been secured and demolition of Dudley House is due to commence in late March 2016 pursuant to the prior approval issued on 22 July 2015 (15/05753/APAD).

None of the existing buildings on the site are listed, nor are they located within a conservation area. The application site falls within the Paddington Opportunity Area (POA) as designated in Westminster's City Plan: Strategic Policies (the City Plan).

The adjoining properties include a substantial block of flats to the east known as Montgomery House, the Marshall Building and the Munkenbeck Building. These buildings contain a mix of private and affordable housing with a 15 storey tower to the north dropping down to five storeys at the southern end. To the west are the existing offices at Nos.55-65 North Wharf Road, which are the subject of an extant permission for mixed residential and commercial redevelopment in two buildings, the higher of which rises to 17 storeys (71m) at its highest point. It is understood that this application is likely to be implemented in 2016.

To the north of the application site is the elevated A40 Westway which forms part of Transport for London Road Network (TLRN) and Harrow Road, which also forms part of both the TLRN and the Strategic Road Network (SRN). The site is located in close proximity to Paddington Station to the west and the Edgware Road underground stations (Bakerloo and Circle and Hammersmith and City Lines) to the east.

6.2 Recent Relevant History

Planning Brief

A material consideration in the determination of this application is the adopted planning brief prepared for this site issued in October 2009, which replaced an earlier 2002 planning brief.

Dudley House, 84 North Wharf Road

There have been a number of planning decisions relating to this block, the following are of relevance to the determination of this planning application.

Permission granted on 12 June 2003 for Council's Own Development for alterations to the rear car parking area to create additional parking spaces and relocation of the children's play area to the North Wharf Road frontage.

Prior approval decision issued on 22 July 2015 approving the demolition of Dudley House under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (15/05753/APAD).

No.139 Harrow Road

Advertisement consent refused in 1999 for a hoarding.

No.141 Harrow Road

The building is in use by the Central Pentecostal Church. Permission was granted at the Planning Applications Committee on 21 January 2016 for variation of Condition 8 of planning permission dated 5 November 2013 (RN 13/08537) for redevelopment of a site at 27 Tresham Crescent, NW8 to allow the second and third floors of the premises to be used by the Pentecostal Church for a temporary period not exceeding four years during the redevelopment of the Dudley House and neighbouring Harrow Road properties site (15/09502/COFUL).

Nos.143-145 Harrow Road

Permission granted on 22 August 2006 for the use as job brokerage for Paddington First. This permission restricted the use to job brokerage and no other user within Class A2 and was personal to Paddington First. Given the property is now vacant, it has a 'nil' planning use. In 2002 permission was granted for alterations and extension at ground floor at No. 145, new shopfronts to Nos.143 and 145, use of ground floor, and first and second floors of No. 143 as a temporary marketing suite for Paddington Basin. This permission was limited for five years.

No.149 Harrow Road

There have been a number of planning permissions for the placing of tables and chairs on the public highway outside the public house with the last permission granted in 2007.

Whole Site (Dudley House and Harrow Road Properties)

Screening Opinion issued on 5 July 2011 confirming that the proposed redevelopment of Dudley House and Nos.139-147 Harrow Road did not require an Environmental Impact Assessment (EIA), as the proposal would not result in significant environmental impacts.

Planning permission was granted on 30 March 2012 for demolition of Dudley House and Nos.139-147 Harrow Road; erection of five storey building fronting Harrow Road, a 14 storey tower and six storey building fronting North Wharf Road, comprising a total of 88 residential units (38 affordable and 50 private residential units); ground floor (Class D1) social and community use; flexible ground floor active frontage (Class A1-A3 and A4); basement car parking, provision of shared amenity space, play area and landscaping (Council's Own Development) (11/06435/COFUL),

7. THE PROPOSAL

This planning application for Council's Own Development involves the demolition of Dudley House and the existing buildings at Nos.139-147 Harrow Road in connection with the comprehensive redevelopment of the site to provide between 187 and 197 residential units (Class C3), a new secondary school (Class D1), a replacement church (Class D1) and a retail unit (flexible Class A1/A2/A3 use).

The proposed residential accommodation would all be provided as intermediate sub-market rent affordable housing, comprising a mix of studios, one bedroom flats and two bedroom flats (21 x Studio units, 42 x 1 bedroom flats and 38 x 2 bedroom flats). A mix of private and communal terraces are proposed to provide amenity space for future residents. 32 car parking spaces are proposed, including 11 disabled spaces, at basement level to serve the residential units. 22 motorcycle spaces are also proposed within the basement.

The proposed school premises would be located to the southern end of the site and are intended for occupation by the Marylebone Boy's School and the applicant's aim is to provide the school element of the scheme so that is ready for occupation by the start of the 2017-18 academic year.

The proposed church premises at ground floor facing Harrow Road have been designed to allow the existing Pentecostal Church at No.141 Harrow Road to be accommodated on the site following redevelopment.

The proposed new buildings vary in height with 7 storey residential and school blocks facing North Wharf Road and a 22 storey residential tower with the church and retail uses at ground floor level at the junction of North Wharf Road with the Harrow Road Gyratory.

Cycle parking is proposed at basement and ground floor levels for all of the land uses. Servicing is proposed at the rear at ground floor level within the site accessed from Dudley Street.

The application has been amended in response to concerns raised in the Mayor of London's Stage 1 response and in response to issues raised by officers. The principal areas of amendment concern the mix and quality of the residential units and the detailed design of the scheme. Where relevant the amendments that have been made have been identified in this report.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Non Residential Uses (Secondary School, Church and Retail Unit)

Policy CS3 in the City Plan seeks a range and mix of uses in the Paddington Opportunity Area (POA), including a range of offices, a significant proportion of housing and other uses to support the economic and social regeneration of the area, including retail, social and community facilities, entertainment and arts/cultural uses. In this context, the proposed Class D1 secondary school and church uses, and the proposed retail unit, would provide for a mix of uses in combination with the residential accommodation on the upper floors that is compliant with Policy S3.

Table 1: Existing and Proposed Non-Residential Floorspace on application site.

Existing Non-Residential Floorspace	Existing GIA (m2)	Proposed GIA (m2)	Difference +/-
A1, A2, A3	175	130	-45
A4	570	0	-570
Nil Use (former personal Class A2 use)	332	0	-332
D1	158	7,440	+7,282
Total	1,235	7,570	+6,335

The retention of the church use within the scheme is welcomed and addresses the policy requirement set out in SOC1 in the UDP and S34 in the City Plan for this existing community use on the site to be re-provided as part of any redevelopment scheme. The

church use is to be accommodated at the base of the tower element of the scheme. In this location it would provide much more accessible, modern accommodation for the church relative to its existing accommodation at No.141 Harrow Road. The proposed church unit would have a floor area of 197m² (GIA), which represents an increase in floor area of approximately 39m² relative to the church's existing premises. No response has been received from the church during the consultation exercise. A condition is recommended to ensure that the church unit is used only as a church and not as an alternative Class D1 use that may have a harmful impact on residential amenity or the operation of the local highway network.

The existing units facing the Harrow Road frontage are not within a protected shopping frontage, and currently there are no Class A1 shops. However, the frontage contains a café, a church (as discussed in the preceding paragraph), a vacant Class A2 office, which now has a nil planning use and a public house. In terms of the retail uses, the proposed redevelopment would see a reduction in the retail floorspace re-provided, principally to enable the provision of a school to the southern end of the site. The Class A1-A4 floorspace on the site would be reduced from 745m² (GIA) (excluding the nil use) to 130m², provided in a single unit at the base of the tower element of the scheme. The applicant is seeking flexibility in terms of its future use so that it can be used for Class A1, A2, or A3 use. This flexibility is not considered to be objectionable in this location and would ensure that the relatively isolated retail unit has a high probability of remaining occupied to provide a vibrant and active frontage at the prominent corner of North Wharf Road and Harrow Road. The loss of the existing public house, as noted by the South East Bayswater Residents Association, without replacement is regrettable. However, the wider public benefit of the scheme in terms of social and community floorspace provision and the provision of a wholly affordable housing scheme are considered to outweigh the loss of the public house.

The ground floor retail unit could be used as an entertainment use (i.e. as a Class A3 café/restaurant), but would not be a large entertainment use. Therefore it needs to be considered under Policy TACE 8 in the adopted UDP. Given its limited size and location, it is not considered that the proposed use would have an adverse effect on amenity, character or function of the area, or traffic subject to conditions. Given there is residential accommodation proposed above, it is recommended that the closing time in respect of the ground floor retail unit should be no later than 23.00 hours in order to safeguard the amenity of neighbouring residents. The opening hours of the retail unit, the provision of tables and chairs outside the unit and the provision of kitchen extraction equipment are to be controlled by conditions.

The proposed secondary school premises at the southern end of the site is intended for occupation by Marylebone Boys School, which is currently housed in temporary accommodation outside the City on Kilburn High Road in the London Borough of Brent. The provision of premises for the school on this site is supported by Councillor Cox, Children's Services and the St. Marylebone Society. The school premises proposed, which include external playspace at roof level, have been design in conjunction with Marylebone Boys School to ensure that the facility will meet their particular educational needs. In this context the concerns expressed by the Paddington Waterways and Maida Vale Society in respect of the limited outdoor playspace proposed cannot be supported as a ground on which to withhold permission.

The proposed school accommodation would comprise classrooms and other teaching spaces in a seven storey block with a double height sports hall at basement and ground level, dry gym above and roof level external play area. Servicing areas and cycling parking for the school are proposed to the rear, along with a secondary entrance for pupils. It is intended that the school will provide 120 student places per year group. The provision of this new educational facility is welcomed and its provision is in accordance with Policy SOC1 in the UDP and Policy S34 in the City Plan. A condition is recommended to secure details of public use of the school facilities outside of teaching hours in accordance with Policy SOC3 in the UDP and to address the concern on this ground raised by the Mayor.

A further condition is recommended in respect of both the school and the church premises to ensure that these social and community uses are provided prior to the occupation of the residential element of the proposed development.

6.1.2 Residential Use

The provision of a significant quantum of residential accommodation on this site accords with Policy H3 in the UDP and S3 in the City Plan, which specifically encourages residential delivery as part of mixed use redevelopment schemes within the POA. Dudley House formerly provided 4,072m² (GIA) of residential floorspace, arranged as 50 flats of a range of sizes. The proposed scheme would increase the residential floorspace on the site to 11,813m² (GIA) and provide between 187 and 197 flats. The proposed development does not contain residential units of excessive size and it would optimise the residential use of this site in accordance with S14 in the City Plan.

The density of the scheme is 1,056 habitable rooms per hectare (hrh)/ 488 units per hectare (uh). Whilst this is well above the density range for this part of the City under Policy H11 in the UDP (between 250 and 500 hrh), it is within the density range set out in Policy 3.4 of the London Plan, which sets density ranges based on transport accessibility. The density ranges for this location in the London Plan are between 140 and 405 uh and between 650 and 1,100 hrh. Given the general compliance with the upper density threshold set by the more recently adopted London Plan policy (adopted in 2015), the density proposed is considered to be acceptable and reflective of the efficient use of the site to provide residential accommodation that meets housing need (see following paragraph). However, density levels are only a guide to the acceptability of a development and must be considered with regard to other design and amenity considerations, which are set out elsewhere in this report.

The applicant proposes the delivery of between 187 and 197 residential units (Class C3); depending upon the finalisation of the mix and layout of the units (i.e. it may be necessary and reasonable to make minor amendments to the size and number of the units within the scheme to respond to evolution of affordable housing demand). This approach is considered to be acceptable on a scheme of this scale and provides the applicant with flexibility in terms of meeting housing need at the point of delivery of the scheme, whilst ensuring that a significant number of units would be delivered to meet overall housing demand within the City. A condition is recommended requiring details of the amended residential layouts should the number of units proposed be reduced below 197 units, which is the number currently shown on the submitted drawings.

The scheme proposes to deliver all of the units as intermediate affordable housing units provided on a sub-market rent basis to persons on the City Council's intermediate affordable housing waiting list. Whilst the delivery of a wholly affordable scheme is welcomed, the scheme fails to deliver the 60:40 social/ intermediate affordable tenure split set out in Policy S16 of the City Plan (including the Interim Guidance Note on Affordable Housing – November 2013) and the London Plan. However, it is evident that the scheme has been designed to respond to the identified demand for intermediate affordable housing, both in terms of income levels to which the flats would be affordable and household size (see evidence of demand provided in the Head of Affordable and Private Sector Housing's memo dated 26 February 2016 in the background papers). In this context, the provision of a wholly intermediate affordable scheme, comprised entirely of smaller units (i.e. studios, one and two bedroom flats – see Table 2), with all the units provided for sub-market rent, is considered acceptable as it will deliver housing that will be affordable and of suitable size for the largest possible proportion of persons on the City Council's current intermediate affordable waiting list. However, this justification for departure from the normal policy expectation for affordable housing in terms of the mix and tenure of housing to be provided can only be reasonably accepted in planning terms if all of the units are provided as intermediate affordable housing in perpetuity. As such, it is recommended that the provision of the residential accommodation as intermediate affordable housing, in accordance with the affordability criteria set out in the Head of Affordable and Private Sector Housing's memo, is secured via the unilateral undertaking accompanying the development.

Table 2: Amended Residential Mix by Number of Bedrooms/ Bedspaces

Type	Area (m2)	1st	2nd - 5th	6th	7th	8th -16th	17th	18th - 21st	Total	%
1 bed/ 1 person (studio)	37	2	3	2	2	2	1	1	41	21
1 bed/ 2 person	50	9	9	7	2	2	2	2	82	42
2 bed/ 4 person	70	3	3	4	4	4	3	3	74	38
Per Floor		14	15	13	8	8	6	6		
Total		14	60	13	8	72	6	24	197	

The number and mix of units proposed is set out Table 2 and the mix has been amended in response to the Mayor's concerns regarding the quality of accommodation provided by initially proposed scheme. The Mayor's concerns principally related to the provision of 10 poorly lit 'micro' units (i.e. units that would have been smaller than the London Plan's minimum standards and those set by the 'Nationally Described Space Standard'), the provision of a high number of units accessed single core between first and seventh floor levels, the low daylight levels received by the living areas in some of the larger flats and the limited number of wheelchair adaptable units.

In terms of the 'micro' units, these very small units were also of concern to officers and the Paddington Waterways and Maida Vale Society and they have been omitted from the scheme and the layouts between first to sixth floor levels amended to ensure that all of the units in the scheme are compliant with the London Plan's minimum standards and those set by the 'Nationally Described Space Standards' (2015).

The Mayor has asked that an additional residential core is provided for the residential accommodation between first and seventh floor levels to reduce the number of residential units at these levels that are served by a single core with a long corridor across the full extent of the residential part of the development. Following further discussion between GLA officers and the applicant, it is understood that they have accepted that a second core cannot be provided. The applicant has provided a compromise position by increasing the level of natural light within the corridor on each floor by providing windows to either end of the corridor. It is considered that this is an acceptable solution that addresses the Mayor's concerns without undermining the affordability of the residential accommodation within the development by having to provide a second core.

The Mayor has expressed concerns that the quality of the accommodation would be relatively poor in some units where the living rooms and kitchens would be set back from the building façade behind balconies that sit within the external envelope of the building (i.e. where balconies do not project from the façade). The applicants have addressed the Mayor's concerns in this regard by reconfiguring these units so that the bedroom and living spaces have been 'flipped'. This enables the living spaces to benefit from windows that are at the outer face of the building envelope, rather than being set back behind recessed balconies, thereby ensuring they will receive more daylight. It is considered that this has resolved the Mayor's concerns in this regard.

As initially submitted the residential accommodation proposed provided only 2% of units as units that could be adapted for use by wheelchair users. Following amendment the number of wheelchair adaptable units has been increased from 4 (2%) to 11 (6%). Whilst this still falls below the 10% set out in the draft Minor Alterations to the London Plan and is regrettable, it is considered that on balance this improvement is sufficient to overcome the initial concern on this ground. A condition is recommended to ensure the provision of the 11 wheelchair adaptable units.

The application includes three communal terrace areas for residents at first, seventh and seventeenth floor levels. The shadowing study submitted demonstrates that first floor terrace will receive sunlight in summer months and would therefore provide a desirable external amenity space. The terraces on the higher floors would be likely to receive more sunlight throughout the year due to their elevated positions.

The lower two terraces are to be partially landscaped using planters and the first floor terrace is proposed to include informal play provision for young children. This is welcomed and this limited on-site play provision is considered to be acceptable given that the scheme is primarily designed to provide smaller accommodation for single people, couples and co-habiting pairs on the City Council's intermediate affordable housing waiting list. As a result, the child yield for the development is calculated to be only 9, with 6 under five. Details of the landscaping of these terraces and the play provision to be provided as part of the first floor terrace are to be secured by condition. The condition will also ensure the provision of the play provision.

The scheme will create an uplift of between 137 and 147 residential units on the site and Policy H10(B) in the UDP requires large residential developments (over 50 units) to provide the provision of a social and community facility on site. In this case this requirement is fulfilled by the provision of a new school and church premises.

6.1.3 Land Use Summary

In conclusion the land use mix proposed is acceptable and appropriate for this location within the POA in accordance with Policy S3 in the City Plan. The development optimises the residential use of the site in accordance with Policy S15, provides a significant quantum of affordable housing that meets housing need and delivers social and community uses that are specifically designed to meet the needs of identified end users in accordance with Policies H10 and SOC1 in the UDP and S34 in the City Plan.

8.2 Townscape and Design

The site lies outside a conservation area and there are no listed buildings in the immediate vicinity. The Bayswater Conservation Area lies to the south and west (its boundary approximately 65 metres to the south-west), and the Paddington Green Conservation Area and the Maida Vale Conservation Area lie to the north, with their boundaries on the north side of the Westway (A40). All of these surrounding conservation areas contain listed buildings, with the closest to the application site including the grade II* listed Church of St Mary (Paddington Green), the grade II* former British Rail Maintenance Depot and the grade I Paddington Station (in the Bayswater Conservation Area).

The site comprises Dudley House, which is a 1930's block of flats. It is a brick built building, occupying an irregular plan form and is part 5 and part 6 storeys tall. Also at the northern end of the site is a remnant of earlier three-storey Victorian terraced properties facing Harrow Road, including at the corner of North Wharf Road and Harrow Road, the former Dudley Arms public house.

The surrounding townscape is of a mixed and largely modern character and is also one where further change is likely to occur in the very near future, as permitted schemes are implemented. Immediately to the east of the site are the residential blocks of Montgomery House, Munkenbeck and Marshall Buildings. Completed in 2004, this group of four linked pavilion blocks rise to 15 storeys at the northern end. Immediately to the west of the application site is the site of 55-65 North Wharf Road, where redevelopment has been approved and where works to demolish the existing buildings on the site have commenced. This will feature a 15 storey office block with plant rooms above (totalling 17 storeys) at the northern end of the site and a 13 storey residential block at the southern end of the site. To the south of the application site are the modern buildings which face onto Paddington Basin, with The Point (completed 2002) at 9-10 office storeys being the closest to the application site. To the north the application site is truncated from the more historic townscapes of Paddington Green and Maida Vale by the Westway (A40).

The proposal would include the demolition of all of the buildings on the site. This extent of demolition was previously accepted in the 2012 permission. For much the same reasons, as those set out in the committee report for that earlier permission, while the Victorian buildings and to a lesser degree Dudley House have some architectural and historic interest. Their small scale and fine detail is overwhelmed to some extent by their larger neighbours and this significantly diminishes the contribution they make to this area. It is not considered that they play such a significant role in the local townscape (as it now exists and proposed) to warrant their retention and protection.

The replacement development will comprise two main elements: a residential component and a secondary school component. The residential component will comprise a 22 storey tower and a 7 storey block; and the school will be a 7 storey block, occupying the southern part of the site.

In terms of the height of the proposed development, which is one of the key concerns identified by objectors, the applicant has undertaken some views analysis to demonstrate the townscape visual impact. From this it is clear that the development has perhaps its greatest impact in views from the north, notably from around Paddington Green and from the Little Venice area of Maida Vale. However, in the emerging context of recently completed and permitted schemes, the proposed height, while substantial is comparable with the northern part of 55-65 North Wharf Road and does not result in a more harmful impact, than that already created by the recent developments. It is considered regrettable that some reduction in height could not be achieved to allow a better transition in scale between Montgomery House and the new commercial building at 55-65 North Wharf Road, although it is acknowledged that a step in the tower at 17th floor level, makes some reference to this building up in height.

Both principal elements of the scheme will have a brick-slip cladding system as the primary facing material, although some distinction in brick type is proposed to distinguish the school block and the residential parts.

The tower will feature a framework of expressed vertical and horizontal elements which will create a layered grid. There will also be recessed panels of brickwork and metal infill panels associated with the glazing system. All of these elements will help to breakdown the massing and add depth to the facades. Recessed balconies are proposed for the north and west facades, with projecting balconies on the other two sides.

The school will feature linear strips of windows to the upper floors and the ground floor will have a recessed entrance and, in part, will feature a contrasting facing material to the brick elsewhere. The school elevation to North Wharf Road has been amended to introduce full height glazing to the school meeting rooms and double height sports hall to provide a more active frontage to what was initially a relatively blank street façade and this amendment is welcomed.

The proposed materials and detailed design of the component parts are at the lower end of acceptability, with form and function taking precedence over aesthetic design quality and proven durability. The use of applied brick slips to an insulated base and a powder-coated aluminium secondary material, would not in most cases meet the City Council's aspiration to deliver high quality new development, although it is acknowledged that the benefits that the scheme delivers in terms of housing and educational provision are mitigating factors in accepting a more pragmatic design. It is certainly the case that the site lies within a context of modern development which allows some flexibility of design and independence of form. However the use of brick slips in particular, remains a concern and it is suggested that an amending condition is imposed which seeks to secure a more traditional cladding system and brick facing (see Condition 42 on the draft decision letter). A study of the brick slip system preferred by the applicant has been provided on behalf of the applicant and this is provided in the background papers for the Committee's information.

Overall, taking into account the benefits delivered by the scheme, and the scale and design of the emerging townscape in the immediate vicinity, and with the suggested conditions, the proposal is considered acceptable in design terms and would accord with Policies DES1, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight

The need to safeguard the amenities of adjoining residents has dictated the overall design approach for this proposed development and was cited as one of the constraints in the adopted planning brief. The adjoining development in Hermitage Street known as 'Paddington Walk' (comprising the Munkenbeck and Marshall Buildings and Montgomery House) contains a large number of windows and terraces which are sited very close to the site boundary, and their light is further restricted by the large overhangs and balconies. As a result many of these windows already receive exceptionally low levels of daylight and sunlight. Objections have been received from a number of residents in these adjoining blocks on grounds of loss of daylight and sunlight.

The applicant has tested all of the windows in Montgomery House and the Munkenbeck and Marshall Buildings that face onto the application site using the Building Research Establishment's (BRE) Guidance 'Site Layout Planning for Daylight and Sunlight' (2011). The BRE Guidelines identify that where a window experiences a reduction in daylight in excess of the 20% using the vertical sky component (VSC) method of assessment, the loss will be likely to be noticeable to the occupant of the flat that the window serves. The submitted assessment identifies that 127 (34%) windows serving habitable rooms would not suffer a material loss of daylight, 51 (14%) windows would suffer a 20-30% loss of daylight, 23 would suffer a 30-40% loss of daylight and 164 (45%) would suffer a loss of daylight in excess of 40% of their existing VSC value.

The Munkenbeck and Marshall Buildings to the east and the south east comprise of three elements, and these are built on or very near to the boundary of Dudley House. In terms of the relationship with Dudley House, these buildings are not considered to be 'good neighbours', as they are not significantly set back from the boundary of the adjoining site and take more than their fair share of light (i.e. they are reliant upon much smaller development on neighbouring sites to maintain the daylight levels currently experienced). Existing daylighting levels are very low in some cases, particularly on the lower floors and therefore any reduction in daylight, however small, will be expressed as a high percentage loss. It is recognised that a number of the windows in the Munkenbeck and Marshall Buildings will experience losses that are high in percentage terms. However, these blocks are not 'good neighbours' and the worst affected windows would be located beneath balconies and overhangs, which severely limit the access of these windows to natural light. It is therefore considered that the BRE guidelines need to be applied with flexibility in this instance.

