

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 th October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	Site At 41, 43, 57, 59, 61 And 63, Pimlico Road, London, SW1W 8NE,		
Proposal	Demolition and reconstruction behind a retained front facade of 41, 43, 57, 59 and 63 Pimlico Road including the realignment of the rear elevation, the installation of new roof structures to match the existing, and the creation of external terraces; demolition of 61 Pimlico Road (the element directly fronting onto Pimlico Road) and construction of infill accommodation at ground, first, second and third floors; replacement of shopfronts to 41, 43, 57, 59 and 63 Pimlico Road; retention and sub-division of the builders' yard at 61 Pimlico Road (behind the frontage to Pimlico Road), installation of a partial mezzanine floor and creation of lateral connections at ground floor level to 41, 43, 57 and 59 Pimlico Road; replacement of the builders' yard glazed roof lantern; creation of roof level plant enclosure above part of the builders' yard; creation of 4no. Class A1 retail units at basement, ground and mezzanine level, with 7no. Class C3 residential dwellings at the first, second and third floor levels (with ground floor access); sub-surface excavation including lowering of ground floor slabs and the creation of additional basement accommodation; together with other external alterations.		
Agent	Gerald Eve		
On behalf of	Grosvenor Estate		
Registered Number	16/04562/FULL	Date amended/ completed	16 May 2016
Date Application Received	16 May 2016		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

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

- i. All highway works surrounding the site required for the development to occur including changes to on-street restrictions and footway repaving to Pimlico Road, all costs to be borne by the applicant; and
- ii. Lifetime (25 years) car club membership for the occupiers of each residential unit.

2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution then:

- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of 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

The application site, known as Newson's yard, comprises of an existing timber yard (Travis Perkins Ltd timber and builder's merchants, 61 Pimlico Road), and 5 three storey buildings fronting Pimlico Road with retail uses at the ground floor and residential dwellings above at 41, 43, 57, 59, and 63 Pimlico Road.

The site lies within the Belgravia Conservation Area and all the buildings date from the mid 19th century. The site forms part of core shopping frontage within the Pimlico Road local shopping centre

The proposed development involves reconfiguring and extending the existing buildings in order to increase the retail and residential floorspace. The existing site comprises five retail units and five residential dwellings. The proposed development would create four retail units and seven residential dwellings.

The key issues with this application are:

- The land use implications arising from the reconfiguration of existing retail premises including the timber yard;
- The impact of the development on the character and appearance of the Belgravia conservation area;
- The impact of the proposal on the amenity of neighbouring occupiers.
- The impact of the proposal on traffic and parking.

More than 300 objections have been received on a number of grounds, principally the loss of the timber yard which the objectors consider to be an important local service contributing to the historic and mixed use character of the area, as well as objections to the loss of the retail uses which occupy the smaller retail units.

A number of letters are in support of the scheme and state that the timber yard causes local traffic problems, and also that the proposals will help increase footfall, regenerate, and enhance the local shopping centre.

The proposals would increase both retail and residential floorspace on site. The amalgamation and reconfiguration of the existing retail premises including the timber yard to provide 4 no. separate retail units is considered acceptable in land use terms. The reconfiguration and extension of residential

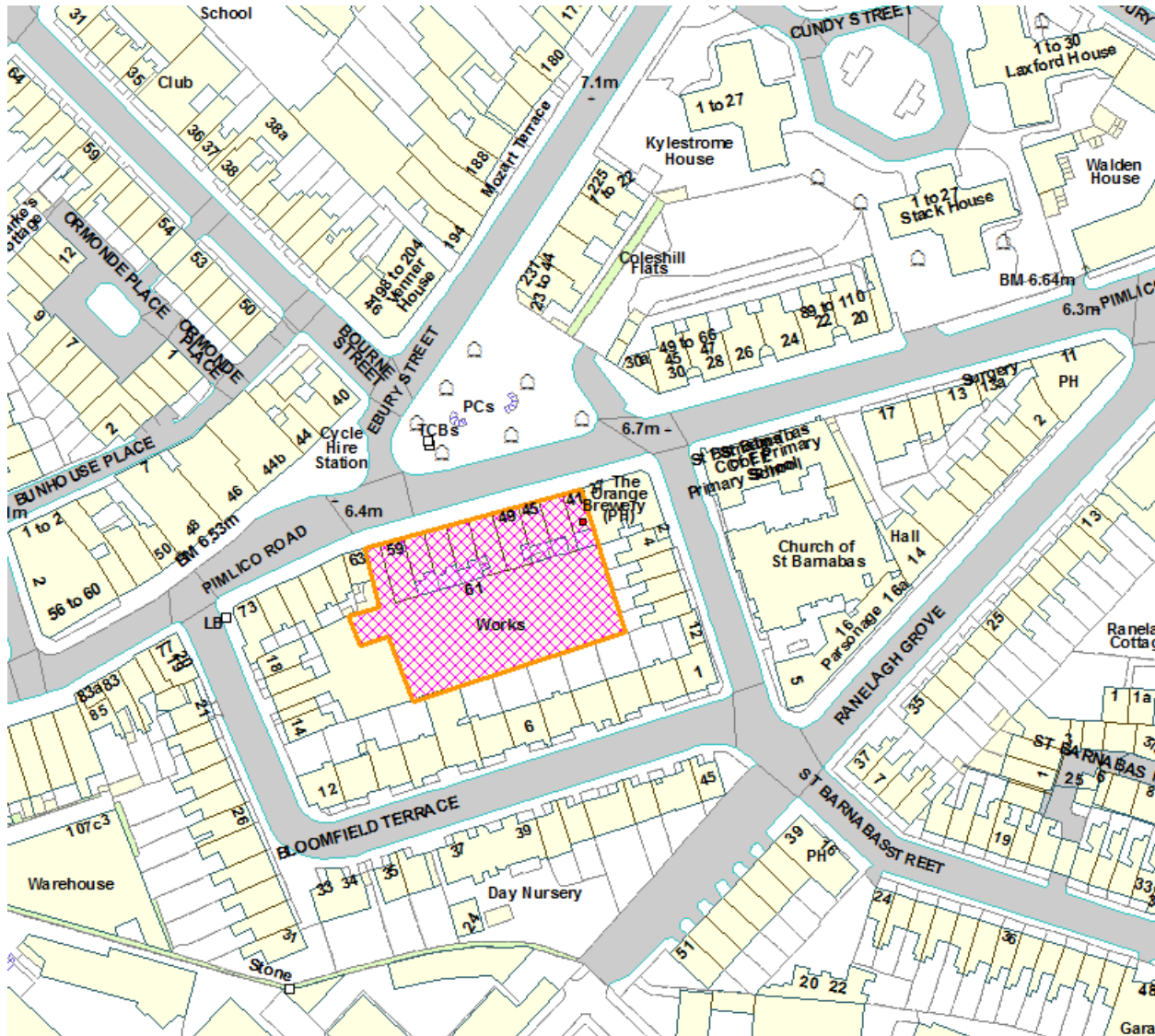
floorspace on the upper floors of 41 – 43 and 57 - 63 Pimlico Road is also acceptable in land use terms.

The majority of the existing timber yard structure will be retained. The works to the timber yard relate primarily to the internal layout which is not subject to planning control. These works of subdivision and alteration could be carried out without planning permission and cannot be considered to have any physical impact on the character or appearance of the conservation area.

The scheme would be controlled by the Council's new Code of Construction Practice, to ameliorate disruption from building works.

In all other respects the scheme is considered acceptable for the reasons set out in the report subject to necessary conditions and the completion of a S106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



FIGURE 22. 57-63 PIMLICO ROAD

Front elevation 57 – 63 Pimlico Road



FIGURE 21. 41-43 PIMLICO ROAD

Front elevation 41 – 43 Pimlico Road



Historic and existing frontage, 61 Pimlico Road



Interior of Travis Perkins, 61 – 63 Pimlico Road

5. CONSULTATIONS

BELGRAVIA SOCIETY:

Objection on the following grounds:

Land use

- The application is incorrect as the timber yard is a sui generis use and not Class A1;
- Change of use from sui generis to A1 retail would adversely affect heritage, local business, and local employment which should be protected;
- Loss of 3 bed family sized unit (N.B the plans have since been amended to incorporate a family sized unit);
- Lack of active frontages, combining 4 existing shopfronts into 2 double shopfront will lead to a less active shop frontage;
- Combining smaller units into larger units reduces the possibility of small business which give vitality and choice to the local shopping area;
- The provision of two large units is out of keeping with traditional shopping in the area and the role and function of Pimlico Road local centre.

Heritage/ Design

- Subdividing timber yard will destroy visual integrity of timber yard;
- Historic England confirms the timber yard is of strong local historic importance;
- Additional height and bulk above 61 Pimlico Road undermines the visual aspect of the terrace;
- New shopfronts and joining the shops together will adversely affect the character and appearance of Pimlico Road;

Transport

- The Society doubts the information in the traffic report and notes no reference is made to parking.

Other issues:

- Lateral residential units rather than vertical residential units avoids government legislation and does not allow residents to acquire a freehold, or manage the buildings in which they live;
- The appellants carried out an inadequate public consultation with local residents prior to submitting the application.
- The timber yard is an asset of community value

BELGRAVIA NEIGHBOURHOOD FORUM:

Comment that they would encourage and welcome even smaller retail and work units in the area where possible.

BELGRAVIA RESIDENTS ASSOCIATION:

No response to date.

HISTORIC ENGLAND:

Recommendation: The application should be determined in accordance with national and local policy guidance.

BUILDING CONTROL:

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using traditional underpinning with internal RC retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

HIGHWAYS PLANNING MANAGER:

Unacceptable on transport grounds but could be made acceptable. The creation of 2 additional residential units without off-street parking is likely to increase stress levels but a refusal on parking grounds would be difficult to sustain.

Conditions are recommended to secure cycle parking and a Servicing Management Plan. If minded to grant permission, a legal agreement should cover highway works to return the footway crossover on Pimlico Road to footway and to amend the waiting and loading restrictions associated with the crossover.

ENVIRONMENTAL HEALTH:

Recommend a number of conditions and informatives to ensure compliance with the Council's noise standards.

CLEANSING MANAGER:

No objection subject to condition requiring details of waste and recycling stores.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 434

Total No. of replies: 332

No. of objections: 306

No. in support: 26

306 individual objections on some or all of the following grounds:

- Loss of historic timber yard;
- The timber yard is the oldest (175 years) in London and should be preserved;
- Timber yard is an important local service contributing to the historic and mixed use character of the area;
- Proposals would adversely impact the character of the area;
- The proposals would result in the loss of existing A1 gallery uses;
- This area is
- Adverse impact on the character and appearance of the Belgravia Conservation Area;
- The design, bulk, massing is unacceptable;
- The proposals represent facades which is unacceptable;
- Proposed development is over-bearing, and out of scale.
- Proposals represent an over-development of the site;
- Proposals will adversely affect neighbours sunlight/ daylight;
- Proposals will adversely affect residential amenity in terms of sunlight/ daylight, loss of privacy, increase in noise and disturbance;

- The timber yard should not be demolished in order to build luxury flats;
- The timber yard should be used as market hall for smaller independent retailers.

26 letters in support on some or all of the following grounds:

- Timber yard causes local traffic problems;
- Proposals will help increase footfall, regenerate, and enhance the local shopping centre;
- The area lacks essential services (greengrocers, bakers, butchers, repairers etc.)
- The Pimlico Road Association is misrepresenting its members who support the proposals.

Other representations:

PIMLICO ROAD ASSOCIATION:

Objection on the following grounds:

- Majority of member not supportive;
- Building is of architectural merit;
- Loss of existing single units to create double units is detrimental to retail mix and feel of area;
- Proposed large units not appropriate in this area (more suitable to a High Street);
- Inappropriate sub-division of Yard building;
- Loss of established businesses;
- Loss of jobs.

345 questionnaires have been submitted by the retail occupier of 43 Pimlico Road Humphrey Carrasco Ltd. The questionnaires are not dated but appear to have been distributed and completed prior to the submission of this planning application. The questions relate to the applicant's initial development proposals which were not carried through to planning application stage. The questionnaires generally demonstrate that people are against the redevelopment of Newson's Yard.

A petition with 1235 signatures has been submitted by the 'Pimlico Road campaign team' asking Westminster Council to stop the destruction of a historic 175 year old timber and six surrounding galleries.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the south side of Pimlico Road and comprises of five principal buildings:

- 41 Pimlico Road;
- 43 Pimlico Road;
- 57 Pimlico Road;
- 59 Pimlico Road; and

- 61 - 63 Pimlico Road.

The site, Newson's yard, is almost completely enclosed by 19th century residential development at Bloomfield terrace and St Barnabas Street, and commercial development, with residential above, along Pimlico Road.

The principal building that comprises the majority of the application site is 61 Pimlico Road, a purpose built 19th century timber yard building, spanning the rear of 41 – 63 Pimlico Road. The timber yard is set behind frontage buildings on all 4 sides and is separated from other curtilages by a 7m or so high brick boundary wall. The only frontage it has to Pimlico Road, at ground floor level, is an open vehicle and pedestrian access/egress between 59 and 63 Pimlico Road. The yard is in use as a timber and builder's merchants and is occupied by Travis Perkins.

