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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 31 May 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Lancaster Gate | |
| Subject of Report | Dukes Court, 1 Moscow Road, London, W2 4AJ, | | |
| Proposal | Erection of single storey roof extension to provide three flats (Class C3) with plant enclosure to roof and alteration facades including new residential entrance at ground floor level and replacement of spandrel panels to windows. | | |
| Agent | Buckley Gray Yeoman | | |
| On behalf of | Aviva Investors | | |
| Registered Number | 15/07000/FULL | Date amended/ completed | 29 March 2016 |
| Date Application Received | 31 July 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Queensway | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the erection of a single storey roof extension to provide three flats (Class C3) with a plant enclosure to the roof and alteration to the existing facades including new a residential entrance at ground floor level and replacement of the spandrel panels below windows to the street elevations.

Permission has previously been granted for a roof extension on this building; albeit one of different detailed design and form. Permission was first granted in March 2007 and this was extended for a further three year period in May 2010. This permission expired in March 2012, but has been implemented by virtue of the installation of window replacement works that formed part of the same permission. Therefore the 2010 permission remains extant and could be implemented at any time.

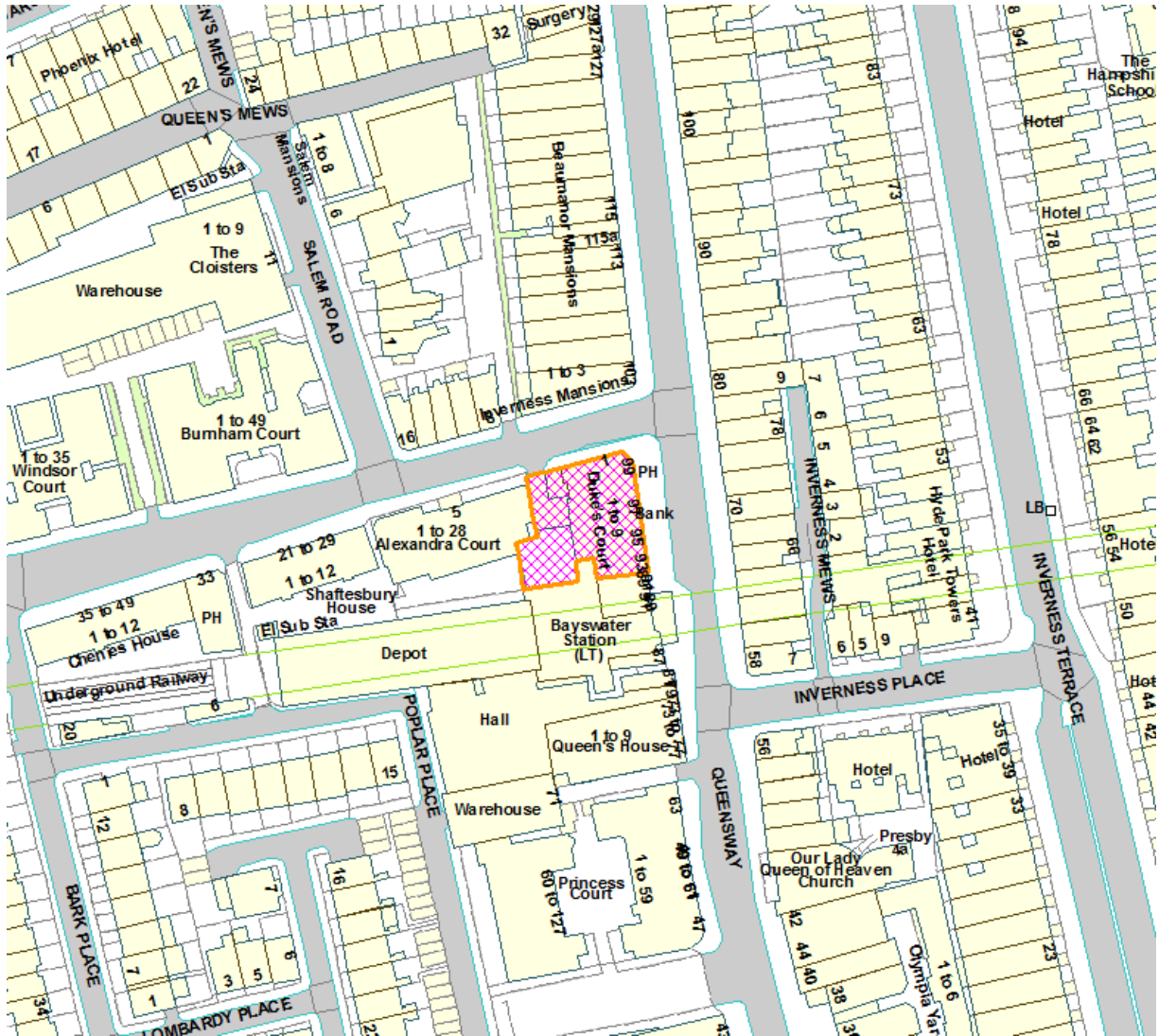
The key issues in this case are:

- The impact of the proposed development on the appearance of the building and the character and appearance of the Queensway Conservation Area.

- The impact on the amenity of neighbouring residents.
- The impact on the availability of on-street residents parking in the vicinity of the site.

The proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and therefore it is recommended that planning permission is granted subject to the recommended conditions set out in the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View north along Queensway (top) and Moscow Road elevation (bottom).

5. CONSULTATIONS

CONSULTATION ON INITIALLY SUBMITTED SCHEME (AUGUST 2015)

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Possibly overdevelopment of the site. Two apartments would be preferable. Car parking for additional apartment is problematic as Queensway is a very congested area.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

CLEANSING MANAGER

No objection. Condition recommended to secure details of waste and recycling storage.

