

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 12th May 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	Torridon House Car Park, Randolph Gardens, London, NW6 5HP,		
Proposal	Demolition of existing structures including storage sheds and redevelopment of existing car park to provide two blocks of three and five storeys providing a total of 21 x Use Class C3 (residential) units and other associated works, including the provision of storage units, car and cycle parking, landscaping, access gates and boundary treatment.		
Agent	Mr Edward Buckingham		
On behalf of	Ms Emily Myers		
Registered Number	19/09329/COFUL	Date amended/ completed	29 November 2019
Date Application Received	29 November 2019		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the completion of a unilateral undertaking to secure the following planning obligations:

- i. Affordable housing 60% social Rented and 40% intermediate rent
- ii. A Carbon offset payment of (index linked and payable on commencement of the development)
- iii. Lifetime car club membership for all residents
- iv) Monitoring costs of the undertaking

2. If the Unilateral Undertaking has not been completed within 3 months from the date of the Committee's resolution then:

a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) If it has not been possible to complete the Unilateral Undertaking within an appropriate timescale, the application shall be reported back to Sub-Committee for a decision.

2. SUMMARY

The application site is located to the west of Andover Place, bounded by a service road to the south and west and the Naima JP School to the north. The site is currently used as a car park and contains storage sheds along the eastern boundary and a sub-station. The car park is used by residents of Torridon House on a permit basis and six spaces are let to the Naima JP School as staff parking.

Permission is sought for the redevelopment of the existing car park with the erection of a five-storey block of flats and a terrace of four, three storey houses to provide 21 affordable housing units. Associated works including the re-provision of storage sheds, erection of boundary treatments, cycle and waste storage and landscaping are proposed.

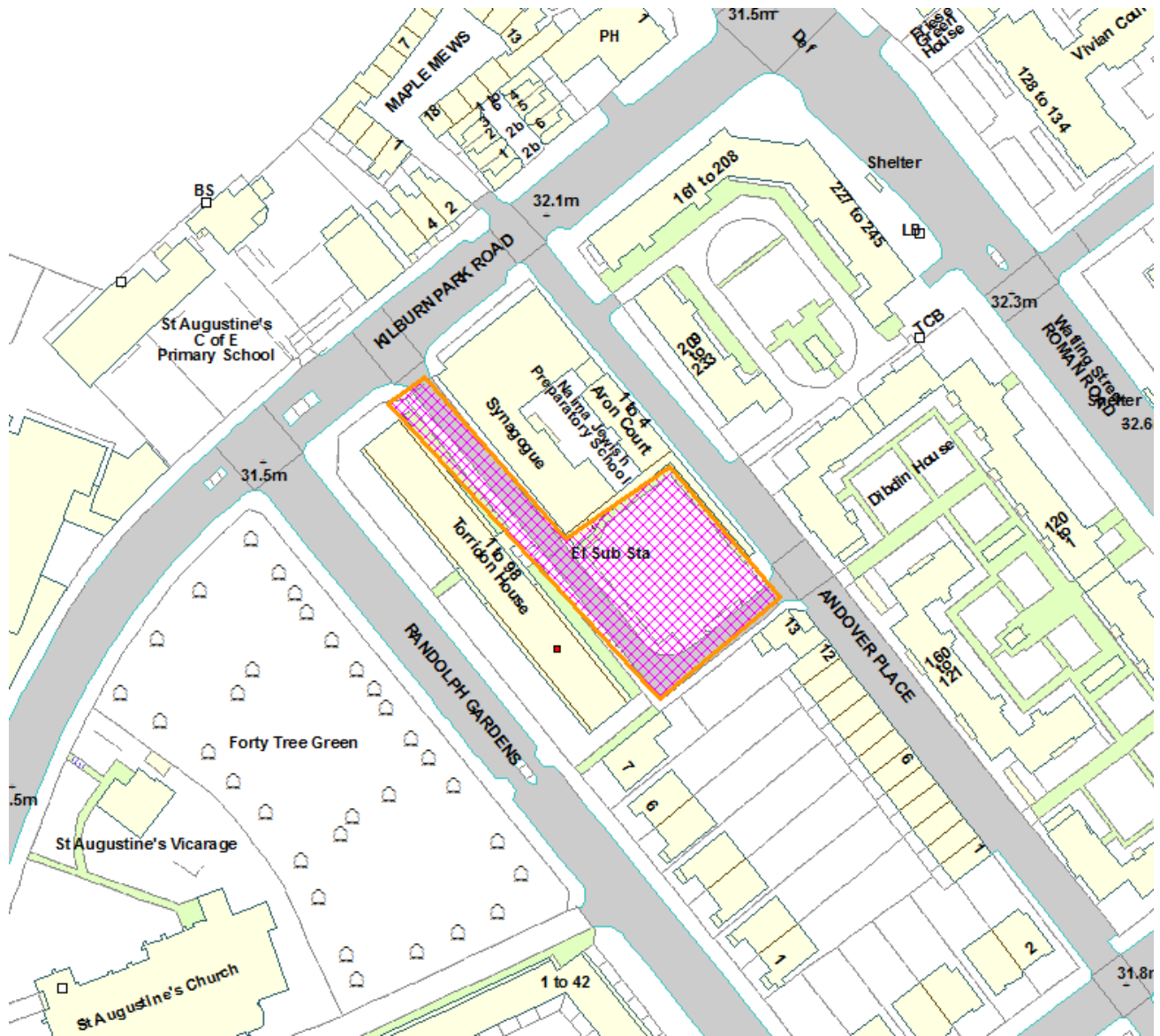
A total 85 letters of objection have been received, two letters of support and two neutral comments. The objections relate to the scale of the new development representing an overdevelopment of the site, loss of existing parking, increased traffic, loss of light to neighbouring residents and the school, design and the impact of construction works.

