

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	Widley Road Garage , Widley Road, London, W9 2LD		
Proposal	Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.		
Agent	Gerald Eve		
On behalf of	Widley Ltd		
Registered Number	17/04106/FULL	Date amended/ completed	5 April 2018
Date Application Received	11 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to the satisfactory completion of a legal agreement to secure the following:</p> <p>a) Provision of affordable housing in the form of 6 units (intermediate housing units);</p> <p>b) Not to occupy the private market housing until the affordable housing units are available for occupation;</p> <p>c) Highways works to facilitate the proposed development and including removal of redundant vehicular crossovers and the provision of 3 additional on street car parking spaces;</p> <p>d) Car park strategy including all car parking spaces provided for the development itself and on an unallocated basis;</p> <p>e) Lifetime Car club membership for all units in the development;</p> <p>f) Maintenance/ management Strategy of Car Lift; and</p> <p>g) Monitoring costs.</p> <p>2. If the legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the</p>
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Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an Undertaking within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

Planning permission is sought for the redevelopment of this 1930's garage and erection of a residential (Class C3) building arranged over an excavated basement, lower ground, ground and five upper storeys to provide up to 23 residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works. Six of the units will be affordable intermediate flats for sale.

This application was originally to be heard at the Planning Applications Committee of 12 June 2018 (the report was published but there was no presentation/ hearing at the committee). However and at a late stage, it was noted that the submission regarding housing density was incorrect. The application was deferred for the applicant to address this (through the submission of an addendum planning statement) and to allow officers to assess the density levels. The neighbours were reconsulted on the addendum statement.

The proposals have also been revised during the course of the application to take into consideration (primarily) the provision of affordable housing, design concerns and tree matters. The reiterations of the scheme have been consulted on.

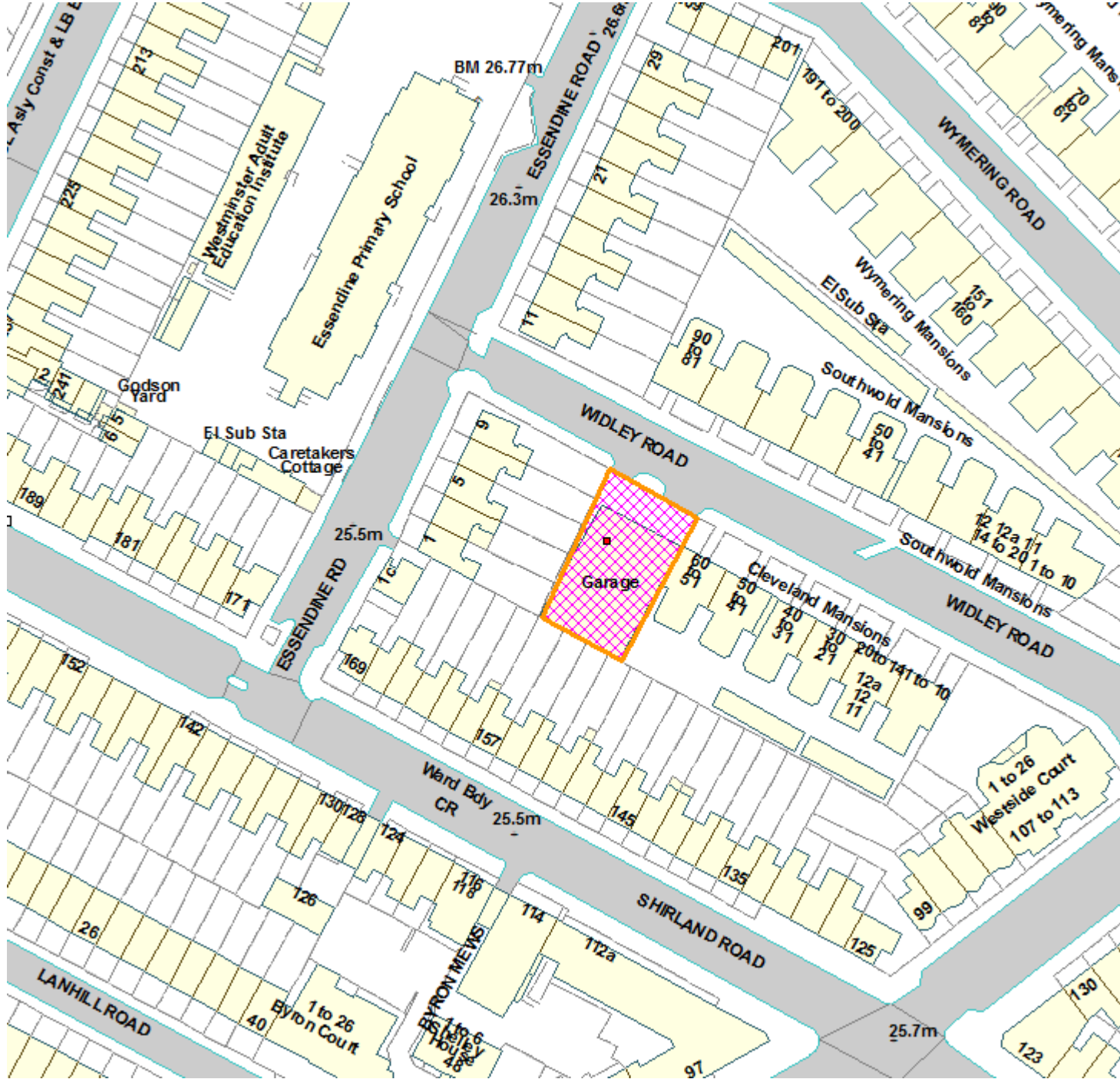
A large number of objections from surrounding residents have been received and four responses from Ward Councillors have also been received objecting to the application on the grounds of the provision of more housing, construction, parking, on street parking stress levels, impact on amenity and impact upon design and the Maida Vale Conservation Area. .

The key issues in the determination of the application are:

- * The acceptability of the proposals in land use terms;
- * Whether the provision of six affordable housing units is acceptable in light of the viability argument put forward by the applicant;
- * The impact of the new buildings on the character and appearance of the Maida Vale Conservation Area and the setting of nearby listed buildings;
- * The impact of the proposals on the amenities of adjacent occupiers;
- * The impact of the development on the highway network; and
- * The impact of the development upon trees on the surrounding streets.

The application is recommended for approval as it is considered that, subject to conditions, the proposed development complies with policies in our Unitary Development Plan (UDP) and City Plan.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL APPLICATION:

WARD COUNCILLORS:

Councillor Crockett objects to the development on the grounds of bulk and scale; increased harm to amenity of neighbouring property and that the density of the scheme is too significant resulting in a knock on impact to carparking in the area.

Councillor Begum objects to the development on the grounds that the development doesn't provide enough affordable housing; the development is too dense and results in harm to amenity of neighbouring properties; the design is harmful to the Maida Vale Conservation Area and will have a harmful impact on parking in the area.

Councillor Prendergast forwarded photographs from an objector's property to show the relationship with the application site.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Whilst the principle of development of acceptable, the scheme is considered poor in terms of design (the detailing of the roof and the rooflights and the gable end are incongruous); has a larger footprint than the neighbouring mansion blocks which is both unacceptable in design terms and amenity terms; the parking proposed is insufficient and there are concerns with regards to the trees surrounding the site.

ARBORICULTURAL OFFICER:

Objection to the removal of the Lime trees; further information is required regarding the impact to the Birch tree in the street and that the landscaping proposed is poor.

ENVIRONMENTAL HEALTH:

Objection on the grounds of no air quality assessment being submitted with the application. Air Quality Assessment received and sent to the environmental health officer who made no further comments. No other objections raised.

DESIGNING OUT CRIME ADVISOR:

No response

THAMES WATER UTILITIES LTD:

No objection:

ENVIRONMENT AGENCY:

No response.

AFFORDABLE HOUSING SUPPLY MANAGER:

No response received.

BUILDING CONTROL:

No objection to the structural method statement.

CLEANSING MANAGER

Objection, the applicant has not demonstrated that waste and recyclable materials will be managed in line with the Westminster City Council Recycling and Waste Storage Requirements.

HIGHWAYS PLANNING MANAGER

Objection to the scheme on lack of car parking and inadequate detailing regarding the car lift.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 491

Total No. of replies:84

No. of objections: 84

Eighty four objections received to the proposals on some or all of the following grounds:

Land Use:

- Whilst the principle of residential development is acceptable, this scheme is too dense for this area;
- There are too many unoccupied residential properties in London;
- The garage should not be lost for this residential development;
- The scheme does little to provide affordable family homes;
- The scheme doesn't include enough affordable housing.

Design:

- The modern development does not preserve the Maida Vale Conservation Area;
- The development doesn't take into consideration the history of the Conservation Area;
- The development doesn't fit in with the mansion blocks of Widley Road;
- Concern raised as to the requirement for existing properties in the area to be appropriate to the conservation area, yet the Council are entertaining this modern development with modern materials;
- The development doesn't take into consideration the setting of the Grade II listed Essendine School;
- Why should the basement be approved when it has been resisted elsewhere in Essendine Road;
- The balustrade detailing doesn't comply with the Council's guidelines.

Amenity:

- The building is too high and result in loss of daylight and sunlight;
- The daylight assessors have not visited the residents in Cleveland Mansions
- Sense of enclosure;
- Loss of privacy from all the windows proposed (some of which are full height)
- Loss of privacy from terraces;
- Noise from openable windows and terraces;
- Loss of view of Trellick Tower;
- The disruption to piece and quiet as a result of the new homes, will also harm the peace and tranquillity of the Conservation Area.

Highways:

- Not enough parking for the development;
- If the development were to go ahead no resident parking permits should be issued to new residents;
- Increased demand on street parking;
- Why can't the development proposed additional on-street parking in front of the development;
- Impact on car traffic in the area should the development be approved;
- The construction of the development may impact accessibility to the off-street parking at 9 Essendine Road.

Trees:

- The loss of the two lime trees in 7 Essendine Road is unacceptable;
- A Californian lilac plant in the rear of a property in Shirland Road has not been included in the arboricultural report.

Other:

- Impact of noise and disruption during the course of works;
- Impact upon refuse collection;
- Subsidence to neighbouring properties;
- The developer should pay for independent surveyors to act on behalf of the residents;
- Reduction in property values;
- Those wishing to move out whilst works are taking place won't be able to get suitable tenants to rent their properties;
- Basement development would set a precedent for other properties;
- Cumulative impact of nearby development (notably Beechcroft House);
- Lack of consultation by the City Council;
- Poor neighbours engagement by the applicant;
- Impact upon school vacancies;
- Rights of light should be assessed under this application;
- The development will increase the amount of dog fouling in the area;
- A trellis has been damaged at 9 Essendine Road and likely to be at the fault of the developer;
- The developer make require access to Essendine Road gardens to install scaffolding etc;
- The construction works would increase pollution, harmful to the school children of Essendine School;
- The development would set a precedent for other large developments.

PRESS ADVERTISEMENT / SITE NOTICE: Yes (multiple site notices on Widley Road, Essendine Road and Shirland Road)

AMENDED APPLICATION (FIRST RECONSULTATION) 9 October 2017:**Revisions included:**

- Lowering of the proposed basement slab by an additional 1m;
- Design amendments including changes to detailing and materials;

- Retention of 2 trees to rear of Essendine Road properties;
- Setting back of the western elevation (to the rear of Essendine Road properties);
- Reduction in size of terraces to first floor level (facing Cleveland Mansions and the rear of Essendine Road properties);
- Removal of windows on the western elevation (to the rear of Essendine Road properties);
- Increase in off-street parking spaces from 11 to 12 spaces;
- Removal of terraces to fifth floor front elevation (fronting Widley Road);
- Construction of a bin store to front forecourt;
- Increase in number of family sized units to 7;
- Changes to mix of unit sizes.

WARD COUNCILLORS:

No further responses.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No response.

HIGHWAYS PLANNING:

Objection still raised on lack of carparking.

CLEANSING:

The relocation of the waste store to the ground floor in the revised scheme is welcomed. However, applicant has not provided storage for recyclable materials. The waste proposal is contrary to the council recycling and waste storage requirements requiring 60% of the refuse storage to be allocated for Recycling.