HIGHWAYS PLANNING MANAGER

Objection. On street parking in the vicinity has exceeded the level of serious deficiency overnight. Insufficient cycle parking is provided (London Plan compliance requires 5 spaces for the 3 flats proposed).

THAMES WATER

Request Grampian condition in respect of sustainable urban drainage. General water and waste water advice provided.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88;
Total No. of replies: 3;
No. of objections: 3;
No. in support: 0.

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

Highways/ Parking

- Cycle parking should be provided for existing flats in the building as well as those proposed.

Other Matters

- Building is not structurally capable of supporting an additional floor.
- Cracks have appeared after installation of new windows 5 years ago and freeholder has not taken action to rectify this.
- Neither Option A (single storey roof extension) or Option B (two storey roof extension) referred to in the submitted structural statement should be pursued.
- Freeholder has not dealt with snagging from refurbishment works carried out 5 years ago.
- Applicant should provide a start and finish date if permission is granted to give leaseholders in the building certainty over the period of works.
- There are 9 flats in the building, not 8 as stated in the application.

- The 3 flats at the western end of the building are all 2 bedroom flats, not one bedroom flats and the flats on the east corner are 2, 3 and 3 bedroom flats. The missing flat is a 2 bedroom flat.
- Concern that space will be taken from other flats or communal space to strengthen the lift core. Any space taken from the corridors would make them too narrow.
- Adverse impact on the value of existing flats in the building.
- Water meters cannot be provided for this building according to Thames Water.
- Concerned that freeholder is describing recent refurbishment works as being carried out using sub-standard materials.
- Damp in bathroom of existing flat
- Noise and disruption from building works.

ADVERTISEMENT/ SITE NOTICE: Yes

RECONSULTATION ON REVISED SCHEME (APRIL 2016)

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

CLEANSING MANAGER

No objection. Condition recommended to secure details of waste and recycling storage.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88;

Total No. of replies: 3;

No. of objections: 3;

No. in support: 0.

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

Design

- Concerned at height of proposed elevations which appear too high.

Highways/ Parking

- Cycle parking should be provided for existing flats in the building as well as those proposed.

Other Matters

- Initially raised concerns remain valid and have not been overcome by revised scheme.
- Plant room proposed would be over the weakest part of the building adding to the previously stated structural concerns.
- Initial concerns about the number and mix of flats in the building have not been corrected raising concerns that the actual impact of the development in terms of parking has not been correctly assessed.
- Means of fire escape are not to current standards.
- The proposed development would necessitate the use of scaffolding in future to repair the lift; whereas at present the lift can be accessed without the need for scaffolding.
- Parking to rear is not used as they cost a large amount to rent.
- Note windows shown in this application do not match those approved for the existing building earlier in 2016.
- Not convinced it will be possible to run services in existing channels due to limited space.
- Previous works by freeholder to communal areas five years ago were substandard and are the subject of dispute with leaseholders.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located at the corner of Queensway and Moscow Road, next to Bayswater Underground Station. The building is a four storey 1960's block of flats which is not listed but is located within the Queensway Conservation Area.

6.2 Recent Relevant History

13 June 1996 – Permission refused for addition of fourth floor to extend building to provide 4 flats (95/08225/FULL).

7 August 1997 – Permission granted for addition of fourth floor to existing building to provide 3 self-contained flats (97/02788/FULL).

8 March 2007 – Permission granted for erection of fourth floor level roof extension to create four self-contained flats (1x1 bedroom, 2x2 bedroom and 1x3 bedroom units) with associated external alterations to facades including replacement of existing windows with new aluminium windows and erection of glazed canopy over main entrance on Moscow Road elevation (06/02167/FULL).

10 May 2010 – Permission granted for extension of time for the commencement of development granted planning permission 8 March 2007 (extant permission reference: RN: 06/02167), namely for the erection of a fourth floor level roof extension to create four self-contained flats (1x1 bedroom, 2x2 bedroom and 1x3 bedroom units), with associated external alterations to facades including replacement of existing windows with new

aluminium windows and erection of glazed canopy over main entrance on Moscow Road elevation. (Site previously known as Dukes Court, 3 Moscow Road) (10/01707/FULL).

14 January 2011 – Permission granted for replacement of entrance door and surround (10/08994/FULL).

19 August 2015 – Permission granted for alterations to the windows to the flats and communal areas to include new outward opening fan lights and casements (15/04957/FULL).

7. THE PROPOSAL

Permission is sought for the erection of a single storey roof extension to provide three flats (Class C3), with plant enclosure to the roof of the new floor and alteration to the street facades of the existing building, including new residential entrance at ground floor level and replacement of spandrel panels to windows.

The proposed roof extension would be 0.8m higher than previously approved in 2006 and 2010 and is of materially different detailed design, but its footprint and proximity to the facades of the building on the lower floors are broadly similar to that previously approved. It is understood that the increase in height is necessary to accommodate the structural frame required above the existing roof of the building to support the proposed roof extension.

The scheme has been amended during the course of the application to reduce the height of the roof extension (as initially submitted the roof extension was 1.3m higher than the approved scheme). The detailed design of the roof extension has also been revised to address officer's concerns that the initially submitted scheme did not relate well to the appearance of the existing building. Proposals to paint the brickwork of the existing building have also been omitted.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the provision of three additional residential units in this location would accord with Policy H3 in the UDP and would optimise the provision of residential accommodation in accordance with Policy S14 in the City Plan.