No. 63 Pimlico Road is a separate shop unit at basement and ground floor level, which is linked to the timber and builder's merchants to the rear at 61 Pimlico Road. 63 Pimlico Road is in use as a kitchen showroom and is also occupied and managed by Travis Perkins (Benchmark Kitchens at Travis Perkins). There is a separate residential dwelling on the upper floors.

Nos.41 and 43 Pimlico Road are 3 storey buildings fronting Pimlico Road which appear to have been constructed as a pair dating from the 19th century. The buildings comprise of retail uses with traditionally proportioned shopfronts at ground floor, and residential dwellings above. No.41 is occupied by a carpet shop 'Blenheim Carpets' and 43 is occupied by an antiques dealer 'Humphrey Carrasco Ltd'.

Nos.57 and 59 Pimlico Road are also 3 storey buildings dating from the 19th century, with retail uses at the ground floor and residential dwellings above. No.57 is occupied by a carpet shop 'Senaiy Carpets' and 59 is an interior and architectural design studio 'Coote & Bernardi'.

The application site lies within the Belgravia Conservation Area, and forms part of core shopping frontage within the Pimlico Road local shopping centre.

6.2 Recent Relevant History

Site at 59 & 61 – 63 Pimlico Road (Travis Perkins) & 16 Bloomfield Terrace

In **January 2001**, applications for planning permission, conservation area consent and listed building consent were submitted for:

'Alterations to 16 Bloomfield Terrace and use as 2 houses; demolition and redevelopment of 59 and 63 Pimlico Road behind retained elevations to form 2 shops and 2 flats; demolition of timber yard at 61 Pimlico Road and erection of 5 houses'.

Road opposite the

An appeal was lodged to the Secretary of State against a failure to give notice within the prescribed period of a decision on these applications.

The applications were presented to Committee on **26 July 2001** where Members resolved that, had an appeal not been lodged, the committee would have refused permission and conservation area consent on grounds of:

- i. Loss of historic use and buildings to the detriment of the character and function of the conservation area;
- ii. Loss of the timber yard/ builders' merchants/ hardware store contrary to the objective of sustaining a range of local services and maintaining the diversity of Westminster's shopping centres.

The applications were all dismissed at appeal on **15th January 2002**. It should be noted that the Inspector only refused listed building consent on the grounds that planning permission and conservation area consent were refused and were necessary to facilitate the development. The Inspector's principal reasons for dismissing the appeals are summarised as follows:

1. The building makes a positive contribution to the character and appearance of the conservation area and the criteria against which such buildings should be judged did not support the case for demolition. The presumption in favour of preservation, in accordance with Government policy and the development plan should therefore apply; and
2. Removal of the builder's merchants would result in the loss of 1,500 square metres of mainly ground floor shopping floorspace, considered to be in breach of adopted local planning policy (the Inspector having determined that the builders' merchants has a Class A1 use and therefore forms part of the protected retail frontage).

(Appeal Refs: App/X5990/E/01/1066683, E/01/1066684, and A/01/1066685)

Lawful Development Certificate (pending) (16/07505/CLEUD)

An application for a Lawful Development Certificate has been submitted by Travis Perkins (Properties) Ltd and is to be considered at this committee.

The application seeks to demonstrate that the lawful use of the site is not for Class A1 retail purposes but as a sui generis timber yard with ancillary showroom and trade counter.

It is recommended to refuse the certificate on grounds of insufficient evidence to demonstrate on balance of probabilities that the lawful use of the site is not for Class A1 retail purposes.

7. THE PROPOSAL

The proposed development involves reconfiguring and extending the existing buildings in order to increase the retail and residential floorspace.

In summary, the proposals comprise:

- Demolition and reconstruction behind a retained front facade of 41, 43, 57, 59 and 63 Pimlico Road including the realignment of the rear elevation, the installation of new roof structures to match the existing, and the creation of external terraces;
- Demolition of 61 Pimlico Road (the element directly fronting onto Pimlico Road) and construction of infill accommodation at ground, first, second and third floors;
- Replacement of shopfronts to 41, 43, 57, 59 and 63 Pimlico Road;
- Retention and sub-division of the builders' yard at 61 Pimlico Road (behind the frontage to Pimlico Road), installation of a partial mezzanine floor and creation of lateral connections at ground floor level to 41, 43, 57 and 59 Pimlico Road;
- Replacement of the builders' yard glazed roof lantern;
- Creation of roof level plant enclosure above part of the builders' yard;
- Creation of 4no. Class A1 retail units at basement, ground and mezzanine level, with 7no. Class C3 residential dwellings at the first, second and third floor levels (with ground floor access);
- Sub-surface excavation including lowering of ground floor slabs and the creation of additional basement accommodation; together with other external alterations.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application site forms part of the core shopping frontage within the Pimlico Road local shopping centre. The site is outside of the Central Activities Zone.

This is a mixed-use development which seeks to increase the retail and residential floorspace on site.

The existing and proposed land uses, both GEA and GIA, can be summarised as follows:

Use Class	Existing (GEA sqm)	Proposed (GEA sqm)	Change (GEA sqm)
Shop A1	2251	3066	+815
Residential C3	457	689	+232
Total	2708	3755	+1047

Table 1: Land Use (GEA): 41, 43, 57, 59, 61 & 63 Pimlico Road (Applicant's calculations)

Use Class	Existing (GIA sqm)	Proposed (GIA sqm)	Change (GIA sqm)
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Shop A1	1984	2802	+818
Residential C3	383	604	+221
Total	2367	3406	+1039

Table 2: Land Use (GIA): 41, 43, 57, 59, 61 & 63 Pimlico Road (Applicant's calculations)

8.1.1 Existing retail uses

In the 2002 appeal relating to this site, the Inspector concluded that the builders' merchants at 61 – 63 Pimlico Road has a Class A1 use and therefore forms part of the protected retail frontage. The other 4 retail units located at 41, 43, 57, and 59 also have a Class A1 retail use and form part of the protected retail frontage.

The floorspace (GIA) for each of the existing retail uses is set out in the table below.

Number	Retail Occupier	Existing (GIA sqm)
41	Blenheim Carpets	94
43	Humphrey & Carrasco	96
57	Senaï carpets	118
59	Coote & Bernardi	113
61-63	Travis Perkins	1,563
Total		1,984

Table 3: Existing Retail floorspace (GIA): 41, 43, 57, 59, 61 & 63 Pimlico Road (Applicant's calculations)

Policy S21 of the City Plan states that existing A1 retail will be protected throughout Westminster. In accordance with policy, it is proposed to retain the existing Class A1 retail use in this location, together with creating additional Class A1 floorspace.

8.1.2 Proposed retail

The scheme proposes 2,802 sqm (GIA) of Class A1 retail floorspace, an uplift of 818 sqm compared with the existing retail floorspace of 1,984 sqm. New retail floorspace is supported by policy S21 of the City Plan which states all new retail floorspace will be directed to the designated shopping centres. The overall increase in A1 retail floorspace is therefore welcome in policy terms.

The proposed scheme would reconfigure the existing retail units to create 4 units, a reduction of 1 retail unit from the current 5. All of the units will be occupied by Class A1 retailers.

The floorspace (GIA) for each of the new retail units is set out below:

Proposed retail	Unit no.	Proposed (GIA sqm)
	1	152
	2	96

	3	1127
	4	1026
Total		2402

Table 4: Proposed Retail floorspace (GIA): 41, 43, 57, 59, 61 & 63 Pimlico Road (Applicant's calculations)

As existing, the large backland timber yard site is only accessible via 61 Pimlico Road. The proposed development will create lateral connections between the timber yard site and the Pimlico Road frontage buildings at 41, 43, 57, and 59 Pimlico Road. The existing timber yard structure will then be sub-divided to create two retail units. These two retail units will be connected with 41 – 43 and 57 – 59 Pimlico Road, and known as Units 3 and 4. Units 3 and 4 will incorporate a mezzanine floor, with a void in the centre of the plan to allow the retained brick piers to be exposed and the double height character of the space retained.

Unit 1 would be located at 63 Pimlico Road at ground floor level with a lateral connection to a new rear mezzanine level.

Unit 2 would be located at 61 Pimlico Road, within a new ground floor shop unit created by infilling the timber yard's existing open vehicle and pedestrian access/ egress.

Objections have been received from both local residents and the current retail occupiers to the reconfiguration and amalgamation of the retail units. The vast majority of objections received, principally object to the loss of the timber yard which is considered to be an important local service contributing to the historic and mixed use character of the area. There are also objections to the loss of the retail uses which occupy the smaller retail units.

There is no adopted policy which resists the reconfiguration of amalgamation of these retail units, providing they remain within the same use class. The reconfigured units would remain class A1 retail, and therefore the proposals are not resisted in land use terms within the context of the NPPF, UDP and City Plan.

Whilst the concerns of objectors over the local businesses affected is well understood, there is also no adopted policy, or any restrictive planning conditions, that would prevent the loss of the existing tenants from the retail units that comprise the site. In this case, it is the principle of Class A1 retail use that is protected in this location, not the specific retail occupiers. The protection of these specific retail businesses is outside of planning control.

8.1.3 Travis Perkins, 61 – 63 Pimlico Road

The timber yard is the main part of the application site, 61 – 63 Pimlico road. This is in use as a timber and builder's merchants and a kitchen showroom and is occupied by Travis Perkins Ltd.

Objections have been received from Travis Perkins Ltd, The Belgravia Society, and local residents on grounds that the application is inaccurate as the lawful use of 61 – 63 Pimlico Road is a sui generis timber yard with ancillary showroom and trade counter rather than a Class A1 retail unit.

The lawful use of a timber yard or builder's merchants is a question of fact and degree in each specific case. One timber yard or builder's merchant will not necessarily be the same as another.

The 2001 appeal decision is a relevant consideration. In reaching a decision, the Inspector considered whether the timber yard is a retail use, and based on the facts of the case, the Inspector concluded that the lawful use of 61-63 Pimlico Road is for Class A1 retail purposes. The Inspector is quoted as follows:

"Para. 43. In this instance the timber yard is completely enclosed. It is compact and appears to me to be a single planning unit. Significantly the yard includes the display of a range of goods for sale, including building materials, tools, hardware and paint. The goods are freely available both to visiting members of the public and the building trade, without any distinction or the use of a separate trade counter. Any processing is limited to the cutting of sawn and planed timber and sheet material into smaller pieces, processes not dissimilar in principle to the cutting of cloth in a fabric shop, clearly ancillary activities. The business does not appear to have any significant storage other than for goods to be sold on premises. It follows that despite timber yards not being specifically identified as shops in the UCO, the activities actually taking place, as a matter of fact and degree, satisfy category (g) of Part A to the Schedule of the Order which identifies Class A1 uses.

Para. 44. In making my assessment, that this timber yard has an A1 retail use, it needs to be recognized that goods can be bought on account, and orders made by telephone for home delivery, at most shops. Account facilities do not alter the fact that the goods are offered for display and sale without restriction and home delivery does not appear to me to equate to a separate distribution function.

Para. 51. I have also taken into account the assertion that to accept what has been described as a builder's yard as a retail use, would set a most damaging general precedent which, amongst other matters, could harm national policies to encourage shopping in town centres. But I have come to my conclusions on the facts of this case. No general precedent implying the categorization of all builders' yards as retail uses would therefore be set."

The evidence available to the Inspector in 2002 led to the conclusion that the lawful use of the premises is for Class A1 retail purposes. No evidence has been provided to demonstrate that a material change of use has occurred since the 2002 appeal, and officer's observations of the current operation indicate A1 use.

Whilst it is still considered that the existing lawful use of 61 – 63 Pimlico Road is Class A1 retail, even if the use of the site were to be regarded as Sui Generis, the proposed development would still be considered acceptable on the basis of the City Council's adopted planning policies.

If the use of the site were to be regarded as Sui Generis, it is evident that the site's primary function is still that of a retail function and therefore proposals would need to be tested against planning policies that address non-A1 retail type uses.

The council does not have a planning policy that protects timber yards. Former UDP policy SS2 used to resist the loss of non-A1 retail uses, including timber yards, but this policy has been deleted.

Policy S21 of the City Plan states that existing non-A1 retail uses, and uses occupying shop-type premises within designated shopping centres will be protected from changing to uses that do not serve visiting members of the public and that do not have active shopfronts.

If the use of the site were to be regarded as Sui Generis or a non-A1 retail use, it is not considered that the use could be protected. This is on the basis that the site is within a designated shopping centre (Pimlico Road local shopping centre); the proposed development would increase A1 retail floorspace and clearly serve visiting members of the public; and also include active shopfronts.

The overall increase in A1 retail floorspace is welcome in policy terms. The proposals would enhance the retail function of the shopping centre and make it more attractive to shoppers.

8.1.4 Residential use

Policy H 3 of the UDP encourages the provision of more housing, specifically part (A) “The City Council will seek to maximise the amount of land or buildings in housing use outside the CAZ and where appropriate, within the CAZ”.