The impact on flats in Munkenbeck and Marshall Buildings would be greatest between ground and fourth floor levels where they extend out to the western edge of the adjoining site and have a significant number of windows immediately behind the site boundary with the application site, or set back only marginally from it. In addition, as noted in the preceding paragraph, many of the windows to the lower floors are also oversailed by

balconies or terraces above. As a result of the form and design of these neighbouring building, a loss of daylight to all of the habitable windows in 35 flats between ground and fourth floor levels would be caused. Three of the affected flats would be at ground floor level, 9 of the flats would be at first floor level, 9 at second floor level, 7 at third floor level and 7 at fourth floor level. A further 24 flats would have windows that would suffer a material loss of daylight; however, the flats would either have other habitable rooms that were not served by windows that would be materially affected or the window(s) affected serve a dual aspect room where the room is also daylit by a second unaffected window in another elevation.

Montgomery House to the northern end of the adjoining 'Paddington Walk' site comprises a 15 storey tower, with the western end of the tower in close proximity to the 22 storey tower proposed as part of the application scheme. As a result, windows in the western end of Montgomery House would suffer a material loss of daylight. However, the number of flats that would suffer material losses of daylight to all of their windows serving habitable rooms would be limited to 5 units at first, second and third floor levels. This is because the internal arrangement of the western end of Montgomery House on most of the floors provides dual aspect flats with habitable rooms that would not be materially affected by the development to the north and south facades. Therefore whilst a further 24 flats would suffer a material loss of daylight to one or more of their habitable rooms, they would retain an unaffected habitable room (often their living room), which is located to the north or south elevation.

The applicant has also assessed the impact of the development on the approved, but as yet unbuilt, residential building forming part of the site at Nos.55-65 North Wharf Road opposite the site to the west, across North Wharf Road. The proposed scheme would result in a material loss of daylight of between 20-60% of current VSC levels to the street facing eastern elevation of this neighbouring building. However, despite these large percentage losses the residual VSC values would generally remain good for an inner London location such as this and as such, the impact on this neighbouring residential building, which has yet to be built, is considered to be acceptable in terms of daylight loss.

In summary, in areas of established townscape across the City, the material losses of daylight that would be caused by this proposal would normally fail to accord with Policy S28 in the City Plan and ENV13 in the UDP. However, in this case the site is within the POA where adopted policy envisages the provision of denser development to ensure the delivery of a significant quantum of new residential and commercial floorspace, along with supporting shops and local services. Furthermore, it is important to consider the impact on the amenity of neighbouring residents in the wider context of the benefits arising from the scheme. In this case it is precisely this wider context, namely the significant provision of affordable residential accommodation and social and community floorspace, along with the location of the site within the POA, which is considered to justify the material loss of daylight to windows to the buildings opposite the site to the east and west.

8.3.2 Sunlight

A large number of the windows in Montgomery House and the Munkenbeck and Marshall Buildings facing the application site also face within 90 degrees of due south and therefore these windows must be assessed to demonstrate the impact the proposed development would have on them in terms sunlight loss. The BRE Guidelines focus protection from

sunlight loss on main living rooms and advises that sunlight to kitchens and bedrooms is less important. Nevertheless the applicant has assessed the sunlight loss to all habitable rooms facing within 90 degrees of due south. The BRE Guidelines advise that windows that receive more than one quarter of annual probably sunlight (APSH), including 5% of APSH in the winter months between 21 September and 21 March should receive enough sunlight to be considered to be well sunlit.

Of the 311 windows assessed by the applicant 57% already do not achieve the level of sunlight above which the BRE Guidelines suggest that a room would be well sunlit. 26% of the windows receive less than 10% of APSH and in a limited number of cases, such as some of the windows in the Munkenbeck and Marshall Building, the windows receive 0% of APSH at present. It is clear therefore that the form and design of the neighbouring buildings already has an adverse impact on the sunlight levels reaching windows in these neighbouring buildings.

The proposed development would reduce the number of windows that would achieve the BRE Guidelines in terms of sunlight provision to 48%. A large number of the windows which would suffer a material reduction in sunlight would though be bedrooms rather than living rooms. As such, overall whilst the proposed development would have a material impact on sunlight levels to windows serving living rooms in Montgomery House and the Munkenbeck and Marshall Buildings, the impact would not be so significant as to warrant withholding permission. The degree of sunlight loss would be exacerbated by the unneighbourly form of the neighbouring buildings and in many cases their poor existing sunlighting levels, which results in higher percentage losses than would otherwise be the case.

As per the daylighting analysis, the wider planning benefits of the scheme and the location of the site within the POA, where larger scale development is actively encouraged, are also material considerations which support more a more flexible approach to sunlight protection than would be the case in a more established area of townscape.

8.3.3 Sense of Enclosure

It is recognised that there will be an increase in the sense of enclosure to adjoining residents in Montgomery House and Munkenbeck and Marshall Buildings. The worst affected windows are in the lower floors of the Munkenbeck and Marshall Buildings (up to fourth floor level) and in the western end elevation of Montgomery House.

In terms of Montgomery House, the windows in the west elevation would be located between 18 to 22 metres from the eastern side elevation of the 22 storey tower. As such, whilst the sense of enclosure would be increase in the view from all of the windows in this façade, sufficient distance would be provided to ensure that the sense of enclosure caused would not be so significant so as to warrant refusal of permission. A further consideration is that most of these windows serve bedrooms and most of the flats at the western end of Montgomery House have living rooms to the south and north elevations, facing away from the proposed 22 storey tower.

In respect of the Munkenbeck and Marshall Buildings, a large number of windows are located at the boundary with the application site or close to it. However, the proposed school building would be 10 metres from the nearest neighbouring windows and this part

of the scheme would only extend along the southern most part of the site, such that windows adjacent to the bulk of the school building would retain greater outlook at more oblique angles to the north and south. The residential part of the proposed scheme above ground floor level would be set back 28 metres from the nearest neighbouring windows in the Munkenbeck and Marshall Buildings and at this distance, whilst this part of development would alter the view, it would not cause a materially increased sense of enclosure.

The approved, but unbuilt residential building at Nos.55-65 North Wharf Road would be located across North Wharf Road to the south west of the application site. Given the separation distance afforded by North Wharf Road, the proposed development would not significantly enclose these as yet unbuilt residential windows.

Concerns have been raised on the ground that the development will obstruct views; however, existing private views from neighbouring properties cannot be afford protection.

In conclusion in sense of enclosure terms the proposal complies with Policy S29 in the City Plan and Policy ENV13 in the UDP.

8.3.4 Privacy

In general, the proposed new buildings are located a good distance away from the neighbouring flats in Montgomery House and the Munkenbeck and Marshall Buildings and therefore whilst private residential terraces are proposed on the upper floors, the proposed development would not result in any material loss of amenity as a result of overlooking.

A large communal terrace is proposed at first floor level and this has the potential to cause overlooking to neighbouring windows in Montgomery House and the Munkenbeck and Marshall Buildings. However, details of screening to the perimeter of the terrace are to be secured by condition to prevent overlooking occurring. Details of screening between the first floor communal terrace and the flats within the development that open directly on to the terrace are also to be secured by condition.

Further communal terraces are proposed at 7th and 17th floor levels, but at these heights and in the locations proposed, it is not considered that these larger terraces would cause significant overlooking.

The proposed school building includes a roof top play area, but this will be enclosed by a high parapet wall, which would prevent overlooking occurring to neighbouring residential windows.

Subject to the recommended condition the proposed development is acceptable in privacy terms and would comply with Policy S29 in the City Plan and Policy ENV13 in the UDP.

8.3.5 Noise

This site is located next to busy main roads and concerns have been raised regarding the suitability of site for the provision of residential accommodation and the potential for

development to cause reflected traffic noise to residential accommodation on the north side of the Westway and Harrow Road.

In terms of reflective road traffic noise, in this location the site is set back from neighbouring residential properties on the north side of the Westway and Harrow Road owing to the Harrow Road Gyratory. As such, the development, whilst tall, would be set away from the faster moving traffic on the Westway and would be at least 95 metres from the nearest residential properties to the north. As such, it is not considered that the proposed development would result in increased reflected noise to residents on the other side of the Westway and Harrow Road.

Neighbouring residents have expressed concern regarding noise from the school use on the site, which includes a roof top external play area. However, whilst this would result in some appreciable noise, this would be for limited periods during the school day and not at un-neighbourly times of day such as in the evening or at night. As such, whilst it is accepted that there will be a change in the noise environment for neighbouring occupiers, this would not amount to a ground on which to withhold permission. A condition is recommended to prevent the use of the roof top play area of the school between 07.00 and 19.00 hours daily.

The proposed development will require the installation of mechanical plant and this will be largely located within the basement of the development, with some additional school specific plant located at roof level on the roof of the school set behind a high parapet within a plant enclosure. Conditions are recommended to control the operational noise level of the mechanical plant that is installed so that it operates below the existing background noise level in accordance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

With regard to internal noise levels for future occupiers of the development, the scheme has been designed to include an external envelope that will provide sufficient noise attenuation to ensure that the internal noise levels within the respective elements of the development accord with adopted policies. In particular, the residential accommodation is to incorporate mechanical ventilation with heat recovery so that whilst windows can be opened, occupiers are not reliant on opening windows in what is a noise external environment. A condition is recommended to ensure that the development accords with noise policies ENV6 and ENV7 in the UDP and S32 in the City Plan in terms of external noise and noise insulation between the respective uses within the development.

8.4 Transportation/Parking

The applicant has submitted a Transport Assessment with the application. This site benefits from a high level of accessibility with good public transport links and has a Public Transport Accessibility Level (PTAL) score of 6b. The transportation and parking impacts of the development are considered in the following sections of the report.

8.4.1 Increased Trip Generation and Impact on the Road Network/ Public Transport

The Mayor, TfL and the Highways Planning Manager are satisfied that the proposed number of trips associated with the social and community, retail and residential uses can be accommodated on the existing road and London Underground network. TfL and the

Mayor ask that the applicant liaise with TfL to ensure that the potential impact on local bus networks of the new school and replacement church can be understood and mitigated if necessary.

Neighbouring residents have expressed concerns regarding the potential for the proposed school to cause significantly increased congestion in North Wharf Road and Hermitage Street and the Paddington Waterways and Maida Vale Society are concerned that the pavement outside school entrance needs to be large enough to accommodate a surge of pupils at the end of school hours unless end of school day is staggered. The Highways Planning Manager is content that the provision of a school in this location would not have a significant adverse impact on the operation or safety of the highway. A layby is to be provided to allow coaches to pull in to allow pupils to alight, thereby reducing the impact of such vehicles on the flow of the highway. In terms of pupils entering and leaving the school, there will be a significant paved area immediately outside the front entrance and a second rear exit is proposed to enable the flow of pupils in and out of the school to be split, lessening the pressure on each entrance. It is understood that the school will provide pre-school and after school clubs that will stagger the flow of pupils to and from the building. A management plan is understood to have been developed to seek to manage pupils arriving at and leaving the premises and a condition is recommended requiring this to be submitted and approved prior to occupation of the school premises. As such, the concerns expressed by the Paddington Waterways and Maida Vale Society cannot be supported.

The Paddington Waterways and Maida Vale Society also question whether a crossing and/ or crossing patrol is required across North Wharf Road outside the school. Given North Wharf Road has a relatively low traffic flow, it is not considered that is necessary or reasonable to require the provision of a crossing or crossing patrol as part of any permission. Should provision of a crossing patrol become necessary this can be agreed between the school and the City Council as local highway authority, if the need arises

TfL do not object to the submitted Construction Management Plan (CMP) in terms of the impact it would have on the local highway network, which includes part of the TfL Strategic Road Network. A condition, as sought by TfL, is recommended requiring the development to be carried out in accordance with the submitted CMP.

8.4.2 Car Parking

No parking is proposed for the school, church and retail uses and this is not considered to be objectionable and this approach is supported by TfL and the Highways Planning Manager.

A total of 32 car parking spaces are proposed for the residential flats accessed from North Wharf Road at the southern end of the site via a two way ramp. TfL consider that the residential parking proposed is excessive given this site is highly accessible by public transport. However, the Highways Planning Manager objects to the level of parking due to the loss of existing residential parking on the site coupled with the low ratio of parking spaces to residential units proposed (0.16 spaces per unit). The Highways Planning Manager is concerned that this will add to pressure on on-street parking as the development would potentially generate up to 71 additional cars based on Hyde Park

Ward car ownership levels of 36%. On street parking occupancy levels have already reached 78% during daytime hours and 63% at night.

In this case; notwithstanding the Highways Planning Managers objection, given the tenure and relatively small size of the units proposed, it is considered that the level of off-street residential parking proposed is acceptable as the car ownership levels that will be experienced are likely to be lower than average. In addition, the applicant has undertaken to provide lifetime (25 year) car club membership for each residential unit. Furthermore, the on-site car parking is to be provided on an unallocated basis to ensure the highest possible usage of these spaces. The unallocated parking and car club membership are to be secured via the unilateral undertaking.

Within the basement 20% of the car parking spaces will be provided with electric charging points, with a further 20% being capable of being converted to provide electric charging in the future. This level of provision is acceptable and in accordance with London Plan policy. A condition is recommended to secure this provision.

The number of disabled parking spaces has been increased following amendment to comprise 11 spaces (i.e. the same number of disabled spaces as there are wheelchair adaptable units following amendment of the residential accommodation). Following this amendment this level of provision is considered to be acceptable and the concerns expressed by TfL and the Mayor have been largely addressed.

8.4.3 Cycle Parking

The scheme includes the provision of 276 cycle parking spaces for the residential units within the basement and this level of provision accords with the relevant London Plan policy and is acceptable.

The school will be provided with 32 parking spaces for staff and 154 spaces for pupils and this level of secure and weatherproof cycle parking well exceeds the level of provision required by the London Plan. The cycle parking for the school is provided to the rear of the site adjacent to the secondary entrance to the school.

A condition is recommended to secure the residential and school cycle parking as proposed in the submitted scheme.

The Highways Planning Manager notes that no weatherproof and secure cycle parking is proposed for the church or the retail unit. TfL are concerned that changing and showering facilities should be indicated for staff of the church and retail units. A condition is recommended showing such provision within the development (i.e. cycle storage should not on the public highway/ on the private forecourt); albeit, given the nature of the church use, it is not considered that dedicated showering and changing facilities are required in association with this use.

8.4.4 Servicing

Policy TRANS 20 in the UDP and Policy S42 in the City Plan require the provision of on-site servicing and this will be provided to the rear, accessed from Dudley Street. In principle the Highways Planning Manager does not object to the proposed arrangement,

but he has concerns about the need to prevent the use of the servicing bay at the beginning and end of the school day and how the gates to this area will be managed to prevent obstruction. A condition is recommended to secure a servicing management plan, which identifies how the servicing area will be managed to ensure there is not a conflict between the operation of the school and the operation of the servicing area serving both the school and other uses within the development.

The proposed school requires a coach drop off and collection facility and this is proposed in the form of a layby that can accommodate two coaches on North Wharf Road. The coach layby is required to allow for several coach movements per day, principally in relation to off-site sports activities. The provision of the coach layby would result in the loss of five residents bays currently in the same location. However, these can be reprovided elsewhere on the east side of North Wharf Road as the existing entrance to Dudley House would be removed as part of the development. The provision of the amended highway layout will need to be provided at the applicant's cost and full details of the highway works and their provision will need to be secured via the unilateral undertaking accompanying the scheme.

8.4.5 Highway Works

The proposed development involves significant amendment to the relationship of the building on this site to the public highway and as set out in 8.4.4, the layout of the public highway itself will need to be amended to accommodate the requirements of the development in terms of servicing and parking. The alignment of the proposed building will also necessitate dedication of new highway land along North Wharf Road to ensure sufficient width of footpath would be maintained. Amendments to on-street parking and highway layout will necessitate Traffic Management Orders. These highway alterations and works will need to be secured via the unilateral undertaking.

The South East Bayswater Residents Association (SEBRA) and PRACT suggest that £250,000 should be provided for public realm improvements outside the site in Harrow Road. However, the provision of wholesale relandscaping of the highway land outside the site in Harrow Road is not necessary to make the development acceptable in public realm terms. Accordingly it would not be reasonable to require a financial contribution of the scale suggested by SEBRA and PRACT. As per the previously approved scheme, it is recommended that the highway works required in connection with the scheme include the provision of works to improve the public realm in Harrow Road outside the site; however, this would be limited to renewal of the existing highway arrangement and would not provide for more extensive hard and soft relandscaping.

The Mayor is seeking a financial contribution of £189,000 to enable the provision of a new 27 docking point cycle hire docking station (or alternatively enlargement of the existing docking stations) in the vicinity to mitigate the impact of this and other forthcoming developments in this part of the POA. The applicant has agreed to the provision of this contribution and it is to be secured via the unilateral undertaking.

8.5.6 Travel Plan

A travel plan has been submitted in respect of the proposed school use and this is welcomed by TfL and Mayor. They request that a travel plan is also produced for the

residential and church uses within the development and that the travel plans are secured, monitored and reviewed via the unilateral undertaking.

8.5 Economic Considerations

It is recognised that redevelopment of the site may result in the temporary displacement of existing jobs (which has already occurred due to the vacation of the site pursuant to the CPO), but this will be compensated by the employment opportunities generated during construction and jobs will be created in the replacement retail and social and community units within the scheme.

8.6 Access

All parts of the new building will have step free access at ground floor level with lift access in each core. In addition, 11 disabled parking bays are being provided in the basement car park. The Mayor has asked that these are allocated to blue badge holders, but this is considered to be a management function and not a matter that can reasonably be controlled by the City Council as local planning authority. An informative is recommended to advise the applicant that blue badge holders should be prioritised when allocating the disabled parking bays. Overall the scheme is considered to comply with Policy DES1 in the adopted UDP and Policy S28 in the City Plan in terms of accessibility.

The adaptability of the residential accommodation itself for future use by wheelchair users is dealt with in Section 6.1 of this report and the provision of disabled parking is considered in Section 6.4.

8.7 Other UDP/ Westminster City Plan Policy Considerations

8.7.1 Archaeology

The views of Historic England are awaited. This site is located outside the area of special archaeological priority for the Paddington and Lilestone villages, and therefore it is unlikely that this site has any significant archaeological potential.

8.7.2 Air Quality

Whilst an air quality assessment has been carried out and submitted with the application, the Mayor is concerned that the submitted assessment does not include emissions from increases in traffic movements associated with the development. Given this, and as the assessment does not assess the development using the 'air quality neutral' assessment for building and traffic emissions, required by Policy 7.14 in the London Plan, further information on the air quality impact of the development is required. The applicant is in the process of re-assessing the impact of the development to address the Mayor's concerns and this will be reported to the Committee verbally.

In terms of the air quality for future residents and users of the development (i.e. users of the school and church), mitigation measures will be required on the lower floors of the building between ground and 10th floors as they are closest to the poor air quality along the Westway (A40) and Harrow Road. It is proposed to provide mechanical ventilations with treatment filters that would prevent exposure of future residents to nitrogen dioxide levels

that exceed the annual mean standard for nitrogen dioxide. A condition is recommended to ensure the proposed mechanical ventilation and filtration system is installed prior to the occupation of the relevant part of the development.

8.7.3 Contaminated Land

The applicant's Geoenvironmental Report identifies that adjoining sites were historically used for fuel storage and there is therefore a minimal risk of 'migration' of hydrocarbons. However, given the proposed redevelopment scheme comprises site wide excavation with any contaminated soil removed from the site the risk to future occupier, end users and construction workers from contaminated land is low and, subject to the comments of Environmental Health, mitigation beyond that contained within the proposed development is not required.

8.7.4 Extract Ventilation for the Retail Unit

The scheme includes a full height kitchen extract flue that would terminate at roof level so as to remove all cooking odours should the retail unit be used for Class A3 restaurant or café purposes. This would avoid odour nuisance to residents of the development and neighbouring buildings in accordance with Policy ENV5 in the UDP and S29 and S31 in the City Plan.

8.7.5 Flood Risk

A Flood Risk Assessment has been undertaken in respect of this proposal which concludes that this area is within Flood Zone 1 and therefore has a low risk of flooding.

The proposed development incorporates sustainable drainage measures in the form of run off tanks to attenuate water flow in to the sewerage system. A condition is recommended to secure these sustainable urban drainage measures, which accord with S30 in the City Plan and Policy 5.13 in the London Plan.

Surface water flooding has been recorded in North Wharf Road, but detailed mapping demonstrates that this has not occurred on or immediately adjacent to the application site. As such, it is not considered that additional measures are necessary as part of this development to deal with this issue.

The Mayor has also questioned why a green roof cannot be provided in combination with photovoltaic panels at roof level and whether planting on terraces could be used to maximise water attenuation. A condition is recommended requiring the provision of a green roof at main roof level and the details of irrigation will be sought as part of the landscaping details to be secured by condition in respect of the roof terraces.

8.7.7 Waste and Recycling

The Cleansing Manager has raised concern at the proposed use of a tri-separator chute system for waste and recycling. His concerns relate to the potential for the recycling disposed of using such a system to become contaminated, thus reducing the level of recycling from buildings using such a system. The applicant is seeking to address this concern and their response will be reported verbally to the Committee.

The Cleansing Manager has also sought confirmation of the waste and recycling storage to be provided within each flat and the capacity of the waste and recycling storage containers and bulk storage for the residential, school and retail uses. The applicant has clarified that under sink waste and recycling storage is to be provided for each flat and clarification of the main waste and recycling storage has been provided. The Cleansing Managers further comments on the additional information provided will be reported verbally. A condition is recommended to reserve details of the waste and recycling storage facilities and disposal system should this matter not have been fully resolved prior to the committee meeting.

8.7.8 Tables and Chairs on the Highway

A condition is proposed to restrict the future placing of tables and chairs on the private forecourt of the ground floor retail unit given the proximity of the residential flats above.

8.8 London Plan

The application is referable to the Mayor given it is a development over 30 metres in height. The Mayor has advised in his 'Stage 1' response received on 25 February 2016 (see background papers) that as initially submitted (i.e. prior to amendments referred to elsewhere in this report), the application does not comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report.

The applicant has met with GLA officers to discuss their key concerns in respect of the quality of accommodation and the quality of the proposed facing materials. Any formal views of the Mayor on the amended scheme will be reported verbally to Committee.

If Committee resolve to grant permission for the redevelopment, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

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

The planning obligations are considered to be compliant with the policy requirements set out in the adopted City Plan, the UDP and the Planning Obligations SPG (2008). In arriving at the recommended package of planning obligations as set out in the Community Infrastructure Regulations 2010 (as amended), they must be a) necessary to make the development acceptable in planning terms; b) directly related to the development and c) fairly and reasonably related in scale and kind to the development.

If Committee is minded to grant permission, a unilateral undertaking will be required to secure the heads of terms set out in the recommendation. The heads of terms to be sought are as follows:

- a) The provision of all of the residential accommodation as intermediate affordable housing units at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016.**

As set out in Section 6.1 it is necessary for all of the residential accommodation within the development to be provided as intermediate affordable sub-market rent units to justify the departure from adopted policy in terms of the mix of units and the tenure split. The affordability should also be set to justify the mix of smaller studio, one bedroom and two bedroom units.

- b) Provision of lifetime car club membership (25 years) for each residential unit in the development.**

Given the shortfall in on-site residential car parking within the development it is necessary for the increased pressure on on-street parking to be mitigated by the provision of one membership per residential unit for a period of not less than 25 years.

- c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat).**

Given the shortfall in on-site residential parking the provision of the spaces proposed on an unallocated basis will ensure the maximum usage of the spaces available; thereby limiting the impact of the development on the availability of on-street parking.

- d) Provision, monitoring and review of residential, school and church travel plans.**

As requested by the Mayor, the travel plans aim to reduce the reliance on private vehicles and promote other transport modes.

- e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place.**

The development is reliant on the proposed amendments to the public highway to provide school servicing and relocated residents on-street parking. The dedication of highway land is required to ensure an acceptable width of footway is provided along the east side of North Wharf Road.

- f) Provision of a financial contribution of £5,000 (index linked) to provide replacement street trees in the vicinity of the application site.**

Contribution required to mitigate the loss of four street trees and one tree on the application site which are to be lost as part of the development.

- g) Provision of a financial contribution of £189,000 (index linked) towards provision of an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site.**

As requested by the Mayor, this contribution would contribute to limiting car use in relation to the development thereby lessening pressure on on-street residents parking.

h) Provision of a financial contribution of £25,000 (index linked) towards improvements to the public open space adjacent to the canal basin (i.e. towpath improvement works).