Whilst the mix of units proposed would not include a three bedroom unit and therefore the mix is not fully compliant with Policy H5 in the UDP, it is considered that the mix proposed (1x1 bedroom flat and 2x2 bedroom flats) makes the most efficient use of the available space either side of the lift core. Furthermore, the flats would have limited external amenity space at roof level and are in a busy location on Queensway. Given these factors and as only a small number of flats are proposed, it is considered that the mix is acceptable in this case despite the normal requirements of Policy H5.

The residential units proposed are of an acceptable standard in terms of their size, which would be compliant with the Government's Nationally Described Space Standard and

Policy 3.5 in the London Plan. The flats would be well lit and would each have access to a small external terrace to provide external amenity space.

8.2 Townscape and Design

In design terms the principle of adding a single storey roof extension to this building is well established by the permissions granted in 1997, 2007 and 2010. Furthermore, the most recent permission from 2010 remains extant given that the permission has been implemented by virtue of the carrying out of other works (window replacement) that formed part of that permission. A copy of the 2010 permission and relevant approved drawings are provided in the background papers for information.

In terms of height and bulk, following amendment during the course of the application, the proposed roof extension would have a more comfortable relationship with the scale of the existing building below. The set back of the roof extension would be similar to that previously approved in 2010 and in places the inclusion of terraces would mean that the setbacks are in fact greater than previously approved.

The roof extension would rise 3.8m above the existing roof level and whilst this is 0.8m more than the approved scheme, the current scheme does not include an overhanging canopy, which was included in the approved scheme. Therefore the bulk of the roof extension at roof level, despite being higher than previously approved, would appear more recessive in street views within the conservation area and would be subservient to the existing building. The apparent height of the roof extension would be further reduced by modest raising of the existing concrete roof edge parapet above existing third floor level. A glazed balustrade would also be provided above the raised parapet, as per the previously approved scheme.

Following revision during the course of the application, the detailed design of the roof extension has been amended so that its fenestration would better reflect the characteristic rhythm of solid to void of the existing building, which is reinforced by the horizontal bands between the floor levels and the proportion of existing fenestration. The roof extension would be clad in grey aluminium cladding panels which would provide it with a simple, but appropriate form, which mirrors the solidity and rhythmic arrangement of fenestration to the lower floors. A condition is recommended reserving details of the facing materials and typical elevation details of the roof extension.

A more glazed façade is proposed to the rear of the roof extension, but in this more discreet location the provision of less ordered façade detailing would not detract from the appearance of the building or the conservation area. Indeed, the existing building is significantly more functional in appearance to the rear with fenestration largely confined to high level windows other than over the vehicular entrance to the parking courtyard.

The plant enclosure proposed would be set back significantly from the street elevations of the building and would be screened in longer views from the west along Moscow Road by the higher flank elevation of Alexandra Court. A condition reserving details of the mechanical plant to be located in the enclosure is recommended to ensure that it would not exceed the height of the enclosure.

To the existing building elevations it is proposed to replace the existing blue spandrel panels to the windows with grey spandrel panels to mirror the grey metalwork to the proposed roof extension and to replace the existing entrance door and surround, which was installed pursuant to permission granted in 2010. These façade amendments would bring increased coherency to the design of the façade of the building, particularly when seen in conjunction with the proposed roof extension. A condition is recommended to reserve details of the colour of the spandrel panels and to ensure that all the existing spandrel panels are changed to grey spandrel panels in a single programme of works (i.e. to avoid a mix of blue and grey spandrel panels on the building).

To the rear there is a commercial kitchen extract duct serving the public house at ground level and it will be necessary to extend this duct to the new roof level. A condition is recommended reserving details of how this is handled to ensure it has the minimum impact possible on the appearance of the extended building.

Subject the recommended conditions the proposed roof extension and associated alterations are considered to be acceptable in design terms and in accordance with Policies DES1, DES 5, DES 6 and DES 9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

In amenity terms the proposed roof extension, despite its additional bulk and height, would have little impact on the amenity of neighbouring residents in terms of loss of daylight and sunlight, increased sense of enclosure and overlooking.

The site lies next to the blank flank wall of Alexandra Court in Moscow Road to the west and next to Bayswater Underground Station in Queensway to the south. Consequently the scheme would not cause a loss of amenity to neighbouring residents to the rear of the site.

The window arrangement to the rear of Dukes Court itself is such that the roof extension would not result in significant overlooking to the windows of existing flats in the building and there have been no objections received from occupiers of Dukes Court on amenity grounds.

To the Queensway and Moscow Road elevations the proposed roof extension would be separated from neighbouring residential windows by the width of these streets and at these distances the additional bulk and height proposed would not cause a material loss of light or significant increase in enclosure, nor would the windows proposed cause a material increase in overlooking relative to the existing mutual overlooking that typically occurs when buildings face one another across a street.

As such, in amenity terms the proposed roof extension would accord with the Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The application does not propose the provision of any off-street parking. The existing parking courtyard is understood to be intended for use by occupiers of the existing flats in

the building, although one objector alleges that these spaces are little used by occupiers of the existing flats due to the high cost of renting a space.

The Highways Planning Manager objects the lack of off-street parking on grounds that whilst parking pressure in the vicinity has yet to reach the level of serious deficiency (80% occupancy or higher – occupancy overnight is at 70.7%), these level has been exceeded during daytime hours. However, whilst the level has been exceeded, it has only just been exceeded, with on-street parking occupancy at 80.2% during daytime hours. Given that the level of serious deficiency has only marginally been breached, as only three new residential units are proposed and as there is an implemented extant permission from 2010, which also did not provided any off-street car parking, it is not considered that permission could reasonably be withheld on lack of parking grounds. It is also noted that the site is very well served by public transport.