The key issues are:

- the principle of redeveloping this car park and storage sheds to provide affordable housing, the scale, massing and detailed design of the two new buildings and the impact on the surrounding townscape and views from the Maida Vale Conservation Area,
- the loss of car parking and the impact this will have on surrounding streets and schools
- loss of light/amenity to neighbouring residents in Torridon House, Dibdin House and Andover Place and the impact on the adjoining school.

For the reasons set out in this report, the proposals are considered acceptable in land use, design, amenity grounds. It is considered that the provision of much needed affordable housing outweighs the loss of existing parking and the losses of light to a small number of neighbouring windows. This application for Council's Own Development is recommended for conditional approval subject to the completion of a unilateral undertaking as set out in the recommendation.

3. LOCATION PLAN



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4. PHOTOGRAPHS- is it worthwhile to add an aerial shot of the site

View of the car park from within the neighbouring school standing at first floor level on an exterior platform



Views showing the site, entrance from Andover Place and Dibden House looking north from Andover Place.



View of the site with Torridon Car Park in the background taken from the Andover Place entrance.



View looking north up to the Kilburn Lane entrance of the site



5. CONSULTATIONS

WARD COUNCILLORS FOR MAIDA VALE:

No response to date

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objections Please take neighbours' views into consideration

AFFORDABLE HOUSING SUPPLY MANAGER:

No objection

ENVIRONMENTAL HEALTH:

No objection following the updated details received on the 26th March 2020.

HIGHWAYS PLANNING TEAM:

Objection raised to the loss of off street car parking. If officers considered the works acceptable, conditions should be added to the permission to secure car club membership, cycle parking, and disabled car parking spaces.

WASTE PROJECT OFFICER:

ARBORICULTURAL OFFICER:

No objection following the submission of revised drawings

BUILDING CONTROL:

DESIGNING OUT CRIME:

No response to date

THAMES WATER UTILITIES LTD:

NATIONAL GRID:

No response to date

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 487

Total No. of replies: 89

No. in support: 2 and 2 neutral comments

No. of objections: 85 objections have been received one from neighbouring residents on one or more of the following grounds.

Land use:

- Overdevelopment of the site and area
- The application is vague about the number of Council homes being provided
- New housing should be offered to key workers and not social housing or people from outside the area
- High density development will cause stress on public services and drainage

- New housing should be developed away from the city centre
- The proximity of the development to local schools is unacceptable

Design:

- The development does not add to the character of the street
- There is no roof garden or living walls to cleanse the air
- Amenity space between the blocks is unnecessary and is not fit for purpose

Amenity:

- Loss of daylight to the school
- Increased sense of enclosure for the school
- Loss of light to ground floor flats of Torridon House

Highways:

- Loss of parking
- Disabled parking
- Increased pressure on parking in nearby streets especially Randolph Gardens
- Safety of school children during drop off/pick up times
- Loss of secure parking
- Loss of cycle parking

Other Matters:

- Loss of storage sheds and storage
- Lack of accountability in the planning and development process (Westminster as developer and the decision maker is corrupt)
- Noise, pollution, and vehicle access during the construction process.
- Torridon House will become less secure through the loss of gates on Andover Place
- Harmful impact on the adjoining school during construction
- Land contamination from asbestos
- Disruption of community cohesion and increased crime rate
- Job losses for teachers who will lose parking places
- Consultation carried out during school holidays
- Harmful impact on local air quality
- Harmful impact on the security of the adjoining school
- Details relating to the operational management of the existing Torridon block such as waste management, cycle storage, moped/scooter parking
- Please can the application go before planning committee
- Location of the apartments will limit the ability of the school to open windows in the summer
- Inconsistencies on the application form stating there are no trees when there is a tree on the site
- Increased electricity bills for the residents of Torridon Ground and first floor from loss of sunlight

- Increased car insurance premium's
- lack of accountability in the planning and development process (Westminster as developer and decision maker is corrupt)

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located to the west of Andover Place, bounded by a service road to the south and west and the Naima JP School to the north. The site is currently used as a car park (37 spaces) and contains 52 storage sheds along the eastern boundary and a sub-station. The site is currently accessed via Kilburn Lane to the north and Andover Place to the east, both points of access are gated. It is a L shaped site of approximately 0.018 hectares.