The proposed development triggers a requirement under the 'Planning Obligations' SPG (2008) to provide a contribution to open space provision and the site is located within an area defined in the City Plan as being deficient in open space. In this context the financial contribution requested by the Canal and River Trust to enable improvement of the canal side towpath in the vicinity of the site is considered to be necessary and reasonable and would ensure that the development contributes to improvements to the Blue Ribbon Network, which forms an important part of the available open space available to future residents and users of the development in this part of the City.

i) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction.

This contribution will allow for monitoring of the development site during construction by the Environmental Inspectorate and Environmental Sciences to ensure that the impact of construction on neighbouring residents and the local highway network will be limited. The value of this contribution will be confirmed following the receipt of comments from these consultees.

j) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network.

As set out in section 8.11.1, the clause will maximise the opportunity for the formation of a district heat or power network within the POA. This clause is consistent with similar requirements imposed on other developments in this part of the basin and was imposed in granting permission for the 2012 scheme for redevelopment of this site.

k) Payment of cost of monitoring the agreement (£500 per head of term).

To fund the Section 106 Monitoring Officer to monitor the agreement to ensure that the applicant complies with the undertakings they have given.

8.11 Environmental Impact Assessment

The City Council previously issued a screening opinion in respect of the redevelopment scheme approved in March 2012 (11/06435/COFUL) and that concluded that the previously approved scheme would not have such significant environmental effects to require an Environmental Impact Assessment (EIA). Since the determination of the previously approved scheme the thresholds, above which an EIA may be required in respect of Urban Development Projects, have been relaxed by virtue of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

The proposed development, though larger than previously approved, would not include more than 1 hectare of non-residential urban development; would not provide more than 150 additional residential units; nor does the overall area of the development exceed 5 hectares.

This proposal does though include the construction of a tall building comprising 22 storeys and therefore its environmental impacts, nevertheless need to be examined. In this case, the key issues are the impact on the amenities of the flats in neighbouring the site to the east facing Harrow Road and Hermitage Street and impact on the townscape, and these matters have been dealt with in detail earlier in this report. It is not considered that a 22 storey tower element, at the corner of Harrow Road and North Wharf Road, would have adverse impacts on the microclimate and wind conditions. These impacts have been modelled and assessed by the applicant and these assessments do not identify any significant concerns in respect of the environment at the base of the building in these regards.

8.11.1 Sustainability

The residential element of the new development has been designed to achieve Code Level 4 of the Code for Sustainable Homes, as per the previously approved scheme for this site. The non-residential elements, which primarily comprises the new school premises, are to achieve a BREEAM 'Very Good' rating.

The building has been designed with passive cooling measures such as solar control glazing, external shading and brise soleils. The passive measures reduce demand for energy as well as avoiding overheating of the building. The proposed energy strategy is based on the provision of a combined heat and power (CHP) system in combination with photovoltaic panels at roof level of the tower element of the building, which would serve the whole development. The strategy indicates that the building's total annual carbon dioxide emissions will achieve a 40% improvement upon the maximum emissions rates permitted by the Building Regulations.

This proposed energy strategy accords with Policy 5.2 of the London Plan and Policies S39 and S40 in the City Plan. However, the Mayor considers that the provision of the CHP system should be delayed to enable further exploration of connection to a district heat network, with only gas boilers provided in the interim for a period of 5 years. The applicants have though explored the availability of existing district heat networks and the potential to assist in the establishment of a new district heat network; however, there is neither an existing network available, nor have they been able to attract a partner with which to establish a district heat network.

In this context, whilst it is regrettable that the scheme will not deliver a district heat network at the point of completion, it is considered to be unreasonable to require the installation of temporary gas boilers for a 5 year period pending the potential establishment of a communal heat network in that time period elsewhere in the POA. As per the approved scheme it is recommended that the unilateral undertaking accompanying the scheme obliges the developer to enter further discussions with adjoining sites to seek to form a heat and/or power network, but does not require continued discussion necessitating the installation of interim gas boilers. The applicants have confirmed that the scheme will be

designed with the ability to connect to a district heating system in the future and this can be secured by condition.

8.11.2 Biodiversity

This site is located within an area of wildlife deficiency as identified in the City Plan and the nearby Paddington Basin is part of the Blue Ribbon Network in the London Plan and City Plan.

It is accepted that the existing site has very limited habitat and therefore its redevelopment will have a negligible impact on local ecology. The proposed landscaping to the communal roof terraces and to the edges of the site offers the opportunity to ensure that there would be no material worsening of the existing environment. Conditions are recommended to secure hard and soft landscaping, plus the provision of bird and bat boxes to provide mitigation for the reduced landscaping to be provided on the redeveloped site.

The proposal would result in the loss of four street trees and one tree on the application site, with no provision for replacement planting on the site. Whilst the Arboricultural Manager does not object to the loss of these unprotected trees, it is recommended that his concerns regard the lack of replacement tree planting and landscaping on the site are addressed by provision of a financial contribution of £5,000 to allow for replacement tree planting around the site in the public highway in North Wharf Road and Harrow Road. This is to be secured as part of the unilateral undertaking accompanying the scheme.

The applicant has submitted a bat assessment which concludes that whilst bats were recorded foraging in the vicinity of the site during surveys in 2015, there is no direct evidence of roosting bats in the existing Victorian buildings on the site or Dudley House at present. An informative is recommended to remind the applicant that bats are a protected species and should be protected in the unlikely event that they are discovered during demolition or construction works.

The impact on birds and bats, which typically use canals and waterways to navigate and forage for food can be mitigated by a condition requiring the provision of bird and bat boxes as part of the development.

8.12 Other Issues

8.12.1 Construction Impact

Concerns have been expressed regarding the potential impact of construction works in terms of noise and disturbance. A detailed construction management plan (CMP) has been submitted and this sets out how the impacts of construction, such as control of dust and impact of deliveries/ collections on the highway are to be controlled so as to minimise the impact on neighbouring residents and the operation of the local highway network. The submitted CMP conforms with the best practice set out in Appendix 2 of the 'Basement Development in Westminster' SPD (2014). A condition is recommended to ensure the development is carried out in accordance with the CMP and to control the hours of work to Monday to Friday between 08.00 and 18.00 and between 08.00 and 13.00 on Saturdays. An additional restriction is recommended preventing any noisy works of excavation Saturdays mornings.

TfL have requested that construction deliveries are limited during peak times and an informative is recommended to draw this request to the applicants attention.

8.12.2 Telecommunications /TV Interference

A desk top study has been undertaken to assess the possible impacts to radio and microwave link services as a result of the proposed development given the proposed 22 storey tower. No potential impacts have been identified and it is considered that the development will have a neutral effect on existing wireless and radio communication services.

Another desk top survey has been undertaken to assess any possible impacts on broadcast services in the area. This report concludes that the proposal will have no impact on the reception of digital satellite television services or FM radio. As such, the proposed development is considered to have a neutral impact and no further mitigation measures are necessary at this time.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from the Greater London Authority dated 25 February 2016.
3. Email from Councillor Arzymanow dated 15 January 2016 and response from case officer.
4. Email from Councillor Cox dated 28 January 2016.
5. Email from the St. Marylebone Society dated 13 January 2016.
6. Email from the Notting Hill East Neighbourhood Forum dated 15 January 2016.
7. Email from Paddington Residents' Active Concern on Transport dated 8 February 2016.
8. Letter from the South East Bayswater Residents Association dated 26 February 2016.
9. Letter from the Paddington Waterways and Maida Vale Society dated 4 March 2016.
10. Memo from Children's Services dated 22 December 2015.
11. Email from the Environment Agency dated 29 December 2015.
12. Email from the Designing Out Crime Officer dated 5 January 2016.
13. Letter from Transport for London dated 8 January 2016.
14. Memo from the Cleansing Manager dated 8 January 2016.
15. Memo from the Highways Planning Manager dated 14 January 2016.
16. Letter from the Canal and River Trust dated 15 January 2016.
17. Letter from First on behalf of Great Western Railway dated 22 January 2016.
18. Memo from the Arboricultural Manager dated 10 February 2016.
19. Memo from the Head of Affordable and Private Sector Housing dated 25 February 2016.
20. Letter from occupier of 11 St Mary's Terrace dated 24 December 2015.
21. Letter from occupier of 135 Harrow Road dated 25 December 2015.
22. Letter from occupier of 21 St Mary's Terrace dated 30 December 2015.
23. Letter from occupier of 38 Bark Place dated 30 December 2015.
24. Letter from occupier of Flat 313 Munkenbeck Building, 5 Hermitage Street, dated 1 January 2016.
25. Letter from occupier of Flat 37, 5 Harbet Road, dated 4 January 2016.

26. Letter from occupier of Ground Floor Flat, 13 St Marys Terrace dated 6 January 2016.
27. Letter from occupier of 202 John Aird Court dated 6 January 2016.
28. Letter from occupier of 36 John Aird Court dated 6 January 2016.
29. Letter from occupier of Apartment 108, 135 Harrow Road dated 8 January 2016.
30. Letter from occupier of Flat 407, Montgomery House, 135, Harrow Road dated 8 January 2016.
31. Letter from occupier of Flat 307 Montgomery Court, 135 Harrow Road dated 8 January 2016.
32. Letter from occupier of Apartment 108, 135 Harrow Road dated 10 January 2016.
33. Letter from occupier of Apartment 3, Munkenbeck Building, 5 Hermitage Street, dated 13 January 2016.
34. Letter from occupier of 98 Westbourne Terrace, London dated 28 January 2016.
35. Letter from occupier of 128 John Aird Court, Porteus Road dated 31 January 2016.
36. Applicant's study of proposed 'Gebrik' brick slip cladding system.

Selected relevant drawings

Relevant photomontages and existing and proposed plans, elevations and sections.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS





Proposed North (Harrow Road) Elevation



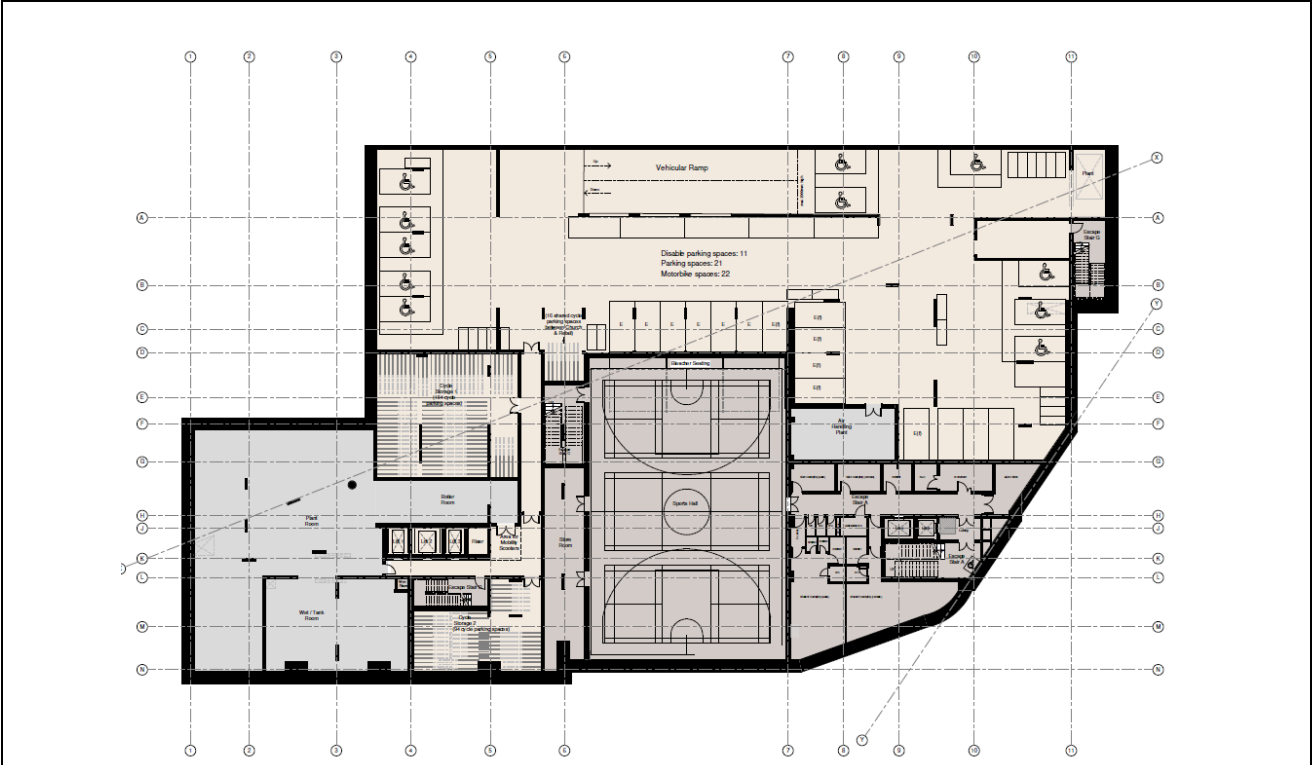
Proposed West (North Wharf Road) Elevation



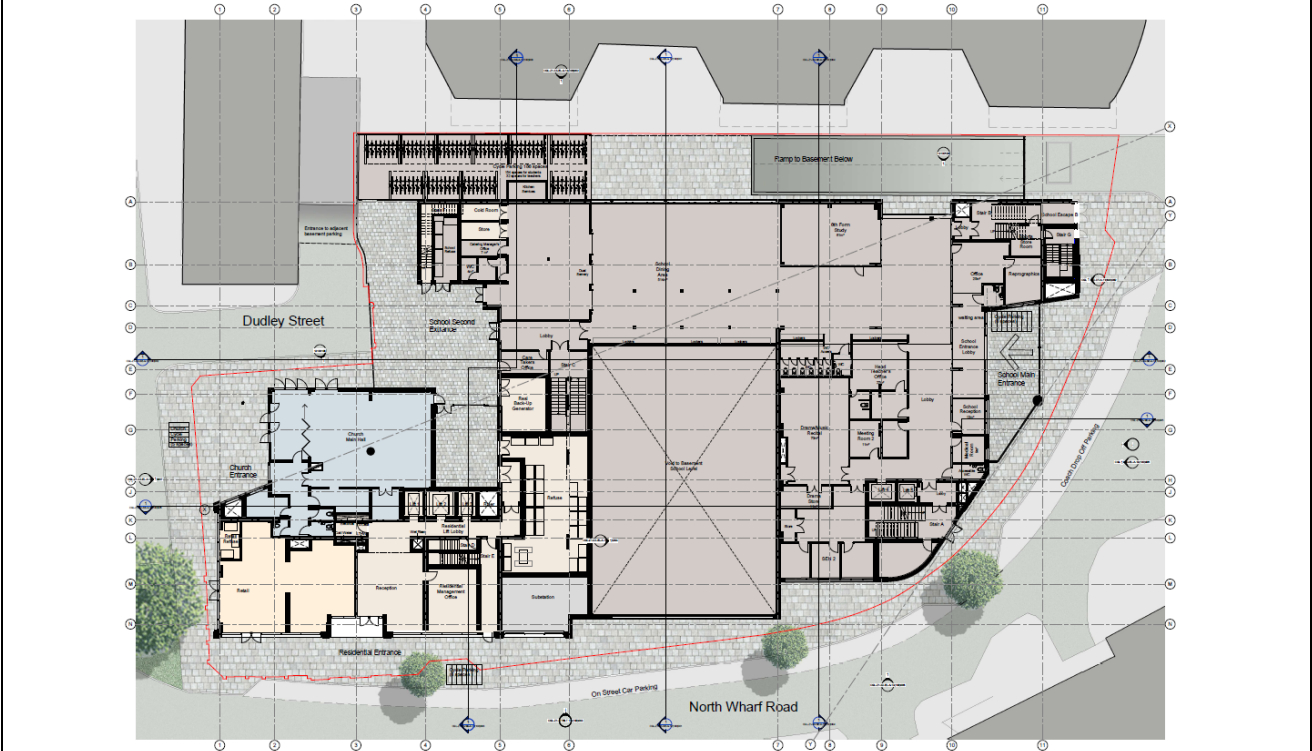
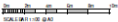
Proposed South (North Wharf Road) Elevation



Proposed East (rear) Elevation



1 PROPOSED BASEMENT PLAN
1:100

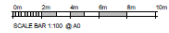


1 GROUND FLOOR PLAN
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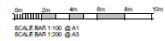


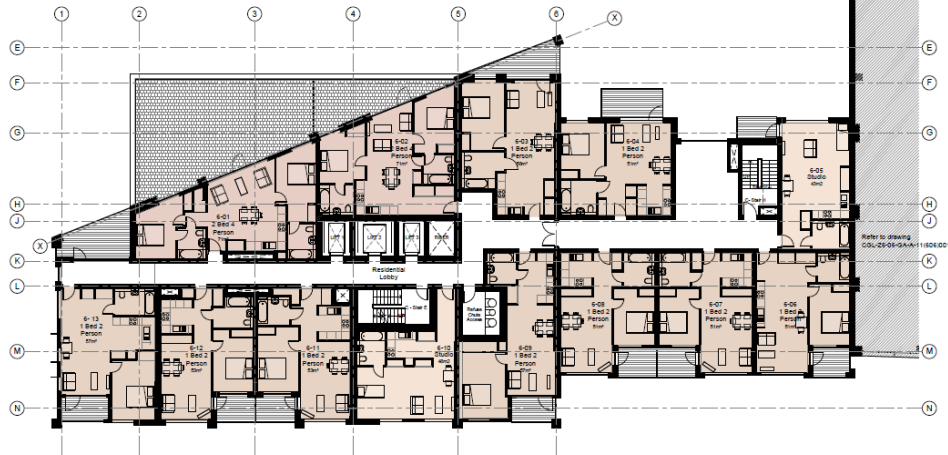


1 PROPOSED FIRST FLOOR PLAN
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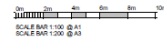


RESIDENTIAL SECOND - FIFTH FLOOR
PLAN
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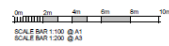


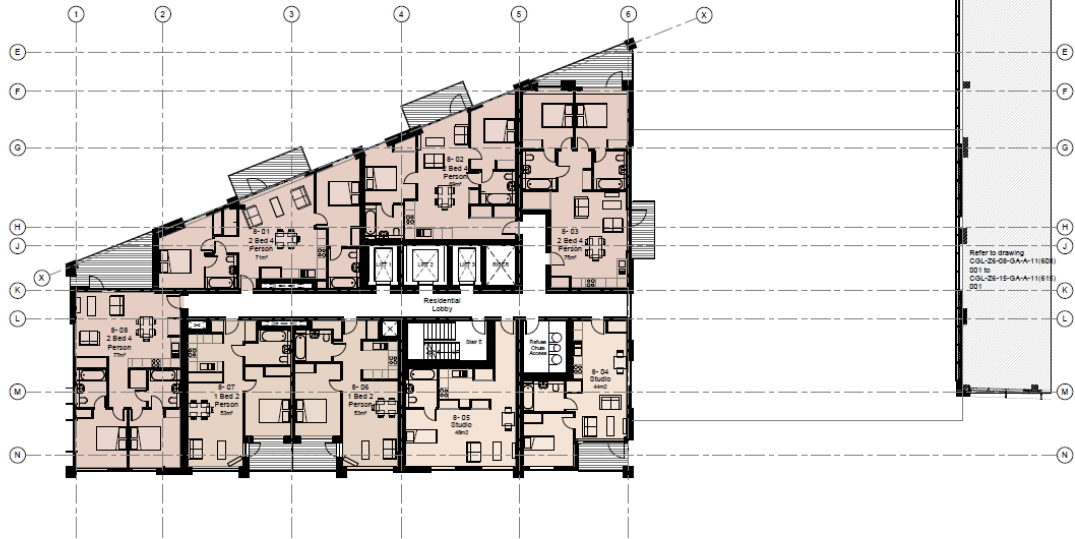


① RESIDENTIAL SIXTH FLOOR PLAN
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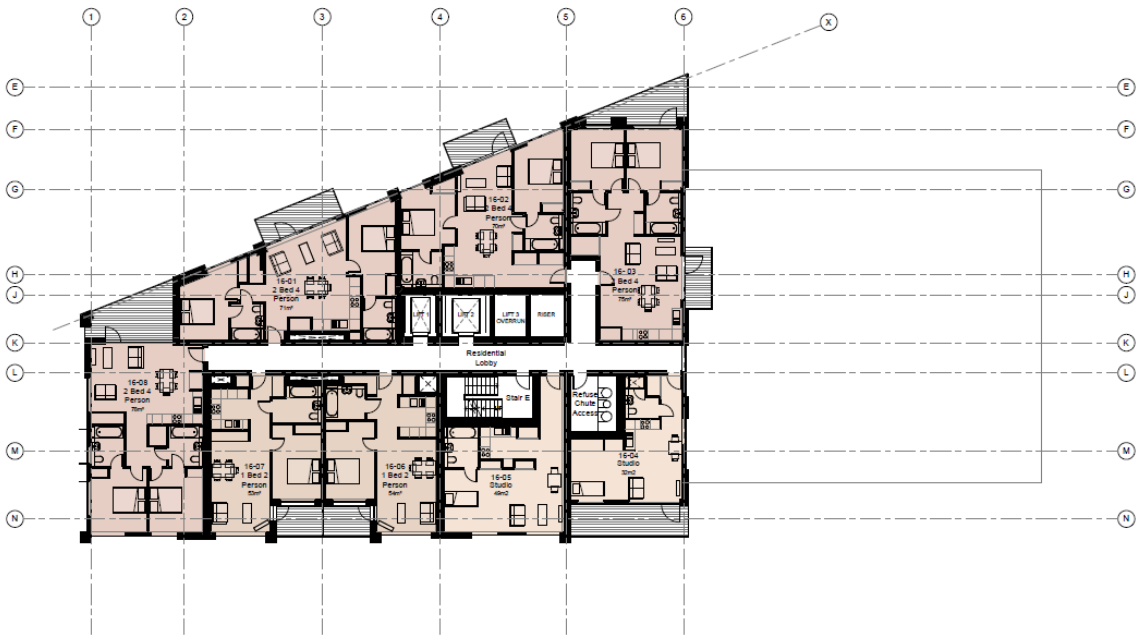
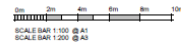


① RESIDENTIAL SEVENTH FLOOR PLAN
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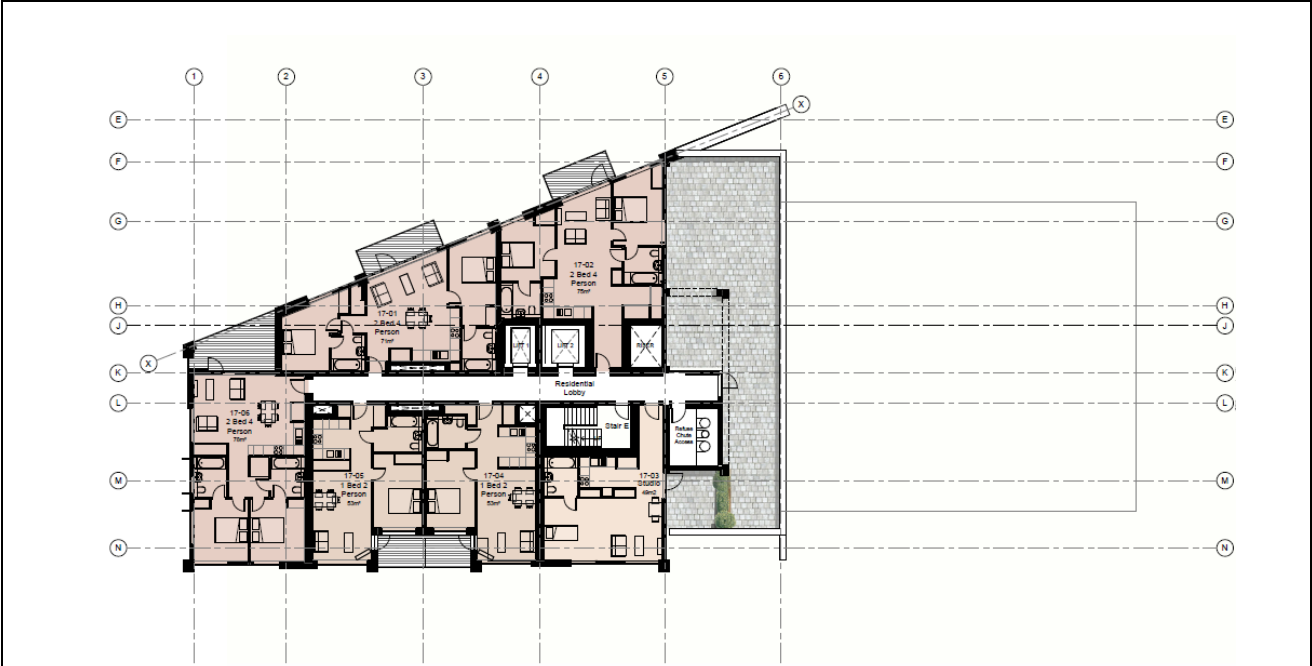