The Highways Planning Manager also has concerns regarding the lack of cycle storage proposed for the new flats. However, this can be addressed by the imposition of a condition requiring the submission of details of cycle storage, either within the flats or within an enclosure within the rear courtyard. Subject to such a condition the proposal would accord with the London Plan in terms of cycle storage provision.

8.5 Economic Considerations

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

8.6 Access

The proposed development includes the provision of a new entrance doorway at ground floor level and this retains a step up from street level, which it is understood forms part of the ground floor slab of the building and cannot be removed. As such, given that there is no forecourt area on which to provide ramped access, and as the building is not a public building, the lack of step free access, whilst regrettable, is not a ground on which permission could reasonably be withheld. As such, given the constraints in this case, the proposal accords with policy DES1 in the UDP.

8.7 Other UDP/Westminster Policy Considerations

The proposed development includes a plant enclosure at roof level. An acoustic report has not been submitted with the application and details of the mechanical plant to be installed within enclosure have not been specified as part of the application. It is therefore recommended that an acoustic report and full details of the mechanical plant to be installed within the acoustic enclosure, including details of any noise attenuation measures that may be required, are reserved by condition. Subject to such a condition the proposed mechanical plant would accord with Policies ENV6 and ENV7 in the UDP and Policies S29 and S32 in the City Plan.

The Cleansing Manager recommends that details of waste and recycling storage are secured by condition and such a condition is included in the draft decision letter. As such, the scheme would accord with Policy ENV12 in the UDP.

An Energy and Sustainability Statement has been submitted with the application and this demonstrates that despite this not being a major development, the applicant has followed the methodology set out in the Mayor's Energy Hierarchy and as a result the energy efficiency of the proposed development has been maximised. A mechanical ventilation system with heat recovery is proposed to minimise heat losses and it is expected that the plant equipment required to operate this system will be located within the roof level plant enclosure.

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

The proposed development is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

Concerns have been expressed by existing occupiers of Dukes Court that the building is not structurally capable of supporting an additional floor, that new services will be hard to accommodate, the means of escape from the existing building does not meet current standards and that strengthening of the structure would necessitate the taking of space from existing flats and communal space. However, structural matters, means of escape and provision of services within the building are not grounds on which planning permission could reasonably be withheld, but rather are matter for building regulations.

Notwithstanding this, the applicant has submitted a structural methodology with the current application, mainly to explain why the currently proposed roof extension is higher than that previously approved (i.e. to accommodate a sufficiently large structural zone between the roof of the existing building and the floor of the roof extension to support the new floor level). It is not proposed to take space from existing flats or communal areas to strengthen the building and this is a misunderstanding on the part of objectors. Building Control have been consulted on the application and have yet to respond. Any advice they may provide in relation to these matters can be included as informatives on the decision letter.

Concerns have also been expressed by leaseholders in Dukes Court with regard to the standard of works previously carried out by the Freeholder and to future changes in maintenance regimes (for example for the lift). However, these are private matters between those with an interest in the building and not grounds on which planning permission for the current application can be withheld.

Objectors have requested that the applicant should provide a start and finish date for the construction works if permission is granted to give leaseholders in the building certainty over the period of works and have raised concern over the impact of construction works in terms of noise. Whilst the desire for this level of certainty is understandable, it is not reasonable in planning terms. Permission, if granted, would though be limited to a 3 year period in which it must be implemented and a condition is recommended to control the hours of construction works.

The accuracy of the submitted drawings in terms of the number of units in the building and the size of the existing units (in terms of bedrooms) has been corrected by the applicant in response to concerns raised by objectors and the drawings now show the correct number and mix of units.

One objector notes that the windows shown in this application do not match those approved for the existing building in 2015. This observation is correct. The windows approved in 2015, which include a non-opening top light window do not form part of the current application and therefore the existing windows are correctly shown as existing and proposed; albeit with the spandrel panels replaced in the proposed drawings.

9. BACKGROUND PAPERS

1. Application form.

Consultation on Initially Submitted Scheme (August 2015)

2. Response from Cleansing - Development Planning, dated 24 November 2015
3. Letter from occupier of 4 Dukes Court, 1 Moscow Road, dated 8 October 2015
4. Letter from occupier of 1 Dukes Court, 1 Moscow Road, dated 29 August 2015
5. Letter from occupier of Flat 3, 1 Moscow Road, dated 11 September 2015

Consultation on Revised Scheme (April 2016)

6. Letter from occupier of Flat 3, Dukes Court, 1 Moscow Road, dated 19 April 2016
7. Letter from occupier of 1 Dukes Court, 1 Moscow Road, dated 5 April 2016
8. Letter from occupier of 1 Dukes Court, 1 Moscow Road, dated 21 April 2016

Selected relevant drawings

Existing and proposed plans, elevations and sections.