ARBORICULTURAL OFFICERS:

Whilst the retention of the trees is welcomed, the details submitted to support their retention appear inaccurate and incomplete. Further detail still required as to the impact of the development upon the root protection area of the Birch Tree. Landscaping details still poor.

AFFRODABLE HOUSING SUPPLY MANAGER:

No response.

BUILDING CONTROL:

No response.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 491

Total No. of replies:47

No. of objections: 47

Fourty seven objections have been received to the revised plans. The objections received only reiterate the previous objections received and state that the revisions have not overcome their concerns. The only new issues to be raised are:

Amenity:

- The daylight/sunlight assessment doesn't take into consideration how dark the properties in Shirland Road become when the London Plane Trees are in leaf;
- No one from the Daylight/ Sunlight Assessors visited the properties in Shirland Road.

Biodiversity:

- Has consideration been given to bats in the area.

Other:

- The additional increase in depth of basement will result in further noise and disturbance;
- Two residents commented that the revised description of development was incorrect when it referred to the removal of the side elevation windows, when it in fact only referred to the removal of the 8 flank elevation windows.

AMENDED APPLICATION (SECOND RECONSULTATION) 5 April 2018:

Revisions included:

- Increase in 1 affordable housing residential unit, now 6 affordable housing residential units are proposed in total;
- Reduction in extent of basement excavation adjacent boundary with properties in Essendine Road;
- Set back of ground floor car lift side elevation from front elevation and from adjacent boundary with properties in Essendine Road;
- As a result of the extent of basement excavation, reduction in 1 car parking space, now 12 spaces proposed in total;
- Revised arboricultural impact assessment.

WARD COUNCILLORS:

Councillor Crockett considers the plans to not have adequately addressed residents' concerns, particularly in respect of the mass of the proposed building, overlooking, parking and the adverse effect the proposed building would have on the Maida Vale Conservation Area

Councillor Begum primarily objects on the grounds of lack of affordable housing and the extent of basement. She also comments that she is aware of the extensive objections received by local residents.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No response.

ARBORICULTURAL OFFICER:

Concern still raised to impact to Lime and Birch Trees and that the landscaping details are poor.

HOUSING SUPPLY MANAGER:

No objection subject to conditions secured by the legal agreement regarding capped premium amounts by the affordable housing provider and that rents reflect Westminster median intermediate household incomes.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 491
Total No. of replies:72
No. of objections: 72

Seventy two objections have been received to the revised plan. The objections received only reiterate the previous objections received and state that the revisions have not overcome their concerns. No new objections raised. The residents however have commented that it has been tedious to comment on the amendments to the scheme given they've been so minor and do nothing to alleviate their earlier comments.

AMENDED APPLICATION TO RECTIFY ARCHITECT ERRORS

A number of objections received from the end of May 2018 have been received on the grounds that a series of amendments were uploaded to the City Council website on 23 May and that no further re-consultation has been considered out. This has raised questions of transparency of the City Council.

Given that the amendments shown in the drawings uploaded of 23 May were what were consulted on, on the 5 April and were very minor, in that they resulted in a reduction in development at ground, lower ground and basement floors to pull back part of the side elevation and basement from the neighbouring boundaries with the properties on Essendine Road; the re-consultation of these drawings was not considered necessary in this instance.

ARBORICULTURAL OFFICER:

No objection to the development on the impact to the Lime and Birch Trees. She still considers that the landscaping is poor.

RECONSULTATION ON THE REVISED DENSITY INFORMATION (THIRD RECONSULTATION) 18 June 2018**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted:491
Total No. of replies: 7 at the time of writing (consultation period expires 9 July 2018)

Seven objections reiterating previous concerns noted above.

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

The application site is located at the north west end of Widley Road, near the junction with Essendine Road. The site is currently occupied by a garage dating from the 1930s. The garage is not listed but the site is located within the Maida Vale Conservation Area. The site lies outside of the Central Activities Zone

Widley Road is characterised by the continuous line of mansion blocks which occupy both sides of the road. Within the immediate vicinity of the site, situated to the north west

of the site opposite the junction to Widley Road is the Grade II listed Essendine School, with the associated School Keepers House and Handicraft block to the rear

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Planning permission is sought for the demolition of the existing garage and redevelopment of the site to provide a residential building arranged over an excavated basement, lower ground, ground and five upper storeys. Twenty-three units are proposed with six of these being affordable housing. Twelve carparking spaces are proposed at basement level accessed by a car lift from street level. As a result of highways works, three additional on street car parking spaces are to be created. Cycle parking is proposed at basement level and landscaping is proposed to the front and rear of the site.

As noted in the summary, there have been three sets of revisions to the application and these have been consulted on. A further set of revised drawings were submitted in May 2018 as the drawings contained an error and hadn't been revised to take into consideration the latest comments made by the arboricultural officer. It was not considered necessary to re-consult neighbours on these revisions.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Residential Use

There are no City Council policies which protect the existing (redundant) garage at the site, which was last used as a garage for the storage of private motor vehicles. Accordingly, the principle of redeveloping the site with a new building to provide residential accommodation is acceptable in principle and is supported by policies H3 of the UDP and S14 of the City Plan which encourages the provision of housing within the City.

8.1.2 Housing Mix:

The optimisation of housing delivery is a key strategic objective for the Council. Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. 23 residential units are proposed and the mix comprises the following:

Overall Scheme	
No of Bedrooms	No of Units/ Floorspace
Studio	2 (9%)
1 bed	5 (22%)
2 bed	8 (35%)
3 bed	7 (30%)
4 bed	1 (4%)

	Total: 23
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Private Market Units

No of Bedrooms	No of Units
1 bed	4
2 bed	6
3bed +	7
	Total: 17

Affordable Housing Units

No of Bedrooms	No of Units
Studio	2
1 bed	1
2 bed	2
3 bed+	1
	Total: 6

Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances. The proposals meet the requirements of policy H5 with 34% of the development being family sized accommodation.

8.1.3 Housing Density:

Policy H11 within the UDP relates to housing density and recommends 250-500 habitable rooms per hectare in this location. The London Plan is also a relevant consideration and includes a recommendation for housing density in Suburban, Urban and Central locations. It is considered that this is an 'urban' location, identified as areas with predominantly dense development such as terraced housing, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four stories. Again, for such areas a density of between 200-700 habitable rooms per hectare is recommended.

It was originally reported that the proposed density for this scheme was 307 habitable rooms per hectare which is in accordance with policy and therefore the objections raised on the density of the scheme could not be supported.

The correct proposed density levels have been confirmed by the applicant to be 845 habitable room per hectare/ 281 units per hectare.

Policy H11 of the UDP

The proposed density levels of 845 habitable rooms per hectare exceeds the range as set out within policy H11 of the UDP. However, part B of that policy states that, where the density levels are above those stipulated within the policy, permission may be granted if they are close to public transport and open space and meet complementary policies such as

1. Townscape and design policies;

2. Residential amenity, including daylighting and sunlighting controls, for existing residents and new residents in the proposed housing;
3. Off street parking spaces, the mix of housing units including family housing and affordable housing and garden space; and
4. The desirability of maintaining any special feature of the urban fabric in any area.

Paragraph 3.118 of the supporting text to policy H11 goes on to note that “*the City Council is unlikely to refuse permission for housing schemes that exceed the density provided the schemes conform to all other UDP policies*”. In respect of the first two points referred to above, the site has a good PTAL rating of 4 and is 640 m from Maida Vale underground station and is 320m from Paddington Recreation Ground. The Site is therefore close to both public transport facilities and open space, satisfying this element of the policy.

Matters of townscape and design; amenity; parking and maintaining the urban fabric of the area have all been assessed in the original report, concluding that in townscape and design terms the proposals are acceptable in terms of bulk, massing and detailed design and that on balance whilst the scheme does result in some harm to neighbouring properties in amenity terms, this is outweighed by the benefits of the development. The scheme also provides for an acceptable level of car parking, This demonstrates that the relevant criteria of policy H11 have been satisfied.

London Plan

The proposals exceed the density levels as set out within policy 3.4 the London Plan. However, it is important to note that paragraph 3.28 of the supporting text to this policy states clearly that “*it is not appropriate to apply Table 3.2 mechanistically*”.

Paragraph 1.3.8 of the Mayor’s Housing Supplementary Planning Guidance emphasises the point that the density matrix is a starting point for consideration, not an end in itself. The emphasis of London Plan policy and guidance is on demonstrating that the effects of a proposed development are acceptable in terms of impacts on surrounding residential and environmental quality, inclusive of ensuring proposed development is appropriate in terms of height, bulk, massing and built typology given the surrounding context. It is considered that the officers’ original report addressed all these matters. One of the main aims of the City Council is to optimise housing provision (Policy S14 of the City Plan) and given the scheme before us with the inclusion of six affordable homes, it is considered that the exceeded density levels of the London Plan are in this instance acceptable.

Within the emerging draft New London Plan, Policy H1 (Increasing Housing Supply) states that Boroughs should seek to optimise the potential for housing delivery through their planning decisions, especially for small housing sites (less than 25 units), for sites within 800m of tube stations (this Site is 640m) and where sites have PTAL ratings of 3-6 (this Site has a PTAL rating of 4). Emerging Policy H2 (Small Sites) places a strong emphasis on the role that small sites have to play in meeting housing delivery targets, noting a “presumption in favour of small housing development” on “vacant or underused sites”. Emerging Policy D6 (Optimising Housing Density) states that “development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led

approach to determine the capacity of the site". Of further importance is the fact that the draft New London Plan does **not** include a density matrix. The strong focus is on ensuring that proposed housing developments provide high quality housing at an appropriate density which can be supported by existing transport and social infrastructure. Whilst the draft London Plan carries little or no weight at this time, it is indicative of how the GLA consider that applications should be assessed and having regard to other matters over density levels.

It is therefore considered that, having regard to the location of the site and the particular development proposed, the density levels proposed are acceptable and would not form sufficient justification for refusing the development.

8.1.4 Standard of Accommodation:

All of the units proposed meet the minimum floorspace requirements as set out in the Technical housing standards – nationally described space standard with the units measuring between 37m² for the studio flat and 170m² for the largest 4 bedroom flat. A number of three bed units, whilst large cannot be reconfigured to provide 4 bed units as a result of the flat layout/ configurations. This is not objectionable.

The basements of the three duplex units will be serviced by garden lightwells. The 3 units proposed at lower ground floor (to the front of the site) whilst single aspect have been designed sensitively and have outlooks over internal and external courtyards. The 2no. ground floor three bed units are dual aspect. The units at first and second floor are primarily single aspect and have been designed in this way so as to negate the need for windows in the side elevation, which could result in amenity concerns to neighbouring properties. The units at third floor level are dual aspect. The units at fourth floor level are all single aspect but as these are larger units, they experience adequate levels of lighting and outlook from the many windows/ doors that serve them. The fifth floor penthouse is dual aspect.

The applicant has undertaken a daylight and sunlight assessment to demonstrate that the internal lighting for the proposed residential units are in line with BRE Guideline. All habitable rooms exceed the recommendations in the guide and in most cases, by some considerable margin.

The development proposes that at least 10% of the units proposed are fully compliant wheelchair accessible homes and this is welcomed and complies with policy.

8.1.5 Outside Amenity Space:

Policy H10 within the UDP expects housing developments to include the provision of amenity space. There will be a communal garden provided at the rear, at lower ground floor level which will be accessible for all the units proposed. At lower ground, two of the units (affordable housing units) have access to courtyards. At ground floor level, two of the units have access to a terrace area. At first floor level two of the units have access to a small terrace area accessed from the bedroom accommodation. Terraces were originally proposed at fifth floor level to serve the penthouse. These were on the front elevation and considered to clutter the roof profile and thus removed from the scheme.

Whilst the scheme doesn't provide every unit with private outside amenity space, all residents (including the affordable housing units) have access to the communal garden space to the rear and given the sites close proximity to Paddington recreation Ground, the proposals are on balance considered

8.1.6 Affordable Housing:

Twenty three units are proposed over a floor area of 2995m² (GIA). This triggers the requirement for affordable housing as set out in policy S16 of the City Plan and the Interim Guidance Note: Affordable Housing Policy and a policy compliant scheme would require for 640m² of affordable housing floorspace, or 8 units.