Policy S14 of ‘Westminster’s City Plan: Strategic Policies’ also seeks to optimise housing delivery and states residential use is the priority across Westminster, except where specifically stated. Furthermore, S14 specifies that

- “The Council will work to achieve and exceed its borough housing target set out in the London Plan”
- “Residential use is the priority across Westminster except where specifically stated”, and
- “The number of residential units on development sites will be optimised.”

The supporting text notes that “Land and buildings should be used efficiently, and larger development sites should optimise the number of units in schemes, taking into account other policies and objectives. Housing densities should reflect the densities set out in the London Plan. City Management policy will address housing densities to be applied to development sites in different parts of the city.”

London Plan Policy 3.3 seeks to increase housing supply; Policy 3.4 states that new developments should optimise housing output. In principle, the development of the site for residential use is therefore considered to be acceptable.

The existing site comprises five residential dwellings located on the upper floors 41, 43, 57, 59, 61 & 63 Pimlico Road.

The floorspace (GIA) for each of the existing residential units is set out below:

Unit No.	No. of Bedrooms	Existing (GIA sqm)
41	2	65
43	2	69
57	2	71
59	1	73
61 - 63	3	83

Table 5: Existing residential units floorspace (GIA): 41, 43, 57, 59, 61 & 63 Pimlico Road

The proposed development would create seven residential dwellings. This represents an uplift of 2 residential units and 221 sqm GEA. The proposed uplift in floorspace or units is not sufficient to trigger a requirement to deliver affordable housing.

The proposed units have been arranged laterally, as opposed to being over multiple levels. The floorspace (GIA) for each of the proposed residential units is set out below:

Unit No.	No. of Bedrooms	Proposed (GIA sqm)
R1	3	97
R2	1	54
R3	2	75
R4	2	79
R5	2	74
R6	2	68
R7	1	48

Table 6: Proposed residential units floorspace (GIA): 41, 43, 57, 59, 61 & 63 Pimlico Road

The following table illustrates the existing and proposed residential mix.

Unit size	Existing Unit Mix	Proposed Unit Mix
1 bed	1	2
2 bed	3	4
3 bed	1	1
Total	5	7

Table 7: Existing and proposed residential mix) 41, 43, 57, 59, 61 & 63 Pimlico Road

City Plan policy S14 seeks to optimise housing delivery, depending on the number and size of the proposed flats. The proposals are considered to achieve an acceptable balance between size of unit and optimising housing delivery.

Policies H5 of the UDP and S15 of the City Plan seek to secure an appropriate mix of units in housing developments. Policy H5 normally requires at least 33% of new units providing three or more bedrooms.

The residential mix is heavily weighted towards 2 bed units. In this case 1 (14%) of the 7 units are family sized. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances. It is considered that

there is a case for a lower amount of family housing given the location of the units above a shopping parade and the limited scope for sufficiently sized external amenity space.

The amenity of the flats is generally considered to be acceptable. 4 out of the existing 5 flats do not meet the minimum size standards set out in the Mayor of London's Housing Design Guide (LHDG). As proposed, 5 out of 7 flats exceed the minimum size standards. Where the proposed units do not meet the minimum size standards, they fail only by slight margins. However the proposals are accepted as all flats are considered to be an improvement in terms of size and layout in comparison to the existing.

All flats are dual aspect and will receive adequate levels of daylight and sunlight. The proposal will also introduce amenity space for 4 of the units, where, as existing, none of the units have any external amenity space. The provision of this amenity space is welcomed.

Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise as well as noise from within the development itself. The applicant has submitted an Environmental Noise Survey, however Environmental Health raise concern that it does not sufficiently demonstrate the measures to be put in place to mitigate against internal and external noise. The upper floors of the application site are already in residential use therefore a refusal on these grounds is not sustainable. Conditions are recommended to ensure that sufficient measures are put in place to mitigate against internal and external noise.

Overall, the reconfigured new flats would generally provide a good standard of accommodation in terms of unit size and layout and most would benefit from private amenity space in the form of balconies or terraces. All flats are also dual aspect.

8.2 Townscape and Design

The site lies within the Belgravia Conservation Area. The site was developed during the early to mid C19 with relatively small scale vernacular buildings fronting onto Pimlico Road. The builder's yard to the rear of these premises seems to have been established around 1845 though it is not totally clear what form the structure took at that time. The yard was badly damaged by fire in 1877 and largely rebuilt. The only surviving original parts of the building (pre-fire) are the external walls.

The Draft Belgravia Conservation Area Audit identifies the buildings fronting onto Pimlico Road (with the exception of no.61) as being unlisted buildings of merit and they make a significant contribution to the character and appearance of this part of the conservation area. The builder's yard to the rear is identified as making a neutral contribution, as is no.61 fronting Pimlico Road. Despite this attribution, there is no doubt that the builder's yard, as a structure, has some significance and is an interesting and early example of its type. This is as expressed by the Inspector in his report in 2001 and acknowledged by the applicants in their own submission to this application. Its contribution to the Belgravia Conservation Area though is strictly limited due to the fact that it is entirely landlocked and not visible to any public viewpoints from the conservation area. Its significance can only really be appreciated from within the building. An application for the building to be added to the Statutory List of Buildings of Special Architectural or Historic Interest was turned down in 2015 by English Heritage (now Historic England). The situation therefore is that

the main interest of the building is its interior and yet there is no planning control to prevent changes to the interior due to the failure to list the building.

The main physical impact on the Belgravia Conservation Area is the proposed works to those buildings fronting onto Pimlico Road. The proposal to retain the facades of no's 41, 43, 57, 59 and 63 Pimlico Road and redevelop behind can be considered to have a neutral effect on the character and appearance of the conservation area. The proposed new shopfronts and the rebuilding of no.61 (fronting Pimlico Road) are considered to enhance the character of the conservation area. Overall, these proposals meet the statutory test of preserving or enhancing the character or appearance of the conservation area.

The works to the builder's yard relate primarily to the internal layout which is not subject to planning control. These works of subdivision and alteration could be carried out without planning permission and cannot be considered to have any physical impact on the character or appearance of the conservation area. The main items of significance, the rear walls, the brick piers and the lantern roof and timber trusses are all proposed to be retained within the new development. The main alteration is the subdivision of the internal space and the erection of extended mezzanines. This would have an effect on the appreciation of the internal space and if the building was listed would most likely be a cause for concern. However, the building is not listed and these elements are not subject to planning control.

Many objectors have raised the matter of the historic use of the site as a timber yard and are of the view that the use is a positive contribution to the character of the conservation area. There is no doubt that the use of buildings can be important factors in the character of a conservation area. However, examples where this may be so are rare and tend to be confined to areas with a particular and dominant character, for example Saville Row or the Temple where the large mass of a specific use type may be considered to lend an element of character which helps define the area, or where the use has a powerful and convincing community involvement, for example churches, public houses or theatres. With regard to the proposal site, the timber yard is the only use of this type in the area, it does not define the area as one of warehouses and storage yards and nor can it be said to engage the community in any active or convincing manner. Despite its acknowledged historic use, it is not considered that there is any convincing evidence that this use defines or adds to the character of the surrounding conservation area, which is predominantly defined by small upmarket retail and residential uses.

8.3 Residential Amenity

The application site is almost completely enclosed by 19th century residential development at Bloomfield Terrace and St Barnabas Street, and commercial development with residential above along Pimlico Road.

The main physical extensions to the application site are connected with the reconfigured residential accommodation. The main extension is the rebuilding of no.61 Pimlico Road between ground and third floor levels. This would provide an additional floor compared with the existing situation. The rear building line is also being extended at first and second floor levels to the rear of nos.41, 43, 57, and 59 Pimlico Road. Roof terraces/ balconies are proposed to 4 of the units.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, overlooking and encourage development which enhances the residential environment of surrounding properties.

8.3.1 Sunlight and Daylight

The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable. The 'no sky line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

The following surrounding residential properties have been subject to VSC and NSC testing, and ASPH where applicable:

- 39 Pimlico Road;
- 4-6 St. Barnabas Street;
- 7-12 Bloomfield Terrace;
- 14-18 Bloomfield Terrace;
- 65-69 Pimlico Road;
- 45-55 Pimlico Road.

Some objectors are concerned that the additional bulk of the proposed development will reduce the amount of daylight and sunlight received by some residents. Whilst there is some effect, any loss of daylight and sunlight are within the parameters described above and as such are not material impacts.

The results of the daylight and sunlight assessments demonstrate that the proposed development will have no noticeable effect on neighbouring dwellings in terms of daylight and sunlight.

8.3.2 Privacy/ Sense of enclosure

The scheme proposes 4 no. external terraces. 3 no. terraces will be provided at first floor level to serve flats R1, R2, and R3, and a further terrace will be provided at second floor level to serve flat R6. None of these terraces will overlook other residential properties as they will largely face onto the flank elevation of the timber yard structure.

The additional massing proposed at first to third floor level to 61 Pimlico Road, or at first and second floor levels to the rear of nos.41, 43, 57, and 59 Pimlico Road is not considered to cause any significant increase in sense of enclosure.

8.4 Transportation/Parking

Objections have been received from Travis Perkins whose consultant has provided a critique of the applicant's Transport Statement, which raises highway and transportation issues, principally in respect of car and cycle parking, servicing, and the timing of transport surveys.

8.4.1 Car Parking

The development creates two extra residential units without car parking. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 90.0% (consisting of 205 Residents' and 16 Shared Use Bays, 181 and 18 of which were occupied respectively).

Overnight the pressure on Residents' and Shared Use Bays reduces to 87.8% and residents can also park free of charge on metered parking bays or single yellow line in the area, of which there is plenty.

The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels. A development that increases pressure on on-street parking above 80% could be considered objectionable, but there are only two extra units, which might ordinarily be expected to only generate demand from one extra car in Westminster. The Highways Planning manager therefore considers that it would be difficult to defend a refusal on residential parking grounds.

The applicant has agreed to provide lifetime (25 years) car club membership for the occupiers of each residential unit, which will be secured via s106.

8.4.2 Servicing

It is proposed that servicing should take place from the street, which is not in line with policy Trans 20. The Highways Planning Manager would prefer it if deliveries could take place off-street. However, surveys have shown that servicing of the existing site takes place on street and in addition to deliveries the existing development has a larger number of collections by vehicle than would be expected with the proposed development.

The Transport Statement predicts that the number of vehicles associated with the new development will be fewer than with the existing. The Highways Planning Manager accepts this position and therefore considers that reliance on on-street servicing will not cause increased congestion or safety issues and is therefore acceptable.

The Highways Planning Manager has taken into account the objection from Travis Perkins' transportation consultant. However the Highways Planning Manager considers the Transport Assessment is sound and does not agree undertaking traffic surveys just before the school holidays would have distorted the results in any significant way.

Nonetheless, a Servicing Management Plan should be conditioned so that, once the occupiers of the retail units are known, it can be explored in more detail how the impact of servicing can be kept to a minimum.

A condition is also recommended requiring that any Class A1 use shall only be used for non-food retail purposes unless otherwise agreed in writing by the City Council. This is to ensure that the retail units do not give rise to an unacceptable level of servicing causing obstruction of the surrounding streets and harm to the amenities of occupiers of adjoining properties by reason of noise and general disturbance.

8.4.3 Cycle Parking

22 cycle parking spaces are proposed in total.

The 7 residential units should have 12 spaces but have 13.

The level of Class A1 retail floorspace proposed requires 5 or 6 long-stay spaces and 9 or 10 short-stay spaces, but only 9 long-stay spaces are proposed, which are all in the basement. The overall number of cycle parking spaces is short because no short-stay spaces are provided. A condition is recommended requiring short-stay cycle parking for the retail element.

8.4.4 Development on the Highway

The proposed development would involve reinstatement of the pedestrian footway outside 61 Pimlico Road. It is recommended that all highway works surrounding the site required for the development to occur including changes to on-street restrictions and footway repaving to Pimlico Road are secured by s106. This includes all costs to be borne by the applicant.

8.5 Economic Considerations

The applicant has submitted an economic assessment which sets out an assessment of the potential economic benefits.

The increase in retail and residential floorspace is expected to result in additional economic activity.

The optimisation of housing delivery is a key strategic objective for the Council. The provision of new and improved residential accommodation is supported under policies S14 of the City Plan and H3 of the UDP and will help both the Council and Mayor deliver new homes in the capital.

There have been objections that the proposals would result in the loss of jobs and employment generating use. However, in addition to construction employment, new jobs will also be created on site once the scheme is operational. The commercial use will offer the possibility for more accessible and valuable jobs for the local community.

The economic benefits associated with this mixed use development, comprising additional retail and residential accommodation within this part of the City are welcomed.

8.6 Access

The new shopfronts will provide step free access to the retail units and the residential above.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise impact from mechanical plant

The proposals include mechanical plant at basement and within plant enclosures at roof levels. An acoustic assessment has been submitted as part of the application which includes background noise surveys around the site and, from this are set targets for the operation of the new plant which must be below existing background noise levels.

Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

8.7.2 Refuse /Recycling

The plans indicate two refuse stores for retail use at the basement level. The applicant has also confirmed that there will be no communal waste store for the residential units but rather each unit will store their waste within the flats. However, the applicant has failed to indicate the refuse storage within each flat on the plan. Conditions are recommended requiring detail of waste and recycling storage for the residential flats as well as a requirement that no waste should be left or stored on the public highway.

8.7.3 Sustainability

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The NPPF establishes a presumption in favour of sustainable development.

London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The applicant's energy and sustainability strategy demonstrates that the proposal will incorporate a range of sustainable design and construction measures, including: high performance insulation; double glazing to enhance thermal performance; low energy light fittings; natural ventilation to residential dwellings; and low flow water fittings. Photovoltaic panels will also be installed at roof level to power the residential as well as retail units 1 and 2.

There will be an overall 37.1% carbon reduction, which is welcomed.

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

On 6 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 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) imposed 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 6 April 2010, which provide for the funding or the 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.

Westminster's has developed its own CIL which was introduced on 1 May 2016.

For the reasons outlined elsewhere in this report, should the scheme be considered acceptable, a S106 legal agreement would be required to secure the following:

- i. All highway works surrounding the site required for the development to occur including changes to on-street restrictions and footway repaving to Pimlico Road, all costs to be borne by the applicant; and
- ii. Lifetime (25 years) car club membership for the occupiers of each residential unit.

The application is considered acceptable subject to these obligations.

The Westminster CIL payment based on the floorspace figures in the applicant's CIL form exemptions would be £225,000.

The Mayoral CIL payment, again based on the floorspace figures in the applicant's CIL form would be £51,000.

8.11 Environmental Impact Assessment

Not applicable in this case.

8.12 Other Issues

Construction impact

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

The applicant has submitted a Construction and Environmental Management Plan (CMP) by Sir Robert McAlpine which sets out a preliminary construction methodology, along with assumed construction logistics strategy for the works which estimates a build programme of 75 weeks. However the principle contractor is yet to be appointed for either building. As such the submitted plan lacks detail, and a more detailed CMP would be required by condition.

It would be expected that in liaison with those affected adequate provision would be made to minimise the impact on local residents.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific Site Environmental Management Plan (SEMP), is secured by condition.

Basement

The proposals include sub-surface excavation across the site, comprising of the slight lowering of existing ground floor and basement slabs, lift pits and service trenches. Enlarged new basement levels are proposed to the rear of nos.41, 43 and 59 Pimlico Road in addition to a basement link corridor between nos.59 and 63 Pimlico Road.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation works. This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

Statement of Community Involvement

The applicant has submitted a statement of community involvement which summarises the consultation process they carried out with local stakeholders and neighbours prior to submitting the application. The report provides an overview of all stages of the consultation process and the steps taken by Grosvenor to respond to feedback and comments received.

The Belgravia Society raise objection to the manner of the applicant's consultation process where they believe local residents views were not properly taken into consideration.

Asset of Community Value

The City Council has received an asset of community value (ACV) nomination in respect of Travis Perkins Ltd Timber and Builder's merchants, 61-63 Pimlico Road. The nomination has been validated and is being considered and the City Council is due to make a decision on this before the 31 October which is the statutory deadline. A copy of the nomination is included in the background papers.

It is not considered that this nomination affects the material planning considerations and adopted policies taken into consideration in determination of this application.

9. BACKGROUND PAPERS

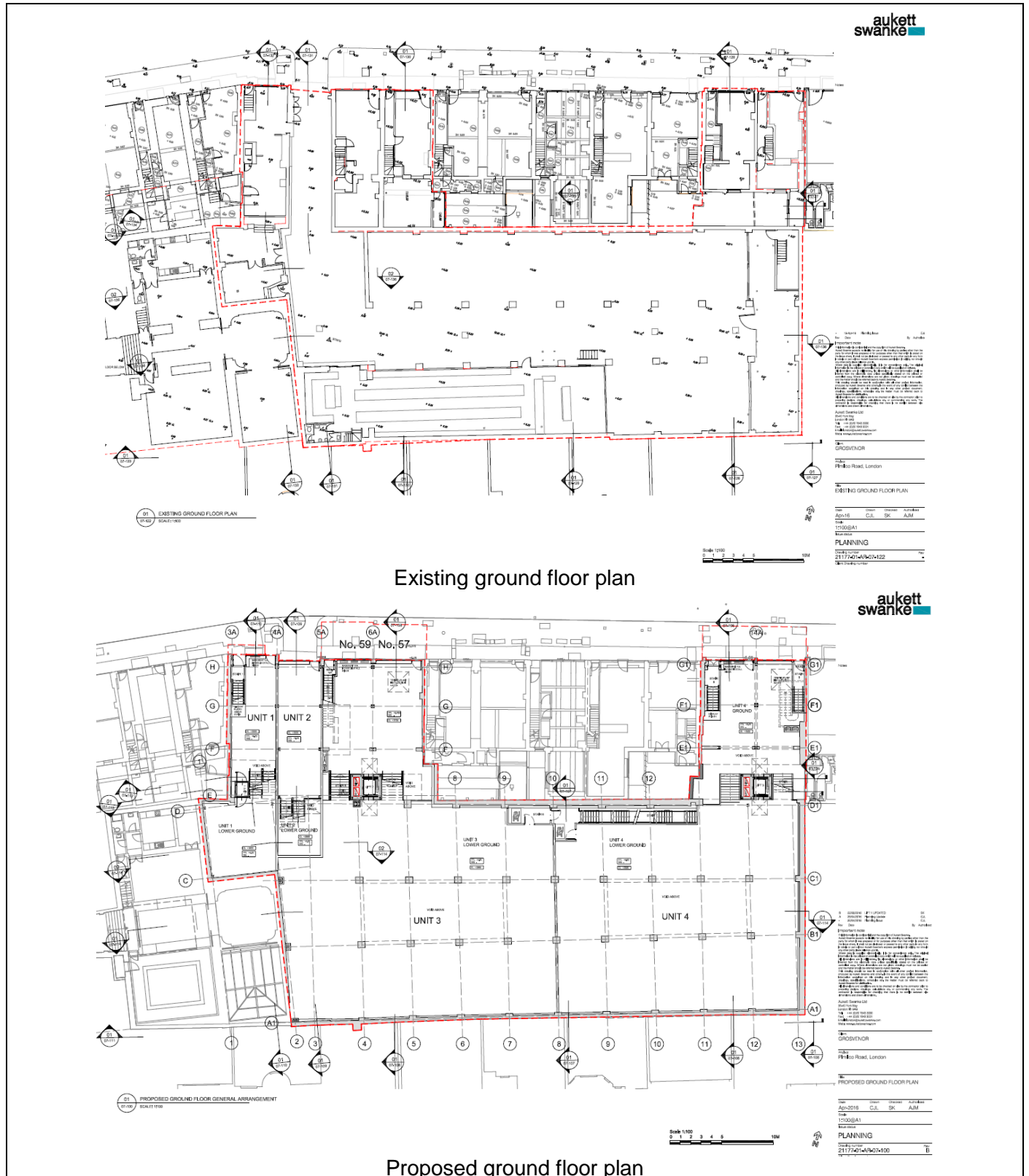
1. Application form
2. Appeal decision dated 15.01.2002
3. Responses from The Belgravia Society dated 27.06.2016 and 22.09.2016
4. Asset of Community Value Nomination by the Belgravia Society dated 25.08.2016
5. Response from Belgravia Neighbourhood Forum dated 28.07.2016
6. Letter from Travis Perkins Ltd dated 18.08.2016
7. Transport Statement by Mayer Brown on behalf of Travis Perkins Ltd dated July 2016.
8. Response from Historic England dated 3 August 2016.
9. Historic England Notification of Designation Decision dated 28.10.2015.
10. Response from Cleansing Manager dated 07.06.2016.
11. Response from Highways Planning Manager dated 23.09.2016.
12. Responses from Environmental Health dated 07.10.2016 and 23.06.2016.
13. Response from Building Control dated 05.10.2016.
14. Letter from Pimlico Road Association c/o 48 Pimlico Road dated 20 June 2016.
15. 332 individual responses from adjoining owners/occupiers and others received between 21.05.2016 and 10.10.2016

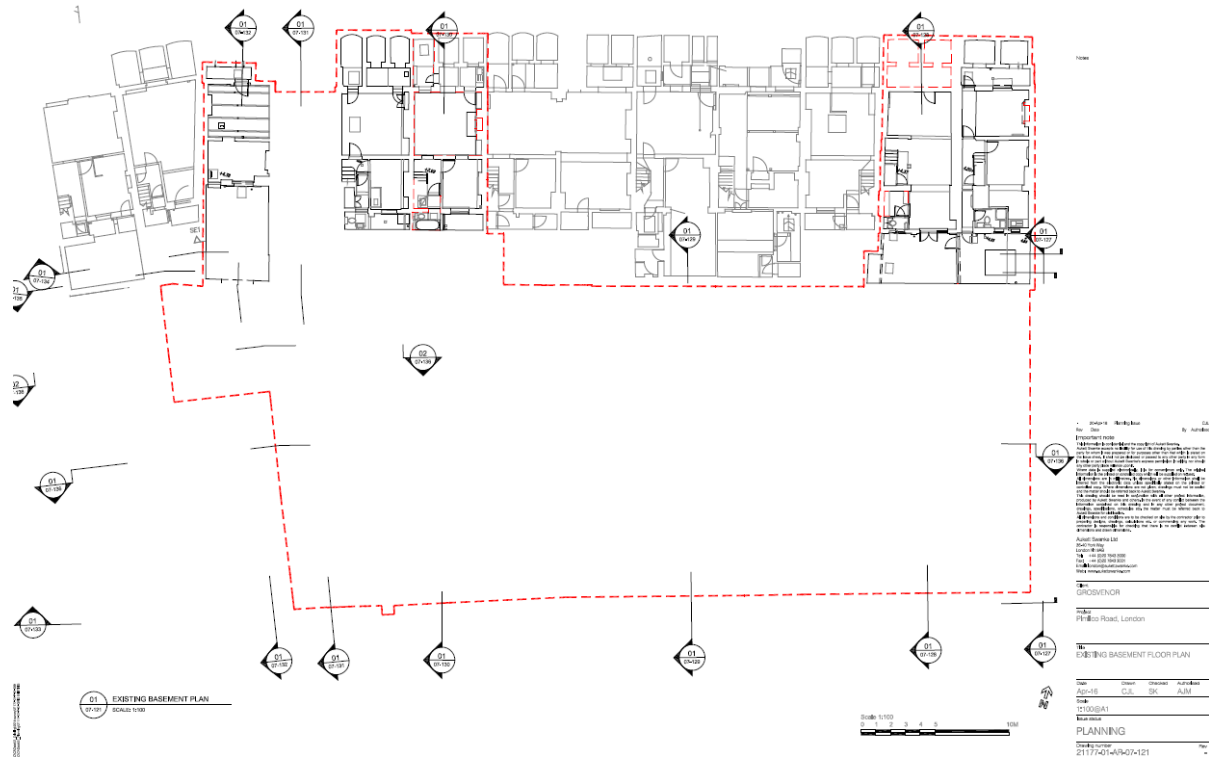
Selected relevant drawings

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

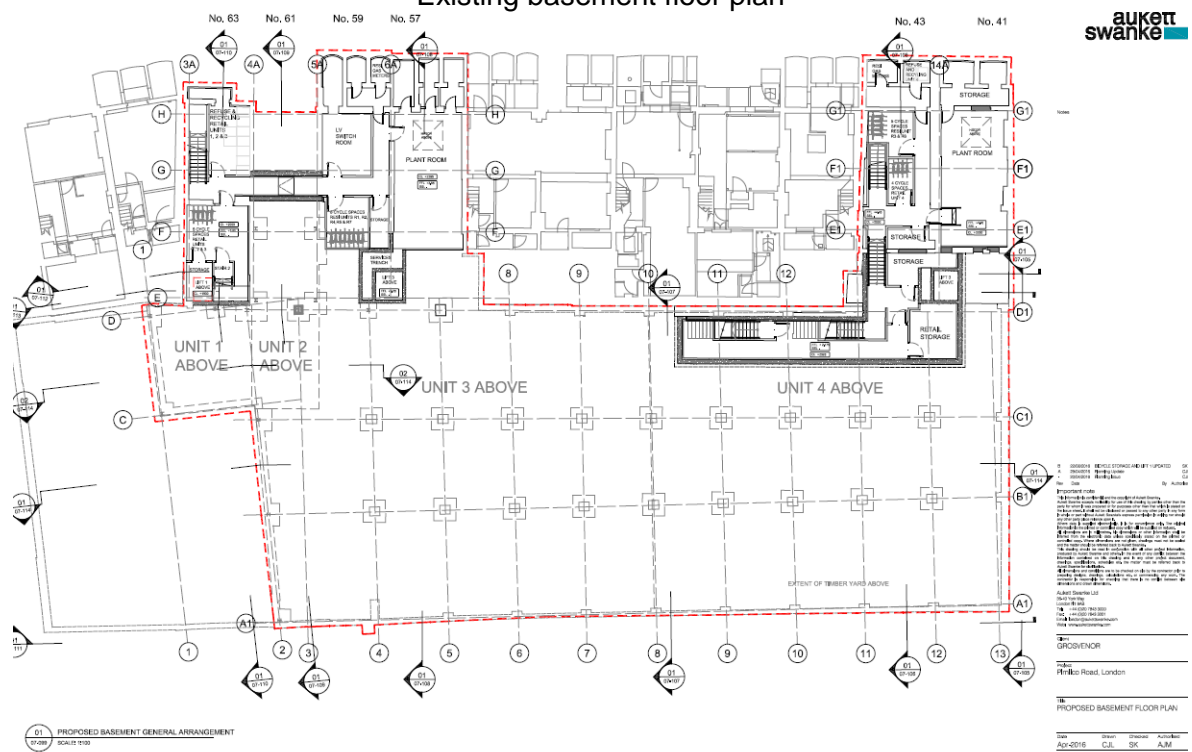
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