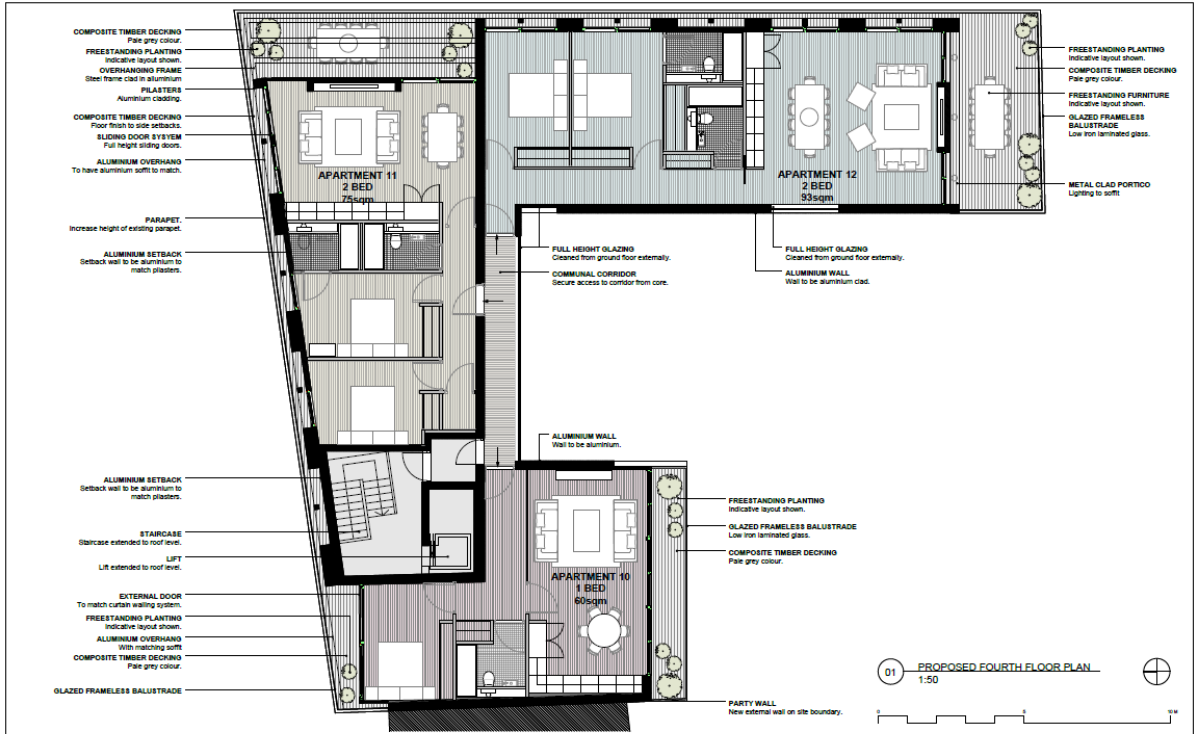
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



Existing and Proposed Images from Queensway.

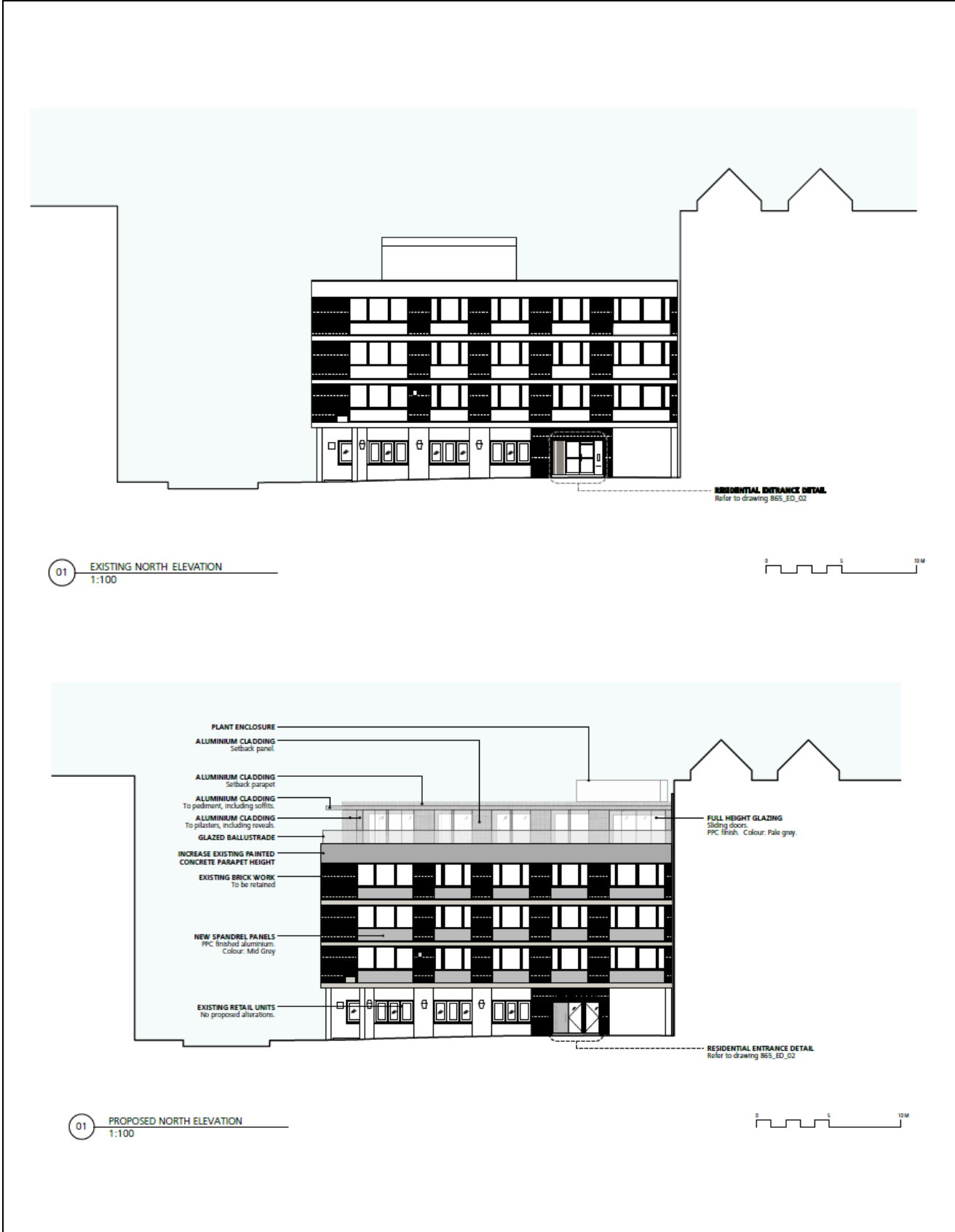


01 PROPOSED FOURTH FLOOR PLAN
1:50

DESIGNED BY:
 1. All dimensions are to face unless otherwise stated.
 2. All dimensions are to be in millimeters unless otherwise stated.
 3. The drawings are not to be used for construction without the written consent of the architect.
 4. The drawings are not to be used for construction without the written consent of the architect.
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| DATE | DESCRIPTION | BY | CHECKED |
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| 055_CA_04 | REVISED | P2 | |
| PLANNING | | | |