The site does not contain any listed buildings and is not considered to be within the setting of any listed buildings. The Grade I listed St Augustine's Church is located to the west of the site, however owing to the location and height of Torrison House, the application site is considered to be detached from its setting. The site lies outside of a conservation area, however the boundary to the Maida Vale Conservation area is located to the south.

The site lies outside the Central Activities Zone. The surrounding area is predominantly residential in character. Torrison House is a post war block of flats which is 10 storeys high, whereas the residential buildings in Andover Place are much more domestic in scale with the 5-storey block Dibdin House and the 3 storey houses.

6.2 Recent Relevant History

There is no relevant recent planning history in respect of the site.

7. THE PROPOSAL

The proposal involves redeveloping an existing parking area and storage sheds for residential units, with alterations to the public realm. The scheme includes four, three storey houses and a five-storey block of seventeen flats. This scheme forms part of the Council's infill housing programme and is 100% affordable housing

The block of flats is on the eastern part of the site fronting onto Andover Place. This, the block comprises 8 x 1beds, 7 x 2beds and 2 x 4beds. The ground floor flats have private entrances from Andover Place, the upper floors have a shared entrance accessed from the shared amenity space between the flats and houses. All flats have private outside amenity space in the form of a courtyard or balcony on the west (rear) elevation.

The four houses are located on the west of the site and are all three storeys with three bedrooms. T At third floor level all of the houses have private terraces/roof gardens to the rear providing outside amenity space.

In front of the houses there are with eleven parking spaces, to the south of the houses there are four parking spaces, two of which are disabled bays. There are an additional four parallel alongside Torriron House. All the re-provided parking spaces will be allocated to existing parking permit holders from Torriron House.

The new buildings have been set away from the existing school to the north, in the gap between the buildings at ground floor level there are storage lockers which are re-provision for Torriron House and cycle parking facilities for the new units. Between the block of flats and houses there is shared amenity space. In the south west corner of the site there re-provided cycle storage for Torriron House and a new London plane tree. Between the buildings there is shared outside amenity space. Access to the site will remain the same as the existing arrangement of gated vehicle access from Kilburn Land and Andover Place with an additional pedestrian gate the Andover Place entrance.

Table 1 Floorspace figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Affordable Housing (60% social rent and 40% intermediate rent)	0	1856.5	+ 1856.5
Ancillary storage	134.7	24.5	- 120.2
Total			+ 1736.3

8. DETAILED CONSIDERATIONS

8.1 Land Use

The relevant City Plan policies are, S14 Optimising housing delivery, S15 Meeting Housing Needs, S16 Affordable Housing, S34 Social and Community Infrastructure and Unitary Development Plan (UDP) Policies H3 To Encourage the Provision of More Housing, H5 Providing a Range of Housing Sizes, SOC1 Community facilities in general and SOC 3 Childcare facilities.

8.1.1 Loss of Parking and Storage

The proposals result in an overall loss of 18 off street parking spaces as some of those lost are to be re-provided in the reconfiguration of the retained car park spaces on site. TRANS 23 states that the loss of off street, car parking is only acceptable in exceptional circumstances.

The Highways Manager has objected to the loss of off street parking spaces on the grounds that it would result in increased pressure for on street parking in the surrounding

streets and that exceptional circumstances have not been demonstrated.

Data provided by Housing Management indicates that 19 of the 37 parking spaces are let to local residents, 17 of which will be replaced and allocated to Torricon House residents, and the latest parking data demonstrates that the surrounding streets have the capacity to absorb the displaced licensee holders.

In land use terms, it is considered that the benefits of providing much needed affordable housing outweighs the loss of 18 off street parking spaces. The loss of existing parking and highways matters are dealt with in more detail in Section 8.4 of this report.

The proposal would result in the loss of 41 storage units on the site. The units are let to residents on a rolling basis and are not included within tenancies or deeds. The proposal does include 11 replacement storage sheds for residents in Torricon House, and whilst there is a reduction in the number of storage sheds, this is outweighed by the public benefits of additional affordable housing.

8.1.2 Proposed Residential Accommodation

The scheme proposes 21 new units, 4 x 3bed houses and 17 flats as detailed above. In this location outside the CAZ, Policy S14 in the City Plan priorities the provision of residential development, whilst Policy S15 focuses on tenure mix of housing, which this scheme is considered to achieve for the reasons set out in Section 8.1.3. In this context, the principal of a residential redevelopment of this site is considered to be acceptable in land use terms.

The mix of units, as set out above (section 7) would deliver 29% of the units as family sized. Whilst, this is slightly less than the 33% as set out in policy, the proposal does provide good quality family housing.

The proposed units are all in accordance with the minimum size standards as set out in the London Plan and the Nationally Described Housing Standards. The ground floor flats all have outside amenity space in the form of front gardens and the flats to the upper floors have balconies. The new houses have private rear gardens. Two of the flats on the ground floor are DDA compliant.

The proposed new housing is in accordance with the above adopted policies and therefore acceptable on land use grounds.

8.1.3 Affordable housing

All of the proposed units are affordable housing provision. The units will split 60/40, 60% socially rented and 40% intermediate rented. The proposed meets the demand for social rented units in Westminster as detailed in the latest assessment of affordable housing need (Westminster Housing Market Analysis prepared by WCC and Wessex Economics (June 2019). The City Council Housing Supply Manager has welcomed the scheme and proposed mix of rented provision and the scheme is in accordance with H3 of the UDP and S16 of the City Plan.