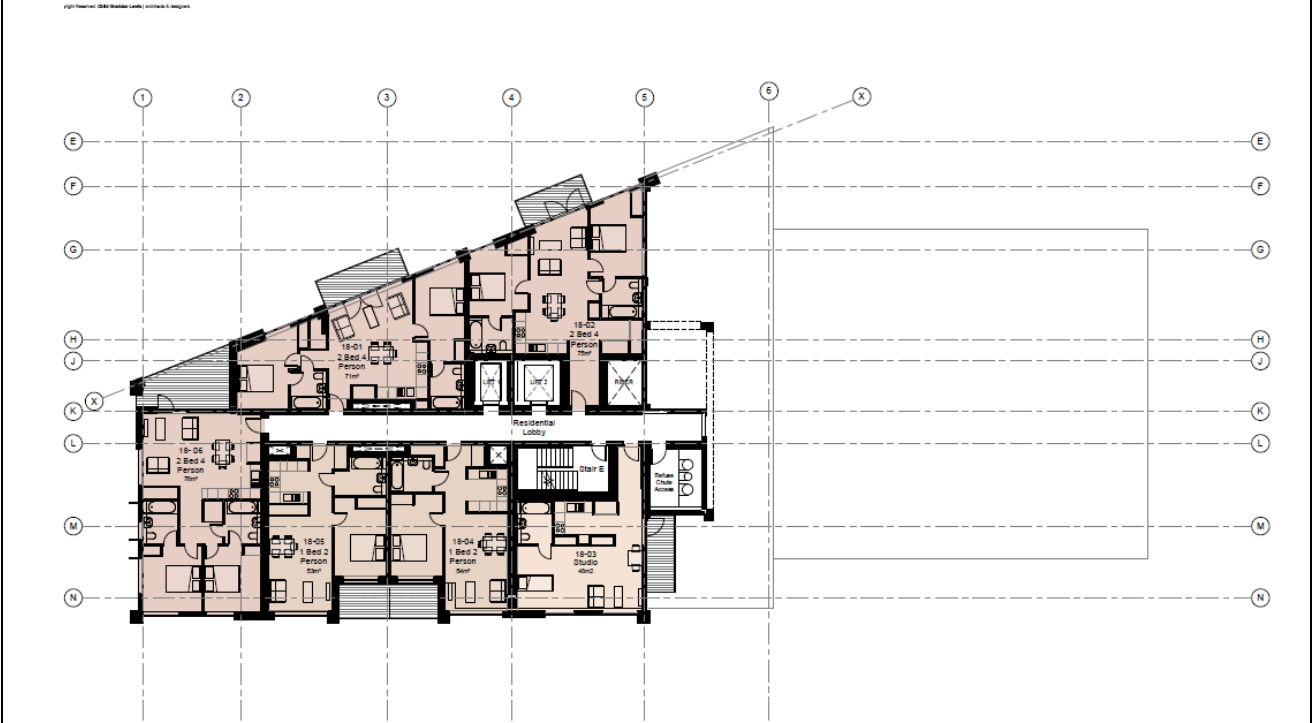
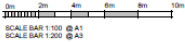
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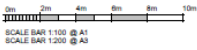
① RESIDENTIAL SIXTEENTH FLOOR PLAN
1:100



1 SEVENTEENTH FLOOR PLAN
1:100



1 EIGHTEENTH - TWENTY FIRST FLOOR PLAN
1:100





DRAFT DECISION LETTER

- Address:** Dudley House, North Wharf Road, London, W2 1LE
- Proposal:** Demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and proposed redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access (Council's Own Development).
- Plan Nos:** E1F, E2F, E3F, E4F, E5F, E6F, E7F, E8F, CGL-Z1-00-DR-A-10(100)001/P1, CGL-Z1-00-DR-A-10(100)002/P3, CGL-Z1-00-GA-A-11(100)001/P3, CGL-Z1-00-GA-A-11(122)001/P2, CGL-Z2-B1-GA-A-11(2B1)001/P2, CGL-Z1-XX-SE -A-12(100)001/P1, CGL-Z1-XX-SE -A-12(100)002/P1, CGL-Z1-XX-SE -A-12(100)003/P1, CGL-Z1-XX-SE -A-12(100)004/P1, CGL-Z1-XX-SE -A-12(100)005/P1, CGL-Z1-XX-EL-A-13(100)001/P2, CGL-Z1-XX-EL-A-13(100)002/P2, CGL-Z1-XX-EL-A-13(100)003/P2, CGL-Z1-XX-EL-A-13(100)004/P2, CGL-Z1-XX-EL-A-13(100)005/P2, CGL-Z1-XX-EL-A-13(100)006/P2, CGL-Z3-00-GA-A-11(300)001/P3, CGL-Z4-01-GA-A-11(401)002/P3, CGL-Z5-02-GA-A-11(502)001/P3, CGL-Z5-06-GA-A-11(506)001/P3, CGL-Z5-07-GA-A-11(507)001/P2, CGL-Z5-08-GA-A-11(508)001/P2, CGL-Z5-16-GA-A-11(516)001/P2, CGL-Z5-17-GA-A-11(517)001/P2, CGL-Z5-18-GA-A-11(518)001/P2, CGL-Z5-22-GA-A-11(5RF)001/P1, CGL-Z5-XX-DT-A-11(500)001/P1, CGL-Z5-XX-DT-A-11(500)002/P1, CGL-Z5-XX-DT-A-11(500)003/P1, CGL-Z5-XX-DT-A-11(500)004/P1, CGL-Z5-XX-DT-A-11(500)005/P1, CGL-Z5-XX-DT-A-11(500)006/P1, CGL-Z5-00-GA-A-11(500)001/P1, CGL-Z5-00-GA-A-11(500)002/P1, CGL-Z5-00-GA-A-11(500)003/P2, CGL-Z5-00-GA-A-11(500)004/P2, CGL-Z5-00-GA-A-11(500)005/P2, CGL-Z5-00-GA-A-11(500)006/P2, CGL-Z5-00-GA-A-11(500)007/P2, CGL-Z5-00-GA-A-11(500)008/P2, CGL-Z5-00-GA-A-11(500)009/P2, CGL-Z5-00-GA-A-11(500)010/P2, CGL-Z5-00-GA-A-11(500)011/P2, CGL-Z5-00-GA-A-11(500)012/P2, CGL-Z5-00-GA-A-11(500)013/P2, CGL-Z5-00-GA-A-11(500)014/P2, CGL-Z5-00-GA-A-11(500)015/P2, CGL-Z5-00-GA-A-11(500)016/P1, CGL-Z5-00-GA-A-11(500)017/P1, CGL-Z5-00-GA-A-11(500)018/P1, CGL-Z5-00-GA-A-11(500)019/P2, CGL-Z5-00-GA-A-11(500)020/P2, CGL-Z5-00-GA-A-11(500)021/P2, CGL-Z5-00-GA-A-11(500)022/P2, CGL-Z5-00-GA-A-11(500)023/P1, CGL-Z5-00-GA-A-11(500)024/P1, CGL-Z5-00-GA-A-11(500)025/P1, CGL-Z5-00-GA-A-11(500)026/P1, CGL-Z5-00-GA-A-11(500)027/P1, CGL-Z5-00-GA-A-11(500)028/P1, CGL-Z3-00-GA-A-11(300)002/P3, CGL-Z4-01-GA-A-11(401)001/P3, GL-Z4-01-GA-A-11(401)003/P2, CGL-Z6-02-GA-A-11(602)001/P1, CGL-Z6-03-GA-A-11(603)001/P1, CGL-Z6-04-GA-A-11(604)001/P1, CGL-Z6-05-GA-A-11(605)001/P1, CGL-Z6-06-GA-A-11(606)001/P1, CGL-Z6-07-GA-A-11(607)001/P1, CGL-Z6-08-GA-A-11(6RF)001/P1, CGL-Z6-XX-DT-A-11(600)001/P1, CGL-Z6-XX-DT-A-11(600)002/P1, CGL-Z3-00-GA-A-11(300)003/P1, Topographical Survey (21391 'Sheet 1'), Design and Access Statement dated October 2015,

Planning Statement dated December 2015, Daylight and Sunlight Report dated 29 October 2015, Construction Management Plan dated 28 October 2015, Air Quality Assessment dated October 2015, Transport Assessment dated November 2015, School Travel Plan dated November 2015, Noise Impact Assessment dated October 2015, Archaeological Desk-Based Assessment dated June 2011, Wind Comfort Study dated 26 October 2015, Code for Sustainable Homes Assessment dated 26 October 2016 (Rev.1), BREEAM Assessment dated 28 October 2015 (Rev.1), Energy Statement dated 23 October 2015, Arboricultural Report (ref: JTK/8986/so) and drawings 8968/01 and 8968/02, Preliminary Ecological Assessment dated September 2015, Bat Survey dated September 2015, Phase 2 Geoenvironmental Desk Study Report (October 2015), Structural Report dated October 2015, Baseline Television and Radio Signal Survey and Reception Impact Assessment dated 14/10/15, Impact Assessments on Local Telecommunications Infrastructure and Wireless Communications Networks dated 23/10/15, Refurbishment Survey Report to Specific Areas of 141 Harrow Road (Issue: December 2015), Flood Risk Assessment dated October 2015 (as supplemented by email from WYG (Lisa Skinner) dated 10 March 2016 and Statement of Community Involvement dated 3 November 2015.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

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

Reason:

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

- 2 Except for basement excavation work, 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.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

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 You must carry out the development including any works of demolition, in accordance with the submitted construction management plan prepared by Willmott Dixon dated 28 October 2015 unless you apply to us and we approve an alternative construction management plan prior to commencement of development, including works of demolition. If we approve an alternative construction management plan you must then carry out the development, including any works of demolition, in accordance with the alternative construction management plan we approve.

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.

- 4 You must install the tree protection measures shown on drawing 8968/02 prior to the commencement of development and you must maintain the tree protection measures throughout the period of construction of the development.

Reason:

To make sure that the trees and shrubs on the site are not damaged by traffic. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31BC)

- 5 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:

- (a) The roof level protective fencing and roof around the roof level play area.
- (b) Typical elevations and sections showing the detail of the ground floor street facades to the church, retail unit, residential entrance and school (at 1:20 or larger).
- (c) Typical windows and doors to the school and residential block including reveal depth and detail (at 1:10 or larger).
- (d) Typical balcony details to the residential block.
- (e) Ground floor elevation of the sub-station facade and entrance (at 1:20 or larger).
- (f) Typical elevation of the railings to the school entrance (at 1:10 or larger).
- (g) Elevations of gates and railings to the rear of the site and to the servicing area (at a scale of 1:20 or larger).
- (i) Typical bay elevations showing structural and cladding joints (at a scale of 1:20 with larger details).

(j) Details of ventilation and other services terminations at façade.

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. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of a scheme of public art as described in the Design and Access Statement. You must not start work on the public art until we have approved what you have sent us. Unless we agree an alternative date by which the public art is to be provided, you must carry out the scheme of public art that we approve according to the approved details within 6 months of occupation of the school part of the development. You must then maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme, which includes the landscaping at ground floor level and to the three roof terraces (details should include details of irrigation to roof terraces, which should be sustainable where possible). The landscaping scheme must include 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 one planting season of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 9 You must use the unit shown in blue and annotated as 'Church Main Hall' on drawing CGL-Z1-00-GA-A-11(100)001/P1 as a church within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) and for no other use within that Use Class. You must provide the unit and make it ready for occupation prior to the occupation of the residential part of the development.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 of our Unitary Development Plan that we adopted in January 2007 and S34 in Westminster's City Plan: Strategic Policies that we adopted in November 2013. (R05AB)

- 10 You must only use the unit shown in orange and annotated as 'Retail' on drawing CGL-Z1-00-GA-A-11(100)001/P1 as a Class A1 retail shop, Class A2 financial or professional service or a Class A3 cafe/ restaurant use.

Reason:

To provide an appropriate use at ground floor level within the Paddington Opportunity Area and to protect the privacy and environment of people in neighbouring properties, as set out in S3, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV6 and SS10 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 11 You must only open the unit annotated as 'Retail' on drawing CGL-Z1-00-GA-A-11(100)001/P1 to customers between 07.00 and 23.00 hours daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and S10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must use the part of the development shown in brown/ beige and annotated as 'School' on drawing CGL-Z1-00-GA-A-11(100)001/P1 as a school within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) and for no other use within that Use Class. You must provide the unit and make it ready for occupation prior to the occupation of the residential part of the development.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 of our Unitary Development Plan that we adopted in January 2007 and S34 in Westminster's City Plan: Strategic Policies that we adopted in November 2013. (R05AB)

- 13 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 A Servicing Management Plan (SMP) shall be submitted to and approved by us prior to the occupation of any part of the development. This approved SMP shall be maintained for the life of the development. The SMP should be a practical document for everyday use and should identify process, storage locations, scheduling of deliveries and staffing arrangements as well as how delivery vehicle size will be managed, including how access and use of the servicing area will be managed so that servicing will not be impeded by use of the adjacent rear access to the school building. The SMP should clearly outline how servicing will occur on a day to day basis. The SMP should be developed with the retail and social and community operators and the

manager of the residential element of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 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)

- 16 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 using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 17 You must provide each cycle parking space shown on the approved drawings (as amended by the details required by Condition 18) prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 in the London Plan (with Further Alterations) that was adopted in March 2015.

- 18 You must apply to us for approval of detailed drawings showing the provision of secure and weatherproof cycle parking for the church and retail uses. The retail cycle parking should also include details of showering and changing facilities. You must not start work on this part of the development until we approve what you send us. You must then carry out the development in accordance with the details that we approve.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 in the London Plan (with Further Alterations) that was adopted in March 2015.

- 19 You must provide at least 11 residential units that are wheelchair adaptable.

Reason:

To ensure the development provides flexible residential accommodation that meets current and future housing need in accordance with Policy S15 in Westminster's City Plan: Strategic Policies dated November 2013.

- 20 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.

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

Reason:

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

- 22 You must install the mechanical ventilation with heat recovery system with nitrogen dioxide filters fitted to air intakes on all floors below 11th floor level, as specified in the submitted Air Quality Assessment. You must not occupy the relevant part of the development until the aforementioned ventilation system and filters have been fitted to that part of the development. Thereafter you must permanently retain the ventilation system and filters.

Reason:

To prevent overheating and to ensure the occupiers and users of the development are not subjected to poor air quality as set out in Policy ENV5 in the Unitary Development Plan we adopted in January 2007, Policy S31 in Westminster's City Plan: Strategic Policies that we adopted in November 2013 and Policy 7.14 in the London Plan (with Further Alterations) dated March 2015.

- 23 (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.

- 24 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.

- 25 You must apply to us for approval of details of the kitchen ventilation system to get rid of fumes in respect of the retail unit, which have been identified for possible Class A3 cafe/ restaurant use. The details must include how it will be built and how it will look and its operational noise level. You must not occupy the retail unit for the Class A3 use allowed by this permission until we have approved what you have sent us and you have installed the kitchen ventilation system according to the approved details. (C14BB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 26 No tables and chairs shall be placed outside the ground floor retail unit unless separate permission has been given by the City Council as local planning authority.

Reason:

In order to safeguard the amenities of the residents above and to allow an assessment in the light of the future occupants of the ground floor units, and in the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies that we adopted in November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 27 The electric car charging points in the basement car park as shown on drawing CGL-Z2-B1-GA-A-11(2B1)001/P1 must be provided prior to occupation of the residential part of the development and thereafter shall be retained.

Reason:

To ensure the development promotes innovative energy technologies and provides parking for electric cars in accordance with Policies 5.8 and 6.13 of the London Plan (with Further Alterations) dated March 2015.

- 28 Notwithstanding the waste and recycling storage and disposal mechanism shown on the drawings hereby approved, you must apply to us for approval of amended details of waste and recycling storage, disposal and collection that will:

- (a) Provide waste and recycling storage within each residential unit.
- (b) Ensure that the chosen disposal system from the residential part of the development would not contribute to increased recycling and avoid the potential for contamination of recyclables.
- (c) Demonstrate that the capacity of container storage for waste and recycling from the residential, school and retail uses at ground floor level is sufficient to meet expected demand.
- (d) Provide clarification of how retail waste and recycling will be collected.

You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone occupying the flats or using the church, school and retail parts of the development. (C14EC)

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)

- 29 You must apply to us for approval of detailed drawings indicating the location, number and type of bird and bat boxes to be incorporated within the development. You must then install these boxes on the development in accordance with the details we approved. The boxes shall be installed prior to the occupation of the residential part of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 30 You must provide the energy centre at basement level as shown on drawing CGL-Z2-B1-GA-A-11(2B1)001/P1 prior to the occupation of any part of the development. Thereafter you must maintain the energy centre in the location shown on the aforementioned drawing for the lifetime of the development and operate the energy strategy for the development in accordance with the Energy Statement dated 23 October 2015.

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. (R44AC)

- 31 The scheme shall be designed to allow the development to be connected to a district heating system at a later date and you must submit details of this ability to facilitate a future connection to us for approval. You must not occupy the school part of the development until we have approved the details that you send us and you must not occupy the residential part of the development until the development has been built in accordance with the approved details.

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. (R44AC)

- 32 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.

- The photovoltaic panels at roof level on the residential and school parts of the development.

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 33 The roof that you install at main roof level, in combination with the photovoltaic panels on the roof of the residential tower, must be a sedum green roof. You must retain the sedum green roof for the lifetime of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 34 You must carry out the development in accordance with the Surface Water Drainage Strategy set out in Section 7 of the Flood Risk Assessment dated October 2015. The measures forming part of the Surface Water Drainage Strategy shall be retained for the lifetime of the development.

Reason:

To provide sustainable urban drainage in accordance with Policy 5.13 in the London Plan (with Further Alterations) dated March 2015.

- 35 The school premises hereby approved shall achieve a BREEAM 'Very Good' rating.

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. (R44AC)

- 36 You must apply to us for approval of details of the children's playspace/ equipment to be provided as part of the landscaping to the first floor communal terrace. You must not start work on this part of the development until we have approved what you send us. You must then carry out the development in accordance with the details we approve and you must not occupy the residential part of the development until the playspace/ equipment has been installed.

Reason:

To ensure that the development provides play and information recreation space for children in accordance with Policy SOC6 in the Unitary Development Plan we adopted in January 2007 and Policy 3.6 in the London Plan (with Further Amendments) published March 2015.

- 37 You must apply to us for approval of full details of a scheme of community use for the school premises. The scheme should include:

- * the type of uses and activities;
- * details of a pricing policy;
- * typical number of users;
- * the exact locations within the school where these are to take place;
- * the opening hours for evening and weekend use throughout the whole year and any plans for use outside of school terms;
- * operational details, management responsibilities and a mechanism for review.

You must not occupy the school premises until we approve what you have sent us and you must then operate the community uses in accordance with the details that we have approved, unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To ensure the provision of facilities to meet local community needs as set out in SOC3(A) of our Unitary Development Plan that we adopted in January 2007 and Policy 3.18 in the London Plan (with Further Amendments) published in March 2015.

- 38 You must provide a maximum of 197 residential units, as shown on the drawings hereby approved, and not less than 187 residential units within the building. If the number of units is to be reduced below the maximum number of residential units hereby approved you must apply to us for approval of amended drawings showing the revised layout of the residential accommodation. You must not alter the number of units in the building before we have approved the details that you send us. You must then amend the layout of the residential accommodation in accordance with the amended drawings that we approve.

Reason:

To ensure that the development optimises the delivery of residential accommodation that is of a good standard and provides a range of residential accommodation in terms of unit sizes in accordance with S14 and S15 in Westminster's City Plan: Strategic Policies that we adopted in November 2013, H5 in the Unitary Development Plan that we adopted in January 2007 and Policy 3.5 in the London Plan (with Further Alterations) published in March 2015.

- 39 You must apply to us for approval of detailed drawings showing the privacy screening to be provided around the perimeter of the first floor roof terrace and between the roof terrace and the first floor flats that face directly on to the roof terrace. 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. The privacy screens/ barriers that we approve must be installed prior to the occupation of the residential part of the development and thereafter permanently retained. (C26DB)

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)

- 40 The roof top external school play area hereby approved shall only be used between 07.00 and 19.00 hours daily.

Reason:

To safeguard the amenity of neighbouring residential occupiers from noise disturbance in the evenings and late at night. 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.

- 41 You must apply to us for approval of a management plan, which sets out how the arrival and departure of pupils from the school site will be managed so that vehicular and pedestrian congestion on the public highway is minimised. The management plan should include measures to stagger the arrival and departure of pupils from the school and provide full details of any coaches and other vehicular movements expected in connection with the arrival and departure of pupils. You must not occupy the school premises until we have approved the management plan that you submit. You must then operate the school in accordance with the approved management plan unless or until we approve an alternative management plan.

Reason:

In the interests of public safety 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. (R24BC)

- 42 Notwithstanding the brick slip panel system shown on the drawings, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: A revised form of brick construction to all parts of the development which avoids the use of brick slips. You must not start on these parts of the work until we have approved a sample panel of the revised construction, which also demonstrates, bond(s), finish(es), pointing and mortar. You must then carry out the work according to the approved sample. You must then carry out the work according to these detailed drawings and sample. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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 In respect of Condition 3, you are advised that if you chose to submit an alternative construction management plan, it must include the following details (where appropriate):
- (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.
- 4 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)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 8 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. (154AA)
- 9 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:
- Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk
- 10 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 11 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 12 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site

neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 13 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 14 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)
- 15 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

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

- 16 This permission is governed by a Unilateral Undertaking from the applicant under Section 106 of the Town and Country Planning Act 1990. The Undertaking relates to:

- a) The provision of all of the residential accommodation as intermediate affordable housing units at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016.
 - b) Provision of lifetime car club membership (25 years) for each residential unit in the development.
 - c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat).
 - d) Provision, monitoring and review of residential, school and church travel plans.
 - e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place.
 - f) Provision of a financial contribution of £5,000 to provide replacement street trees in the vicinity of the application site.
 - g) Provision of a financial contribution of £189,000 (index linked) towards provision of an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site.
 - h) Provision of a financial contribution of £25,000 (index linked) towards improvements to the public open space adjacent to the canal basin (i.e. towpath improvement works).
 - i) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction.
 - j) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network.
 - k) Payment of cost of monitoring the agreement (£500 per head of term).
- 17 You are advised that the use of the disabled parking bays within the basement should be prioritised for blue badge holders and those persons living in wheelchair adapted flats within the development.
- 18 TfL request that construction deliveries are made outside of peak hours therefore between 10am and 4pm so that the impact on the adjacent TfL road network is limited.
- 19 TfL recommend that construction vehicles are registered to TfL's Freight Operator Recognition Scheme (FORS) to ensure pedestrian and cyclist safety.