The application as originally submitted only provided for 3 units to be delivered on site and the application was accompanied by a viability assessment demonstrating that this was the maximum amount of affordable housing the developer could afford on this site and no payment in lieu was offered.

The City Council appointed an independent viability consultant to assess the findings and they concluded that the scheme could viably provide more than 3 units on site.

Further to extensive discussions between the applicant and the City Council's independent assessors the applicant now proposes 6 'intermediate housing' units on site (a total floorarea of 385m²). Whilst this is not policy compliant, the City Council's assessors confirm that this is the maximum that the scheme is viably able to provide. This is to be secured by legal agreement and will also be subject to requirements regarding the rent levels to be achieved and a cap on the premiums attached to the scheme that the affordable housing provider will have to achieve.

8.2 Townscape and Design

As noted above, Widley Road is characterised by the continuous line of mansion blocks which occupy both sides of the road. The mansion blocks are uniform in terms of their footprint, scale, form and detailed design. The front façade is constructed of red brick which architectural detailing created by the use of stone surrounds and banding. Each block is defined, in part, by the tall chimney stacks and party wall upstands which puncture the skyline at regular intervals. The rear elevations are less formal and are primarily constructed in stock brick; the roofs are covered in natural slate. Furthermore there is a strong front boundary wall line, punctuated only by pedestrian opening, demarked by piers, which are located centrally on each block.

Within the immediate vicinity of the site, situated to the north west of the site opposite the junction to Widley Road is the Grade II listed Essendine School, with the associated School Keepers House and Handicraft block to the rear.

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

8.2.1 Legislation and Policy

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

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

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

UDP Policy DES 1 establishes principles of urban design and conservation, ensuring the highest quality of new development. With regards to architectural quality it states that development should be of the highest standards, use high quality materials appropriate to its setting and maintain the character, scale and hierarchy of existing buildings.

UDP Policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster’s townscape. The policy sets out considerations whereby new infill development must have regard to the prevailing character and quality of the surrounding townscape specifically noting that the development conforms or reflects established boundary lines and local scale, storey heights and massing of adjacent buildings, characteristic frontage plot widths, roof profiles including silhouettes of adjoining buildings, distinctive forms of prevalent architectural detailing and type of characteristic materials. Part (H) also notes that where there is the existence of a set piece or unified architectural composition or significant building groups new development should conform or reflect the design characteristics.

Furthermore, with regards to Conservation Areas, UDP policy DES 9(B) states that development proposal involving the demolition of an unlisted building may be permitted if the design quality of the proposed development is considered to result in an enhancement of the Conservation Area’s overall character or appearance.

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

8.2.2 Maida Vale Conservation Area and the Significance of Affected Heritage Assets

The current application proposes the demolition of the car garage on Widley Road. A detailed heritage appraisal has been submitted with the application and this has assisted with the assessment of the contribution that the application site makes to the conservation area.

The Maida Vale Conservation Area was designated in 1986 and was most recently extended in 1996. Whilst the conservation area is residential in character the designated

area can be divided into identifiable areas including the Regents Canal side and Little Venice. The area in which the application site is located has a very distinctive character following the Church Commissioners granting building agreements between 1898-1901 for mansion blocks to be built in the area. The mansion blocks which occupy Widley Road are typical of housing built in this area and generate a unified aesthetic as a result of their shared architectural form and design.

The application site did not form part of the mansion block development scheme, with historic maps showing the area being occupied in part by a church and part vacant in 1913. By 1930 the footprint of the existing garage is shown, occupying the whole of the site save for a forecourt to the front of the building. Archived plans dating from this time show an Art Deco car garage with a stepped glazed first floor level and garage doors along the ground floor level. The building has been substantially altered, most notably post-war with the reconfiguration of the first floor and roof level. However, the building has remained in constant use as a car garage.

Presently the building on site is of two storeys plus a lower ground floor level. Due to the change in ground level the front forecourt is sloped towards the building, with the building line being consistent with the adjacent mansion block. The first floor level is perceived as occupying the roof structure with the metal double pitched roof visible above a continual band. The elevations are rendered white and contain limited fenestration.

Essendine School and the associated buildings are one of only two identified examples of a Baroque Revival style London Board School, which was designed by TJ Bailey. The building dates from 1899-1904 and has a symmetrical composition which is heavily decorated in the Baroque Revival style. The building is of 3no storeys plus attic and is constructed of rusticated red brick with both slate and tiled roofs.

The applicant's heritage statement has concluded that the car garage '*does not contribute positively to the character or appearance of the Maida Vale Conservation Area*'. The site is considered to have some historic interest deriving from its relationship with the wider development of the area and its continued use as a car garage. Whilst the building does retain some original architectural features to make it identifiable as an Art Deco building, due to the amount of historic alterations which have occurred the buildings contribution to the character and appearance of the conservation area is limited.

8.2.3 The Proposed Development

The proposed replacement building comprises of a 6 storey building with lower ground and basement levels; the roof level contains residential accommodation. In terms of height, the building is in keeping with the height of the adjacent mansion block to the south east save for a centrally located plant screen at roof level. The buildings to the north west, fronting Essendine Road are 3no storeys plus lower ground floor level and roof and are separated from the application site by their rear gardens. The footprint and massing of the replacement building repeats the layout and proportions of the neighbouring mansion blocks, both maintaining the front building line and the rhythm of bays on the rear elevation.

The front elevation of the replacement building is predominantly red brick with stone and terracotta detailing, reflecting of the principal elevations to the mansion blocks. Reflective of the characteristic arrangement of the area the side and rear elevations are less formal and so will be constructed in brown brick with the roof being clad in slate.

With regards to detailed design the front elevation has sought to reflect the mansion block arrangement, instead inverting the front bays which are projecting. The hierarchical arrangement of the windows reflects the proportionality and arrangement of those on the neighbouring building and maintains the traditional arrangement of fenestration diminishing in scale on the upper levels. The detailed design of the fenestration themselves is contemporary in nature and includes decorative balustrading which has taken reference from the forms found in the immediate setting.

During the course of the application the treatment of the flank wall has been revised in order to create a formal ending to the block at roof level. At fifth floor level the flank wall has been pitched and will be brick clad, with the sixth floor level also being pitched and clad in slate towards the front section of the roof. To the rear of the side elevation the built line has been recessed and will appear as a flush elevation with a slate roof at sixth floor level.

8.2.4 Assessment

The loss of the existing building occupying the site and the scale and design of the replacement building are cited by objectors as causing harm to the conservation area and grounds to refuse the application. Whether harm is caused to a heritage asset and what the degree of harm is, is a subjective judgement, informed on the basis of considering the significance the existing site, the significance of the part of the conservation area it is located within, the surrounding designated heritage assets and the impacts the proposals will have. It is considered that the proposal will not result in harm to the heritage assets identified as the proposed replacement building in terms of its location, scale, form and detailed design has the potential to enhance this part of the conservation area through replicating the traditional mansion block arrangement, in an architectural style which is reflective of the prevailing character of the area, whilst being identifiable as a later addition to the setting.

In terms of the impact on the setting of the listed Essendine School, the NPPF defines setting as the surroundings in which a heritage asset is experienced. Whilst the new development will be within the setting of the designated heritage asset the proposed replacement building is not considered to have an adverse impact on its setting, as the school will remain identifiable as a standalone building within the residential setting, with the replacement building continuing the characteristic streetscape of the road opposite.

In conclusion, having had regard to the duties imposed by sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered to be acceptable in design and heritage terms and would have no adverse impact on the character and appearance of the Maida Vale Conservation Area or on the setting of the Grade II listed Essendine School. The proposal is considered to comply with UDP policies DES 1, DES 4, DES 9 and DES 10 as well as S25 and S28 of the City Plan and Chapter 12 of the NPPF.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Substantial objections have been received from residents within Cleveland Mansions (adjacent the site); 1-9 Essendine Road (west of the site); Southwold Mansions (opposite the site) and Shirland Road (to the rear of the site) on the grounds of loss of daylight and sunlight; sense of enclosure and loss of outlook; loss or privacy and overlooking and noise (from both outdoor spaces and plant equipment).

8.3.1 Daylight and Sunlight

The applicant has submitted a Daylight and Sunlight Assessment. As a result of earlier objections the consultants who compiled the assessment visited the Cleveland Mansion properties to establish room layouts as an assumption had been made that the flats in Cleveland Mansions had the same layouts at all levels, which was incorrect. Given their initial result it was not considered necessary for them to visit properties on Essendine Road or Shirland Road. The properties which have been assessed are:

- Cleveland Mansions – directly adjacent the site eastwards;
- 1-9 Essendine Road – adjacent the site to the west;
- Southwold Mansions – opposite the site;
- 11 Essendine Road – north of the site; and
- 151-157 Shirland Road – directly to the rear of the site.

Vertical Sky Component (VSC)

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values.

The use of the affected rooms has a major bearing on the weight accorded to the impact on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include

dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways. The guidance further goes on to state though that living room and kitchens need more light than say bedrooms, so flexibility should be given.

No Sky Line (NSL)

The NSL method measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. BRE guidance states that if the no-sky line is reduced by 20% this will be noticeable to its occupants. Accurate assessment of the NSL method is dependent upon knowing the actual room layouts or a reasonable understanding of the likely layouts. The applicant's daylight assessment has had regard to the layouts of the building, having records of the floor layouts of the building.

Annual Probable Sunlight Hours

In terms of sunlight, the assessment measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE guidance advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

8.3.1.1 Cleveland Mansions

Daylight

The results of the VSC analysis show that six of the 17 windows relevant for assessment experience no noticeable change in VSC levels. The remaining 11 windows, all contained within the side elevation of the rear projection show retained VSC levels of between 0.2 and 0.7 times their former values. These windows serve:

No. 52 – Lower ground floor level – Living room/ kitchen/ diner – this is a dual aspect room served also by a window in the rear elevation.

No. 54 – Ground floor level – A bedroom and a living room/ kitchen/ diner, which is a dual aspect room served also by a window in the rear elevation.

No. 56 – First floor level – A bedroom and a living room/ kitchen/ diner, which is a single aspect room.

No. 58 – Second Floor – A bedroom and a living room/ kitchen/ diner, which is a single aspect room.

No. 60 – Third Floor - A bedroom and a living room/ kitchen/ diner which is a dual aspect room served also by a window in the rear elevation.

Sunlight

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

8.3.1.2 1-9 Essendine Road

Daylight

The results of the VSC assessment have shown that all of the 73 windows relevant for assessment retain levels of daylight in excess of the criteria given within the BRE guide. In addition, the results of the NSL analysis have shown that 58 of the 59 rooms assessed retain NSL levels in line with the BRE targets and the room which experiences a deviation from the BRE guidelines still experiences an alteration to NSL levels to within 0.7 times its existing level which is considered acceptable. This room is a bedroom window at ground floor level of 5 Essendine Road.

Sunlight

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

8.3.1.3 Southwold Mansions

Daylight

The results of the VSC and NSL assessments have shown that all of the windows and rooms within this block retain levels of daylight in excess of the criteria given within the BRE guide.

Sunlight

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

8.3.1.4 153-157 Shirland Road

Daylight

The results of the VSC and NSL assessments have shown that all of the windows and rooms within these properties retain levels of daylight in excess of the criteria given within the BRE guide.

Sunlight

In line with the BRE criteria, all windows in these building face north and therefore their sunlight will not be impacted.

As a point to note one of the objectors residing in Shirland Road has questioned why their rooms to the front of the property, overlooking Shirland Road have not been

assessed as these rooms, in the summer are dark, being significantly affected by the London Plane Trees. This then means that either they would have to endure all rooms in their flats being dark, or move to the less darker rooms. The BRE Guide can only suggest that rooms likely to be affected by the development be assessed and as can be seen above, the proposals do not have a detrimental impact to the Shirland Road properties.

8.3.1.5 11 Essendine Road:

Daylight

The results of the VSC and NSL assessments have shown that all of the windows and rooms within this property retain levels of daylight in excess of the criteria given within the BRE guide.

Sunlight

In line with the BRE criteria, all windows that face the proposal and are within 90 degrees of due south are fully compliant with the APSH targets as set out in the BRE guide.

8.3.1.6 Daylight and Sunlight Conclusion

There are a number of windows in Cleveland Mansions, which would be noticeably and negatively affected in terms of loss of daylight.