Objections have been received on the grounds that there is too much social/council housing in the area, that the additional housing would exacerbate social issues and will not build mixed communities. There is no evidence to suggest that this proposal will cause harm, the priority for the Council is to provide housing, and this scheme will provide 100% affordable housing which will deliver the Council's City for All objectives

Objections have been raised on land use grounds relating to density (overcrowding), the type of housing being offered and the proximity of the development to schools.

The density of the development is 350hr/ha. Policy H11 of the UDP indicates that the application site is within Zone 3 which recommends a density of 200 – 350 hr/hr. The development falls within the recommended density range. The site is within walking distance Maida Vale and Kilburn Park underground stations and bus stops on Maida Vale and Kilburn High Road. It is considered the site is well served by public transport. Additionally, the site is compliant with the density matrix in part 3.4 of the London Plan. Therefore, the objections received on overdevelopment grounds, cannot be supported.

Objections have been raised on the grounds that new residential developments should not be developed in close proximity to schools, namely the adjoining school and those in the surrounding area. Schools are considered a vital service which should be within walking distance of houses/residents to encourage sustainable modes of transport. The presence of schools locally is not considered as a reason for the refusal of the development.

An objection has been raised on the grounds that new housing should be developed away from the City Centre and outside of the Borough. The city Council seeks to deliver new housing within the Borough and states that affordable housing should be on site and not outside of the Borough. This objection is not considered as a reason for refusal of the application

8.2 Townscape and Design

The site does not contain any listed buildings however the Maida Vale Conservation Area borders the site to the south west corner.

Legislation and Policy

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply in this case as the site is not within a conservation area and there is no direct statutory duty to consider the setting of a conservation area; although there is a policy requirement.

Sections 12 and 16 of the NPPF (2018) require that great weight should be placed on high quality new design and on the preservation of designated heritage assets (listed buildings and conservation areas) including their settings.

Locally, UDP policies DES 1 (urban design / conservation principles), DES 4 (infill development), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, including in terms of the setting of the

conservation area, whilst policies S25, S26 and S28 of the City Plan provide the strategic basis for the application.

Of particular relevance is UDP Policy DES 4 which 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.

The Proposed Development

Along the eastern boundary it is proposed to erect a five-storey block of flats fronting Andover Place. The building will directly abut the pavement, with the principal entrance and amenity spaces recessed. The southern elevation also abuts the pavement, whilst the northern flank has been set away from the boundary with the school, allowing for the erection of replacement storage sheds and cycle parking. On the eastern side the roof has been pitched, giving the appearance of a double mansard, whilst on the flanks and rear the elevations are sheer. Private balconies are proposed on the rear elevation and additional screening is proposed to the north elevation. A mixture of yellow and grey bricks are proposed, with stone detailing. All boundary treatments and railings are metal and of a uniform design. Photovoltaic panels are proposed on the flat roof.

Fronting Torridon House a three-storey terrace of four houses are proposed. These are separated from the access road by new parking spaces and pavement, with the elevations directly abutting the pavement edge. The main entrances are recessed with a private area enclosure by a gate and railings. Comparable with the flats, the southern elevation abuts the pavement and the northern elevation is set away from the school boundary. The top storey on the front elevation has been pitched and terraces are proposed on the rear elevation within the built envelope. The same material palette as the flats is proposed as are photovoltaics on the roof.

Between the two blocks a communal garden space is proposed; this primarily consists of hard landscaping and planters. Other associated works include the re-provision of an entrance gate on Andover place, new car parking and hard landscaping.

Assessment

The redevelopment of this sites is accepted in design and heritage terms. The positioning of the buildings on the site form a typical townscape block, with the primary facades facing the road and the rear elevations separated by a 'garden' space, in accordance with the aims of DES 4. The houses have an area of defensible space created by the separation of the front door with the front boundary treatment, whilst the flats have a recessed entrance for defensible space; both of which reflect characteristic boundary arrangements. The form of the buildings is appropriate for their location, with the height of the flats comfortably relating to Dibdin House opposite and the houses not extending above the height of the adjacent school. The block of flats will be seen in long views along Andover Place and will be read in conjunction with the existing blocks within the immediate setting; as such the impact of the building on local views is considered to be appropriate. Both blocks will also be seen from within the conservation area,

particularly from the buildings fronting Randolph Gardens, however owing to the complimentary form and height of the proposed buildings with the existing townscape, the appreciation from within the conservation area is considered to be appropriate. Therefore, the views from within the Maida Vale Conservation Area are considered to be preserved.