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Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 March 2016	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	230 Vauxhall Bridge Road, London, SW1V 1AU,		
Proposal	Use of the first, second, third, fourth and part fifth floor levels as 13 residential units (Class C3) and reconfiguration of three existing residential units at fifth and sixth floor level. Use of basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). Extension of the existing plant room and staircore at sixth floor level fronting King's Scholar Passage, new entrance and alterations to fenestration.		
Agent	Mr Teddy Laurence		
On behalf of	Dr Khalid Bin Thani Al Thani		
Registered Number	15/07260/FULL	Date amended/ completed	7 August 2015
Date Application Received	7 August 2015		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> a) A financial contribution of £683,060 (index linked and payable on commencement of development) towards the Council's affordable housing fund; b) Car club membership for each residential flat for 25 years; c) The costs of monitoring the S106 legal agreement. <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director

of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

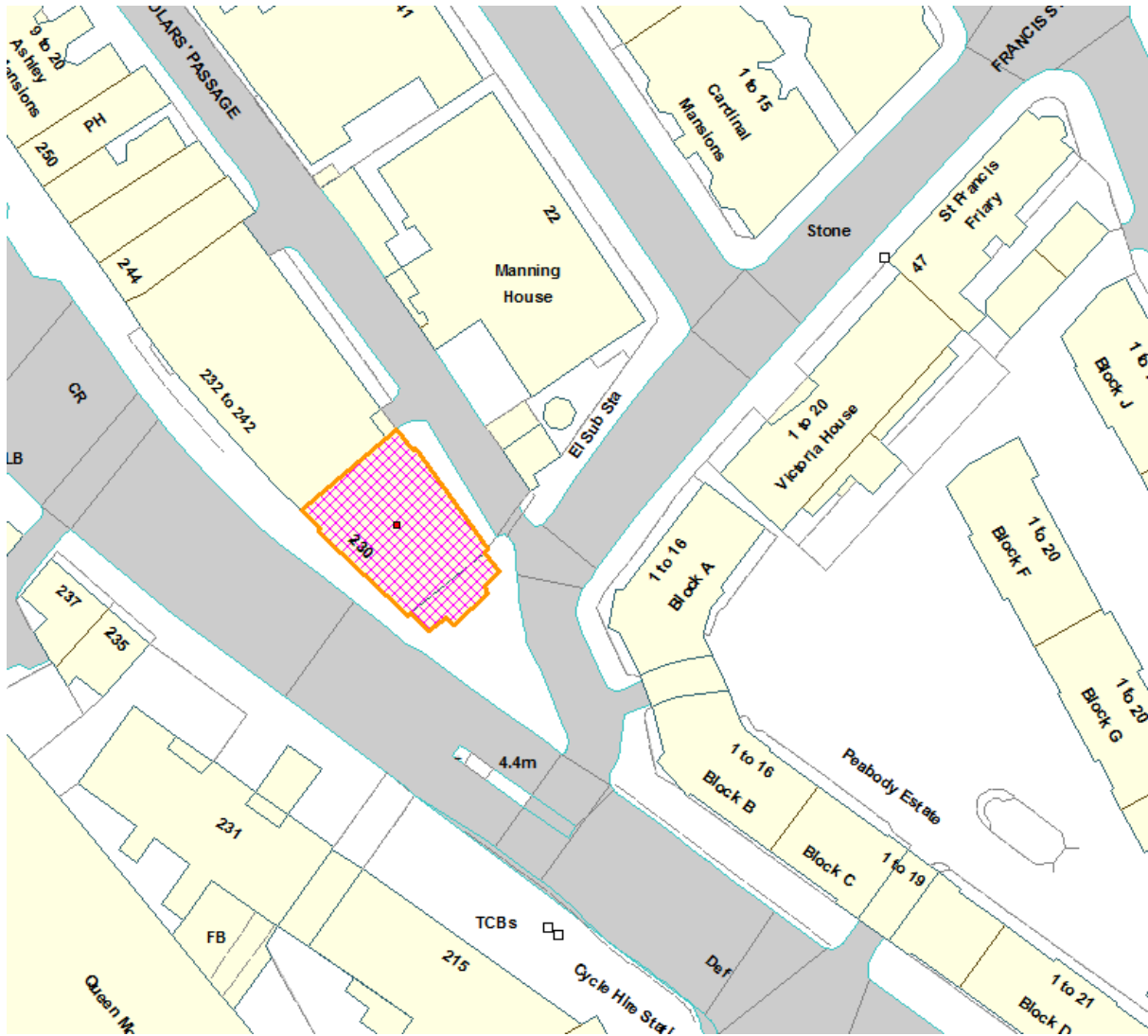
This application was reported to the Planning Applications Sub-Committee on the 9 February 2016 where the item was deferred for a site visit by members to assess the impact of the proposals on the adjoining conservation area, parking, servicing and the use of King's Scholars Passage. A site visit has been arranged for the 15 March 2016.

The additional comments from the Cathedral Area Residents' Association regarding car parking permits and servicing are noted. The Highways Planning Manager does not object to the proposal and considers that the any additional on-street parking generated can be absorbed into the surrounding street network. The detailed servicing arrangements are not yet known therefore it is recommended that a servicing management plan is secured by condition. Given that the building is already in commercial use, the future servicing arrangements are likely to be less onerous than existing.

Environmental health officers consider that the proposed plant is likely to comply with our standard noise policies in terms of impact on surrounding residential properties. However a condition to secure a supplementary noise report to ensure that future occupiers are not affected by noise is recommended.

The applicant has confirmed in their letter dated 15 February 2016 that they are not proposing to demolish the building therefore the infrastructure in King's Scholars Passage will not be affected.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Consultations received following publication of report for 9 February 2016 Planning Applications Committee

WARD COUNCILLORS:

Objection. Proposals will have a detrimental impact on residential amenity for neighbours. The proposals fail to take into account the special nature of the Cathedral Area conservation area and pressure on existing on-street parking in the area. The extension of the sixth floor plant room and extractors will cause noise disturbance to residents. Questions raised over the building infrastructure in Kings Scholars Passage. The level of consultation concerning the proposals raises concerns about attitudes to the conservation area.

CATHEDRAL AREA RESIDENTS ASSOCIATION (CARG)

- Pressure on existing on street parking.
- Residents in application property should not qualify for Resident Parking Permits.
- Increase in retail/restaurant space (292 Vauxhall Bridge Road) would lead to unacceptable delivery vehicle activity in King's Scholar's Passage.

ENVIRONMENTAL HEALTH:

Further comments received relating to noise impact to future occupiers and air quality within the flats. No objections raised but conditions recommended.

6. BACKGROUND PAPERS

1. Application form.

Additional representations received

2. Letter from Vincent Square Ward Councillors received 9 February 2016.
3. Letter from the Cathedral Area Residents Group dated 7 February 2016.
4. Memorandum from Environmental Health dated 1 February 2016.
5. Letter Urbanauts Consultancy Ltd on behalf of the applicant dated 15 February 2016.

Previous representation received

5. Memorandum from Westminster Society dated 15 September 2015.
6. E-mail from Transport for London dated 2 October 2015.
7. Memorandum from Environmental Health dated 3 September 2015.
8. Memorandum from Highways Planning dated 15 September 2015.
9. E-mail from the Chairman of Morpeth Mansions Ltd, Morpeth Terrace, SW1P 1ET dated 27 September 2015.
10. E-mail from the Chairman of Carlisle Mansions East, Carlisle Place, SW1 dated 28 September 2015.
11. E-mail from the Chairman of Cardinal Mansions, Carlisle Place, SW1 dated 28 September 2015.
12. Letter from the Cathedral Area Residents Group, 43 Ashley Gardens, Ambrosden Avenue, SW1P 1QF dated 3 October 2015.
13. E-mail from the residential occupier of 1A Carlisle Place, SW1P 1NP dated 5 October 2015.

14. E-mail from the residential occupier of 23 Carlisle Mansions, SW1 dated 5 October 2015.
15. E-mail from the residential occupier (no address given) dated 5 October 2015.
16. E-mail from the residential occupier (no address given) dated 5 October 2015.
17. E-mail from the residential occupier (no address given) dated 5 October 2015.
18. E-mail from the residential occupier of Carlisle Place, dated 6 October 2015.
19. E-mail from the residential occupier of 2F Carlisle Place, London, SW1P 1NP dated 13 October 2015.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address: 230 Vauxhall Bridge Road, London, SW1V 1AU,

Proposal: Use of the first, second, third, fourth and part fifth floor levels as 13 residential units (Class C3) and reconfiguration of three existing residential units at fifth and sixth floor level. Use of basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). Extension of the existing plant room and staircore at sixth floor level fronting King's Scholar Passage, new entrance and alterations to fenestration.

Reference: 15/07260/FULL

Plan Nos: E01, E02, E03, E04, E05, E06, E07, E08, E09, E10, E11, E12, E13, P01 Rev. A, P02 Rev. A, P03 Rev. A, P04 Rev. A, P05 Rev. A, P06 Rev. A, P07 Rev. A, P08 Rev. A, P09 Rev. A, P10 Rev. A, P11 Rev. A, P12 Rev. A, Full Planning Statement, Design and Access Statement, Noise Impact Assessment Technical Report 22479 R1 prepared by Sound Solution Consultants dated 17 July 2015, Energy Statement and BREEAM Domestic Refurbishment Pre-Assessment Report dated August 2015 Issue 1 prepared by T16 Design, Energy Assessment prepared by Bocca Consulting dated 7 August 2015, SUDS Feasibility Study prepared by Iesis Special Structures dated July 2015 and Air Quality Assessment report prepared by Aether dated August 2015., , For Information Purposes: Construction Management Plan Revision A prepared by Brompton Cross Construction dated July 2015.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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 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.

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

Reason:

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

- 5 You must implement the mitigation measures as specified in the Noise Impact Assessment Technical Report 22479 R1 prepared by Sound Solution Consultants dated 17 July 2015 for the proposed residential units prior to the occupation of the residential units. Thereafter these mitigation measures shall be retained.

Reason:

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

- 6 (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.

- 7 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.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:- removal of the canopies from the ground floor elevation on the Vauxhall Bridge Road and King's Scholar Passage elevation. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 In the event that the Class D1 use is implemented you must only use the basement and ground floor area as a doctor's or dental surgery. You must not use the premises as a substance misuse clinic or a needle exchange clinic. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1 and SOC 5 of our Unitary Development Plan that we adopted in January 2007.

- 11 You must use the property only for A2, D1 or B1 use. You must not use it for any other purpose, including any within Class A1 or A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

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

- 12 You must apply to us for approval of a management plan which includes details of the operational hours, days and capacity of the basement and ground floor area in the event that either the Class D1 or Class A2 is implemented. You must not occupy the basement and ground floor for any of the approved uses until we have approved what you have sent us. You must then manage the premises in accordance with the details approved.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1, SOC 5 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must provide a Construction Logistics Plan prior to the occupation of the site. The plan must include a construction programme, code of construction practice, 24 hour emergency contact number, hours of building work and measures to ensure satisfactory access and movement around the site. 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 minimise the impact of the development construction on the adjoining properties and to protect the environment of people in neighbouring properties. This is set out in STRA 16, STRA 17, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must provide a Delivery and Service Plan prior to the occupation of the site. The plan must include details of all deliveries and servicing of the residential and non-residential uses hereby approved. 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 avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 17 You must apply to us for approval of details of a supplementary acoustic report including an assessment on the proposed residential dwellings within the building demonstrating that the plant hereby approved will comply with the Council's noise criteria as set out in Condition 6 and 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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.

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 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the basement and ground floors can change between the office (Class B1), non-residential institution (Class D1) and financial and professional services (Class A2) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62AA)
- 3 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> , **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 4 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 5 In relation to Condition 15 and 16 the details are required and will be consulted on in conjunction with Transport for London. As Vauxhall Bridge Road is a red route all servicing and deliveries must not take place from Vauxhall Bridge Road.
- 6 You are advised that the means of escape for the sixth floor flat shows the occupiers of the 'Master bedroom' are required to escape via the area of highest risk (the kitchen and living area). The door in the passageway should be relocated so that the kitchen and living area is separated thus providing a protected route for occupiers of the bedroom.

- 7 In relation to Condition 14 the proposed residential use is required to have a total of 21 cycle spaces and the commercial use at basement and ground floor level a total of three cycle spaces.

- 8 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the basement and ground floors can change between the three uses (A2, D1 or B1) we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	230 Vauxhall Bridge Road, London, SW1V 1AU,		
Proposal	Use of the first, second, third, fourth and part fifth floor levels as 13 residential units (Class C3) and reconfiguration of three existing residential units at fifth and sixth floor level. Use of basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional services (Class A2). Extension of the existing plant room and stair core at sixth floor level fronting King's Scholars' Passage, new entrances and alterations to fenestration.		
Agent	Mr Teddy Laurence		
On behalf of	Dr Khalid Bin Thani Al Thani		
Registered Number	15/07260/FULL	Date amended/ completed	7 August 2015
Date Application Received	7 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	-		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>a) A financial contribution of £683,060 (index linked and payable on commencement of development) towards the Council's affordable housing fund;</p> <p>b) The costs of monitoring the S106 legal agreement.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and</p>
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agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

230 Vauxhall Bridge Road is a seven storey building is use as offices at basement to fourth floor levels with three residential flats at fifth and sixth floor level.

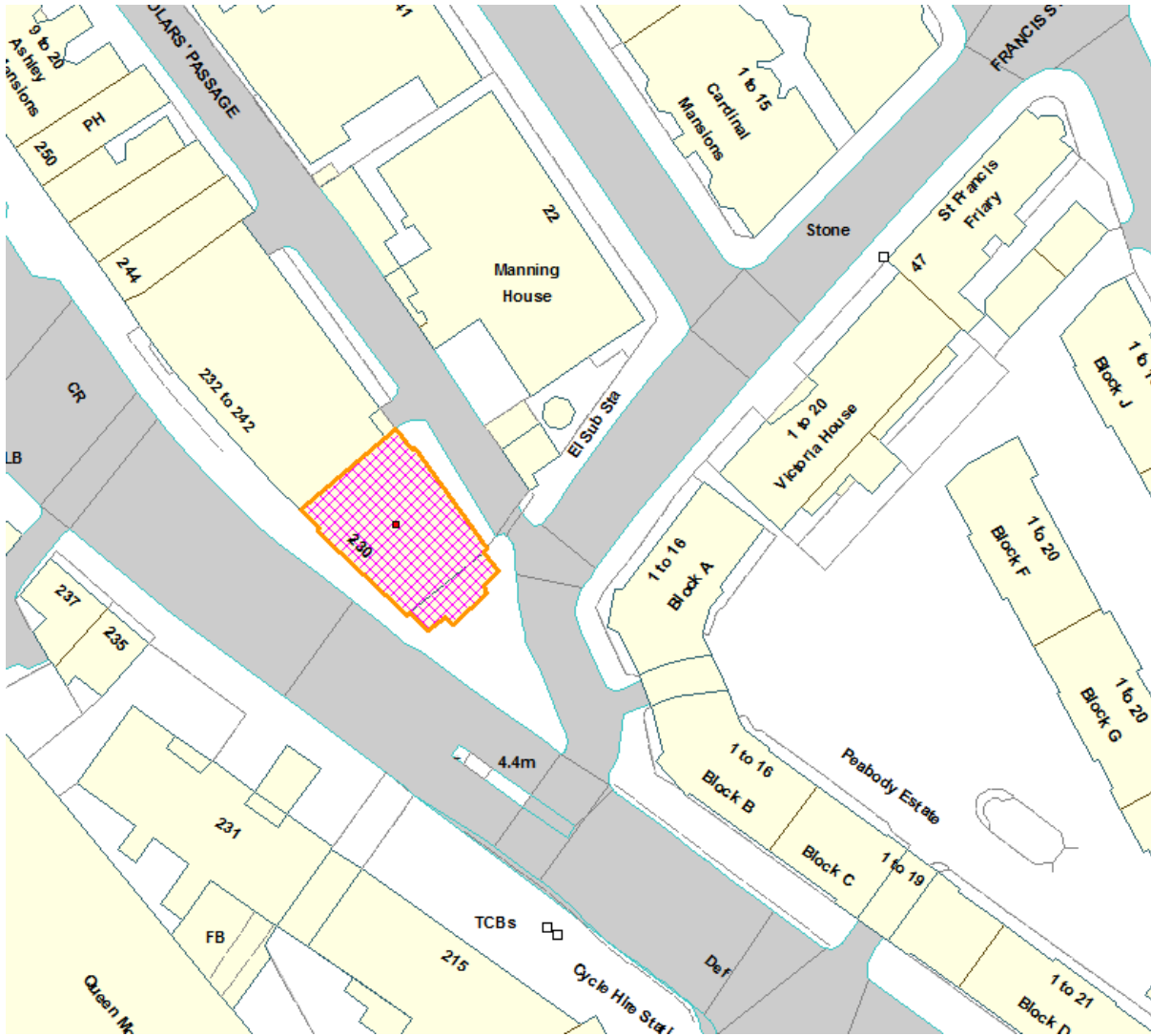
Permission is sought for the use of the first to fourth and part fifth floor level as 13 residential units; reconfiguration of the three existing residential units; new entrance doors, alterations to fenestration and extension of the rooftop plant room.

The key issues in this case are:

- * The land use implications in terms of the loss of office accommodation and provision of residential floorspace.
- * The impact of the proposals upon the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to landuse, amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

TRANSPORT FOR LONDON:

Vauxhall Bridge Road forms part of the Transport for London Road Network (TFRN). The footway and carriageway must not be blocked during demolition and construction work. Welcome a car free development, however, recommend the provision of 1 disabled car parking space. Cycle parking should also be increased to meet the Further Alterations to the London Plan (FALP) (2015) for both long and short stay and for the proposed A2 or D1 unit. A Construction Logistics Plan (CLP) and Delivery and Service Plan (DSP) should be secured.

HIGHWAYS PLANNING:

Parking pressures in this area remain below the stress level. The introduction of increased levels of residential in this area without off street car parking or on-street parking restraint is likely to increase the stress levels. However, on the basis of the Council's data and car ownership levels, any additional on street car parking generated can be absorbed into the surrounding street network and is therefore consistent with policy TRANS23.

16 cycle parking spaces are proposed which is 5 short of that required by FALP and a further 3 spaces are required for the commercial use. It is recommended that adequate cycle parking be secured by condition.

CLEANSING:

Any comments to be reported verbally.

ENVIRONMENTAL HEALTH:

The means of escape is inadequate in relation to the sixth floor flat.

CRIME PREVENTION DESIGN OFFICER:

Any comments to be reported verbally.

BUILDING CONTROL:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63

Total No. of replies: 11

No. of objections: 11

No. in support: 0

11 Objections received from surrounding residents including letters on behalf of Morpeth Mansions Residents Association, Carlisle Mansions East, Cardinal Mansions and Cathedral Area Residents Group.

Land use

- No need for more housing.

Amenity

- noise from extended plant room.

Highways

- increased pressure on existing on street parking which is already heavily oversubscribed.
- new residents should not be allowed to apply for RESPARK.

Other Considerations

- Inadequate consultation of application proposals.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

230 Vauxhall Bridge Road is a seven storey building is use as offices at basement to fourth floor levels, with three flats at fifth and sixth floor level. It is a corner building with frontages to Vauxhall Bridge Road, King's Scholars' Passage and Francis Street. It is not listed and it is not within a conservation area, although The Westminster Cathedral Conservation Area is immediately adjacent. The building lies within the Core Central Activities Zone.

In 2014 permission was granted for the use of the building as nine flats and the basement and ground floor for either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). The 2014 permission has not been implemented to date.

6.2 Recent Relevant History13/11510/FULL

Use of the first, second, third and fourth floors as nine residential units (Class C3). Use of basement and ground floor as either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). Alterations to the external fenestration including the addition of Juliet balconies to the Vauxhall Bridge Road and Kings Scholar Passage elevations and balconies to the Francis Street elevation.

Application Permitted 27 February 2014

7. THE PROPOSAL

Planning permission is sought for the use of the first, second, third, fourth and part fifth floor levels as 13 residential units (4 x 1-bed, 4 x 2-bed and 5 x 3-bed)(Class C3) and the reconfiguration of three existing residential units at part fifth and sixth floor level. It is proposed to use the basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional services (Class A2).

External alterations are proposed including two new entrance doors, with a new commercial entrance on Vauxhall Bridge Road and residential entrance on King's Scholars' Passage; and alterations to fenestration. An extension is proposed at sixth floor level fronting King's Scholars' Passage to extend an existing plant room and residential staircase with a new smoke extract at roof level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in a reduction of 976sqm in office floorspace. Permission was granted for the conversion of this office floorspace into residential use in February 2014, which can still be implemented.

The current application was submitted prior to the application of the office protection approach which came into effect in September. When this application was validated the policy interpretation was such that the City Council did not seek to restrict loss of the office space. Although interpretation has recently changed (as of applications validated from 1st September 2015 onwards), given the validation date the proposed change of use is considered acceptable in land use terms, in line with the National Planning Policy Framework (NPPF) and Policy S47 of the City Plan which seeks to secure development that improves the economic, social and environmental conditions in the City.

Residential use

Policy S14 of Westminster's City Plan: Strategic Policies and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that inside the CAZ, proposals to convert buildings in office use into permanent housing will be generally acceptable. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential use on the site is acceptable in principle. The applicant proposes 13 new residential units of which 5 are family sized (38%) which exceeds the Council's policy of 33%.

The proposed flats meet the minimum space standards as set out in the Technical Housing Standards – nationally described space standard (March 2015). A dedicated residential entrance located on the King's Scholars Passage elevation will remain, albeit relocated, to provide separate access to the residential units.

An acoustic report has been submitted with the application which demonstrates that the proposed residential use will meet the City Council's standard noise conditions in relation to internal noise standards.

Affordable housing

Policy S16 of Westminster's City Plan: Strategic Policies (2013) requires the provision of affordable housing if the proposed residential use provides 10 or more residential units, or provides over 1000m² of new residential floorspace. The quantum of affordable housing required in each case is set out in the Council's Affordable Housing Interim Guidance Note. In this case the additional 1245sqm (GEA) of residential floorspace proposed would require the provision of 2 units on-site affordable housing or a payment in lieu towards the Council's affordable housing fund of £683,060.

Policy H4 of the UDP and Policy S16 of the City Plan require a sequential approach to affordable housing provision, with on-site provision being the expected form of delivery. However, where it can be demonstrated that this or off-site provision in the vicinity of the site cannot be achieved for legitimate reasons, a financial contribution to the Council's affordable housing fund may be considered as an acceptable form of affordable housing provision.

The applicant has stated that due to the physical constraints of the building it is not possible to provide these units on site and that they do not own any other properties within the vicinity of the site to provide the affordable housing units. The City Council's consultants, GL Hearn, have advised that the provision of affordable housing on site would not be feasible in this instance, as it would not be practical for a registered provider to take on two affordable housing units within the scheme from a management perspective. The applicant has agreed to offer the policy compliant payment of £683,060 and it is recommended that this will be secured by a S106 legal agreement.

Alternative use of the basement and ground floors

The basement and ground floor comprises an area of 327sqm and the applicant seeks to use this area as either office (Class B1), non-residential institution (Class D1) or financial and professional services (Class A2). The proposed alternative uses were previously approved under the 2014 permission.

Policy S34 (social and community infrastructure) and saved UDP Policy SOC 1 and SOC 5 generally welcomes the introduction of social and community uses including the provision of medical uses (Class D1). The applicant has not identified a named tenant for the proposed Class D1 use but has confirmed that it is likely to be either a dentist or doctor's surgery.

Policy S4 of Westminster's City Plan states that a mix of uses on all development sites including active frontages at ground floor level is likely to be acceptable where it does not compromise movement in and around the Victoria Transport Interchange. The applicant has stated that the proposed Class A2 use is likely to comprise of an estate agent's or a bank, but will not include a betting shop and a condition is recommended to exclude betting shops from the Class A2 use.

The entrance to the commercial unit will be on Vauxhall Bridge Road and it is not considered that the proposed uses would harm residential amenity or environmental quality.

8.2 Townscape and Design

The proposed external alterations to the Vauxhall Bridge Road elevation comprise altering a column of windows to increase the window heights, alterations to the existing entrance and formation of new entrance doors. A new residential entrance is also proposed to the King's Scholars' Passage elevation. New canopies are proposed to the two new ground floor entrances, however, these are not considered appropriate in design terms and an amending condition is recommended to remove the canopies from the scheme.

There is an existing internal mechanical plant room at sixth floor level. It is proposed to enlarge the plant room and insert louvres to the King's Scholars' Passage elevation, and extend the residential staircase up to sixth floor level. This will result in the staircase enclosure coming further forward externally on the King's Scholars' Passage elevation, but it will not extend beyond the party wall with the adjoining property at No. 232-242 Vauxhall Bridge Road. Given the modern appearance of the existing building and the location of the proposed works at sixth floor level, the proposals are considered acceptable in design terms.

Smoke vents proposed are located on the main roof and will not be visible from the street.

8.3 Residential Amenity

The proposed alterations at sixth floor level remain within the footprint of the building and are not considered to cause any significant loss of light or sense of enclosure to surrounding residential properties.

An acoustic report has been submitted with the application in relation to the alterations to the plant room and formation of louvres. The Council's standard noise conditions are recommended to control noise from plant.