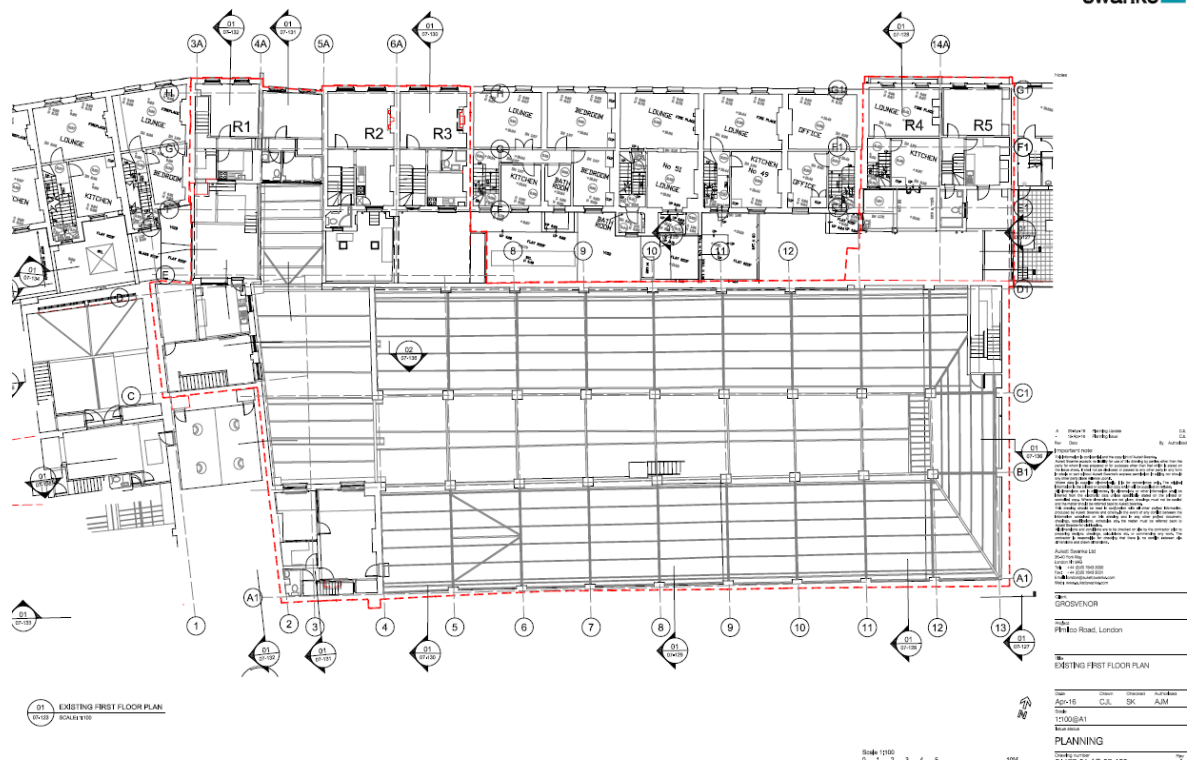




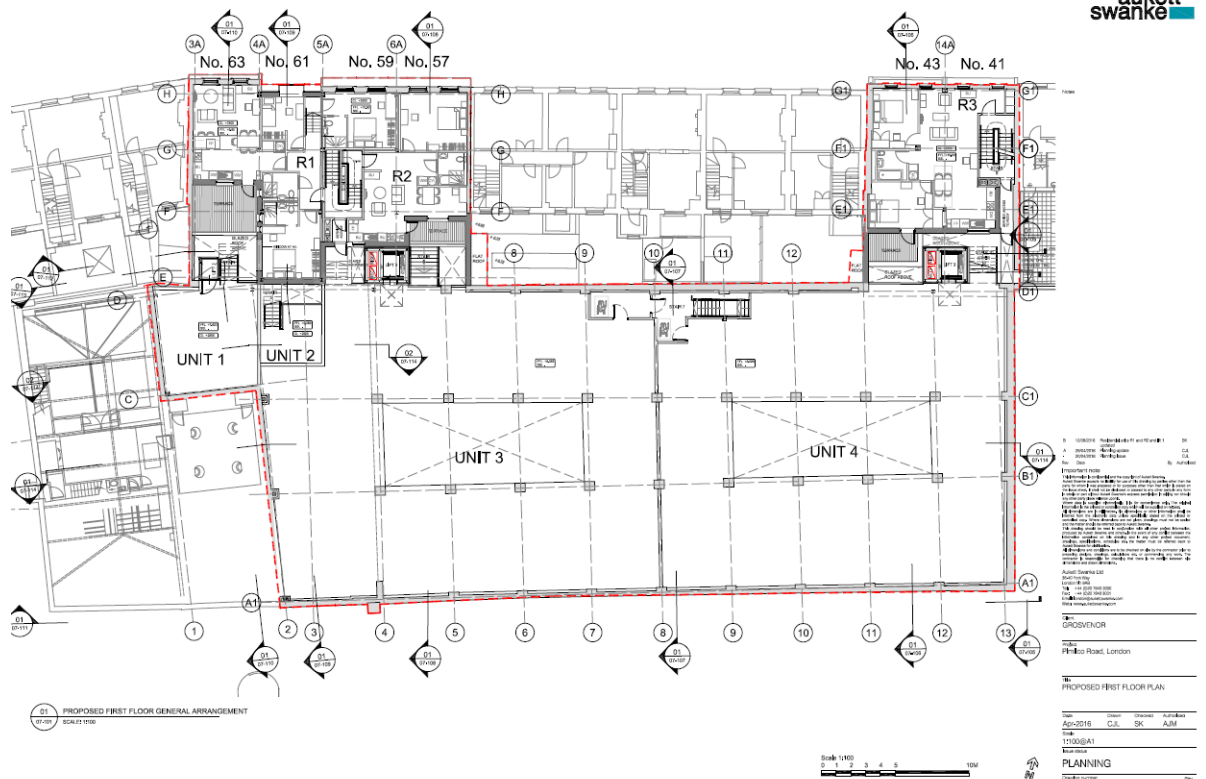
Existing basement floor plan



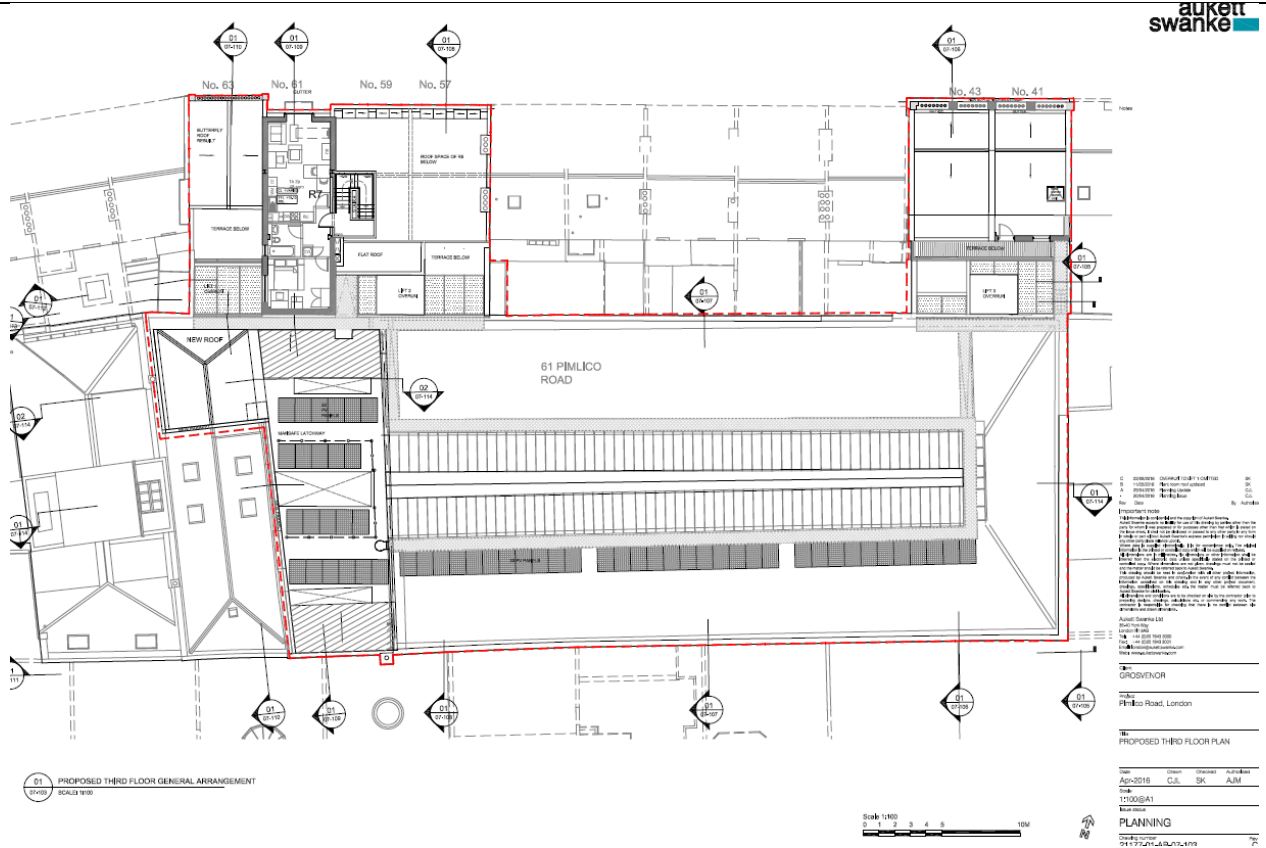
Proposed basement floor plan



Existing first floor plan



Proposed first floor plan

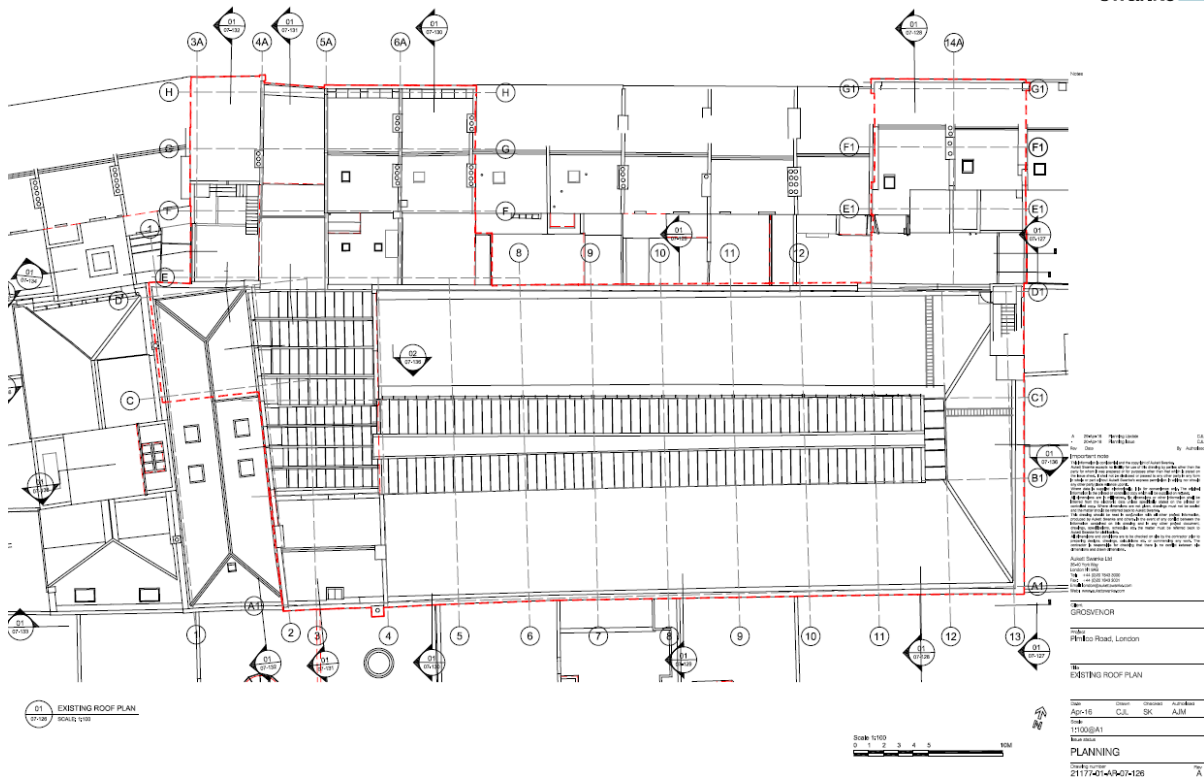


Proposed third floor plan

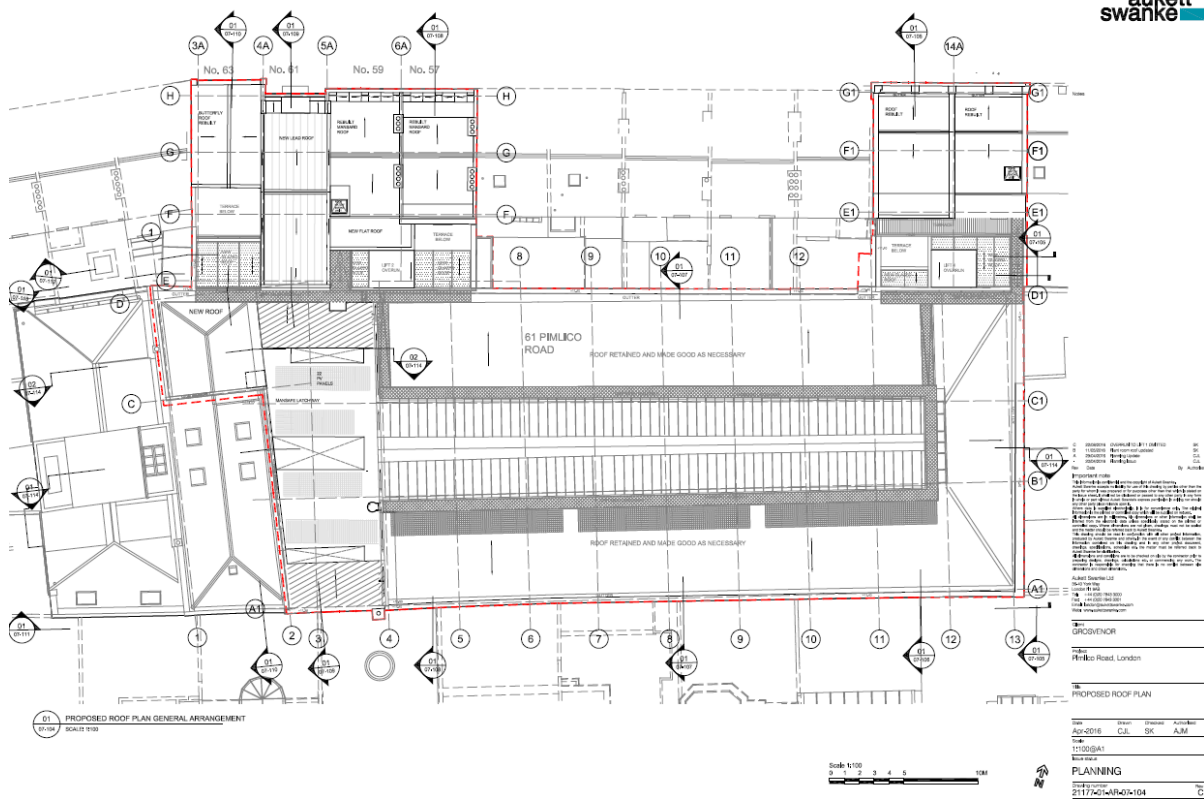


FIGURE 28. ROOF TOP VIEW I

Roof top view



Existing roof plan



Proposed roof plan

North



1/2" = 1'-0"