With regards to detailed design, there is no typical architectural style found within the setting of the site, the character of the area primarily derives from the local use of material. In this context the design approach of the buildings is considered to be appropriate. The proposed materials are reflective of the character of the area through the use of brick as the predominant material, standing seam metal for the mansard roof and stone and aluminium for the entrance ways and balconies, all reflective of the surrounding buildings. Detail is generated through the highlighting of features with a contrasting material. The side and rear elevations are detailed like the front elevation owing to their visibility in private views from within the development and oblique views from the public realm and neighbouring buildings. The use of a mansard roof form on the street facing elevations is in keeping with the surrounding blocks and the use of photovoltaic panels on the roof is supported and secured by condition. The scale of the fenestration creates hierarchy and relates the buildings to their neighbours. The detailed design is therefore considered to accord with the aims of DES 4 as it responds prevalent detailing and materials found within the immediate setting.

In conclusion, 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. The new buildings will have no impact on the setting of the Maida Vale Conservation Area.

Objections have been raised on the grounds that the proposed buildings do not add to the character of the area. As detailed above the proposed materials reflect those in the surrounding buildings and the scale of the fenestration which relates buildings to their neighbours. For the reasons provided above the objections on design grounds are not considered sustainable

8.3 Residential Amenity

Policies ENV13 in the UDP and S29 in the City Plan set out the amenity protections afforded more generally to existing occupiers and seeks to ensure that where there is an opportunity, new development enhance the residential environment of surrounding properties. With particular regard to the impact on daylight and sunlight, Policy ENV13 sets out that material losses of daylight and sunlight will normally be unacceptable: "The City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused."

Paragraph 9.229 in the UDP sets out how the City Council will assess the impact of development on daylight and sunlight levels received by surrounding light sensitive uses (including the habitable rooms) and confirms that the impact of development should be assessed using the Building Research Establishment's (BRE) Guidelines 'Site layout planning for daylight and sunlight', the most recent version of which was published in 2011. Paragraph 9.229 concludes as follows:

“The City Council will normally aim to ensure that there is a predominantly daylight appearance for habitable rooms to residential buildings. Therefore, minimum daylight values are normally unacceptable. There are many residential properties in Westminster which fall well below the recommendations made in the BRE document. In these situations, where principle habitable rooms such as bedsits, living rooms, studies or kitchens are affected, the City Council may find any loss of light unacceptable.”

In terms of increased sense of enclosure and increased overlooking, Policy ENV13 states that:

“Developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.”

8.3.1 Sunlight and Daylight

Daylight

As above, Policy ENV13 in the UDP sets out that the impact of development on light sensitive uses should be assessed using the BRE Guidelines. The Guidelines specify two principal methods of assessment to establish the degree of impact a development is likely to have on neighbouring windows. These are the Vertical Sky Component (VSC) and No Skyline (NSL) methods of assessment. The VSC method of assessment considers the potential for daylight within a room by calculating the angle of vertical sky visible at the centre of each of the windows serving the residential buildings which look towards the site.

A material loss of daylight, which may be visible to the occupier of the room served by the affected window will occur using the VSC method of assessment where the resultant VSC level below 27% and is less than 0.8 times its former value.

Using the NSL method of assessment, a material loss of daylight which may be noticeable to occupiers of the room served by the affected window(s) would occur where the area of the working plane within the room (0.85m above ground level), which can receive skylight, is reduced to less than 0.8 times its former value.

The BRE Guidelines set out that the diffuse daylight received by an existing building may be adversely affected where either of the above test (VSC and NSL) have been exceeded.

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 same BRE guidelines apply. 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. It is accepted that a VSC of around 18% in an urban context is not uncommon and is considered to provide an acceptable level of light.

The applicant has submitted a detailed assessment of 86 windows at Torridon House, Dibdin House and the neighbouring school site. The assessment demonstrates that there are losses of greater than 0.2 of the existing value for 11 windows all of which are on the ground floor of Torridon House and Dibdin house facing the new buildings. The losses are summarised in the table below.

Table 2 Torridon House VSC

Window	Existing VSC	Proposed VSC	% Reduction
6	22.102	17.508	20.79%
7	22.066	16.983	23.04%
8	21.519	16.697	22.41%
9	21.387	16.526	22.73%
10	21.46	16.27	24.18%
11	21.223	16.211	23.62%
12	20.356	15.861	22.08%
13	20.005	15.834	20.85%

Objections have been received on the grounds of loss of daylight for the properties on the ground floor of Torridon House. The ground floor of Torridon House the losses are marginally greater than recognised by the BRE guidance as acceptable. The windows at ground floor level of Torridon House sit below an overhang which provides the walk way for the first floor flats. It is recognised that this overhang can have a negative impact on the amount of daylight received to windows. Overall, the losses of daylight to these windows is just in excess of the BRE guidelines, however these flats will still receive good levels of light for a central London location.

The objections received on the grounds of loss of light to Torridon House are not considered as a reason for refusal of the application due to the presence of an existing overhang, the marginal losses and the provision of a 100% affordable scheme.

Table 3 Dibdin House VSC

Window	Existing VSC	Proposed VSC	% Reduction
37	28.968	20.453	29.39%
38	31.288	24.476	21.77%
42	29.201	19.599	32.82%
43	31.386	23.714	24.44%

Table 4 Dibdin House No Sky Line(NSL)

Window	Floor	Existing	Proposed	Factor Retained
37	Ground	62.0	38.3	0.6
38	First	69.7	46.4	0.7
42	Ground	46.6	29.1	0.6
43	First	56.3	37.7	0.7

Objections have been received on the grounds of loss of light to properties in Dibdin House facing the proposed five storey block of flats, and these properties are the worse affected. The use of the rooms served by the most affected windows is unknown.