8.4 Transportation/Parking

The proposal does not provide any off-street car parking. Objections have been received from representatives of neighbouring residential blocks and individual residents on the grounds that the proposed use will increase parking pressure within the area.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The evidence of the Council's most recent night time parking survey indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 81%. However, TRANS23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 62%. The daytime parking survey indicates that parking occupancy of ResPark bays within a 200m radius of the site is 78%. Census figures (2011) indicate that households with one or more cars in the Vincent Square Ward 36%.

Whilst the lack of parking is regrettable, the site has a high level of public transport accessibility. Parking pressure in the area remains below the stress level and whilst the

introduction of additional housing in this area without off-street parking or on-street parking restraint is likely to increase stress levels, the Highways Planning Manager is satisfied that the addition of residential in this area is likely to be absorbed into the surrounding street network.

Policy S41 seeks to encourage sustainable forms of transport. The Highways Planning Manager has stated that in line with the 'Further Amendments to the London Plan' (FALP) one cycle space is required per residential unit and two spaces are required for all larger units. The applicant has made provision for 16 cycle spaces within the basement area however this is five spaces short of the FALP requirement. A condition is recommended to secure this aspect for the residential use.

In relation to the proposed commercial uses at basement and ground floor level the Highways Planning Manager has requested that three cycle spaces are provided and it is recommended that this be secured by condition.

No off street servicing is provided for the proposed development. However the Highways Planning Manager has stated that the largest regular vehicle expected to be associated with the site is the refuse collection vehicle. This will service the site in a similar manner to the existing use and the surrounding properties.

8.5 Economic Considerations

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

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is

fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The 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

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 in April 2016. 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 coordinating joint approaches with developers.

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

- a) a financial contribution of £683,060 towards the City Council's affordable housing fund (payable on commencement of development).
- b) costs of monitoring the S106 agreement.

The planning obligations to be secured, as outlined in this report, would be in accordance with the City Council's adopted City Plan and London Plan policies and would not have conflicted with the Community Infrastructure Levy Regulations (2010 as amended).

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Several objections have been received from representatives of neighbouring residential blocks stating that the consultation process has been inadequate. The properties immediately adjoining the application site were consulted, which included 2 and 10 King's Scholars Passage, 22 Carlisle Place and Block A, Francis Street. Notwithstanding the consultation process, the potential impact on the amenity of neighbouring residents is a consideration in the determination of all applications and would apply irrespective of whether any representations are received.

9. BACKGROUND PAPERS

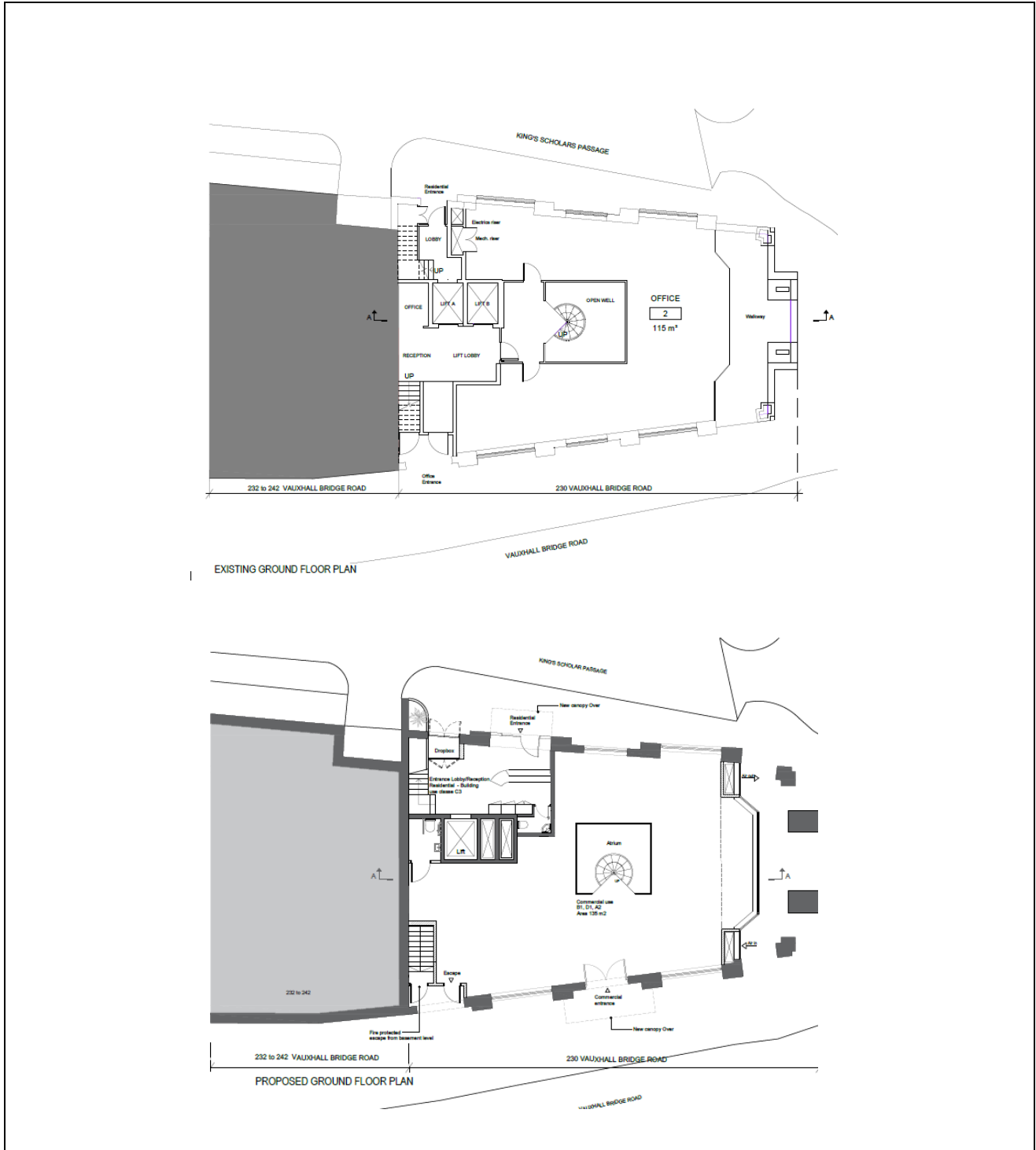
1. Application form.
2. Memorandum from Westminster Society dated 15 September 2015.
3. E-mail from Transport for London dated 2 October 2015.
4. Memorandum from Environmental Health dated 3 September 2015.
5. Memorandum from Highways Planning dated 15 September 2015.
6. E-mail from the Chairman of Morpeth Mansions Ltd, Morpeth Terrace, SW1P 1ET dated 27 September 2015.
7. E-mail from the Chairman of Carlisle Mansions East, Carlisle Place, SW1 dated 28 September 2015.
8. E-mail from the Chairman of Cardinal Mansions, Carlisle Place, SW1 dated 28 September 2015.
9. Letter from the Cathedral Area Residents Group, 43 Ashley Gardens, Ambrosden Avenue, SW1P 1QF dated 3 October 2015.
10. E-mail from the residential occupier of 1A Carlisle Place, SW1P 1NP dated 5 October 2015.
11. E-mail from the residential occupier of 23 Carlisle Mansions, SW1 dated 5 October 2015.
12. E-mail from the residential occupier (no address given) dated 5 October 2015.
13. E-mail from the residential occupier (no address given) dated 5 October 2015.
14. E-mail from the residential occupier (no address given) dated 5 October 2015.
15. E-mail from the residential occupier of Carlisle Place, dated 5 October 2015.
16. E-mail from the residential occupier of Carlisle Place, dated 5 October 2015.

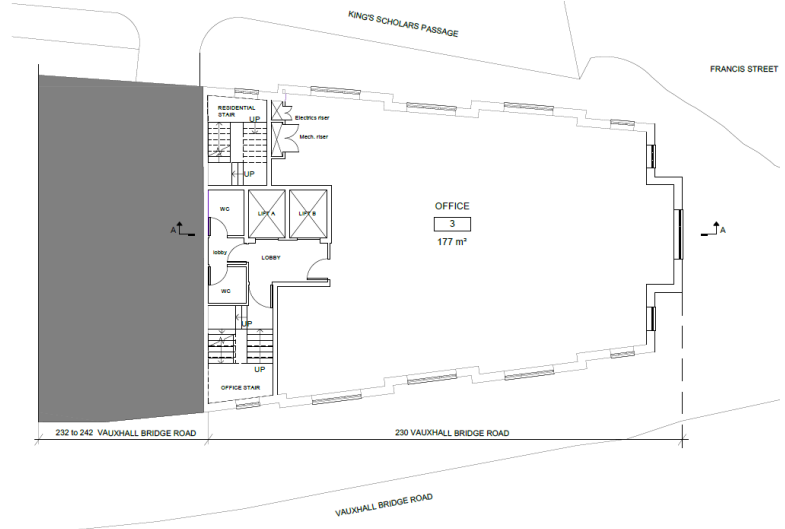
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ZULEKHA HOSENALLY ON 020 7641 2511 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk
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10. KEY DRAWINGS





EXISTING FIRST FLOOR PLAN

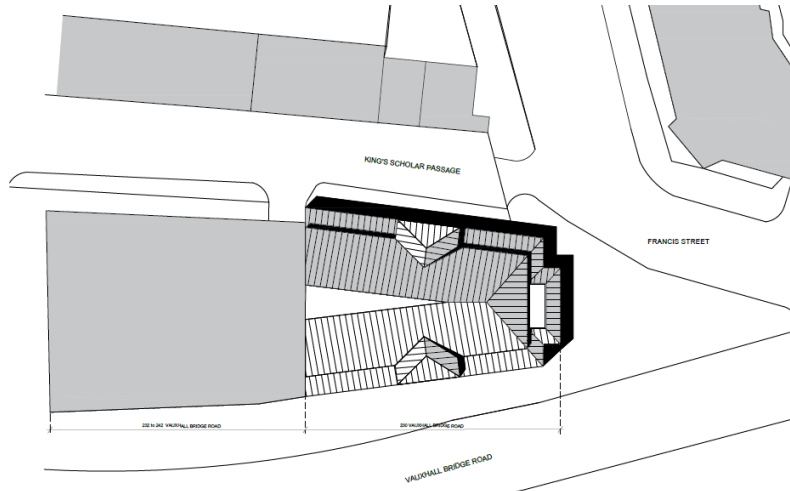


PROPOSED FIRST FLOOR PLAN

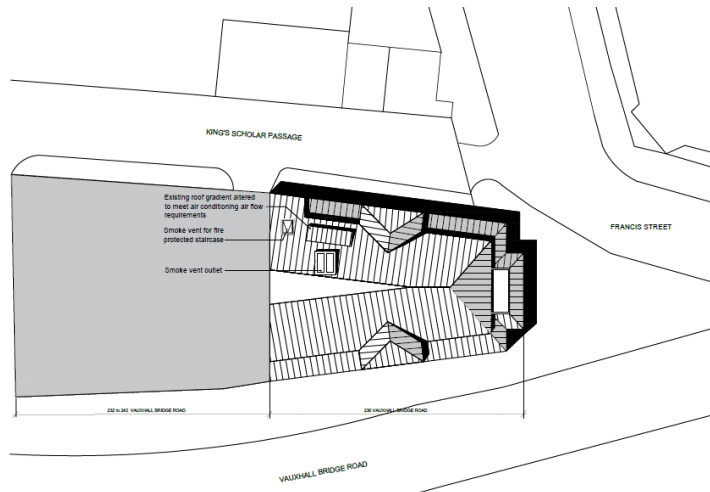
Existing staircase windows height increased in accordance to new entrance level. Proposed aluminum windows to be powder coated grey to match existing.
Refer to elevation drawing N 065/P/12 rev A







EXISTING ROOF PLAN



PROPOSED ROOF PLAN



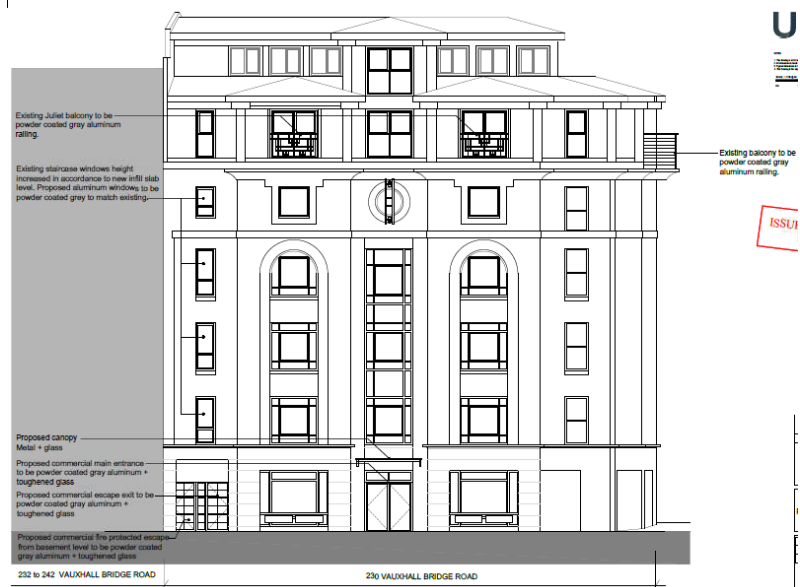
EXISTING ELEVATION OF KING'S SCHOLARS PASSAGE



PROPOSED ELEVATION OF KING'S SCHOLARS PASSAGE



EXISTING ELEVATION OF VAUXHALL BRIDGE ROAD



PROPOSED ELEVATION OF VAUXHALL BRIDGE ROAD

DRAFT DECISION LETTER

Address: 230 Vauxhall Bridge Road, London, SW1V 1AU,

Proposal: Use of the first, second, third and fourth floor levels to provide 12 residential units (Class C3) and a residential unit (Class C3) at fifth floor level (13 in total) and reconfiguration of the existing two residential units at fifth floor level and the existing residential unit at sixth floor level. Use of basement and ground floor as either office (Class B1), non-residential institution (Class D1) or financial or professional service (Class A2). External alterations to windows on the Vauxhall Bridge Road elevation, new entrance door and canopy and alterations to balconies on the Vauxhall Bridge Road, Francis Street and King's Scholar Passage elevations. Extension of the existing plant room at sixth floor level and installation of a smoke extract vent and alterations to gradient of roof fronting King's Scholar Passage.

Reference: 15/07260/FULL

Plan Nos: E01, E02, E03, E04, E05, E06, E07, E08, E09, E10, E11, E12, E13, P01 Rev. A, P02 Rev. A, P03 Rev. A, P04 Rev. A, P05 Rev. A, P06 Rev. A, P07 Rev. A, P08 Rev. A, P09 Rev. A, P10 Rev. A, P11 Rev. A, P12 Rev. A, Full Planning Statement, Design and Access Statement, Noise Impact Assessment Technical Report 22479 R1 prepared by Sound Solution Consultants dated 17 July 2015, Energy Statement and BREEAM Domestic Refurbishment Pre-Assessment Report dated August 2015 Issue 1 prepared by T16 Design, Energy Assessment prepared by Bocca Consulting dated 7 August 2015, SUDS Feasibility Study prepared by Iesis Special Structures dated July 2015 and Air Quality Assessment report prepared by Aether dated August 2015., , For Information Purposes: Construction Management Plan Revision A prepared by Brompton Cross Construction dated July 2015.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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 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.

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

Reason:

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

- 5 You must implement the mitigation measures as specified in the Noise Impact Assessment Technical Report 22479 R1 prepared by Sound Solution Consultants dated 17 July 2015 for the proposed residential units prior to the occupation of the residential units. Thereafter these mitigation measures shall be retained.

Reason:

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

- 6 (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.

- 7 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.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:- removal of the canopies from the ground floor elevation on the Vauxhall Bridge Road and King's Scholar Passage elevation. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 In the event that the Class D1 use is implemented you must only use the basement and ground floor area as a doctor's or dental surgery. You must not use the premises as a substance misuse clinic or a needle exchange clinic. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and SOC 1 and SOC 5 of our Unitary Development Plan that we adopted in January 2007.

- 11 In the event that the Class A2 use is implemented you must only use the basement and ground floor as an estate agent's or bank. You must not use the basement and ground floor as a betting shop. You must not use it for any other purpose, including any within Class A2 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S4 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must apply to us for approval of a management plan which includes details of the operational hours, days and capacity of the basement and ground floor area in the event that either the doctor's or dental surgery (Class D1) or estate agent's or bank (Class A2) is implemented. You must not occupy the basement and ground floor for any of the approved uses until we have approved what you have sent us. You must then manage the premises in accordance with the details approved.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1, SOC 5 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must provide a Construction Logistics Plan prior to the occupation of the site. The plan must include a construction programme, code of construction practice, 24 hour emergency contact number, hours of building work and measures to ensure satisfactory access and movement around the site. 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 minimise the impact of the development construction on the adjoining properties and to protect the environment of people in neighbouring properties. This is set out in STRA 16, STRA 17, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must provide a Delivery and Service Plan prior to the occupation of the site. The plan must include details of all deliveries and servicing of the residential and non-residential uses hereby approved. 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 avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the basement and ground floors can change between the office (Class B1), non-residential institution (Class D1) and financial and professional services (Class A2) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62AA)
- 3 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> , **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 4 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 5 In relation to Condition 15 and 16 the details are required and will be consulted on in conjunction with Transport for London. As Vauxhall Bridge Road is a red route all servicing and deliveries must not take place from Vauxhall Bridge Road.
- 6 You are advised that the means of escape for the sixth floor flat shows the occupiers of the 'Master bedroom' are required to escape via the area of highest risk (the kitchen and living area). The door in the passageway should be relocated so that the kitchen and living area is separated thus providing a protected route for occupiers of the bedroom.

- 7 In relation to Condition 14 the proposed residential use is required to have a total of 21 cycle spaces and the commercial use at basement and ground floor level a total of three cycle spaces.

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.

Planning Applications Committee (3) - Tuesday 9th February, 2016

4 230 VAUXHALL BRIDGE ROAD, SW1

Use of the first, second, third, fourth and part fifth floor levels as 13 residential units (Class C3) and reconfiguration of three existing residential units at fifth and sixth floor level. Use of basement and ground floors as either office (Class B1), non-residential institution (Class D1) or financial or professional services (Class A2). Extension of the existing plant room and stair core at sixth floor level fronting King's Scholars' Passage, new entrances and alterations to fenestration.

Late representations were received from the three Vincent Square Ward Councillors (09/02/16), Cathedral Area Residents Group (07/02/16) and Claire Parsons (01/02/16).

The presenting officer tabled the following additional recommendation:

c) Car club membership for each residential flat for 25 years.

Councillor David Harvey addressed the Committee in his capacity as a Ward Member.

RESOLVED:

That the item be deferred for a site visit to assess the impact on the adjoining conservation area, parking, servicing and the use of Kings Scholar Passage.

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Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	1 Carlton Hill, London, NW8 0JX		
Proposal	Excavation of a new basement level, external and internal alterations		
Agent	Mr Martin Evans		
On behalf of	SKN Sovereign Trust (Isle Of Man)		
Registered Number	15/01182/FULL 15/01183/LBC	Date amended	4.2.2016
Date Applications Received	11 February 2015		
Historic Building Grade	Grade II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

This is a Grade II house located on the junction of Carlton Hill and Loudoun Road within the St John's Wood Conservation Area. This proposal relates to the excavation of a basement under part of the main listed house, part of the rear garden and under part of the side garden. The proposal has been amended to reduce the footprint of the basement, in order to safeguard existing trees and the special architectural and historic interest of this listed building. The proposal has attracted objections from the St John's Wood Society and neighbouring residents.

The key considerations are:

- The impact on the special architectural and historic interest of this listed house, its listed neighbours and this part of the St John's Wood Conservation Area;
- The impact of the proposed excavation works on the existing trees in the curtilage of this site; and
- The impact on the amenities of neighbours.

The revised basement has now overcome officer's earlier objections to its impact on the special architectural and historic interest of this listed building and this part of the St John's Wood Conservation Area. The smaller footprint now safeguards the mature trees in the garden of this

house. Despite the objections received, the proposal is not considered to harm the amenities of neighbours and the applications are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL SUBMISSION

HISTORIC ENGLAND

Authorise the Council to determine the listed building consent application

THAMES WATER

No objections subject to recommended informatives.

ST JOHN'S WOOD SOCIETY

Objection. Although we welcome this scaled back plan repeat our previous strong objections to the loss of or threat to any trees of visual amenity and request that the Arboriculture Manager is consulted. Query the safety of the lightwell, the lightwell on the south side of the building has an uncomfortable relationship with the building .Request that the case officer carefully considers the geotechnical report for the basement and the construction management plan in light of the concerns raised by neighbours.

BUILDING CONTROL

The structural method statement is considered acceptable .An investigation of existing structures and geology has been undertaken and found to be sufficient detail. The existence of grounds water including underground rivers has been researched and the likelihood on local flooding and adverse effects on the water table has been found to be negligible. The basement is to be constructed using piled walls which is considered appropriate .the proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL OFFICER

Requested additional information as the submitted information does not give sufficient information to assess the proposed basement in respect of the existing trees in the gardens. More information required in respect of the depth of soil over the basement .Need to make a site visit to assess the impact.

HIGHWAYS PLANNING MANAGER

To be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3:

Total No. of replies: 4

No. of objections: 4

The issues raised include the following:

Land Use

- The proposal is excessive and represents a substantial overdevelopment of the site.
- Amenity the impact of such works on residents' health, noise from construction, dust and dirt .Residents unable to enjoy their properties which are located within a conservation area.

Traffic

- Another basement has been approved at No 2 and this together with this latest proposal will lead to major traffic movements up Carlton Hill. Due to traffic calming measures, each truck which passes shakes the existing listed buildings.
- The submitted Construction Traffic Management Plan incorrectly identifies the suspended parking bays on Carlton Hill, these are not residents' bays but visitor bays and object to their loss.
- No parking shall be provided outside No 3 Carlton Hill.
- Cleaning of vehicles leaving the site must apply to all vehicles leaving the site.
- Concerned about double parking as this will cause significant traffic nuisance and hazards to other road users.
- Carlton Hill is in frequent use by school traffic from Quintin Kynaston School and proposal will create an unacceptable risk to pupils.

Trees

- Request that the Council fully assess the impact on trees.
- A large Eucalyptus tree was removed from the garden of No 1 a couple of years ago and there has been a notable increase in the amount of water in the garden of No 3 and the garden wall at the rear had developed significant cracking.

Other Matters

- Neighbours have received no contact from the applicants regarding this project.
- The proposed basement is very large at 193 sq.m and the effect on the stability of No 3 Carlton Hill remains unknown.
- No information submitted regarding detailed hydro geological study data in respect of the true nature and condition of the supporting subsoil and the presence of ground water. The reports are wholly speculative and considerable concern raised in respect of the structural effect of the proposed excavation.
- The structural slab below large areas of the main garden space will create significant problems with surface water drainage.
- Applicant failed to provide information on the potential temporary uplift forces and potential ground water uplift. The structural feasibility report fails to specify the precise scope and extent of demolition works. More information required on the proposed construction design.
- No reference made of the need to comply with Party Wall Act.
- Errors in the applicant's soil consultant's report.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED SCHEME

ST JOHN'S WOOD SOCIETY

No objections subject to the views of neighbours and the Arboricultural Officer.

ARBORICULTURAL OFFICER

No objections to the removal of three trees (two cabbage palms and a Chusan Palm subject to replacement planting, as these trees are of limited value.

In respect of the impact of the basement, consider that it should be possible with care to construct the proposed basement, and suggest that the basement construction

methodology is sought at this time as it is critical to safeguard the purple leaf plum Request that tree surgery to cut back the Purple Leaf Plum is reserved by condition. The applicant has submitted a revised Arboricultural Report on 4.2.2016 and the formal views of the Arboricultural Officer are awaited and will be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3:

Total No. of replies: 4

No. of objections: 4

The issues raised include the following:

- There is no good justification for giving consent to this type of application as residents have to endure horrendous noise, traffic and dust.
- Impact of the basement excavation on No 3 Carlton Hill and applicant has failed to address the structural issues raised in earlier letter dated 24 March 2015
- Applicants CTMP fails to mention the car parking bay immediately outside No 3 Carlton Hill and how this will be affected.
- The revised drawings indicate a paved terrace at sunken level which are very close to the boundary with No 3 –the means of support and construction of retaining structures have not been described. Applicant’s soil consultant report has failed to address points raised in earlier letter.
- Despite the improvements in the revised scheme in the areas of scale, trees and transport management plan, remained concerned about the excavation which is closer to No 3 and the effect this may have on the foundations to the conjoined listed house at No 5 Carlton Hill.
- Drainage remains a problem following the removal of the Eucalyptus tree.
- The offshore company ownership puts at risk any redress neighbours for future problems caused by this proposal.