It is not considered that significant weight can be given to the loss of daylight to the 4 bedroom windows to Flats 54, 56, 58 and 60 and the BRE Guide does state bedrooms do not need as much daylight say compared to living room and kitchens.

Losses are proposed to dual aspect living room/ kitchen/ diner at Flats 54 and 60. Given that the windows in the main rear elevation of these rooms experience no losses it is considered that whilst the loss of daylight might be noticeable, that the room would still be sufficiently lit. Losses are also proposed to the living rooms/kitchen/ diners of Flats 56 and 58. These are single aspect flats served only by windows which are sited within the side elevation of the rear projection and overlooking the application site. Whilst the losses to these rooms are regrettable, it is on balance not considered reasonable to refuse the application based on the impact of the development to two rooms.

Whilst the losses of daylight described above would normally fail to accord with Policy S28 in the City Plan and ENV 13 within the UDP, these losses must then be considered in relation to the particular nature of this site and the merits of the proposed development.

As noted above, the BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE Guide also applies. Many sites throughout central London have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation.

The scheme will provide much need housing in this part of the City, including six affordable housing units. In light of this, and in accordance with paragraph 14 of the NPPF, it is therefore clear that any daylight/sunlight impacts and height of the development will not “significantly or demonstrably” outweigh the social, environmental and economic benefits of the development and the proposals are considered to be acceptable in accordance with policies ENV13 of the UDP and S29 of the UDP.

As a final point to note the BRE Guide suggests that in situations where affected properties are very close to the boundary with an application site and where windows are largely dependent upon light received from across the development site, that alternative target values are used for daylight and sunlight, which can be calculated using Appendix F of the guide. Such alternative targets are set by using a ‘mirror image’ of the neighbouring property as the baseline value, which is then compared with the impact of the proposed development. The applicant has therefore carried out a further analysis of the proposed development which found that ten of the 17 windows will retain at least 0.8 times their former value and experience immaterial changes in daylight levels beyond that of the mirrored building.

An objection to this method has been received from the Rights to Light Consulting firm representing the residents of the surrounding area. Whilst officers have assessed the application via the normal methods and consider that on balance the proposals are acceptable in daylighting terms, the applicant has asked that the results be reported. The NSL assessment shows that 11 of the 15 rooms will experience immaterial changes. Of the 7 windows that fall below BRE targets, 5 of the windows serve living/kitchen/ diners that are dual aspect, lit by at least one other additional window and these still achieve either 0.6 or 0.7 times its former values. The remaining two windows serve living room/ kitchen/ diner windows at first floor (No. 56) and second floor (No.58) and these retain 0.7 times its former values. These losses show only a minor deviation from the guidance and would not justify a refusal of the application.

8.3.2 Sense of Enclosure

The bulk and massing of the proposed building is very similar to the bulk and massing of the adjacent mansion blocks in Widley Road in that the building comprises a main building with rear projections. The adjacent mansion blocks incorporate a pattern and rhythm of recessed areas creating lightwells whereas the proposed building has a rear projection, which whilst measuring the same depth as the adjacent mansion blocks, is only set in from the boundary and flank elevations i.e. there is no central recess.

The main/ front part of the building abuts Cleveland Mansions adjacent and is some 13.5m away from the rear elevations of No. 5 & 7 Essendine Road. This whole side elevation of the building is recessed off the boundary with No’s 5 & 7 Essendine Road as there are two TPO lime trees in the rear of 7 Essendine Road, which require protection and this has been amended during the course of the application. At basement, lower ground and ground floor level the rear projection of the site is full width, reaching up to the boundary with Cleveland Mansions and the properties on Essendine Road. From first floor to fifth floor level the rear projection which measures 7.95m in depth (the same as the adjacent mansion blocks) is set back from the boundary with Cleveland Mansions by 1m and from the side elevation of the rear projection of Cleveland Mansions by 2.5m

and from the rear elevations of No's 3 and 5 Essendine Road properties of 14.5m- 15m. At roof level, a mansard is proposed with sloping roofs, recessed behind the parapet wall. The front part of the proposed roof is the same height as the roof heights of the adjacent mansions block. The mansard roof then extends over the rear projection, unlike the adjacent mansions blocks.

The rear elevation of the building is some 19m away from the rear elevations of the properties to the rear in Shirland Road.

No's 52, 54 and 56 Cleveland Mansions are sited at lower ground, ground and first floor and currently overlook the existing garage building which is two storey's plus roof level. It is therefore considered that whilst the new building will of course be noticeable and it will be slightly closer than the existing garage building, that the impact upon enclosure and outlook is not considered harmful. The most affected neighbours will be those residing in the 58 and 60 Cleveland Mansions, which are at second floor and top floor. These residents currently experience a very open outlook across the roof of the existing garage and this will be lost. The relationship of the application site building to these properties is considered to result in the same relationship of other flats eastwards in Cleveland Mansions, which is deemed acceptable, and therefore the proposals are considered, on balance, acceptable in terms of enclosure and outlook.

1-7 Essendine Road is primarily made up of lower ground, ground, first and second floor flats. In terms of the impact to the lower ground and ground floor flats of these properties, it is not considered that, given the height of the existing garage that the proposed replacement building would substantially alter the outlook over what currently exists. In terms of the relationship to the first and second floor flats, whilst again the outlook would be significantly different to what the residents currently enjoy, given the distances between these properties and the proposed residential building, with its set backs, the proposals are not considered to result in a substantial feeling of sense of enclosure, to warrant refusal.

The relationship of the proposed building to the most affected neighbours in Shirland Road (No's 151-157) is the same relationship that No's 127-149 currently experience facing Cleveland Mansion in Widley Road. The Shirland Road properties currently look toward the rear of the garage site which is two storey plus roof level, built right up to the boundary. Whilst the proposed building will be some three storey's taller than the existing garage, given the depth of the proposed building, less than the existing garage building, it is not considered that these residents would experience such a sense of enclosure or loss of outlook to warrant refusal.

The proposed new building is some 26m opposite Southwold Mansions, north of the site. Whilst the new building would be substantially noticeable from those flats with windows to the front elevation, because of the distances involved, it is not considered to result in a material increase in enclosure.

8.3.4 Privacy

The most affected properties through the insertion of windows in the new residential development are those facing the application site in Cleveland Mansions and those within the flats in Essendine Road. It is not considered that the windows proposed to the

front and rear of the application site building, whilst a significant number, would result in such harmful overlooking to the properties in Southwold Mansions or Shirland Road to warrant refusal. It must be remembered that this new relationship would only seek to replicate that of the existing Cleveland Mansions to Southwold Mansions and Shirland Road properties.

The new windows in the side elevation of the rear projection facing Cleveland Mansions serve kitchens (at first, second, fourth and fifth floor and an ensuite at third floor). Given their close proximity to the windows in Cleveland Mansions at just over 3m (which as noted above serve a variety of rooms ranging from bedrooms in the rear elevation and bathrooms and kitchen/ dining areas in the side elevation, depending on what flat you're in), it is considered necessary to condition that these windows are obscure glazed so as to prevent any overlooking.

The scheme has been amended since it was originally submitted and the windows in the western flank elevation (facing Essendine Road) have now been omitted from the scheme and replaced with blind windows, so as to add some visual interest to this façade. There are windows facing the Essendine Road properties in the side elevation of the rear projection serving kitchens (at first, second and fourth floor), an ensuite at third floor and a living area at fifth floor level. The kitchen windows at first, second and fourth floor level are secondary windows to kitchen/living and dining areas, with the main windows in the rear elevation. In order to restrict any overlooking to Essendine Road, it is considered that these windows should be obscure glazed and this is to be secured by condition. It is not considered that obscuring these windows would be detrimental to the standard of living accommodation in the new development. The ensuite at third floor level is likely to be an obscured window by its very nature. However this again is to be secured by condition. The living room at fifth floor level is not considered to result in any detrimental overlooking to residents in Essendine Road as it is higher than those properties and any views afforded into these properties would be so oblique so as to not be harmful.

Terraces and courtyards are proposed at basement (to the front of the building) , lower ground floor and ground floor level (to the rear of the building). The courtyards to the front elevation are set substantially below pavement level and will not result in any overlooking. Given the rear terraces and courtyards will be enclosed by the boundary walls, these are not considered to result in any detrimental overlooking to the residents of Shirland Road or Essendine Road.

Two terraces are proposed at first floor level to the flank sides of the rear projections. These are relatively small and are to be accessed from bedrooms. The drawings show a screen to be sited around these terraces to reduce the impact of overlooking and subject to conditions securing the finer details of the screens, these terraces are considered acceptable in amenity terms.

8.3.5 Noise from full height windows, terraces and courtyards

It is not considered that noise created from full height openable windows would be so substantial or harmful given the residential nature of the development. It is also not considered that a number of residents using the terraces/ courtyards would be

detrimental to the amenity of neighbouring properties, over and above a 'normal' garden useage.

8.3.6 Noise from Plant and Machinery

The development requires a number of pieces of plant/ machinery equipment including the car lift, an internal passenger lift and basement plant equipment. The basement car lift equipment and basement plant equipment are to be ventilated to the front of the property within the forecourts and to the rear of the site at lower ground floor level. Environmental Health officers have assessed the acoustic report submitted with the application and have no objections to the proposals on noise nuisance grounds, subject to conditions. The proposals are therefore not considered to harm the amenity of neighbouring properties.

8.3.7 Impact of Proposed Residential Accommodation

It is not considered that the redevelopment of the site for residential purposes would result in any harmful amenity considerations to neighbours in terms of noise from future residents coming and going. The site is within an established residential street and the introduction of 23 residential units is unlikely to further increase this harm.

The proposals are considered to accord with S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

The proposals have been revised during the course of the application. The final scheme now seeks to provide 12 car parking spaces (originally proposed at 10 spaces) at basement level accessed via a car lift off street level; cycle parking at basement level and highways alterations to remove the redundant crossovers associated with the garage to provide 3 additional on street car parking spaces.

8.4.1 Car Parking

Twelve off street car parking spaces in the newly excavated basement are proposed for the 23 residential units.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 91%. TRANS23 includes all legal parking spaces (eg Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 90%.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 70%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential Bays and Shared Use Bays. While currently below the stress threshold, the Highways Planning Manager advises that 7 additional vehicles would increase the stress level over the 80% stress threshold during the daytime period.

It is acknowledged that the site has a high level of public transport accessibility, however it is important to note that households within the Maida Vale Ward with 1 or more cars is 44% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

The worst-case scenario would be 11 residential units without access to a car parking space, if each unit were limited to 1 car parking space each. 11 residential units would be expected to generate a maximum of 5 vehicles according to the Highways Planning Manager. Therefore, 5 extra vehicles on-street would further add to the existing night time stress levels (which are already above the 80% threshold).

For these reasons the Highways Planning Manager considers that the shortfall in parking of 11 spaces is not consistent with TRANS23 and will add to existing on-street parking stress overall.

In order to address these concerns, the applicant has proposed that the creation of three additional on-street car parking along the frontage of the site as a result of highways works to remove the redundant crossovers that were associated with the garage. The Highways Planning Manager considers that while this is welcomed to alleviate on street stress levels, it should not be used to off-set increased on-street parking stress created by new residential units.

The applicant has also offered lifetime car club membership for each residential unit as further mitigation. However, the Highways Planning Manager does not consider this sufficient to remove the overall objection to the scheme.

Whilst the concerns of the Highways Planning Manager and the objections raised by residents on parking grounds are noted, paragraph 32 of the NPPF states that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". In this instance, officers consider that the provision of 12 on site carparking spaces; an additional 3 on street car parking spaces and lifetime car club membership for all flats would provide sufficient mitigation for the deficiency in on-site parking so that the impact on on-street parking would be minimal. Accordingly, refusal of permission on this basis would not be sustainable.

To provide additional car parking spaces for the scheme proposed, further excavation would be required which would not only impact neighbours in terms of prolonged construction periods but could also impact upon the viability of the scheme which then could have a knock on impact to the provision of affordable housing on site.

The provision of the parking, car club membership and highways alterations to facilitate the creation of three on street parking spaces are to be secured by condition and legal agreement. A number of objections have requested that any future residents of the development are not entitled to apply for resident permits. This is considered unreasonable and not something generally that the City Council entertains.