As set out in the table above, these windows will experience losses n House there are four windows which would suffer a loss greater than 0.2 of the existing VSC. All of the windows would retain VSC of greater than 18 which as explained above is considered to be acceptable in dense urban environments. Nonetheless, in accordance with BRE guidance a No Sky Line assessment has been carried out for the windows on Dibden House. The above table demonstrates that the windows would fail the No Sky Line test and therefore the residents may experience a material loss of light to the rooms on the ground and first floor facing the new development.

The above losses must be balanced against the provision of 21 new affordable dwellings in an area which has a recognised need for new affordable homes. The windows 37, 38, 42 and 43 are acceptable on VSC grounds as the windows retain greater than 18 VSC. Given the windows fail on NSL only and the tenure of the 21 units being delivered, it is considered that on balance the losses to Dibdin House are not so great as to warrant a refusal on loss of daylight grounds

Sunlight

The BRE Guidelines establishes the Annual Probable Sunlight Hours (APSH) method of assessment as the appropriate methodology for assessing the impact of proposed development on levels of sunlight reaching neighbouring windows. APSH considers any surrounding windows serving habitable accommodation that faces within 90 degrees of due south of the development.

The BRE Guidelines suggest that the APSH should be applied only to living room windows and the Guidelines note that “In housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day, but especially in the afternoon”.

However, the Guidelines also note that “Kitchens and bedrooms are less important, although care should be taken not to block too much sun”. Accordingly, whilst the impact of the proposed development on the living rooms of neighbouring properties is of primary importance, the impact on other rooms such as kitchens and bedrooms must also be carefully considered having regard to the advice in the Guidelines.

Using APSH a neighbouring window may be adversely affected to a material extent (i.e. to an extent that the loss of sunlight may be noticeable to the occupiers of the impacted property) if a point at the centre of a window receives:

- Less than 25% of the APSH during the whole year, of which 5% APSH must be in the winter period; and
- Receives less than 0.8 times its former sunlight hours in either time period; and
- Has a reduction in sunlight for the whole year more than 4% APSH.

As with daylight methods of assessment in the BRE Guidelines, the APSH method of assessment for sunlight impact is designed as a guide and should be applied with flexibility having regard to the use of the rooms affected and other site specific material considerations.

BRE guidance states that only windows which face within 90° of due south need be assessed for sunlight provision. In this instance, 39 windows fall into this category. The Annual Probable Sunlight Hours has been calculated for these windows for both the existing and proposed conditions using the methodology described previously, both over the whole year, and through the "winter months" (September 21st until March 21st).

The results provided in the sunlight impact results show all windows retain in excess of 25% of annual and 5% of winter sunlight hours, or where they are already below this target, in excess of 80% of current values and therefore compliant with BRE guidance for sunlight.

Windows on the chamfered elevation of the three storey property on Andover place at the entrance to the site and on the rear elevation of No. 7 Randolph Gardens have been assessed and there are no losses greater than 20% of existing VSC.

Loss of Light to the School

Objections have been received on the grounds of loss of light to windows and the playground of the adjoining school. The revised Daylight and Sunlight Assessment includes analysis of the school windows closest to the proposed buildings all of which retain greater than 0.8 of their existing values. The revised report includes an analysis of the light to the playground of the school. The report demonstrates that the playground would retain greater than 0.8 of the existing Amenity Sunlight Hours. The objections relating to a loss of daylight and sunlight for the school windows and playground are not considered a ground to refuse, as they comply with the BRE Guidelines. The school has also raised an objection on Rights of Light, however this is a private matter.

Sense of Enclosure

Objections have been received on the grounds of increased sense of enclosure for residents of Torridon House and Dibden House and for the adjoining school.

The proposed five storey block of flats facing Andover Place is located approximately 13.5 -14 metres from the flats in Dibdin House. The proposed flats are five storeys, the same as those on the opposite side of the street. The proposed three storey houses are approximately 17 metres away from the Torridon flats and are three storeys in height.

The separation distances between the proposed and existing buildings is equal to those found elsewhere on Andover Place and is similar to the streets width distance separation

found elsewhere in the surrounding area.

The flats in Dibdin House directly facing the application site currently have a view of Torridon House with the sky above, the ground floor flats would currently have a view from inside of the properties of the wall surrounding the Torridon House car park with Torridon House and sky beyond.

For the properties on the lower floors of Dibdin house the views of Torridon would be replaced by the new block of flats with the sky above. It is recognised that for the flats on the lower floors of Dibdin House who are most affected the impact of the new building would be greater than those to the upper floors who would retain a greater sense of outlook over the top of the new building. For the properties on the lower floors there would be a material increase in the sense of enclosure, however this is outweighed by the public benefits of additional affordable housing.

For the properties in Torridon House the closest buildings are the three storey houses with a separation distance of 17 metres, and whilst there will be an increased sense of enclosure, this is not considered to be material.