6. BACKGROUND INFORMATION

6.1 The Application Site

No 1 Carlton Hill is a detached Grade II Gothic Villa located on the south side of Carlton Hill at its junction with Loudoun Road. The site lies within the St John's Wood Conservation Area. There is currently an off street parking spaces at the end of the rear garden accessed off Loudoun Road. There are a number of mature trees in the front, rear and side garden. The house is currently vacant.

6.2 Recent Relevant History

27 July 2000 Permission granted for the addition of two new parking bays and carriage crossing.

7. THE PROPOSAL

This proposal for a basement excavation originally sought approval for a significantly larger footprint under the main house, extending into the front, side and rear gardens. Following negotiations with officers, the footprint of this basement has been reduced .It is now proposed to excavate under the rear part of the existing house , and under part of the rear garden , and also under part of the side garden.Other works includes internal

alterations to the listed house and external alterations including the demolition of a rear balcony.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Although an objection has been received on over-development grounds, the revised proposal in terms of its reduced footprint is now considered the maximum permissible footprint. This proposal to create additional residential floorspace accords with policy H3 in the UDP.

8.2 Townscape and Design

The house is a Grade II Gothic villa, the extent of the originally proposed basement and its lightwells was considered to be excessive which would have had a harmful impact on this special architectural and historic interest of this designated heritage asset. The originally proposed lightwells were considered to be very large and detract from the garden setting of the building .

As a result, the revised proposal has reduced the footprint of the proposed basement .It is now located under the rear part of the main house, with its main projection into the rear garden and projection into the side garden. The revised scheme seeks to mitigate the impact on the existing building and will preserve the hierarchy of the building. The existing lightwells will remain as existing and these will serve the new basement floor.

The revised basement is now considered acceptable as it will preserve the special architectural and historic interest of this building and the character and appearance of this part of the St John's Wood Conservation Area. The external rooflight in the rear garden is considered to be a modest intervention which will not harm the listed house or this part of the St John's Wood Conservation Area.

The originally proposed internal works would of resulted in the loss of original room proportions and fabric both at basement and first floor level. Although it is accepted that the building had been altered previously, these additional works would further compromise the internal character of spaces.

The scheme has been amended to a more sympathetic arrangement which maintains more of the cellular plan form and the existing staircase from basement to ground is being retained .The revised internal alterations as revised are now considered to respect the historic plan form and fabric of this listed house and will preserve its special architectural and historic interest. There are no objections to the removal of the existing rear balcony which is a later addition to the house.

Overall, the revised scheme is now considered to comply with policies S25 and S28 in the City Plan and policies DES1, DES5, DES9 and DES10 in the UDP.

8.3 Residential Amenity

It is not considered that the proposal will harm the amenities of neighbours in terms of loss of light, enclosure or loss of privacy.

A rooflight to serve the new basement is being proposed in the rear garden. This is located at the end of the rear terrace and forms part of a garden seat. This is considered to be a modest intervention in design terms and will not materially affect the adjoining residents at No 3 Carlton Hill in terms of light pollution/glare.

The revised scheme therefore accords with policies S29 in the City Plan and ENV13 in the UDP.

8.4 Transportation/Parking

No changes are being proposed to the existing vehicular access point. Objections have been received in respect of the impact of vehicles associated with the construction of the basement in respect of pupils attending the nearby Quintin Kynaston School. It is not considered that construction vehicles associated with the development will affect children attending the nearby schools in Marlborough Hill. The formal views of the Highways Planning Manager will be reported verbally to Committee.

The applicant has submitted a Construction Traffic Management Plan which indicates the suspension of some of the residents only bays adjacent the site in Loudoun Road in association with the construction of the basement. No bays are proposed to be suspended in Carlton Hill. Although residents' concerns regarding the suspension of parking bays during construction are well understood, this is not a ground to refuse permission.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No changes are proposed to access arrangements into the house.

8.7 Other UDP/Westminster Policy Considerations

Noise

Objections have been raised to the increase in noise and disruption associated with the construction works. The residents' objections are well understood, and it is recommended to impose a condition to control hours of building works.

Plant

A plant area is proposed at basement level. No details of the plant have been submitted to date, but given its location, it is considered that the imposition of the standard council noise conditions will safeguard the amenities of neighbours.

Trees

There are a large number of mature trees in the gardens of this house, due to its corner position which are of high amenity value within the St John's Wood Conservation Area. Officers were not convinced that the originally proposed scheme would not harm a

number of these existing trees. The Arboricultural Officer advised that given this is a constrained site there is a high risk of loss or damage to a number of trees shown to be retained.

The revised scheme following negotiations with officers and has reduced the footprint of the basement in order to protect the root protection areas of the False Acacia and the Plum tree. The Arboricultural Officer considers that it should be possible with care to construct the revised basement without damage to these trees and has recommended a number of conditions.

In respect of the proposed tree removal, there are no objections to the removal of two cabbage palms and a Chusan palm which are of limited amenity value.

There is now 1200 mm of soil depth above the new basement and this now in accordance with the Council's basement SPD. A condition is recommended to require the approval of new hard and soft landscaping.

8.8 London Plan

This proposal 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. Special regard has been had to the desirability of preserving the special architectural and historic interest of this listed building and the designated heritage assets.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this proposal

8.11 Environmental Impact Assessment

Not relevant in the determination of this proposal.

8.12 Other Issues

Basement

Objections have been raised to the impact of the proposed basement on the structural stability of adjoining listed houses. It is accepted that the revised footprint has moved the basement up to the boundary line with No 3 Carlton Hill. However the Council's Building Control Officer is satisfied with the structural approach and an investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of ground water including underground rivers has been researched and the likelihood of local flooding and adverse effects on the water table has been found to be negligible. The basement is to be constructed using piled walls which is considered appropriate and the Building Control confirm that the proposals to safeguard adjacent properties during construction are considered to be acceptable.

This proposal was submitted in February 2015 and has been the subject of detailed negotiations with officers to address historic building matters and also to address tree concerns which have taken some time to address. The City Council is applying the new emerging basement policy in respect of new applications received after 1 November 2015. In respect of the comments raised by the agents acting on behalf of No 3, the applicant has submitted further information namely the Basement Impact Assessment, the Engineers Report and Construction method statement.

The applicant has submitted a Construction Management Plan which sets out the hours of excavation and building works from 8 am to 6 p.m. Monday to Friday, and deliveries will take place between 9.30 am to 4.30 p.m. The existing vehicular access on Loudoun Road will be used and the applicant will apply to suspend a number of residents parking bays in Loudoun Road to allow collections and deliveries. However, it does not include details such as contractor details. To ensure that a fully detailed Construction Management Plan is provided before development commences, a condition is recommended.

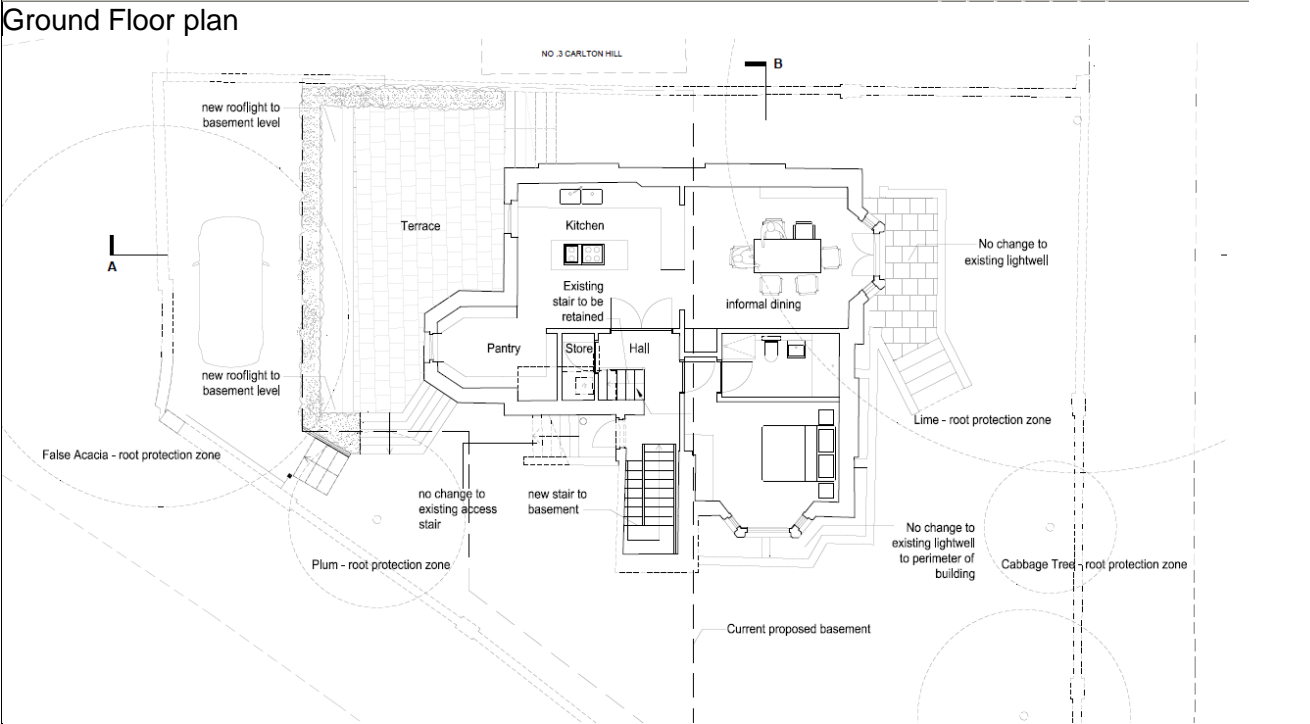
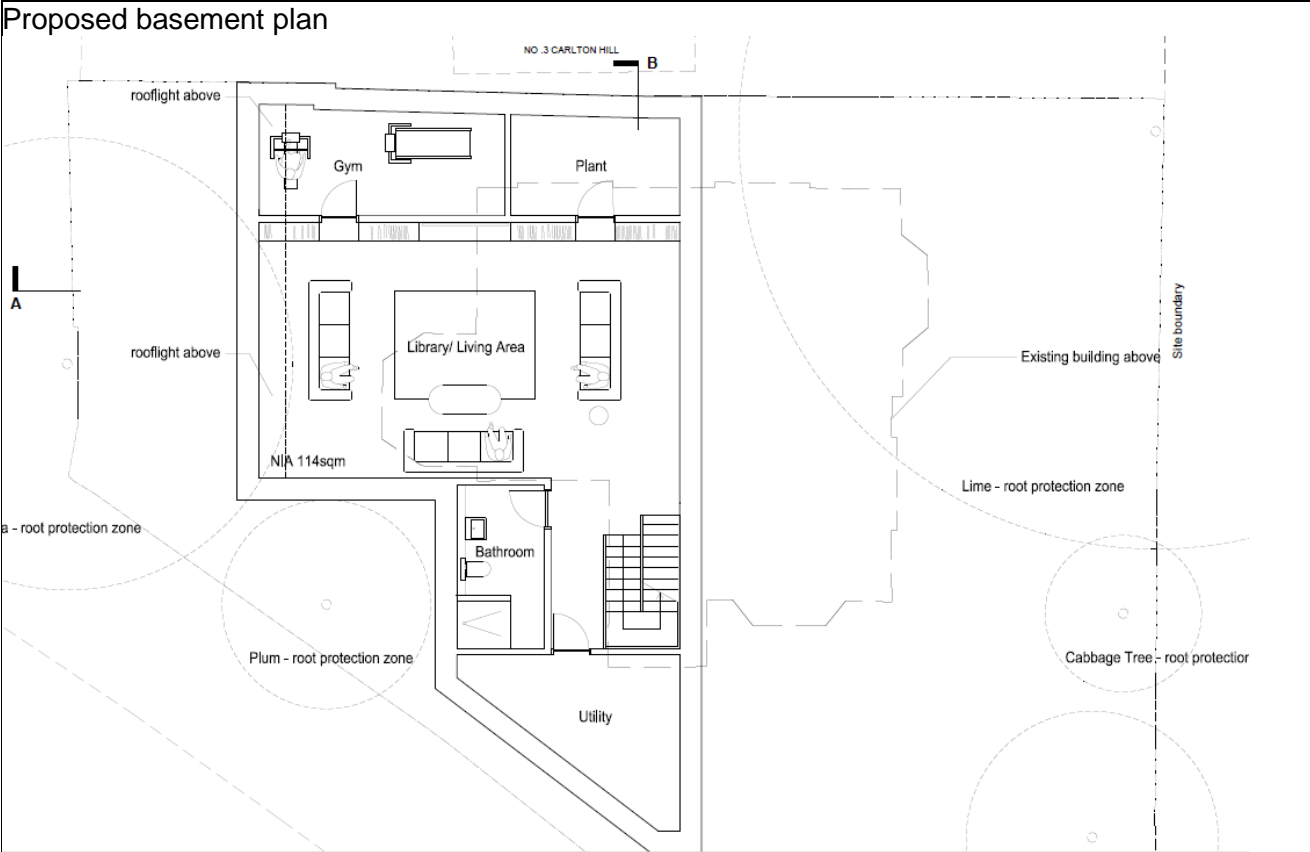
9 BACKGROUND PAPERS

1. Application form
2. Response from Historic England dated 3 March 2015.
3. Response from the St John's Wood Society dated 7 April 2015.
4. Response from Building Control dated 4 March 2015
5. Response from Environmental Health dated 3 March 2015
6. Emails from Arboricultural Officers dated 31 March 2015 and 9 June 2015.
7. Response from Thames Water dated 27 February 2015
8. Letter from occupier of 19 Loudoun Road, London NW8 dated 5 March 2015
9. Letter from occupier of Simon Levy Associates, Link House, 49 Theobald Street dated 24 March 2015
10. Letter from occupier of 3 Carlton Hill, London, NW8 dated 12 March 2015
11. Letter from occupier of 76 Loudoun Road, London NW8 dated 12 March 2015
12. Email from No 3 Carlton Hill London NW8 dated 9 April 2015.
13. Comment from St John's Wood Society.
14. Memorandum from Arboricultural Officer dated 14.1.2016
15. Email from 76 Loudoun Road NW8
16. Email from Simon Levy Associates on behalf of the owner of No 3 Carlton Hill dated 18 January 2016
17. Email from 5 Carlton Hill London NW8 dated 19 January 2016.
18. Email from 19 Loudoun Road NW8 dated 12 January 2016

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

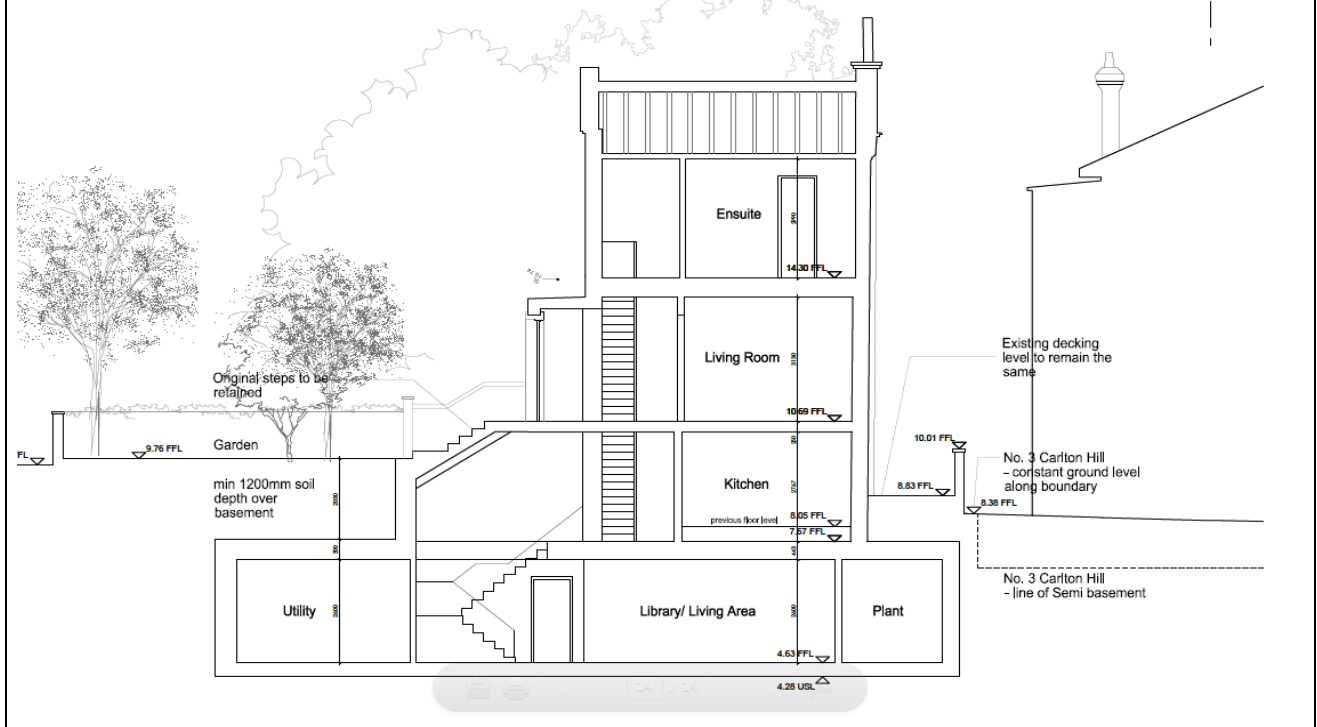
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10 KEY DRAWINGS





Proposed Sections



Item No.
4

DRAFT DECISION PLANNING PERMISSION LETTER**Address:** 1 Carlton Hill, London, NW8 0JX,**Proposal:** Excavation of a basement under house and part of garden and external alterations**Plan Nos:** Drawing numbers CAR-LOC-GA01, CAR-PL-GA-01, -02A, -02B, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, CAR-EX-GA-01, -02, -03, -04, -05, -06, -07, -08, -09, CAR-DEM-GA-02, -03, -05, -06B, -07B, -08B, -09B, -10B, -11B; Covering letter dated 15 November 2015, Design and Access Statement Rev C 10th Nov 2015, Revised Arboricultural Impact Assessment Report dated 5 November 2015.

FOR INFORMATION ONLY: Screening and Scoping Report: Land Stability dated 13 November 2015(Rev 3); Structural Feasibility Report (Rev C); Letter from Greer Pritchard dated 17 November 2015; Basement impact assessment by esi, Construction Traffic Management Plan November 2015.

Case Officer: Amanda Coulson**Direct Tel. No.** 020 7641 2875**Recommended Condition(s) and Reason(s):**

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

Reason:

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

- 2 Except for basement excavation work, 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., ,

You must carry out basement excavation work only:

between 08.00 and 18.00 Monday to Friday; and,
not at all on Saturdays, Sundays, bank holidays and public holidays.
Noisy work must not take place outside these hours. (C11BA)

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 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 St John's Wood 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)

- 4 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 5 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 one planting season 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 3 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 St John's Wood 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)

- 6 You must plant new trees to replace trees 8, 9 and 10 as identified in your tree report dated February 2016. The replacement trees must be planted in the first planting season after you complete the development. You must apply to us for our approval of the position, size and

species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood 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)

- 7 You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:
- identification of individual responsibilities and key personnel.
 - induction and personnel awareness of arboricultural matters.
 - supervision schedule, indicating frequency and methods of site visiting and record keeping.
 - procedures for dealing with variations and incidents.

You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

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

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 8 **Pre Commencement Condition.** Notwithstanding the Construction Traffic Management Plan submitted, 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 must include the following details (where appropriate):
- (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.

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 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 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.
- (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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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.

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

Reason:

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

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that plant shown to be located in the new basement will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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 (UDP), 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.

Informatives

- 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 4 To meet condition 4 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)
- 5 All the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I31AA)

DRAFT DECISION LISTED BUILDING CONSENT LETTER

Address: 1 Carlton Hill, London, NW8 0JX,

Proposal: Demolition of an existing balcony, the excavation of a new basement level, internal and external alterations.

Plan Nos: Drawing numbers CAR-LOC-GA01, CAR-PL-GA-01, -02A, -02B, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, CAR-EX-GA-01, -02, -03, -04, -05, -06, -07, -08, -09, CAR-DEM-GA-02, -03, -05, -06B, -07B, -08B, -09B, -10B, -11B; Covering letter dated 15 November 2015, Design and Access Statement Rev C 10th Nov 2015.

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

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

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development new rooflight in rear garden. You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26CB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	39 Northumberland Place, London, W2 5AS		
Proposal	Construction of new basement level below the existing footprint of the house and part front and rear gardens including lightwells, associated alterations to the front garden and boundary wall, extension into the front garden at lower ground floor level, erection of a rear infill extension at lower ground floor level, alterations to fenestration at rear including erection of first floor Juliet balcony, alterations to fenestration of side and rear elevations of closet wing including new rooflight.		
Agent	Miss Millie Burnham		
On behalf of	Mr Damon Parker		
Registered Number	15/06654/FULL	Date amended/ completed	27 August 2015
Date Application Received	21 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted single dwelling house located within the Westbourne Conservation Area. The building covers lower ground, ground and three upper floors, with the third floor being in mansard form. Permission is sought for the creation of a new basement floor level below the existing footprint of the house and part of the front and rear gardens including the installation of lightwells. Extensions are proposed to lower ground floor level within both the front and rear gardens. A new rooflight is proposed to a first floor rear projection. Alterations are also proposed to the windows and doors to both front and rear elevations of the property, including a new Juliet balcony to rear ground floor level.

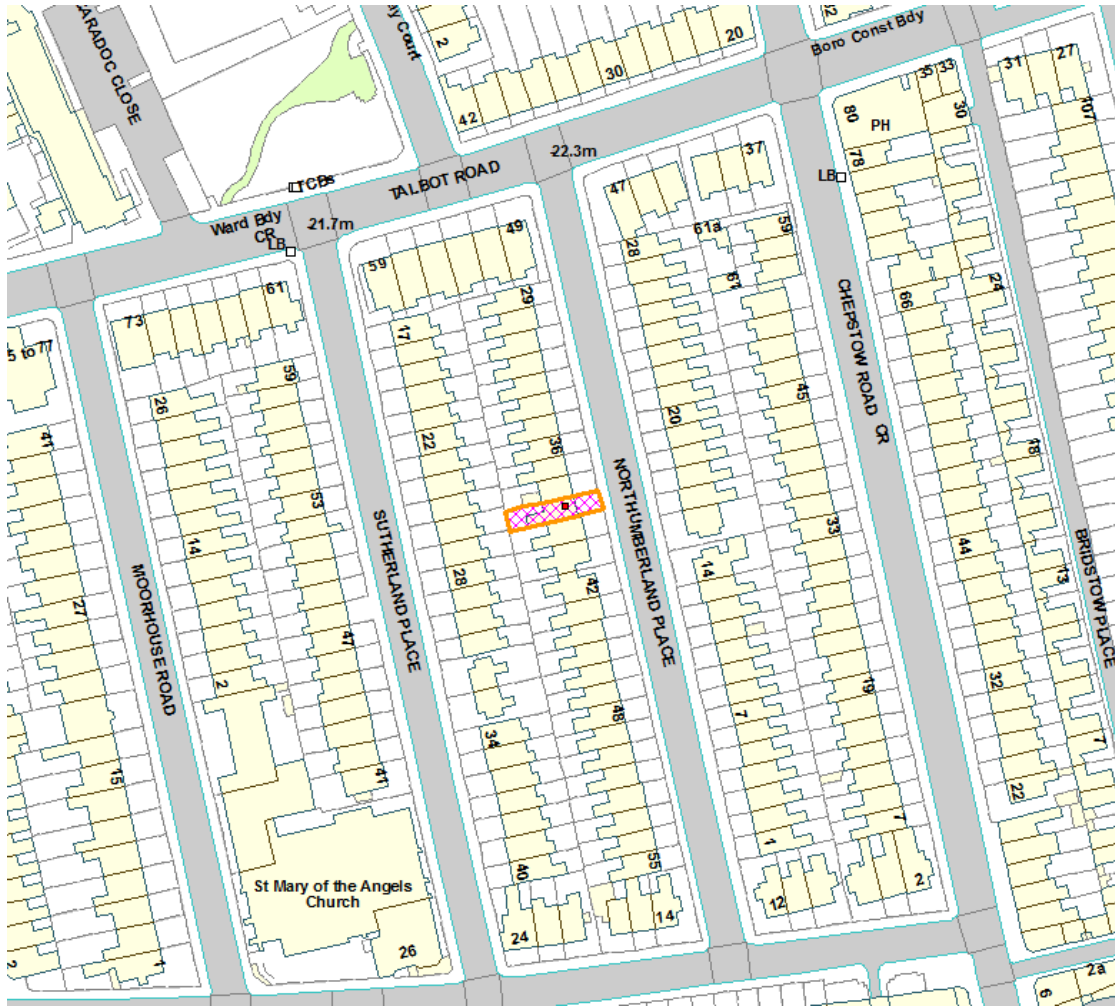
This application follows an appeal against the non-determination of an application for similar works of a basement excavation and extensions to front and rear of the building at lower ground floor level which was dismissed on 25th June 2015.