8.4.2 Electric Car Charging Points for Residential Car Parking

The London Plan requires at least 20% active provision of EV points and 20% provision of passive EV points. Whilst no EV points are indicated on the submitted drawings, it is recommended that these be secured by condition.

8.4.3 Cycle Parking

Policy 6.9 of the London Plan requires 1 cycle parking space per 1 bedroom unit and 2 spaces for all other dwellings. The proposal would therefore require 39 (7 1 bed units and 16 2-plus units) cycle parking spaces. 39 cycle parking spaces are indicated within the basement. This provision is welcomed and to be secured by condition.

8.4.4 Car Park – Access, Lifts and Layout

The basement car parking is accessed via a car lift. While the lift is set back significantly back from the highway (one car space) the Highways Planning Manager considers that there is not enough off-street waiting space for a vehicle, if the car lift is already in use when a second vehicle arrives.

Given the size of the development, and even if the carparking facility was used to full capacity, it is unlikely that the carpark and lift would be required to be used by more than one car at one time. Widley Road is a wide road and should a car be required to wait on the street for a short period (although they should be able to wait in the car entrance driveway whilst the lift was in use) it is not considered that this arrangement would be so harmful to warrant refusal.

Details of the management and maintenance of the car lift are to be secured by legal agreement.

8.5 Economic Considerations

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

8.6 Access

All the residential units are accessible from street level and internally within the building. Two of the car parking spaces are disabled spaces

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse /Recycling

Objections have been received on the grounds of the impact that an additional 23 residential units will have upon refuse collection in the area. The application originally proposed refuse areas at basement level which would then be brought up to street level on refuse collection days, and it is unclear as to whether objectors had seen this on the submitted plans. This is any event was considered unacceptable and the refuse areas are now proposed to the front courtyard of the application site in the form of Eurobins, enclosed behind a timber screen, and again will be collected by City Council refuse collectors twice a week, as per the existing arrangements. Whilst the principle of these enclosures are acceptable, an objection is raised from the cleansing manager as these are not marked or allocated for 'refuse' and 'recycling'. This is therefore to be conditioned.

8.7.2 Trees

The matter of trees has been discussed at length with the applicant during the course of the applications and the amendments made to the proposals have been to take into consideration the implications of the basement excavation and the proposed side elevation building line on the lime trees at 7a Essendine Road and the street trees, a Birch Tree to the front elevation.

Two objections have been received on the grounds that a Californian Lilac in the rear of a Shirland Road and two Holly bushes in the garden flat of an Essendine Road have not been specifically referred to in the arboricultural report submitted with this application. These plants are not considered to be trees and are therefore not protected. It would be considered unreasonable of the applicant to have to address the impact of the development upon these plants and this is considered to be a private matter.

Lime trees at 7a Essendine Road

The trees are mature specimens which are protected by a Tree Preservation Order P5 made in 1957. They appear to be in good health and have long life expectancies and are clearly visible from Widley Road and from surrounding gardens. They form a valuable screen.

Subject to adequate tree protection and construction and operational measures, it should be possible, with care, to protect these trees without significant detriment to their health or amenity value. Conditions are therefore suggested requiring the applicant to address how the boundary wall adjacent to the trees will be supported and retained for the duration of the development, and how excavation will take place in order to construct the proposed basement wall.

Birch tree (street tree)

One root of the Birch Tree, 50mm in diameter is reported as exploiting the current garage forecourt which it is intended to sever to accommodate the piling line on the front boundary. The tree is currently healthy and vigorous, and the arboricultural officer considers that it will tolerate a degree of root severance, and will be able to adapt to a changed rooting environment better than more mature trees are able.

The canopy of the birch tree will need to be cut back where it overhangs the site which will be harmful to its appearance, but not to a degree where the arboricultural officer would consider its severity so harmful to warrant refusal.

Landscaping

The arboricultural officers considers that the landscaping to the front elevation is primarily excavated to create lower ground floor courtyards will appear stark and uncompromisingly hard, despite the applicants attempts to 'soften' this area. Given the front elevations of the mansion blocks on Widley Road are primarily hard landscaped with some soft landscaping (albeit not excavated to basement level), it is not considered that the proposed landscaping measures are so harmful to warrant refusal.

The proposed landscaping will be a significant improvement over the forecourt of the existing garage. The arboricultural officer also considers that the landscaping proposed at the rear is also unacceptable with the space for soft landscaping is limited and divided, and because of the large amount of hard surface and raised planters and vents, it will appear hard and built up. Again, there is currently no landscaping to the rear to the rear of the building with the existing garage building occupying the whole of the site, and therefore the proposals are considered by officers to be an improvement and welcomed and will be secured by condition.

8.7.3 Biodiversity

An objection has been received on the grounds that the development will affect bats in the area.

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

UDP Policy ENV17(a) 'Nature Conservation and Biodiversity' seeks to protect habitats of protected species and sites of nature conservation, and encourages measures to conserve and enhance areas of wildlife value. ENV17(d) 'nature conservation and biodiversity' requires that developers demonstrate that their proposals either preserve or enhance protected habitats and species.

The application site is not far from the Local Site of Nature Conservation Importance (SNCI) covering Paddington Recreation Ground, where three species of bat have been recorded.

The applicant has not submitted an ecological assessment with the application given the nature of the development; that the site does not contain any habitat where bats would

reside and its distance from the recreation grounds and this is accepted. Notwithstanding this, bats are protected by law and should permission be granted for the development and bats encountered, the developer will have to cease development until a mitigation strategy is formulated.

8.8 London Plan

This application raises no strategic issues and is not referable to the London Mayor.

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

It is 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, 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; and
- c) Fairly and reasonably related in scale and kind to the development.

The proposed planning obligation requirements are considered to meet these tests.

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

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject. In this case, the principal 'Heads of Terms' of the legal agreement are proposed to cover the following issues;

- a) Provision of affordable housing in the form of 6 units (intermediate housing units);
- b) Not to occupy the private market housing until the affordable housing units are available for occupation.
- c) Highways works to facilitate the proposed development and including vehicular crossovers and the provision of 3 additional on street car parking spaces, reinstatement of redundant crossovers and paving.
- d) Car park strategy including all car parking spaces provided for the development itself and on an unallocated basis.
- e) Lifetime Car club membership for all units in the development.
- f) Maintenance/ management Strategy of Car Lift
- g) Monitoring costs.

Subject to any relief or other exemptions available to the applicant, the total estimated net CIL payable is £539,672 (Gross charge is £632,261 and the Affordable Housing relief is £92,588).

8.11 Environmental Impact Assessment

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

8.12 Other Issues

8.12.1 Basement Excavation

Policy CM28.1 relates to all basement development in the City.

Objections have been received to the scheme on the grounds of potential subsidence to Cleveland Mansions and Essendine Road properties as a result of the development and the basement works and that the developer should be forced to employ an independent chartered surveyor to assess their properties. The applicant has submitted a detailed structural methodology statement which has been assessed by the City Council's District Surveyors who consider this to be acceptable. Further matters of structural stability/ subsidence etc are a matter to be dealt with at a later date through Building Regulations. It is not considered reasonable to request the developer to pay for an independent assessor and this is a private matter between the residents and the developer. The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice in order to minimise the impact of any development upon the amenity of neighbouring properties. An objection has been received on the grounds that the construction works would increase pollution, harmful to the school children of Essendine School. This would be assessed under the Code of Construction Practice.

The site lies within a flooding 'hotspot' and the flooding details submitted to show mitigation of this have been reviewed by the District Surveyors who raise no objections. Thames Water and the Environment Agency were consulted on the proposals and Thames Water had no objections to the proposals and the Environment Agency made no comments. The proposals are considered to comply with Part A of the policy.

The proposals as discussed are unlikely to impact upon the Lime and Birch Trees. Drainage and SUDS information has been provided with the application and the District Surveyor has raised no adverse comments to this. As discussed in the design section of this report, the proposed basement works incorporates lightwells to the front and rear. a rooflight to the front forecourt. These are considered to be well designed and appropriate to the conservation area. The proposals are therefore considered to comply with Part B of the policy.

Regarding Part C of the policy and as set out in the drawings, the proposed basement is primarily single storey however does, as a result of the existing site levels pose an area toward the front of the building that could be considered as the depth of two storeys given its height, although it only has a useable space of one storey. It is not considered

that this minor deviation from policy, in the context of the overall basement excavation proposed is refusible.

With respect to soil depths above basements the proposal is does not meet the aims of the policy which requires no less than 1.2 m of build up to accommodate no less than 1m of soil above basements to support an adequate landscaped setting. Given the site has no landscaping at present and is currently covered by the existing garage footprint and that a condition to secure appropriate landscaping has already been recommended, it is not considered that the application could be reasonably be refused on this basis.

Part D of the policy is not relevant.

8.12.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including dust, noise

Planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the following paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works. As noted above the applicant has agreed to enter in a Code of Construction Practice which seeks to ensure that any works are carried out with as minimal impact as possible.

To seek to minimise disruption to neighbouring residents it is recommended that a condition is imposed to restrict the hours of building works to Monday to Friday 08.00-18.00 and Saturdays 08.00-13.00. No works are allowed on Saturday afternoon, Sundays or Bank Holidays.

8.12.3 Other

The issues raised by the objectors have been largely addressed above. The following is also noted:

Lack of Consultation by the City Council

Objections have been received on the grounds of lack of consultation of the development by the City Council. As can be seen in the 'consultation' section of this report, significant consultation has been undertaken, including letters to all affected residents and multiple site notices. The City Council has undertaken its statutory duties in this regard.

Lack of Consultation by the Applicant

Objections have been received on the grounds of poor consultation by the applicant. The applicant advises that they undertook two rounds of consultation in the form of 'open sessions', although it appears that not all affected neighbours were invited. Whilst the City Council actively encourages community engagement by applicants, the absence of or deficiencies with it are not a reason to withhold permission.

Loss of Property Value

Objections have been received on the grounds that their property values would be diminished as a result of the construction works and should the development get built and its impact upon William Court. Property values are not a material planning consideration in the determination of any planning application.

Loss of Views

An objections has been received on the grounds that the view of the Trellick Tower would be lost. Whilst the issue of visual amenity is an important one, and addressed above, it is established planning law that 'views' cannot be protected and this is not a reason for refusal.

Overdevelopment

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

Setting a Precedent

Whilst a significant concern to many (particularly in regards to the basement works), each application must be considered on its merits, having regard to the specific development proposed, the specific application site and the development plan at the time of consideration. Accordingly, granting of permission in this instance would not set a precedent for development on other sites.

Profit from Development

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

Rights of Light

An objection has been received on the grounds that 'rights have light' should be tested at application site. Rights of Light are different to the impact upon daylight and sunlight, which can be taken into consideration at application site, and the assessment of rights to light is a private matter.

Cumulative Impact of Development Works

Whilst officers can sympathise with residents when multiple developments are occurring at the same time, it is not considered reasonable to refuse permission on this basis.

Impact upon local services

Objections have been received on the grounds that more residential properties impact upon school placements, and in this instance at Essendine School. This is a matter for the Education Department and not reason to refuse an application. It should also be noted that CIL funds from the development would fund additional school places.

Dog Fouling

An objection has been received on the grounds that more residential development, equals more people with dogs and therefore an increase in dog fouling which is already an issue in the area. This is not a material planning consideration.

Access

A number of objections have been raised, mainly from residents in Essendine Road on the grounds that access may be needed from their property and scaffolding erected in their gardens whilst works take place. This would be a private matter between the applicant and the relevant neighbours.

Property Damage

An objection has been received on the grounds that a trellis has been damaged at 9 Essendine Road and likely to be at the fault of the developer. This is a private matter between this resident and the application.