Existing north/ Pimlico Road elevation

Project: [illegible]
Client: [illegible]
Date: [illegible]
By: [illegible]
Scale: [illegible]
Drawing No.: [illegible]
Revision: [illegible]
Notes: [illegible]

North

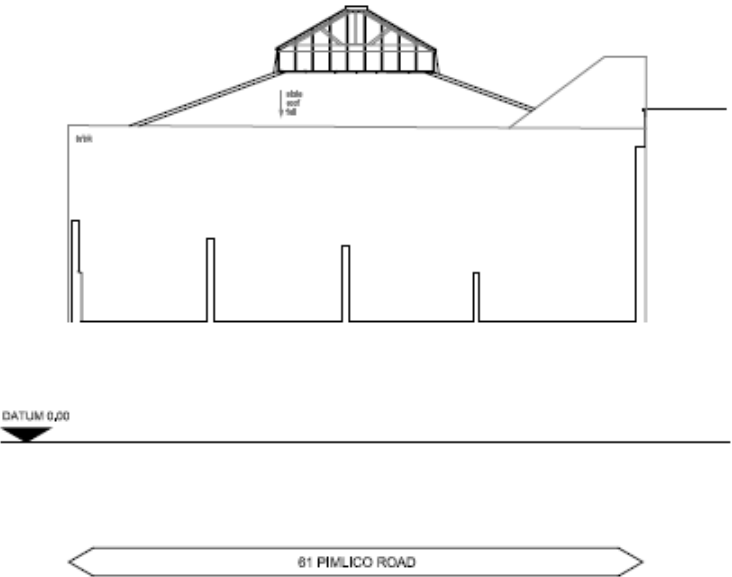


1/2" = 1'-0"

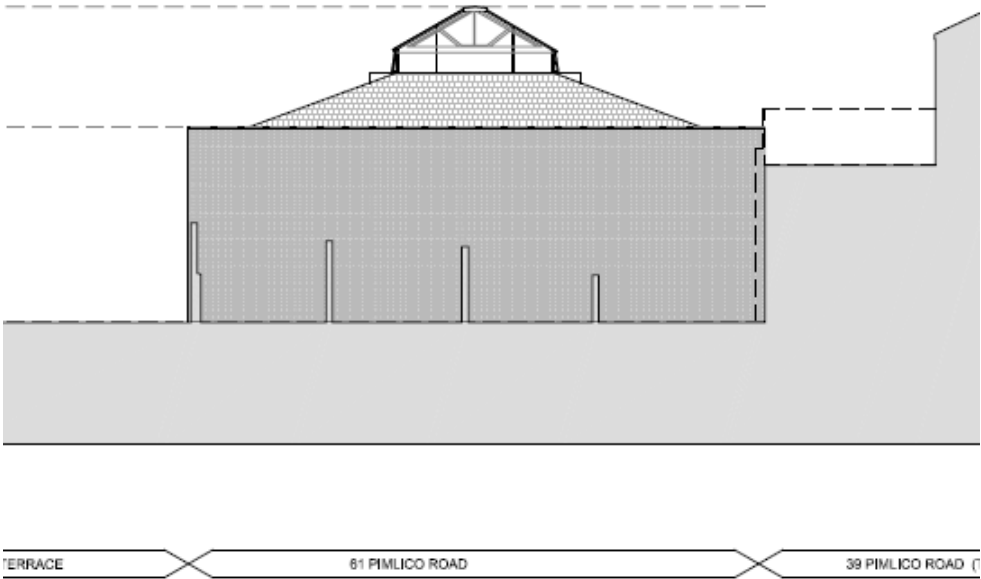


Proposed north/ Pimlico Road elevation

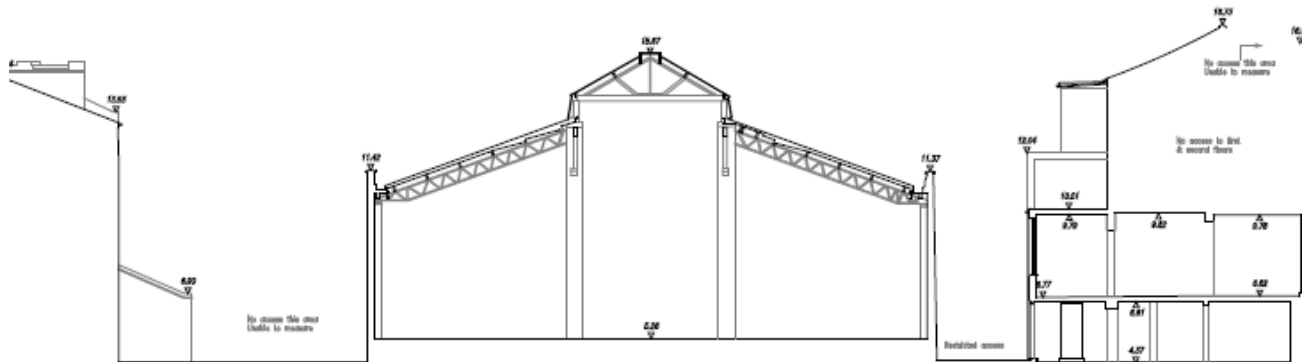
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Notes: [illegible]