Privacy

Given the distances between the existing flats of Torridon and Dibden House and the new units which is over a streets width apart and similar to distances found in the surrounding streets, it is not considered that the proposed new residential accommodation would result in any harmful overlooking to existing properties.

Other amenity objections

Objections have been received on the grounds that the proposed works would cause significant disruption to neighbouring residents and schools, specifically relating to noise, traffic and dust from the construction works.

A condition has been added to the decision notice requiring the applicant to sign up to the Code of Construction Practice (CoCP). The CoCP condition requires the applicant to submit details to the City Council Environmental Science Team demonstrating the measures that will be taken to mitigate harm to surrounding properties, the works will then be monitored by the Environmental Science Team throughout. The CoCP requires applicants to engage with local stakeholders. The impacts of construction are not recognised as reasons for refusal of planning permission and therefore the objections on these grounds would not sustain a refusal of the application. In addition to the CoCP the standard hours of work condition and a condition restricting delivery times to the site have been added to the permission.

8.4 Transportation/Parking

Loss of Car Parking

TRANS23 states "The permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances." No exceptional circumstances for the loss of the car parking have been indicated by the applicant.

It is acknowledged that the existing site has existing car parking. The applicant indicates there are 37 existing spaces. 17 replacement spaces are proposed (with an additional 2 spaces for the new residential). The applicant states that 25 licenses are provided to park in the 37 spaces (only 19 of these are for local residents). This indicates a demand for these existing off-street car parking spaces. Given fluctuations in car parking levels, any additional vehicles above the 17 re-provided spaces would be required to park on-street in the surrounding area, adding to existing demand.

When considered against TRANS23A the proposal is not consistent with the existing UDP policy. The loss of the car parking will add to existing on-street parking pressures and be contrary to TRANS23. It is noted that the that policy does allow for off-street residential parking to be lost in exceptional circumstances.

Officers consider that in light of the proposals, providing 21 affordable housing units, all of which are an acceptable standard of housing with amenity space, in an area where the demand of this form of housing is required, is an exceptional circumstance to allow the loss of this existing off-street parking.

Car Parking Provision

The impacts of high parking demand are well known and include:

1. drivers being forced to circulate around an area seeking empty spaces which causes unnecessary congestion, environmental pollution and noise disturbance;
2. drivers being tempted to park in dangerous or inconvenient locations, such as close to junctions or on pedestrian crossing points;
3. drivers having no choice but to park some distance from their homes causing inconvenience and more serious problems for elderly or disabled residents.

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 2018 indicates that parking occupancy of ResPark bays within a 200-metre radius of the site is 92%. TRANS23 includes all legal parking spaces (e.g. Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 57%.

The evidence of the Council's most recent daytime parking survey in 2018 indicates that parking occupancy of ResPark bays within a 200-metre radius of the site is 64%. 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.

Whilst it is acknowledged that the site has a high level of public transport accessibility,

households with 1 or more car in the Maida Vale Ward 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.

Based on the ward car ownership level, the proposed development would be expected to generate 10 vehicles. Two of these would be able to use the 2 proposed spaces for the new residential units. Combined with 2 vehicles currently parking off-street that will no longer be able to (difference between 19 current licenses and 17 replacement car parking spaces), this is a total of 10 vehicles that would need to park on-street in the surrounding area, increasing existing on-street stress levels. It is accepted that this will not increase the stress level, either during the day time or overnight, over the 80% threshold and therefore the proposed new residential units are consistent with TRANS21 and TRAN23.

Lifetime car club membership is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and not increase on-street parking stress. The applicant has indicated that this is to be provided and this is welcomed. This should be secured via the unilateral undertaking.

The revised car parking/internal access road layout is considered functional.

It is recognised that a significant number of the objections received are on the grounds of loss of car parking for existing residents, increased congestion and traffic in the area especially at pick up and drop of time for the surrounding schools. In addition, objections have been raised on the grounds that delivery vehicles arriving and leaving from the site during works would harm the safety of children and parents, particularly at drop of and collection times.

As highlighted above in the comments from the Highways Officer and in the details provided with the application, 17 of the 19 parking spaces included in the development are re-provision for existing local permit holders. The Highways Officer comments provide the latest parking survey data for the area which demonstrate capacity within a 200m radius to allow for the increase in on street parking from displaced permit holders. The data suggests the new dwellings are likely to result in an additional 10 private cars which would not increase the on-street, car park occupancy threshold beyond 80%.

Due to the above it is not considered that the loss of parking spaces at Torridon House or the additional 21 dwellings would have a detrimental impact on parking provision in the surrounding streets and would therefore not increase traffic or congestion.

The City Council agrees that construction vehicles coming and going to the site during drop of and pick up times for the surrounding schools has the potential to increase risk to children and parents using the streets. Accordingly, a condition has been added to the permission restricting delivery vehicles arriving or leaving the site between the hours of 8am and 9.30am and 3pm – 4pm.