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

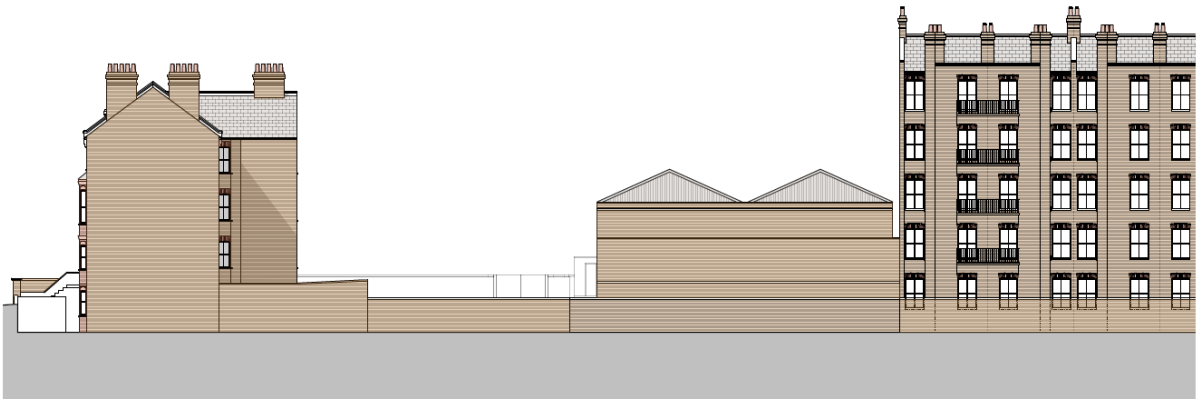
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