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| PROJECT | PROPOSED FOURTH FLOOR | ARCHITECT | Buckley Gray Yeoman |
| DATE | 05 FEB 2016 | REVISION | 01 |
| NO. | 055_CA_04 | REVISION | P2 |
| PROJECT | PLANNING | CLIENT | Duke's Court |
| PROJECT | AVVA | | |



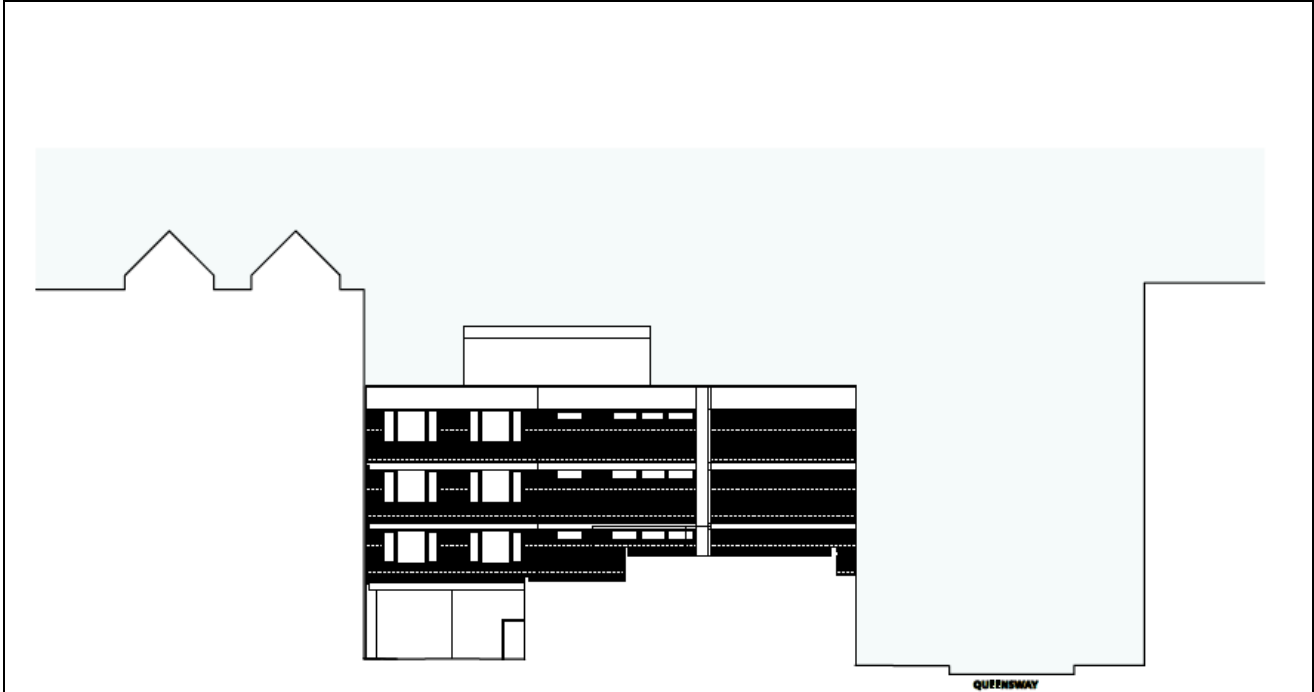


01 EXISTING EAST ELEVATION
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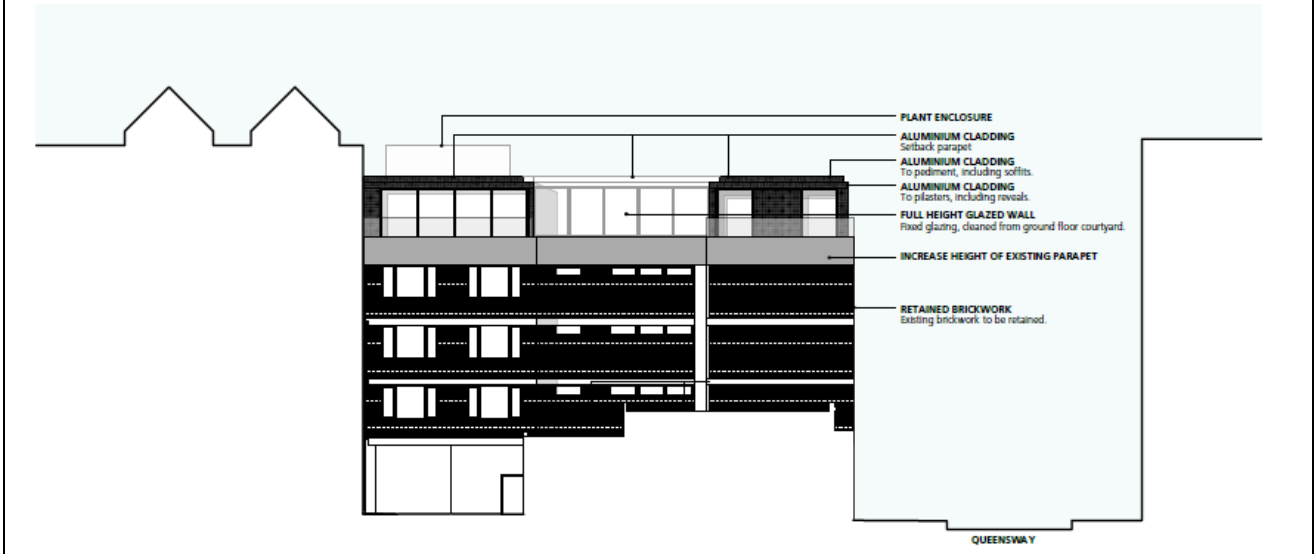


01 PROPOSED EAST ELEVATION
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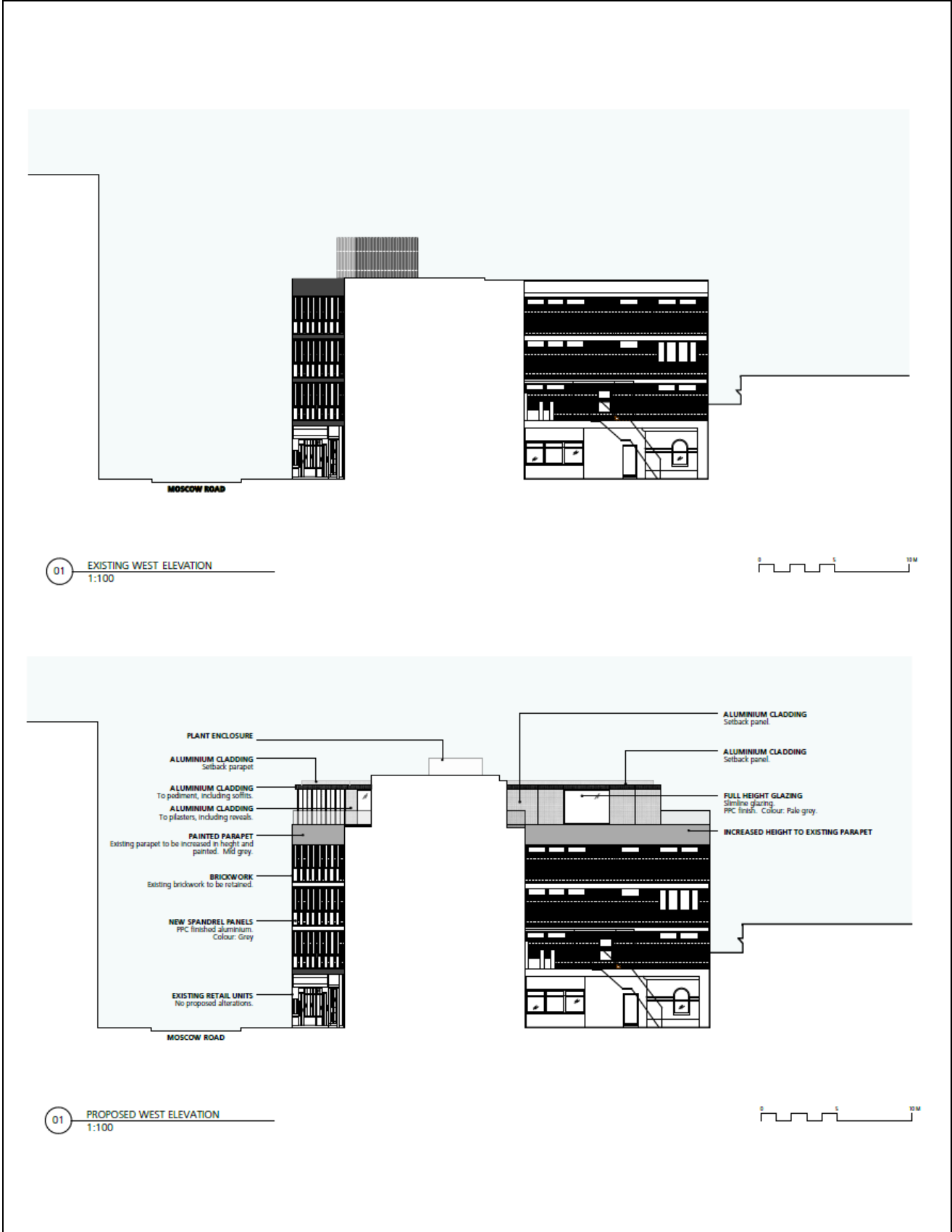


01 EXISTING SOUTH ELEVATION
1:100



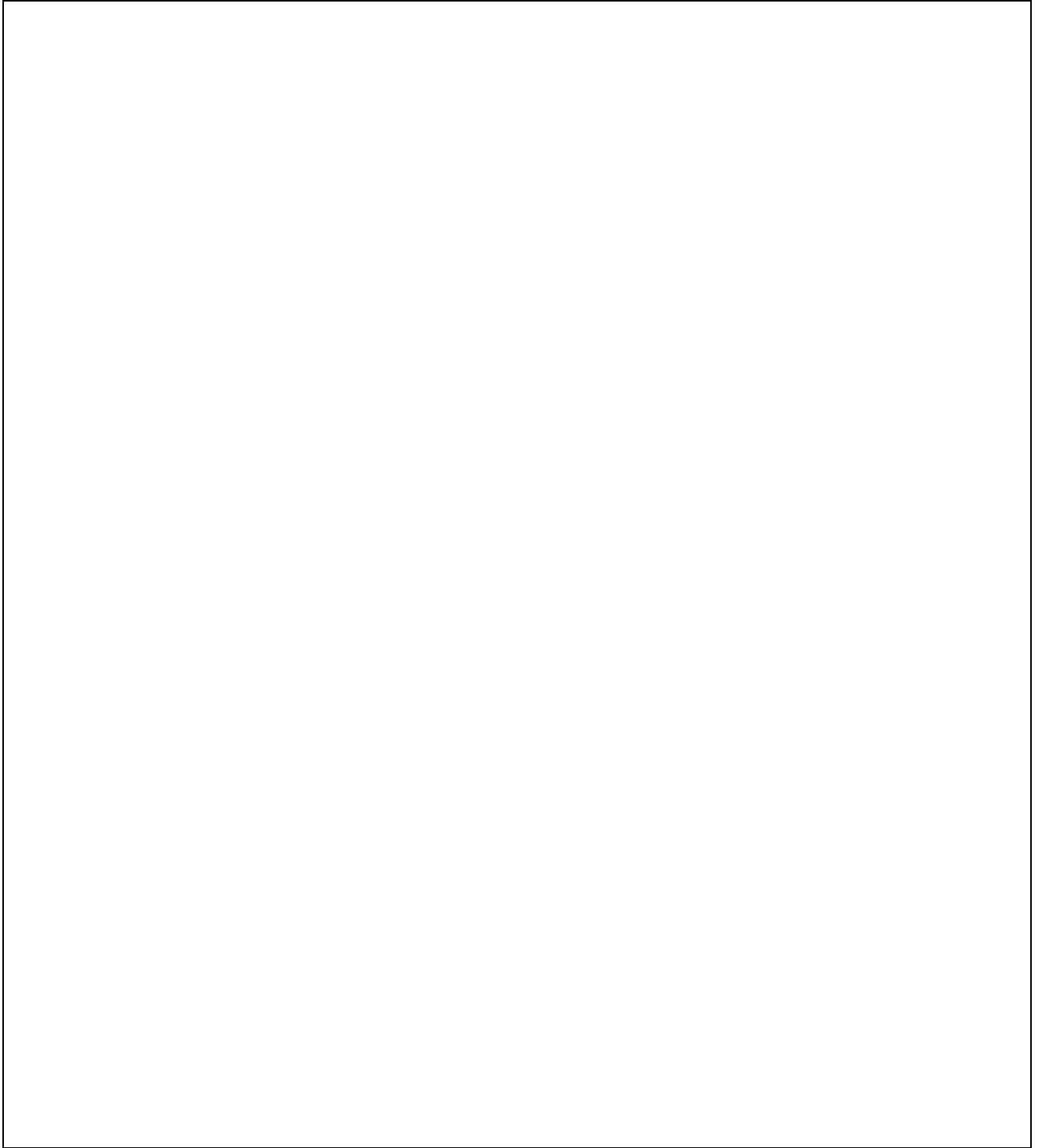
01 PROPOSED SOUTH ELEVATION
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DRAFT DECISION LETTER

Address: Dukes Court, 1 Moscow Road, London, W2 4AJ

Proposal: Erection of single storey roof extension to provide three flats (Class C3) with plant enclosure to roof and alteration facades including new residential entrance at ground floor level and replacement of spandrel panels to windows.

Plan Nos: Site location plan (865_SP_00), 865_EX_00/P1, 865_EX_01, 865_EX_02, 865_EX_03, 865_EX_RF, 865_EE_01, 865_EE_02, 865_EE_03, 865_EE_04, 865_GA00/P1; 865_GA_01/P1, 865_GA_02/P1, 865_GA_04/P2, 865_GA_RF/P1, 865_GE_01/P4, 865_GE_02/P4, 865_GE_03/P4, 865_GE_04/P4, 865_GE_05/P1, 865_ED_01/P1, 865_A_ED_02 /P1, 865_GS_01/P1; 865_GS_02/P1, Design and Access Statement dated 18 May 2016.