Existing section AA



Proposed section AA

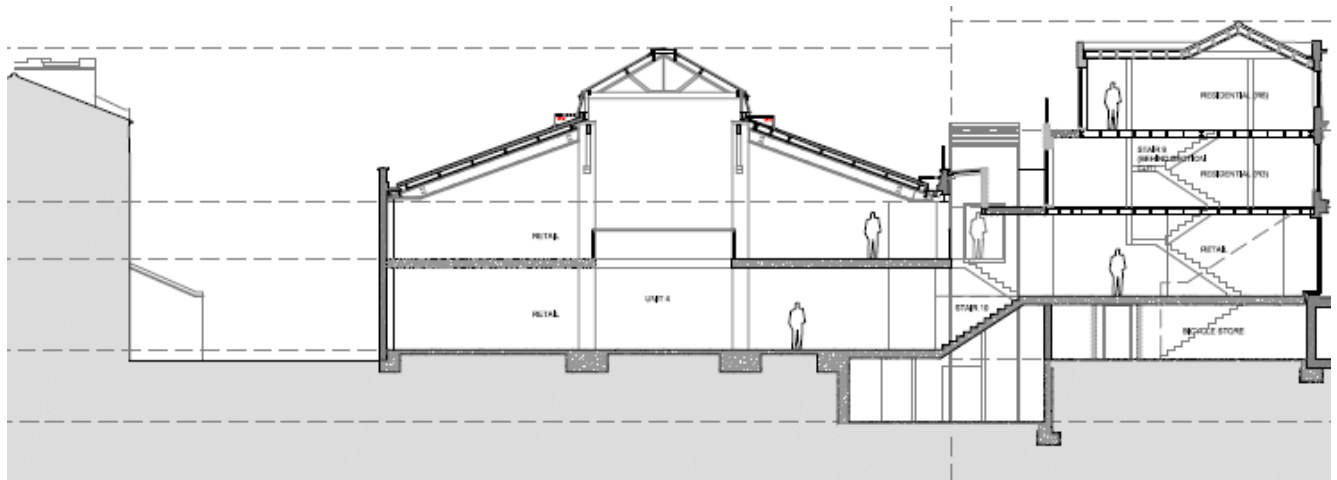


4 BLOOMFIELD TERRACE

61 PIMLICO ROAD

41-43 PIMLICO ROAD

Existing section BB



4 BLOOMFIELD TERRACE

61 PIMLICO ROAD - UNIT 4

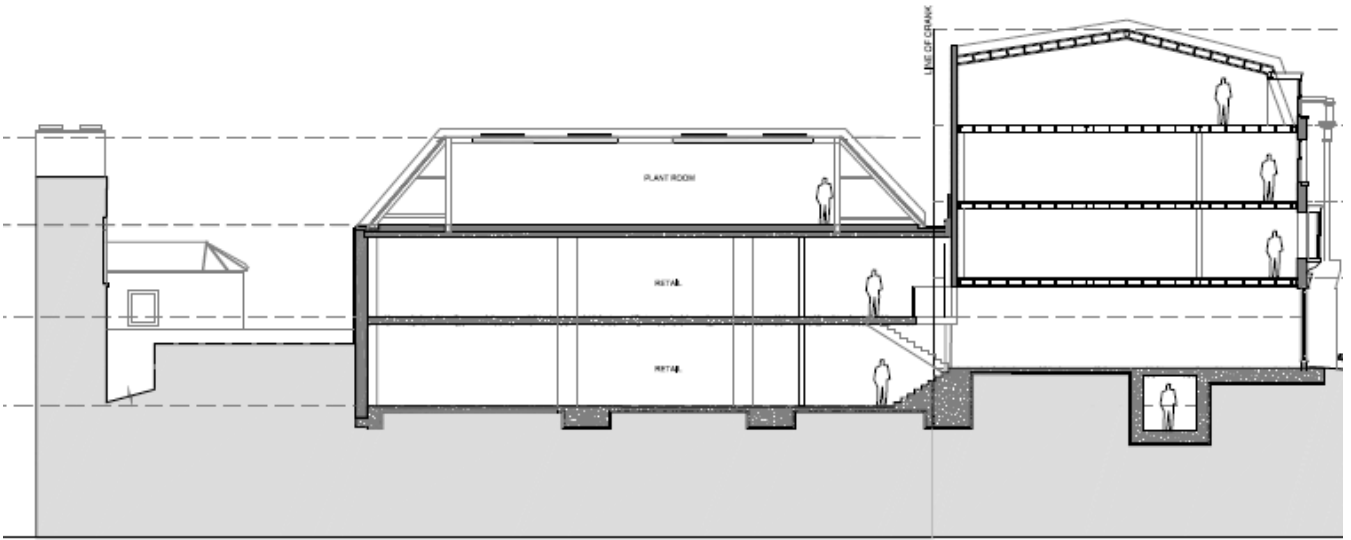
41-43 PIMLICO ROAD - UNIT 4

Proposed section BB



61 PIMLICO ROAD

Existing section EE



8 BLOOMFIELD TERRACE 61 PIMLICO ROAD (UNIT 3) 61 PIMLICO ROAD (UNIT 2)

Proposed section EE



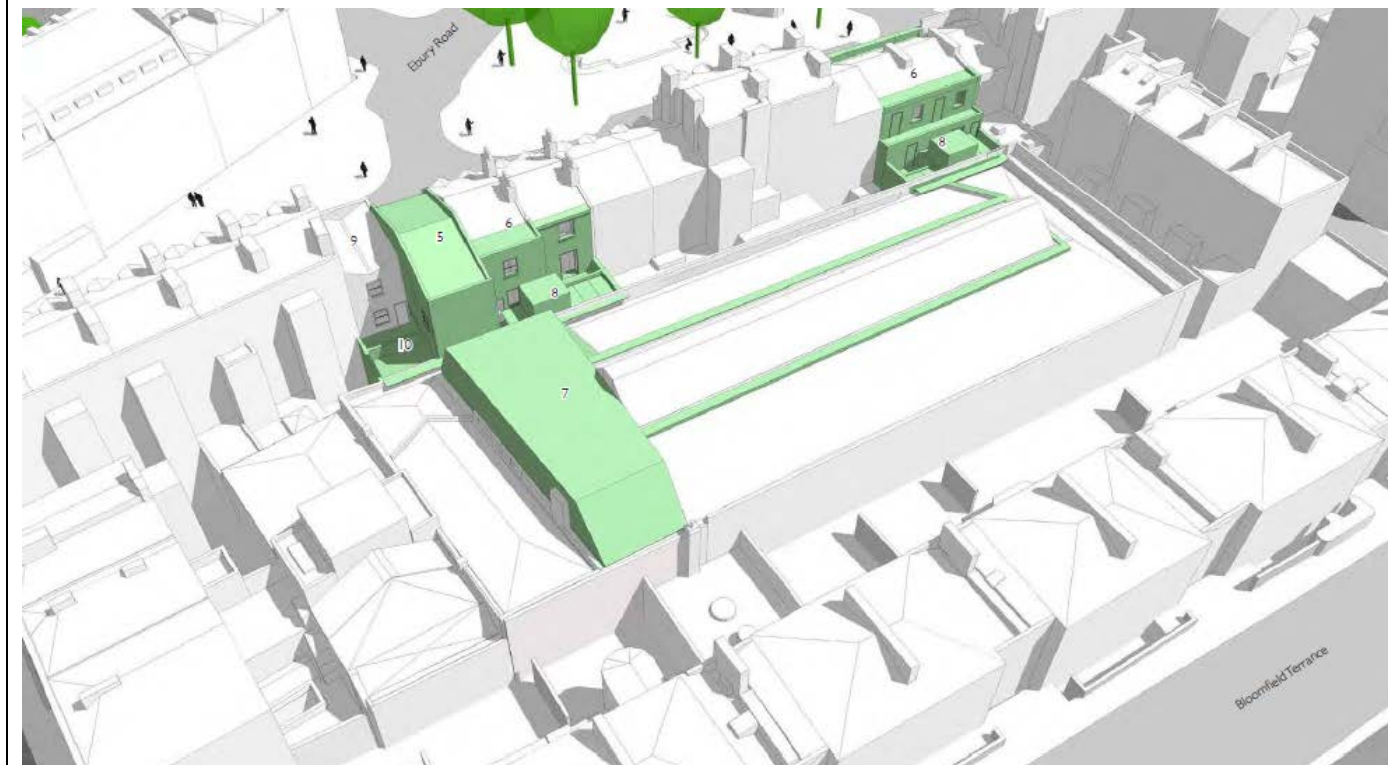
Existing roof profile



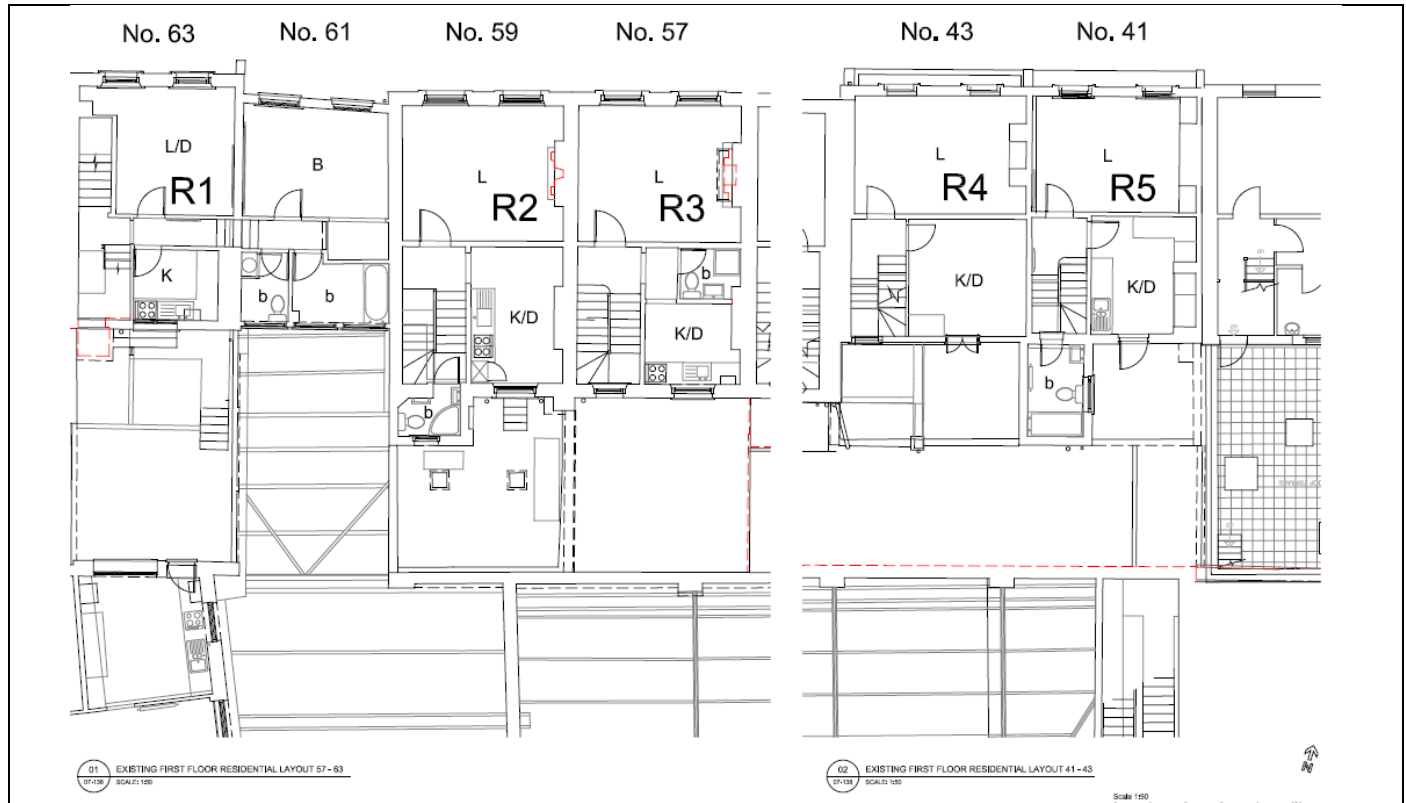
Proposed roof profile



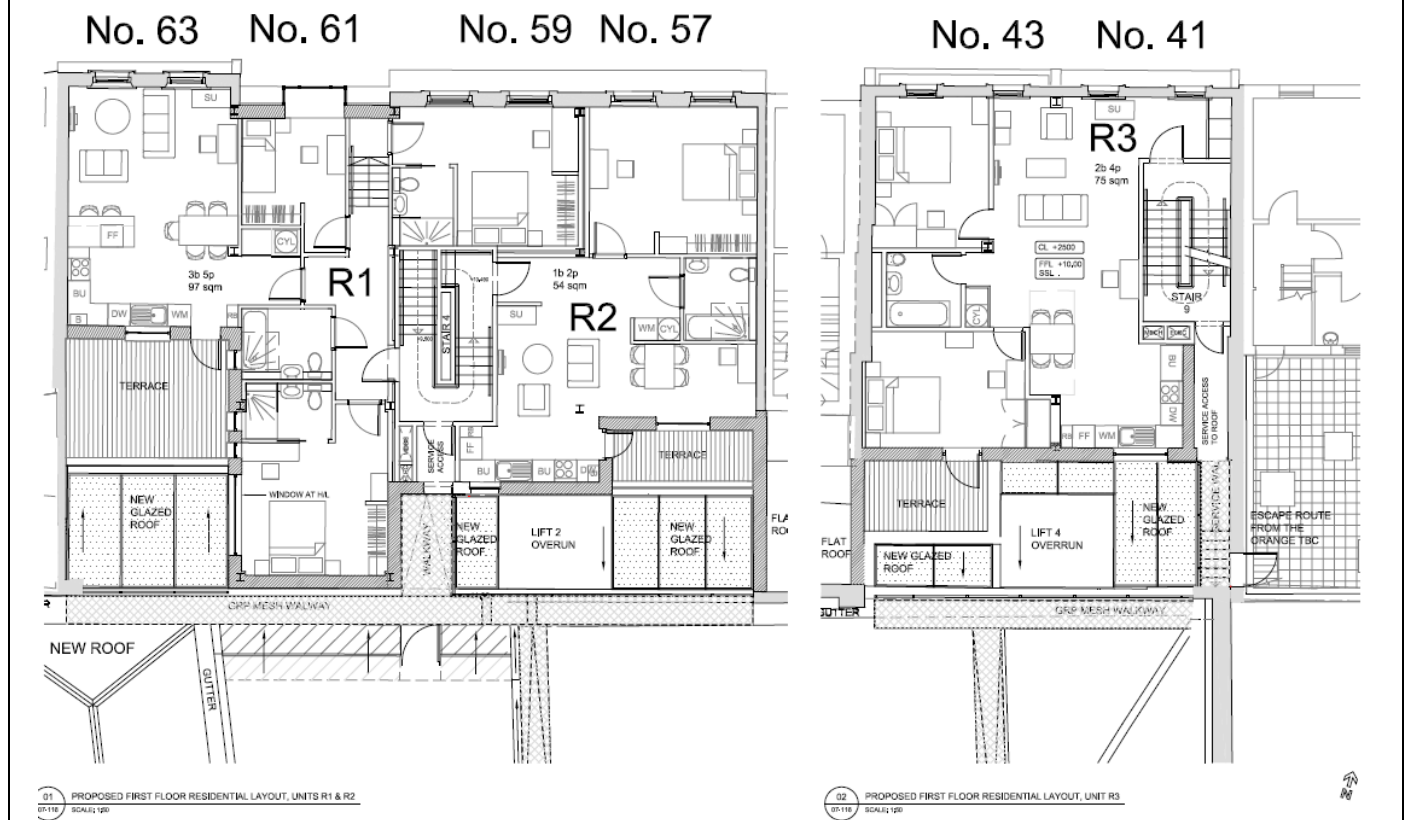
Existing roof profile



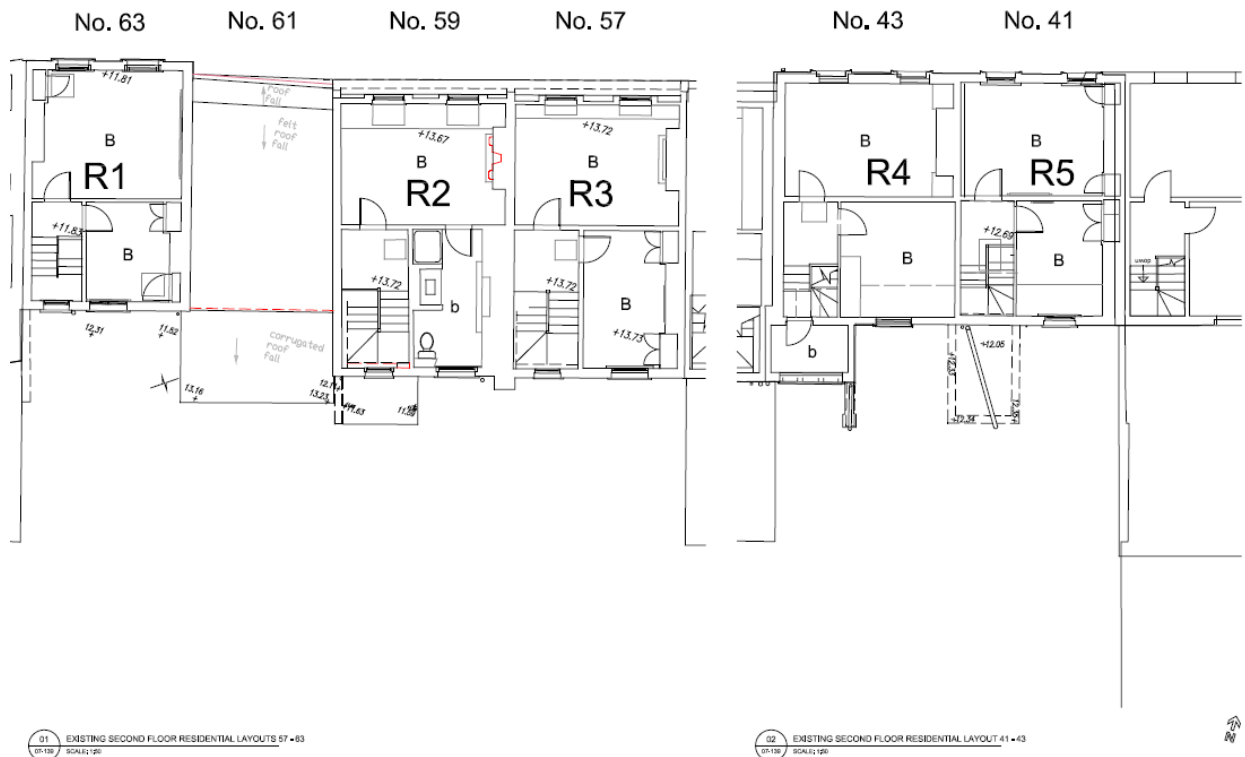
Proposed roof profile



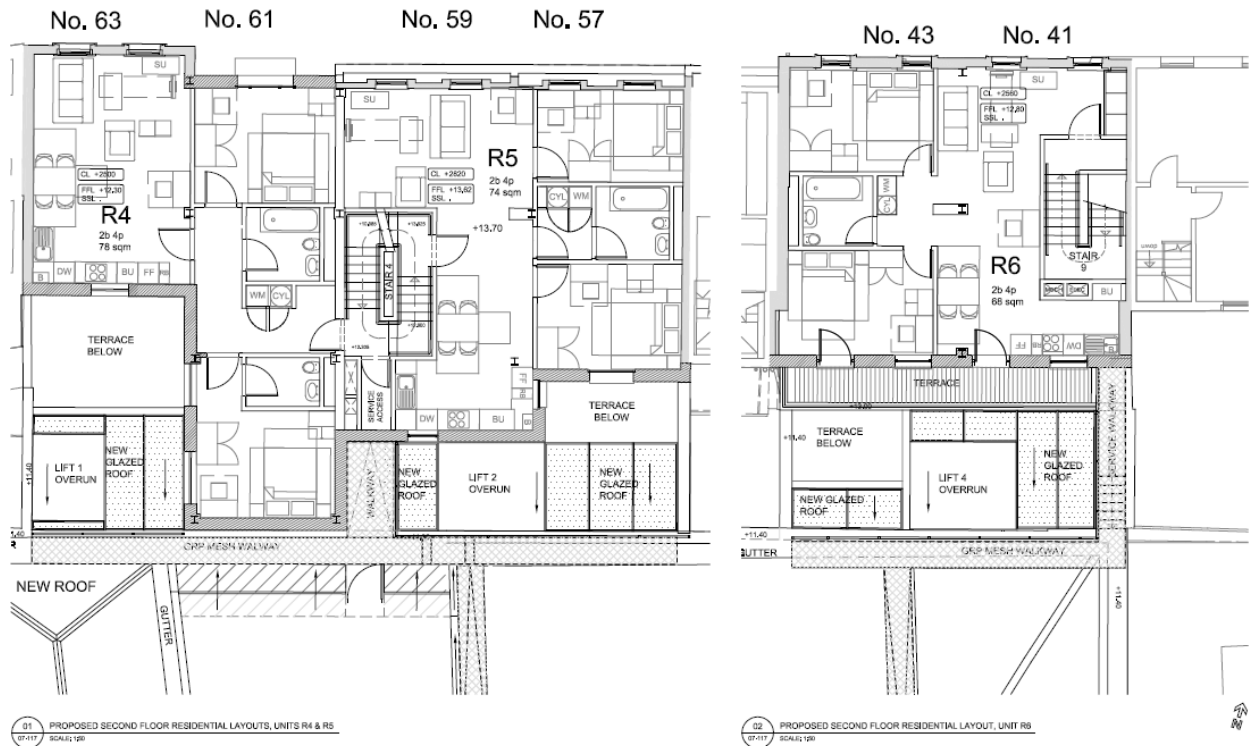
Existing first floor residential



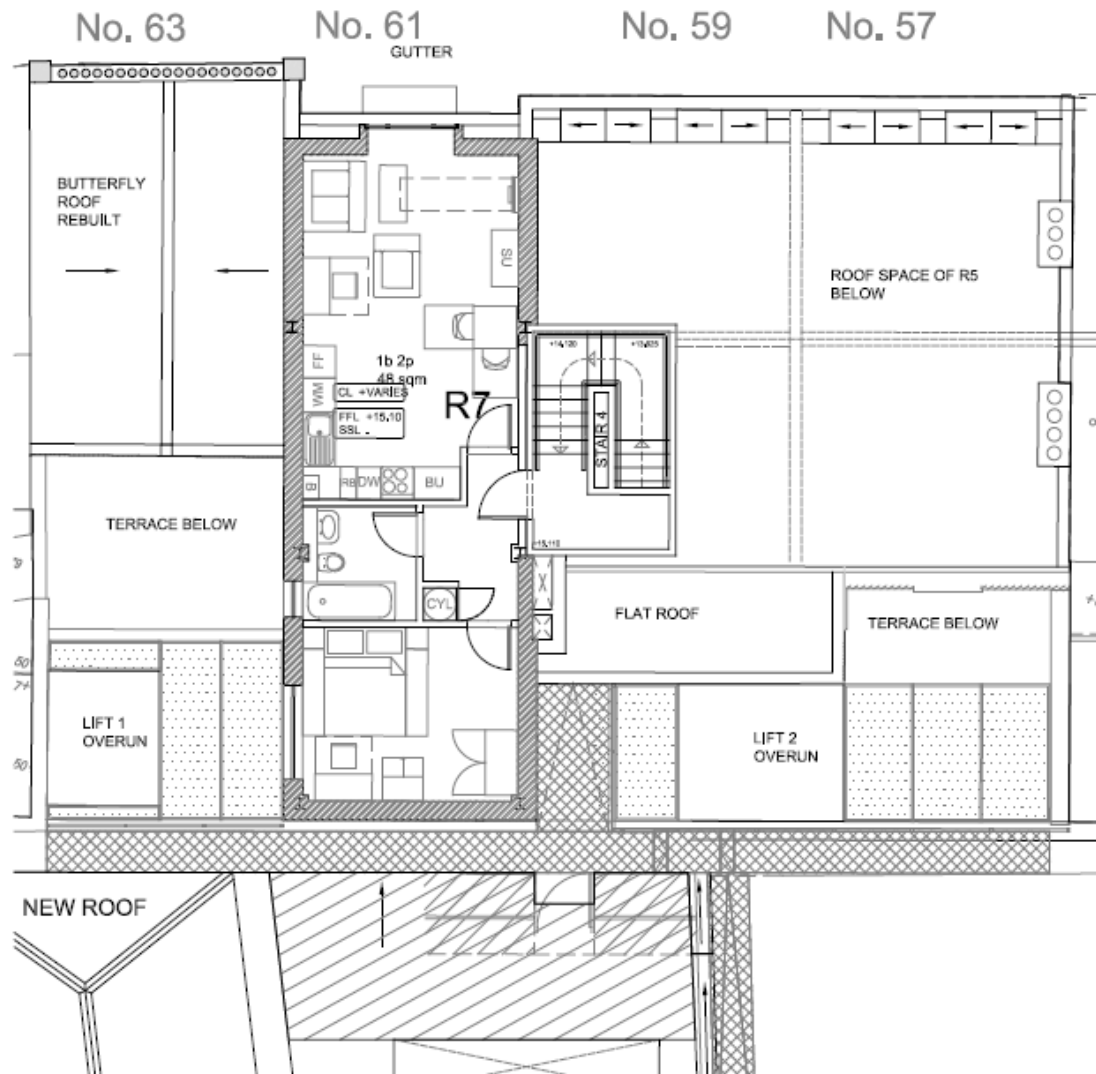
Proposed first floor residential



Existing residential second floor



Proposed residential second floor



01 PROPOSED THIRD FLOOR RESIDENTIAL LAYOUT, UNIT R7
7-118 SCALE: 1/80

Proposed residential third floor

DRAFT DECISION LETTER

Address: Site At 41, 43, 57, 59, 61 And 63, Pimlico Road, London, SW1W 8NE,

Proposal: Demolition and reconstruction behind a retained front facade of 41, 43, 57, 59 and 63 Pimlico Road including the realignment of the rear elevation, the installation of new roof structures to match the existing, and the creation of external terraces; demolition of 61 Pimlico Road (the element directly fronting onto Pimlico Road) and construction of infill accommodation at ground, first, second and third floors; replacement of shopfronts to 41, 43, 57, 59 and 63 Pimlico Road; retention and sub-division of the builders' yard at 61 Pimlico Road (behind the frontage to Pimlico Road), installation of a partial mezzanine floor and creation of lateral connections at ground floor level to 41, 43, 57 and 59 Pimlico Road; replacement of the builders' yard glazed roof lantern; creation of roof level plant enclosure above part of the builders' yard; creation of 4no. Class A1 retail units at basement, ground and mezzanine level, with 7no. Class C3 residential dwellings at the first, second and third floor levels (with ground floor access); sub-surface excavation including lowering of ground floor slabs and the creation of additional basement accommodation; together with other external alterations.

Reference: 16/04562/FULL

Plan Nos: DW-2177-01-AR-07-098A, DW-2177-01-AR-07-099B, DW-2177-01-AR-07-100B, DW-2177-01-AR-07-101B, DW-2177-01-AR-07-102B, DW-2177-01-AR-07-103C, DW-2177-01-AR-07-104C, DW-2177-01-AR-07-105, DW-2177-01-AR-07-106, DW-2177-01-AR-07-107, DW-2177-01-AR-07-108B, DW-2177-01-AR-07-109B, DW-2177-01-AR-07-110A, DW-2177-01-AR-07-111B, DW-2177-01-AR-07-112B, DW-2177-01-AR-07-113B, DW-2177-01-AR-07-114B, DW-2177-01-AR-07-115B, DW-2177-01-AR-07-116A, DW-2177-01-AR-07-117, DW-2177-01-AR-07-118, DW-2177-01-AR-07-119, DW-2177-01-AR-07-120A, DW-2177-01-AR-07-121, DW-2177-01-AR-07-122, DW-2177-01-AR-07-123A, DW-2177-01-AR-07-124A, DW-2177-01-AR-07-126A, DW-2177-01-AR-07-127A, DW-2177-01-AR-07-128, DW-2177-01-AR-07-129, DW-2177-01-AR-07-130, DW-2177-01-AR-07-131, DW-2177-01-AR-07-132, DW-2177-01-AR-07-133, DW-2177-01-AR-07-134, DW-2177-01-AR-07-135, DW-2177-01-AR-07-136, DW-2177-01-AR-07-137, DW-2177-01-AR-07-138, DW-2177-01-AR-07-139, DW-2177-01-AR-07-140, DW-2177-01-AR-07-141, DW-2177-01-AR-07-142, DW-2177-01-AR-07-143, DW-2177-01-AR-07-144, DW-2177-01-AR-07-145, DW-2177-01-AR-07-147, DW-2177-01-AR-07-148A.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 Notwithstanding that shown on the approved plans, you must apply to us for approval of detailed