9. KEY DRAWINGS

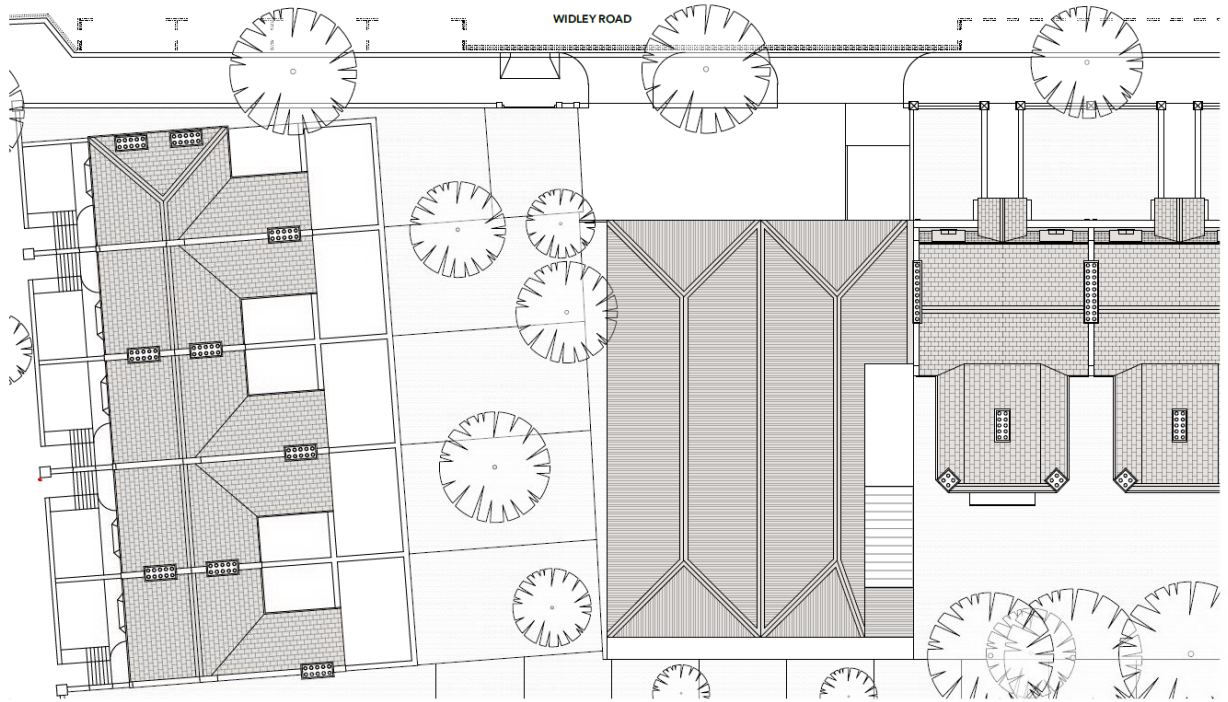
Existing Front Elevation



Existing Rear Elevation



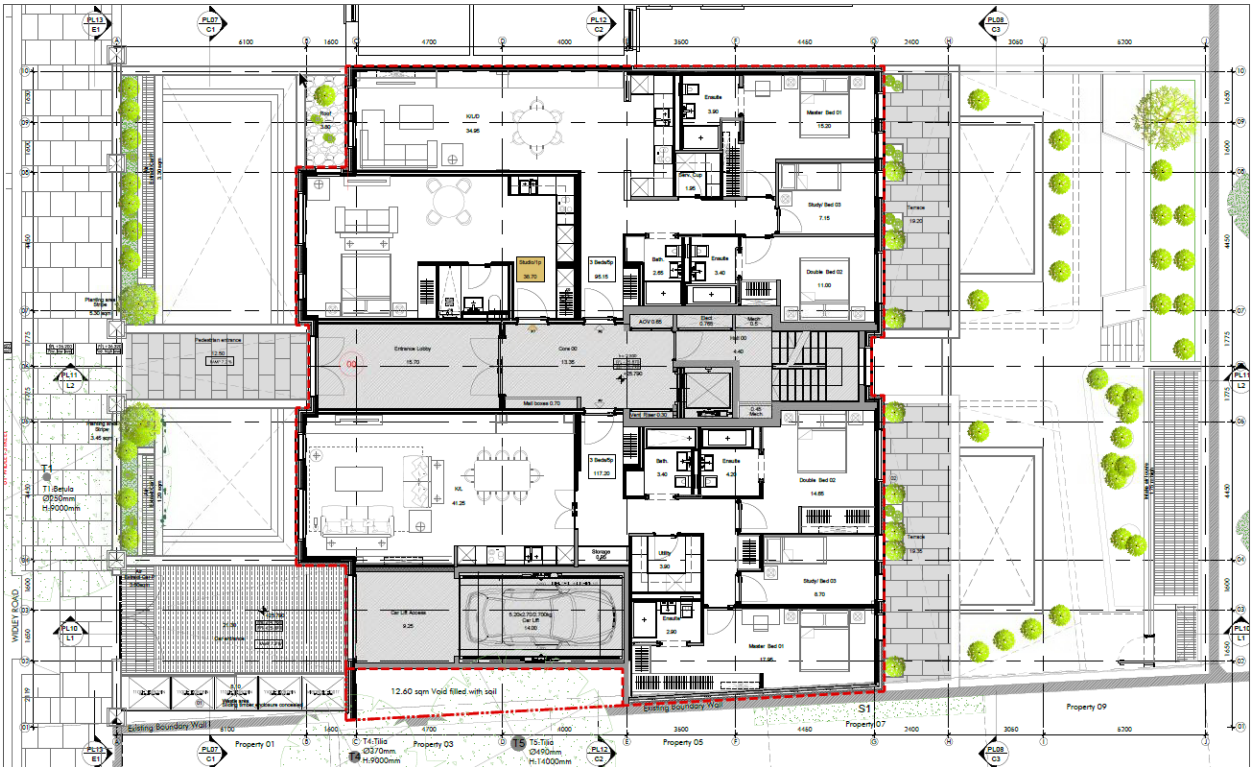
Existing Site and Context Plan



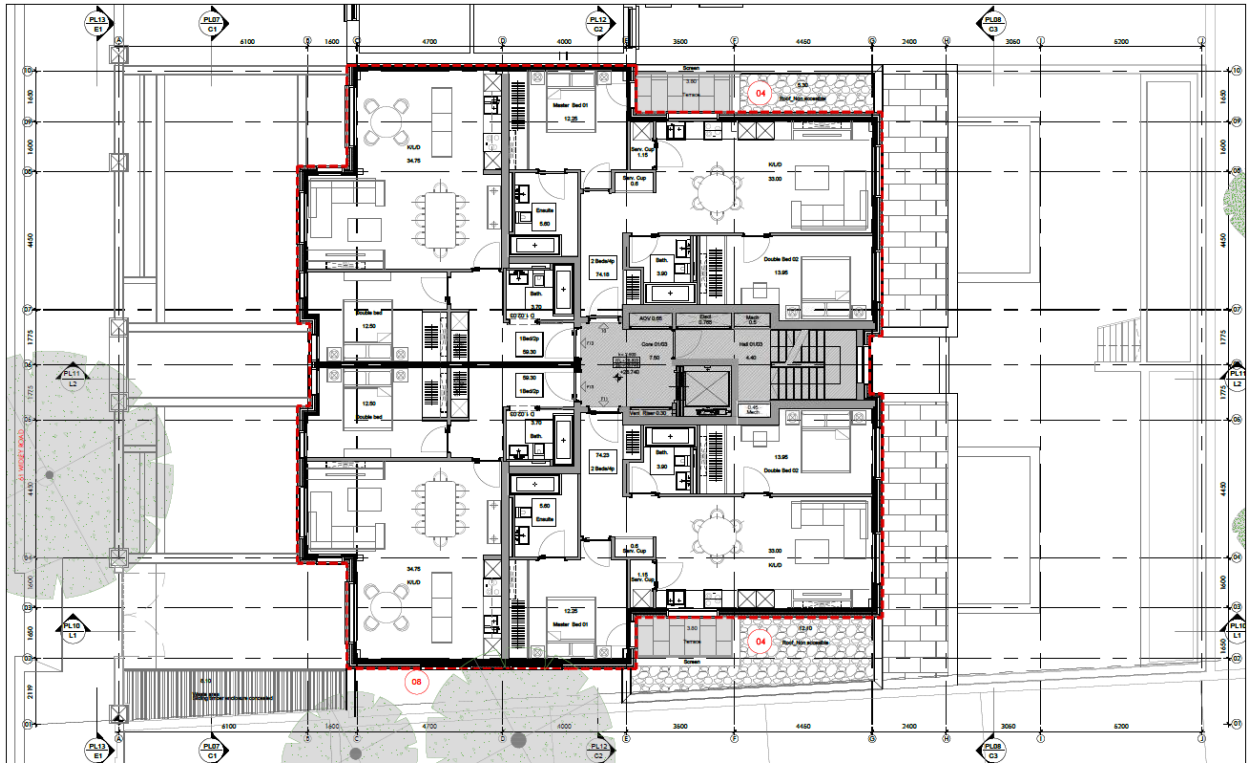
Proposed Basement Plan



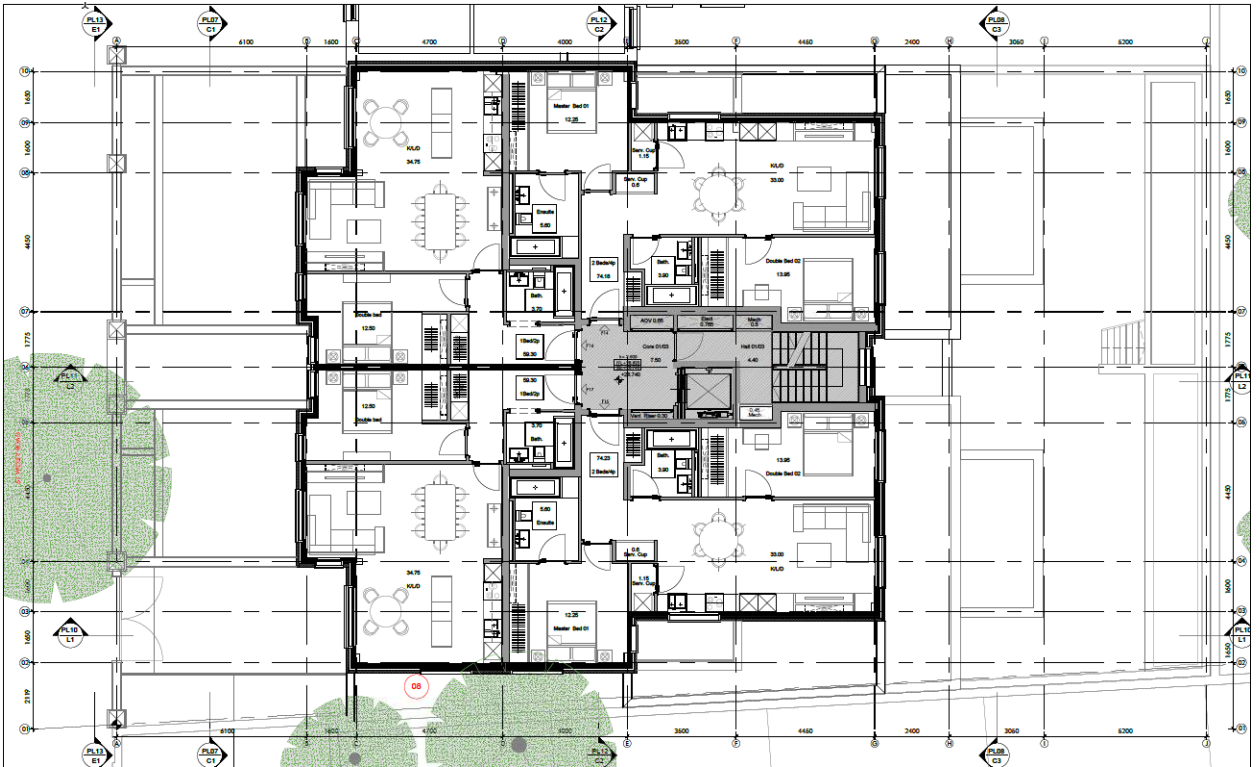
Proposed Ground Floor Plan



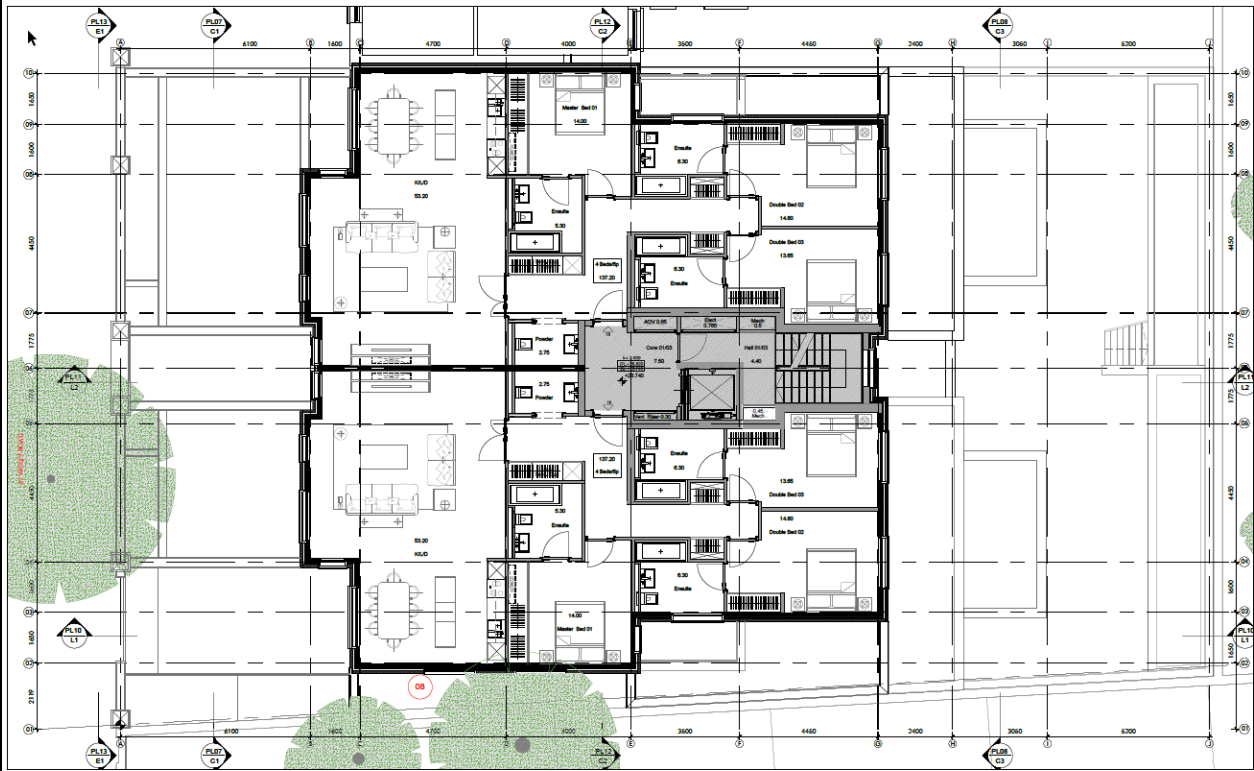
Proposed First Floor Plan



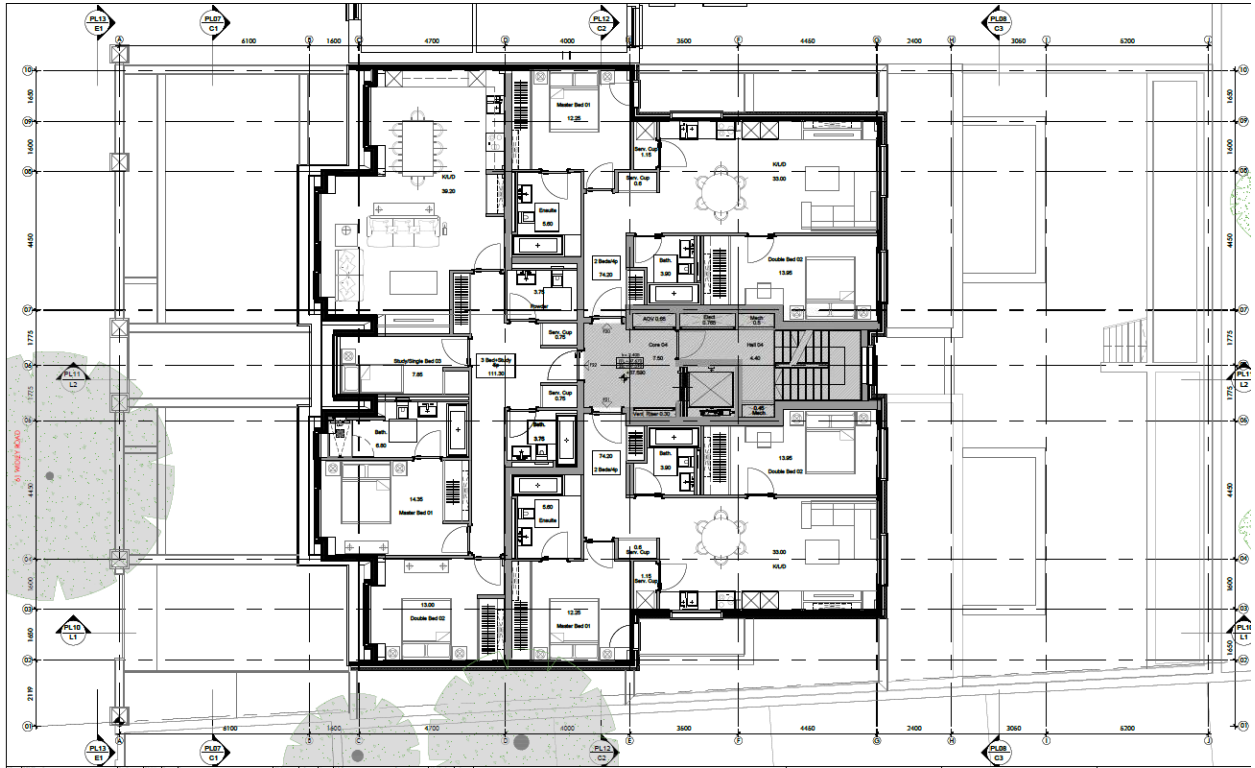
Proposed Second Floor Plan



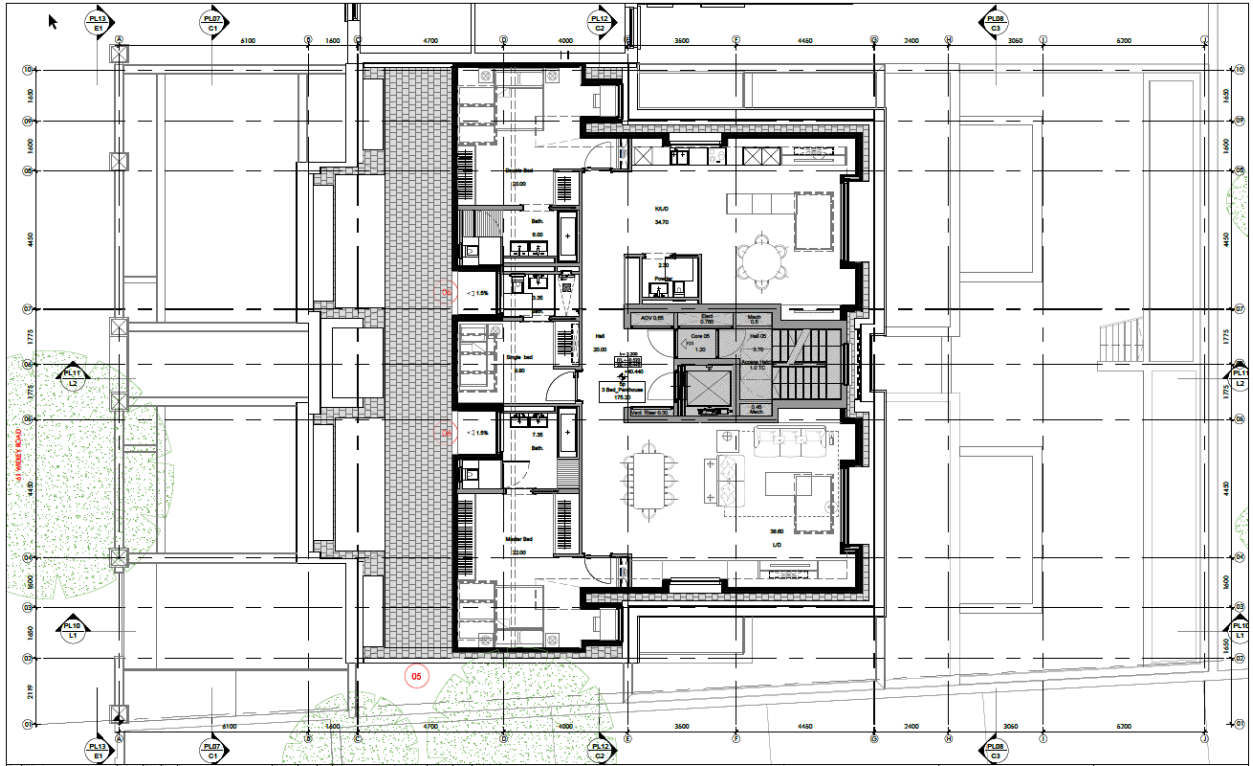
Proposed Third Floor Plan



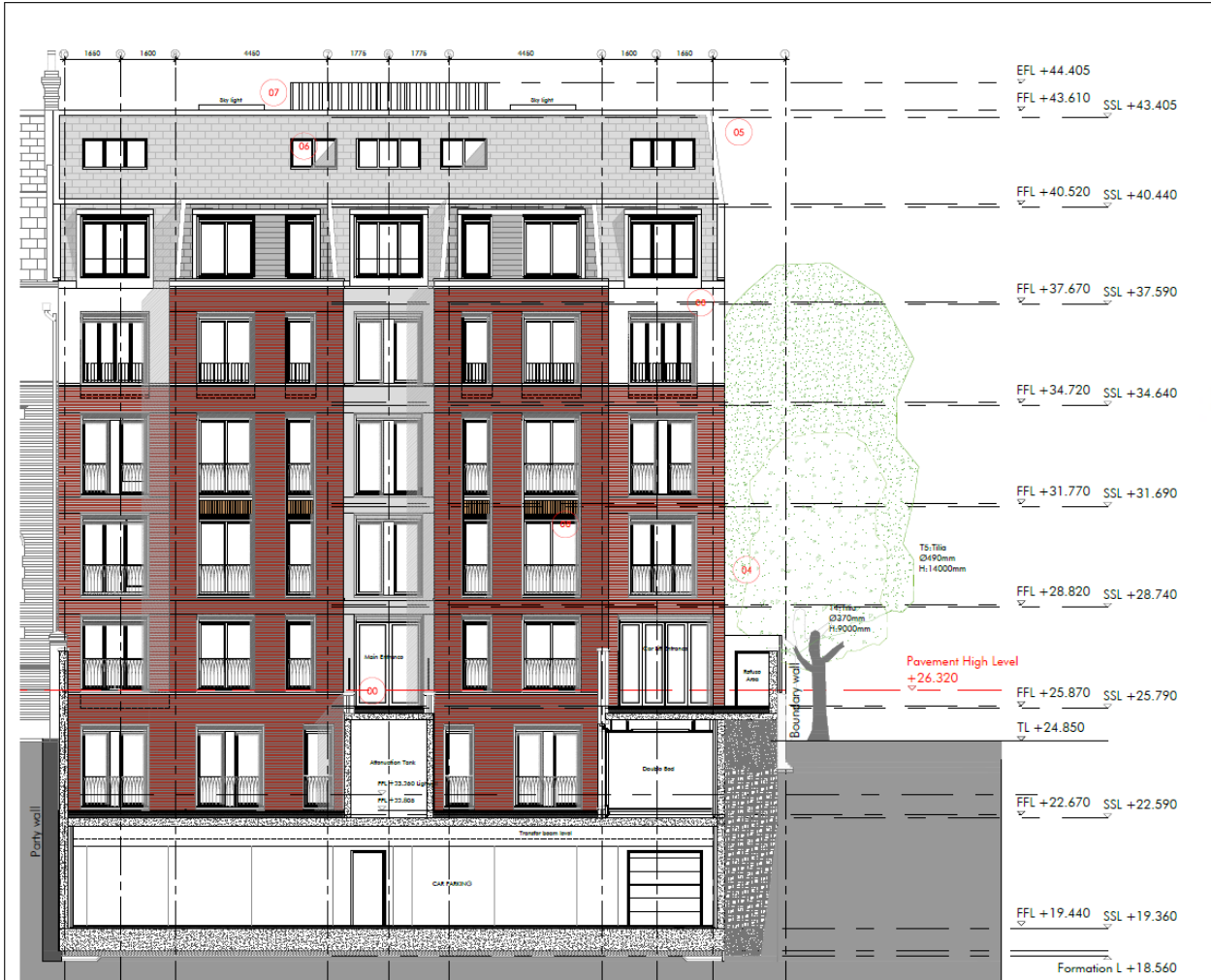
Proposed Fourth Floor Plan



Proposed Fifth Floor Plan



Proposed Front Elevation



Proposed Front Elevation in Context



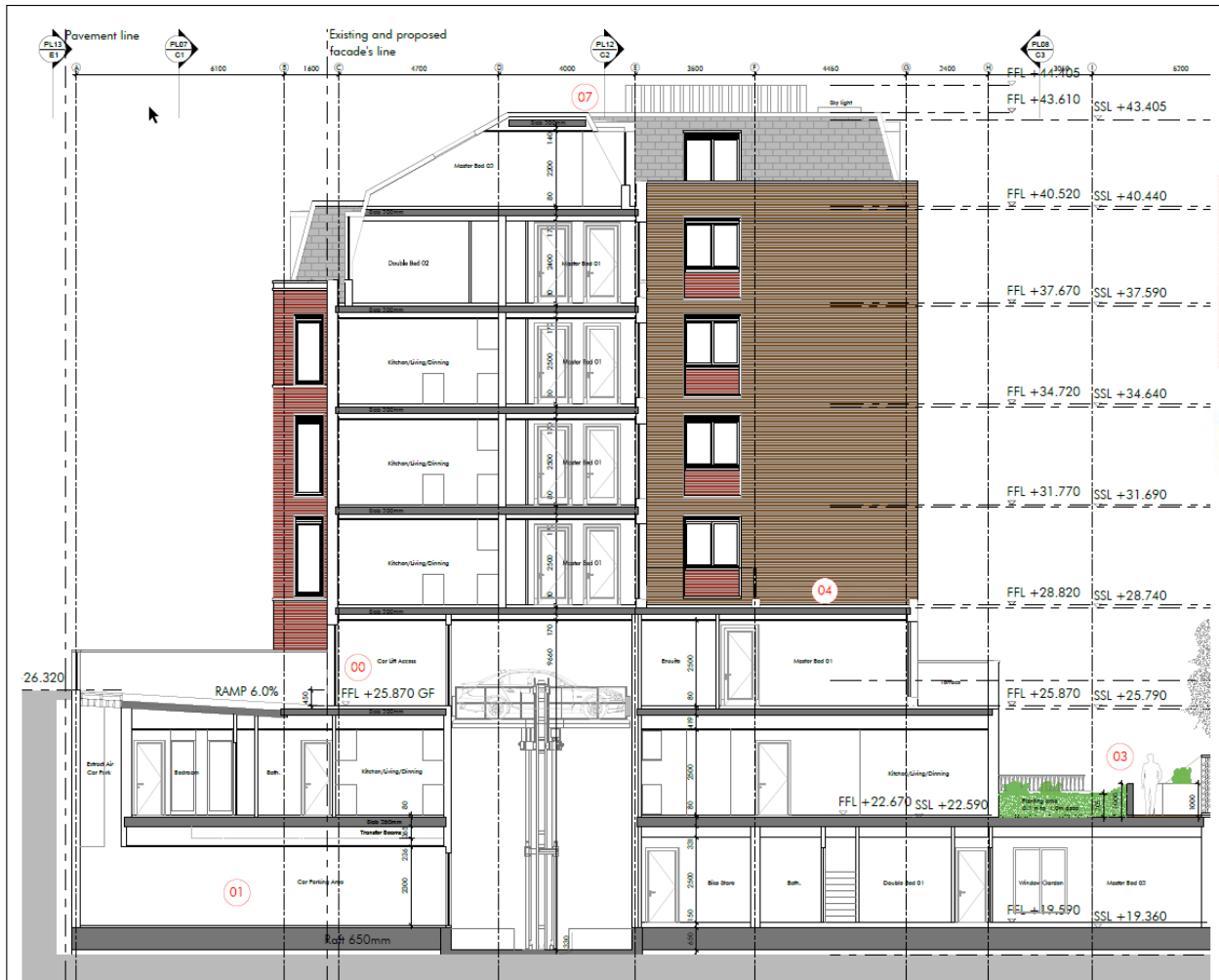
Proposed Rear Elevation



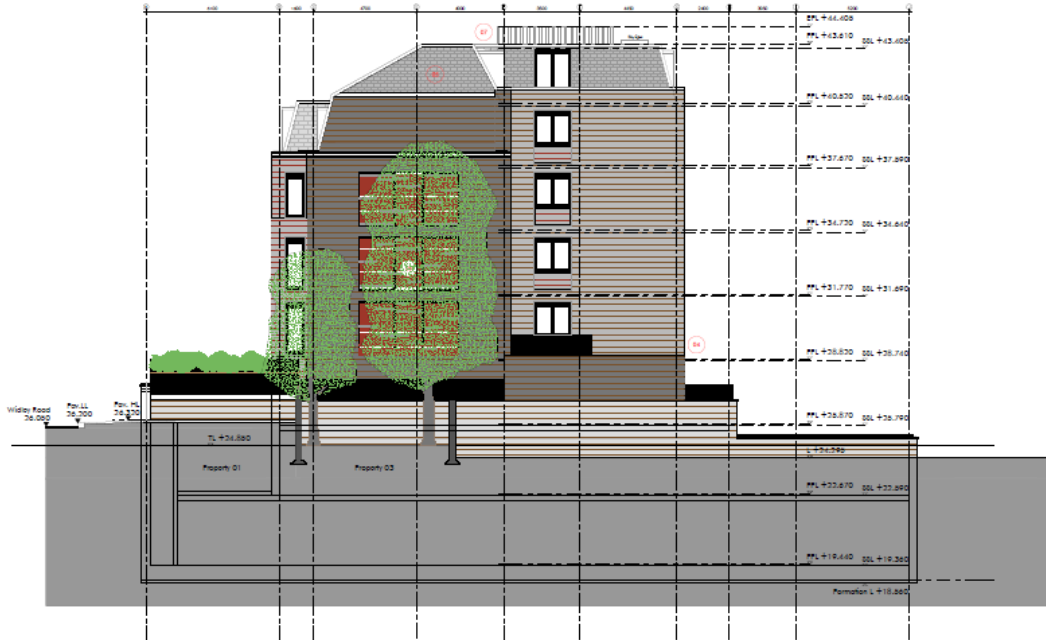
Proposed Rear Elevation showing courtyards and in context with Cleveland Mansions



Proposed Section



Proposed Side Elevation (as seen from Essendine Road properties)



Proposed Front Elevation Visual



Proposed Rear Elevation Visual



DRAFT DECISION LETTER

Address: Widley Road Garage , Widley Road, London, W9 2LD

Proposal: Demolition of existing building; excavation to create additional basement storey; erection of a residential (Class C3) building arranged over basement, lower ground, ground and five upper storeys to provide up to 23no. residential dwellings; provision of external amenity space, associated on-site car parking and cycle parking facilities, landscaping works and other associated works.

Plan Nos: Existing Drawings: PL01.01; PL01.02; PL01.03; PL01.04; PL01.09; PL01.10; PL01.11; Proposed Drawings: PL002 K; PL-001 K; PL00 K; PL01 L; PL02 L; PL03 L; PL04 K; PL05 K; PL06 K; PL07 L; PL07A L; PL08 L; PL08A L; PL09 M; PL09A M; PL10 K; PL11 L; PL12 L; PL13 K; PL13A K; Design and Access Statement dated August 2017; Design and Access Statement Addendum dated February 2018; Heritage Statement Addendum dated August 2017; Air Quality Neutral Report dated 7 September 2017; Daylight and Sunlight Assessment dated 18 September 2017; Desktop Contamination Assessment; Energy Statement dated 29 August 2017; Flood Risk Assessment dated August 2017 Rev B; Noise Report dated 4 September 2017; Transport Statement V2 dated 24 August 2017; Arboricultural Impact Assessment dated 17 May 2018 including drawings: EX01 TS D; EX03TS D; EX05 TS F; EX06 TS E; For Information Only: Structural Methodology Statement Rev B; Draft Construction Management Plan dated 24 April 2017.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

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

Reason:

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

- 2 Except for 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 (November 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 submit an approval of details application to the City Council as local planning authority comprising 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. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terrace except those shown on the approved drawings. (C26NA)

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 8 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 The terraces at first floor level must only extend as far as shown on drawings PL01 L. You can however use the remainder of the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 10 You must apply to us for details of the approved privacy screens to the first floor terraces. You must not use the terraces until we have approved what you have sent and you have installed the screens.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 11 The windows in the side elevations of the rear projection, at all levels shall be obscure glazed and be retained in that condition thereafter.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 12 (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 (November 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.

- 13 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.

- 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 provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 17 You must provide each cycle parking space shown on the approved drawings 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.