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 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 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 Queensway 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 apply to us for approval of samples of the facing materials you will use for the roof extension, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Queensway 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)

- 5 You must apply to us for approval of the colour of the replacement spandrel panels to be installed below windows to the street elevations. 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 spandrel panel and colour and you must replace all of the spandrel panels to the Queensway and Moscow Road elevations between first and third floor level as a single programme of work. (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 Queensway 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)

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

- (a) Typical facade elevations and sections of roof extension and associated roof edge balustrade (at a scale of 1:20 or larger).
- (b) The extension of the existing kitchen extract duct to the rear up to new roof level.
- (c) The roof level plant enclosure (at a scale of 1:20 or larger).

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 the detailed drawings that we approve. (C26DB)

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 Queensway 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 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 flats at fourth floor level. (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)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 9 You must apply to us for approval of details of an acoustic report and detailed drawings of the mechanical plant and any noise attenuation measures that may be required to demonstrate that the mechanical plant within the roof level plant enclosure will comply with the Council's noise criteria as set out in Condition 10 of this permission and would not harm the appearance of the building and the character and appearance of the Queensway Conservation Area.

You must not start work on this part of the development until we have approved what you have sent us. You must then install the mechanical plant and any associated noise attenuation measures (if they are required) in accordance with the details we approve prior to occupation of the flats hereby approved. Thereafter you must permanently retain any noise attenuation measures that are installed unless or until the mechanical plant is permanently removed from the roof of the extension.

Reason:

To maintain the appearance of the building and the character and appearance of the Queensway Conservation Area and because existing external ambient noise levels exceed WHO Guideline Levels. This is as set out in DES 1, DES 6, DES 9, 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 S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 10 (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.

- 11 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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 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 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)
- 5 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.
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 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. (I54AA)