drawings at a scale of 1:50 and 10, including x-sections, of any proposed replacement or renovated central rooflight to the warehouse structure. You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved at ground floor level shall only be used for non-food retail purposes unless otherwise agreed in writing by the City Council as local planning authority.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 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 for each residential flat. 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. No waste should be left or stored on the highway. (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 (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 8 You must provide each cycle parking space shown on the approved drawings and you must apply to us for approval of details of short stay cycle spaces for the retail 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. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 9 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 11 (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 LA90, 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 (July 2016), 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.

- 12 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.

- 13 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 11 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 14 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.

- 15 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.

- 16 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 14 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 17 You must apply to us for approval of details of a Servicing Management Plan. You must not occupy any of the retail uses until we have approved what you have sent us. Thereafter you must service the retail uses within the buildings in accordance with the approved Plan, unless otherwise agreed in writing by us.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 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.

Roof top photovoltaic panels

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 (July 2016). (R44AC)

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 (July 2016), 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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - i. All highway works surrounding the site required for the development to occur including changes to on-street restrictions and footway repaving to Pimlico Road, all costs to be borne by the applicant.
 - ii. Lifetime (25 years) car club membership for the occupiers of each residential unit.
- 3 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. (150AA)

- 4 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.

- 5 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)

- 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)
- 8 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 9 Condition refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 10 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 13 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.

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.