- 18 Prior to the occupation of the development, a minimum of 10% of the car parking spaces shall have electric vehicle charging points for use within the basement car park and thereafter maintained in working order.

Reason:

To provide electric vehicles charging for people using the development as set out in Policy 6.13 of the London Plan.

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

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 20 All vehicles must enter and exit the site in forward gear (except refuse and recycling vehicles).

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

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

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 22 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species.
(C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 23 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- o identification of individual responsibilities and key personnel.
- o induction and personnel awareness of arboricultural matters.
- o supervision schedule, indicating frequency and methods of site visiting and record keeping
- o procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

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

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 24 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- PV panels

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 25 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 26 **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 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

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)

- 27 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

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

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

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

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

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

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

- 3 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.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway

works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 8 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

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).

- 9 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 10 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 11 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 12 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

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

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

- 14 Condition 26 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)

- 15 Conditions 12 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)
- 16 Please read the following.
- * British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction
 - * National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995)
 - * Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)
- 17 Please let our arboricultural team (020 7641 2922) know when you are going to start work on the site. It would be useful if you could give us at least five working days' notice of this date. This will allow us to inspect your tree-protection measures during the work. (I92BA)
- 18 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 19 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

- 20 When you apply to us for approval under the terms of (C31CC) you will need to ensure that your tree protection methodology takes into account construction and operational requirements and likewise construction techniques and site operation details will need to be demonstrate they have been designed to ensure that adjacent trees can be safely retained without harm.
- 21 You will need to speak to our Tree section about proposals to prune the birch tree in the street outside the site. We cannot agree this as part of the planning permission as the tree is off site. You will have to pay for pruning the including all administration and supervision costs. We will not prune the street tree until such time as you have satisfied all pre-commencement conditions and you are in a position to commence the development.
- 22 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:
- Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk
- 23 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.