The key issues in this case are:

- The impact on the character and appearance of the building and surrounding conservation area.
- The impact on the amenity of neighbouring residents.

The proposed development is considered to be acceptable in design, amenity and environment terms and would accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS







5. CONSULTATIONS

Notting Hill East Neighbourhood Forum (NHENF)

Object for the following reasons:

- Proposals represent an overdevelopment of the site, and in particular they do not approve of development under front and rear gardens.
- State that they do not approve of infills between rear extensions.
- State that they do not approve of a balcony without screening and greening.
- Proposals involve a reduction in the size of gardens without a compensation amount of greening to absorb some of the run off the lost soil would have dealt with.
- Works would involve noise and disruption, and furthermore that there should be no work on the pavement, that any skip waste should be transferred by overhead conveyor belt to skip and that any skip removal should be done within a 10 minute window, that the time of day and length of operation should be monitored, recorded and the information sent to the NHENF website, and that they expect the construction management plan to be properly monitored especially for noise and vibration and that amelioration of costs to neighbours should be adequately dealt with.
- State that they consider that the rear extension proposed is 'horrid'.
- State that they do not approve of flat topped mansards.
- Comment that no photographs have been provided showing neighbouring properties.
- Consider that the development would be only suitable for those with no connection to the area and with no reference to any ecological or social considerations.

Thames Water Utilities Ltd

State that with regards to sewerage infrastructure capacity or water infrastructure capacity they do not have any objection to the application proposals.

Environment Agency (Thames Region)

State that they have no comments to make on the application proposals.

Building Control

Advise that the submitted structural method statement is considered to be acceptable.

Highways Planning

No objection.

Environmental Health

Any response to be reported verbally.

Cleansing

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Amenity Issues

- Objection to the impact of the extensions on the light available to surrounding properties.
- Objection to the impact on the privacy of surrounding properties from the balcony and side infill extension.

Other Issues

- Concern expressed about the impact of the noise and disturbance of the building works and implications for traffic congestion, loss of parking space and air pollution, and note that another basement excavation was recently agreed to at no. 46 Sutherland Place.
- Concern expressed about the impact on wildlife from the loss of part of the garden.
- Concern expressed about structural issues related to the basement excavation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

No.39 Northumberland Place is an unlisted mid-terrace property located on the west side of Northumberland Place and which is included within the Westbourne Conservation Area. The building is a single family dwelling and comprises lower ground, ground and three upper floors with a three storey closet wing addition at the rear. It dates from the mid 19th century.

6.2 Recent Relevant History12/00342/FULL

Erection of single storey rear extension together with lowering of the existing lower ground floor level by 600 mm and rear garden area. Infilling front lightwell area at lower ground floor and new front staircase.

Application Permitted

11 September 2012

14/04298/FULL

Lower ground floor extension to the front lightwell and the construction of a new basement level below the existing footprint of the house, part of the rear garden, and front lightwell. Lowering the lower ground floor by 600mm.

Appeal Against Non-Determination Dismissed

25 June 2015

7. THE PROPOSAL

The application proposes a new basement floor of accommodation which extends underneath the entire footprint of the building including under the existing rear extension and under the proposed infill rear extension to lower ground floor level. The basement also extends out 4.4m under the front garden, remaining 1.7m back behind the front boundary of the site. A lightwell covered over with a grill is proposed within the front lightwell of the building at lower ground floor level, and a further lightwell with grill is proposed within the rear garden immediately adjacent to the rear extension.

Aside from an area leading up to the main front entrance, the front garden is currently excavated down to lower ground floor level. The application seeks permission for the infill of much of the lowered area of the front garden to allow for a new studio room underneath a front garden which would be raised to pavement level, with a smaller lightwell 1.2m in width retained between this new extension and the main building. A new front boundary wall and railings to the pavement is also proposed.

The building has an existing brick rear extension covering half of its width and which rises to mezzanine level above ground floor. The application seeks permission to install a rear extension to lower ground floor level to the currently unenclosed part of the rear elevation, which would be set back slightly behind the line of the existing rear extension. A new rooflight is proposed above the existing brick rear extension.

Alterations are also proposed to the main rear elevation of the building with an existing sash window to ground floor level proposed to be removed and replaced with a pair of doors opening onto a juliette balcony.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The extension to this existing single dwelling house is acceptable in principle in land use terms and accords with Policy H3 in the Unitary Development Plan (UDP).

8.2 Townscape and Design

The reasons given why the previous application 14/04298/FULL would have been refused had an appeal against non-determination not been submitted were related to the harm caused by various works proposed to the front garden/front lightwell area of the building, including the large glazed rooflight proposed to light the new basement accommodation proposed in that application, the increased depth of lightwell proposed and the alterations proposed to the original metal railings forming the veranda structure to ground floor level. The application was also refused on grounds of the size and design of a pyramidal rooflight structure to the roof of a rear extension.

In the appeal decision of 25 June 2015 the Inspector dismissed the appeal on grounds of the works to the front garden/front lightwell area, though he considered that the rooflight structure to the rear of the building was not in his opinion harmful to the character and appearance of the building or conservation area.

This current application submission proposes similar works to the previous application 14/04298/FULL though with amendments to overcome the concerns regarding the works proposed to the front garden area. The application has also been revised during the course of the process to treat the lightwell to the front of the building in a more discreet manner with a grill over rather than a glazed panel and to reduce its size. Notwithstanding the Inspectors comments, there are no large scale projecting rooflights now proposed to the rear extension.

New Basement Floor of Accommodation

The principle of a new basement underneath the existing house and part front and rear gardens was not considered as a reason why the previous application proposals would have been refused had an appeal against non-determination not been submitted, and the appeal Inspector raised no concerns over this aspect of the previous scheme. The application was submitted prior to the Cabinet Member statement of 23rd October 2015 which clarified that weight would be applied to the draft revisions to the Westminster City Plan related to applications proposing basement developments applications submitted after 1st November. Though noting the concerns of the Notting Hill East Neighbourhood Forum, the principle of a basement development to the property is considered acceptable.

The basement proposed has only two external manifestations which are in the form of lightwells with grills covering their top. One of these is located to the base of the narrower lightwell proposed to be created between the new front garden extension and the main front elevation, and one is proposed to be located immediately adjacent to the existing rear extension within the rear garden. The lightwell proposed to the front garden has been revised during the course of the application submission and is now shown as a 1.6m x 1.1m lightwell topped by a grill rather than as a glazed rooflight as was initially submitted. This grill is in itself set into the narrowed front lightwell and it would therefore be to a discreet location unlikely to be visible from street level. The rear lightwell is also discreetly set to the immediate rear of the existing rear extension and also has a grill to its top, and it is also considered to have a limited visual impact on the building and is considered acceptable.

Front Garden Extension

When originally constructed in the mid 19th century, the building would have been built with a smaller lightwell adjacent to the building and with the larger remainder of the front garden built up to pavement level, potentially with vaults set in under it. At some point in the past almost the entire front garden with the exception of the pathway leading up to the front entrance steps has been excavated down to lower ground floor level, with the lowered garden area being hard paved. This existing arrangement is considered to detract from the appearance of the building. The creation of a new front garden area raised up to pavement level creates a more historically appropriate arrangement and it removes the unattractive existing hard paved sunken garden. A lightwell between this new extension and the main front elevation of historically appropriate proportions will be maintained as open. Though the extension does not have 1.2m of top soil between it and the new garden level, this element of the proposals represents an extension to an existing hard paved area rather than an excavation under an existing garden area. The extension and the proposed new basement below are set 1.4m back from the new front boundary wall which also allows for a planting zone adjacent to the front boundary with deep soil. Given the hard paved nature of the frontage to the site at present and the allowance for an area of planting to the front of the amended front garden, this approach is considered acceptable.

The application drawings refer to the existing railings flanking the front entrance steps and veranda being retained, which overcomes the concerns with the previous application where these were being amended/part removed. New railings are proposed to flank the new front lightwell. These new railings are referred to as being designed to match existing. However, there are a number of differing existing railing designs to the front of the building, and it is considered important for these railings to be simply detailed so as not

to detract from the original railings to the front veranda, and a condition is attached to secure this.

Front Boundary Wall

The existing front boundary treatment is an unattractive arrangement, with modern railings set on a brick wall which is located notably behind the front building line to the pavement which the other frontage railings all correspond to. This arrangement is to be replaced by a new rendered wall with a new rendered wall on the front building line with black metal railings and gate set between gate piers. This represents a more consistent building line to the street and to a more traditional appearance than existing. The approach is welcomed in design terms, though with one exception being that there is a superfluous gate pier to the centre of the main run of railings. Gate piers are found typically traditionally only where flanking entrances and an amending condition is recommended to remove this and replace it with a more consistent run of railings. Subject to this change, the new frontage treatment is welcomed in design terms.

Rear Extension to Lower Ground Floor Level

NHENF consider the rear extension to be 'horrid' and that they do not approve of infills between rear extensions. An extension of this size and general design however was agreed as part of the approval of planning permission on 11 September 2012, and a similar extension was not considered as a reason for refusal as part of the more recent appeal scheme. Notwithstanding this, the extension is designed with render facing and with windows in timber, and infill extensions to lower ground floor level such as this are common throughout the conservation area. Notwithstanding the concerns raised, this extension is considered acceptable in design terms.

Alterations to the Rear Elevation

The removal of a window to rear ground floor level and replacement with a pair of inward opening doors and a balconette feature to the outside was also work contained in the approval of planning permission on 11 September 2012. The doors have a traditional appearance and will be formed in timber. The balconette feature will be formed in black metal and would be simply detailed. These features are set into the gap between the relatively large rear extensions to either side, and in this location the works will have little overall impact upon the appearance of the building. NHENF do not approve of a balcony without screening and greening. However, such features cannot be successfully incorporated into a small balconette feature of this type.

The rooflight proposed above the ground floor element of the existing rear extension is shown as a relatively small scale feature and is considered uncontentious. The installation of new sash windows in place of the existing unattractive modern windows currently in place to this extension is welcomed in design terms.

In conclusion, the works proposed would preserve the character and appearance of the conservation area and would accord with Policies DES1, DES5 and DES9 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

Sunlight and Daylight / Sense of Enclosure

The proposed extension to rear lower ground floor level involves the enclosure of a window understood to serve a small utility room which is currently set in the side (south) facing elevation of the rear extension to the adjacent building at no. 40 Northumberland Place. This window currently faces over the rear garden/rear lightwell area of the application property. The enclosure of this window by an extension was agreed by the previously approved application on 11.09.2012 and was not considered as a reason for refusal in the more recent appeal scheme and as such is again considered acceptable as part of this application. Though light and outlook to this window will be blocked, as with the previous applications, including the approval in 2012, the new extension proposed will incorporate an air duct to allow ventilation to be maintained to this room. A duct is shown to the drawings, and a condition will secure full details of and the implementation of this duct.

Concern was raised by a resident of Sutherland Place to the impact on light from the works to the rear. However, given the distance involved this concern is not considered sustainable.

Given its very limited external manifestations, the proposed basement extension, would have no impact on the amenities of neighbouring properties in terms of loss of daylight, outlook or sense of enclosure, or loss of privacy. By virtue of being set down into the existing sunken front garden the new front extension to lower ground floor level would also not adversely affect the amenity of surrounding neighbours.

Privacy

Objection has been received to the proposals on grounds of a perceived loss of privacy from both the rear ground floor balcony and the rear lower ground floor extension. The balcony is set into a relatively narrow gap between two larger rear extensions and is approximately 15m away from the rear elevations of the buildings to the west on Sutherland Place. The rear extension has relatively large windows to its rear elevation. However, it is set within a rear garden area with boundary walls and does not project further than the existing rear extension adjacent. It would also have similar levels of outlook to the existing rear windows. As such neither of these works would unacceptably harm the privacy of properties to Sutherland Place and the concerns raised on these grounds are not considered sustainable.

Conclusion

Overall, the proposed scheme is acceptable in amenity terms and would accord with Policy S29 in the City Plan and Policy ENV 13 in the UDP.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units or a loss of parking and as such the proposal is not contrary to policy TRANS23 of the UDP.

8.5 Economic Considerations

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

8.6 Access

The proposals do not alter the access arrangements into or within the building.

8.7 Other UDP/Westminster Policy Considerations

Noise

The applicants have confirmed that the intention is for the basement to be naturally ventilated, and that they are not therefore proposing any air conditioning equipment. Noise and disturbance resulting from construction works, which has been the subject of several objections to the proposals, is considered separately in this report.

Trees

Aside from a tree planted in a raised planter pit to the adjoining building to the south there are no trees in proximity to the works proposed, and the application site has a large sunken front garden set well below the level of the adjacent tree. Accordingly, no roots would be adversely affected by the works to the front.

Biodiversity

Concern has also been expressed about the impact on wildlife resulting from the loss of part of the garden. Whilst it is unclear as to whether this is a reference to front or rear gardens, both are in any case hard landscaped, and as such the extensions proposed would not adversely affect wildlife. The new front garden incorporates a planting zone which would support new planting to the front garden.

Water Runoff

NHENF express concern that the proposals involve a reduction in the size of gardens without adding greening to absorb some of the run off. However, the existing front garden is almost entirely hard paved, and the new garden would include the introduction of greening to a planter area towards the front of the garden. As such the concerns expressed on this issue are not considered sustainable.

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

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

8.11 Environmental Impact Assessment

Environmental Impact issues are not relevant to these application proposals.

8.12 Other Issues

Basement Excavation

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers. The numerous letters of objection received refer specifically to the impact on the structural integrity and stability of adjoining buildings which will shorten the lifespan of the terrace and the damage to the underlying soil regime. They also refer to potential problems with flooding, the interference with the drainage of surface water and the impact on groundwater.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

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.

Building Control have assessed the reports provided and consider that, notwithstanding concerns raised, the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports 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 cited above. To go further would be to act beyond the bounds of planning control.

The City Council has been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. The City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. A revised formal policy, 'Draft Basements Policy', is currently being examined and will form part of the City Plan once adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Weight will be afforded to parts of this policy for applications submitted after 1 November 2015, however, as this application was submitted before that date it cannot be assessed against this emerging policy.

Construction Impact

Objections have been received from neighbouring residents and NHENF regarding the impact of construction work associated with the proposed basement with specific reference to noise, dirt, dust vibrations and traffic, the timescale for the proposed construction phase and general disturbance associated with construction activity.

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan is required at validation stage and has therefore been submitted with the application. This gives some indications of the approach to be taken and is considered appropriate and reasonable at application stage in terms of demonstrating that harm to the amenity of residents can be mitigated as far as is reasonably practicable under planning law. However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works, including further details of parking arrangements outside the site, a 24 hour emergency contact number, and other information. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation. Whilst it is inevitable that all construction works will have some impact on neighbours, together these should go some way to addressing the concerns of residents.

Further Comments Received from NHENF

NHENF make a range of other suggestions and comments with regards to the construction of this proposed development. Some of these suggestions can be

considered. For example, the applicants have stated that they are willing to excavate soil over the pavement by means of a conveyor an appropriate height above pavement level. However, the remainder of these suggestions are considered particularly onerous and it is not considered reasonable to impose them on this individual site.

In their response to the application proposals, NHENF also advised that they do not approve of flat topped mansards. Whilst these comments are noted, the application does not include a proposal for a mansard of any form, and the comments therefore are not considered sustainable to this application submission.

NHENF also comment that no photographs have been provided showing neighbouring properties. However, this is not a requirement of an application submission and the application could not be considered unacceptable on this ground.

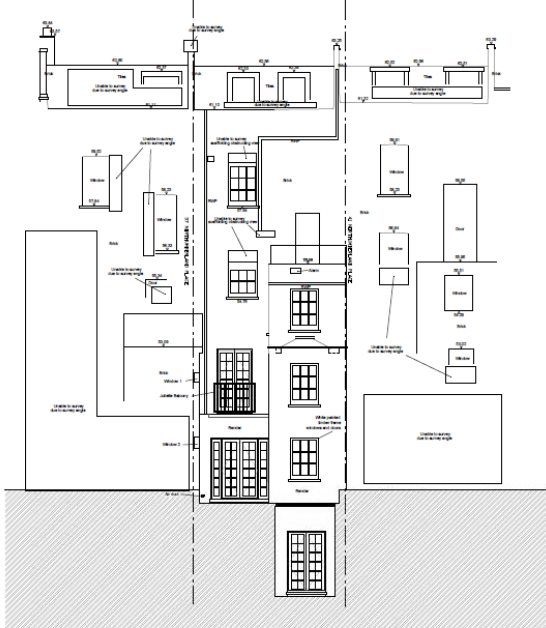
They further comment that in their opinion the development would be only suitable for those with no connection to the area and with no reference to any ecological or social considerations. However, such issues are not relevant to the consideration of an application for planning permission.

9. BACKGROUND PAPERS

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum, dated 9 September 2015 and 8 January 2016.
3. Email from Thames Water dated 28 August 2015.
4. Email from Environment Agency dated 18 August 2015.
5. Email from Highways Planning dated 19 February 2016.
6. Email from Building Control dated
7. Letters from occupier of 26b Sutherland Place, London, dated 13 September 2015 and 10 January 2016.
8. Letters from occupier of 27 Sutherland Place dated 16 September 2015 and 4 January 2016.
9. Letter from occupier of 26A Sutherland Place dated 26 September 2015.

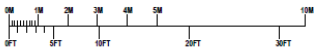
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ALISTAIR TAYLOR ON 020 7641 2979 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk



NOTES:
 1. All dimensions are in meters and are to be applied as per the drawing unless otherwise stated.
 2. All dimensions are subject to change and the contractor shall be responsible for checking the dimensions on site.
 3. The contractor shall be responsible for obtaining all necessary permissions and approvals from the relevant authorities.
 4. The contractor shall be responsible for ensuring that the work is completed in accordance with the relevant building codes and standards.
 5. The contractor shall be responsible for ensuring that the work is completed in a timely and efficient manner.
 6. The contractor shall be responsible for ensuring that the work is completed in a safe and sound manner.
 7. The contractor shall be responsible for ensuring that the work is completed in a professional and courteous manner.
 8. The contractor shall be responsible for ensuring that the work is completed in a manner that is consistent with the overall quality and standards of the project.
 9. The contractor shall be responsible for ensuring that the work is completed in a manner that is consistent with the overall budget and schedule of the project.
 10. The contractor shall be responsible for ensuring that the work is completed in a manner that is consistent with the overall goals and objectives of the project.

10 REAR ELEVATION



N. 20/71/75 Flood Alleviation Scheme
 W. 14/02/75 Flood Alleviation Scheme
 L. 02/04/74 Flood Alleviation Scheme
 R. 27/02/73 Flood Alleviation Scheme
 F. 04/02/72 Flood Alleviation Scheme
 E. 01/02/71 Flood Alleviation Scheme
 D. 01/02/70 Flood Alleviation Scheme
 C. 01/02/69 Flood Alleviation Scheme
 B. 01/02/68 Flood Alleviation Scheme
 A. 01/02/67 Flood Alleviation Scheme

DNA ARCHITECTURE LTD
 85, Avenue Gardens,
 London, W14 9JF
 Tel: 020 8946 1322
 Fax: 02020 461 222

38 NORFOLKLAND PLACE
NOTING HILL
 LONDON, W2, SAS

MR DAMON PAINTER

PROPOSED REAR ELEVATION

DATE: 14/05/24
 DRAWING NO: 376_05_102

DRAFT DECISION LETTER

Address: 39 Northumberland Place, London, W2 5AS,

Proposal: Lower ground floor extension to the front light well and alterations to front garden, construction of a new basement level below the existing footprint of the house, part of the rear garden including front and rear light wells, installation of roof light to flat roof of first floor rear projection, erection of single storey side infill extension, alterations to fenestration at rear including erection of first floor Juliet balcony, alterations to fenestration of side and rear elevations of closet wing. -

Reference: 15/06654/FULL

Plan Nos: Location plan, 376-02-101 Proposed Block Plan, 376-02-001 Existing Location Plan, 376-03-101N, 376-03-001A, 376-03-102N, 376-03-002A, 376-03-103N, 376-03-003A, 376-05-101N, 376-05-001A, 376-05-102N, 376-05-002A, 376-04-101N, 376-04-001A, 376-04-102N, 376-04-002A, Design and Access Statement.

FOR INFORMATION ONLY - Construction Traffic Management Plan dated 17th November 2015, 376-01-003 Site Plan for CTMP, 376-01-002 Area Plan for CTMP, Report from Vincent and Rymill dated 02.10.2103, 01A, 02A

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, 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.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

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 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 Westbourne 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)

- 4 You must provide the balconette feature in the form shown on the plans to the outside of the external door openings to rear ground floor level as part of the works for the creation of doors to the adjacent opening and it shall be maintained in that position thereafter. You must not use the roof of the lower ground floor level extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 You must apply to us for approval of detailed plan/section/elevation drawings (as appropriate) showing the new air duct built within the new rear extension to lower ground floor level to ventilate the existing utility room window in the neighbours property and showing its exit route from the extension. You must not start any work on the rear extension part of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. Once installed, you must not remove this feature (C26DB)

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)

- 6 The new external metalwork shall be formed in black painted metal

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 Westbourne 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)

- 7 Notwithstanding the details shown on drawing 376-05-101N, the new boundary treatment shall have gate piers to either side of the pedestrian entrance gate and to the north end of the frontage only, and the additional gate pier to the centre of the frontage shall be omitted and replaced by railings to match those existing to either side on the frontage

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 Westbourne 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)

- 8 The new windows and external doors at lower ground floor level or above shall be formed in glazing with white painted timber framing

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 Westbourne 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)

- 9 The grille to the front and rear lightwells shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal.

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 Westbourne 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)

- 10 You must apply to us for approval of a sample of the paving material for the front garden. 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 material. (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 Westbourne 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)

- 11 **Pre Commencement Condition.** Notwithstanding the Construction Management Plan submitted, 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.

- 12 The new railings flanking the front lightwell shall be designed with a flat handrail with no finials above, and with plain and undecorated upright balusters below

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 Westbourne 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)

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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are advised that Thames Water recommend that you incorporate a non-return valve or other suitable device to avoid the risk of back flow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions Water also recommend that you undertake measures to minimise ground water discharges into the public sewer . A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into the public sewer .Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991 .Permit enquiries should be made to Thames Water Risk Mangement Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk .Application forms can be completed on line via www.thameswater.co.uk/wastewaterquality .
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 You are advised that our Building Control team were consulted during the course of the application process and advised that in their view the drawings shown an internal arrangement not in accordance with the fire regulations as the lower ground floor's kitchen is open to the only staircase in the property.
- 6 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)
- 7 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the

walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)

Background Papers:

1. Application form.
2. Email from the Environment Agency dated 21.7.2015.
3. Email from Building Control dated 22.7.2015.
4. Email from Highways Planning Manager dated 21.7.2015.
5. Email from Thames Water dated 15.7.2015.
6. Memorandum from Arboricultural Manager dated 6.8.2015.
7. Letter from 45 Marlborough Place (Management Company Ltd) c/o 45 Poplar Close, Leighton Buzzard, Beds LU7 3BS dated July 2015.
8. On line comment from Flat 6 45 Marlborough Place London NW8 dated 3.8.2015.

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.

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