Objections have also been received on a lack of disabled parking and loss of cycle parking. The proposed development provides cycle and disabled parking for the dwellings provided and in accordance with Westminster and London Plan policies as highlighted in the Highways comments above. The existing cycle storage for Torridon

House is re-provided.

Objections have been raised on the loss of off street parking for teachers of local schools. The parking spaces in Torridon Car Park have historically been let on a rolling basis to non residents. It is not considered that the loss of off street parking which was provided on a private agreement is a reason for refusal of the works.

Given the above and the comments from the Highways Officer it is not considered that any of the objections on highways grounds can be sustained.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

All of the units within the development would be designed to be compliant with M4 (2) of the Building Regulations so that they would be 'accessible and adaptable dwellings', and the block of flats contains a lift providing access to all floors.

Policy 3.8 in the London Plan seeks 10% of units to be compliant with M4(3) of Building Regulations, so that these units are 'wheelchair user dwellings. Two of the new homes will be delivered as wheelchair accessible and adaptable dwellings, meeting M4(3) standard for wheelchair user dwellings.

8.7 Other UDP/Westminster Policy Considerations

Plant

Following revised details provided by the applicant demonstrating that dwellings would be heated by internal Exhaust Air Heat pumps in individual units the Environmental Health officer has raised no objection on the grounds there is no external plant is proposed.

Refuse /Recycling

The City Council's Waste Project Officer has confirmed that the proposed refuse and recycling arrangements are acceptable subject to them being secured by condition.

Trees

The City Council's Arboricultural Officer has no objection to the proposal subject to conditions requiring details of proposed landscaping including tree pit design and requiring replanting of any trees removed, killed or damaged during the course of the works.

Energy/Sustainability

The proposed energy strategy would be compliant with Policy 5.2 in the London Plan and Policy SI2 in the draft London Plan (July 2019). The strategy would deliver a 64.5% reduction in CO2 emissions relative to 2013 Building Regulations Target Emissions Rate. Of the proposed 64.5% reduction, 5.6% is saved through demand reduction

measures such as low energy lighting and insulated building fabric. The remaining 58.9% savings are made through the inclusion of renewable energy in the form of 36.7 kWp array of photovoltaic (PV) cells on the roof of the proposed flatted building.

In accordance with the London Plan and the Mayor's Energy Assessment SPG, the shortfall in achieving zero carbon emissions is to be met via a financial contribution Council's Carbon Off-Setting Fund secured via the unilateral undertaking. At the standard GLA rate of £ 1,800 £/tCO₂, preliminary calculations presented in this report, the carbon off-setting contribution would be £16,805.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There are no neighbourhood plans which cover this part of the City.

8.10 London Plan

The application does not raise any strategic issues and is not referable to the Mayor of London.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to

- Details of adherence with the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development.

The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

The draft 'Heads of Terms' for inclusion in the unilateral undertaking to be completed prior to the issue of planning permission are proposed to cover the following issues:

1. Affordable housing 60% social Rented and 40% intermediate rent
2. A Carbon offset payment of x
3. Lifetime car club membership for all residents
4. Monitoring costs of the undertaking

8.13 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental issues have been considered in other sections of this report.

8.14 Other Issues

Air Quality

As part of the submission the applicant has provided an Air Quality Assessment. Objections have been received on the grounds that the development would harm air quality and that no green walls or roof gardens have been included to cleanse the air. Given the Air Quality Assessment states that the proposed scheme will be air quality neutral and the Environmental Health Officer raises no objections, therefore the objection on air quality cannot be sustained.

Noise and Disruption During Works

The impact of construction is to be controlled by the use of conditions to control the hours of construction works and to require the development to be carried out in accordance with the City Council's Code of Construction Practice, which includes monitoring of the construction works by the Environmental Inspectorate, to ensure compliance with the Code, at the applicant's expense. These details need to be agreed with the City Council prior to the commencement of the development.

Thames Water

Thames Water have requested a condition to ensure necessary work is carried out to the water network to accommodate the additional flows or alternatively to require a housing and infrastructure phasing plan. The condition has been included on the draft decision letter to ensure the capacity of the sewerage infrastructure can accommodate the additional demand from the proposed development.

Contaminated land

The Environmental Health Officer has accepted the findings of the desk base study on land contamination at the site. However, the EHO has requested the inclusion of a pre commencement condition requiring further investigation into the ground conditions at the site. An objection has been received on the grounds that there is asbestos contamination in the ground due to the roofs of the garages that were previously on the

site. The pre-commencement condition requiring further investigation overcomes the objection

Statement of Community Involvement

Objections have been received on the grounds that the local community were not consulted, and consultation was carried out during school holidays.

Two rounds of public consultation were carried out prior to the submission of the application as part of the applicant's Statement of Community Involvement, Public exhibitions took place on 24th and 26th September 2019 and 2nd and 8th May 2019.

Following the submission of the application the neighbour notification letters were sent out on the 6th December 2019 and gave neighbours had 35 days to comment. It was recognised that the holidays fell within the consultation and this is why a longer period was given. The City Council is satisfied that the applicant carried out community engagement prior to the submission and that neighbours were given sufficient time to comment on this planning application. Therefore, this objection cannot be supported.

Security

Objections have been received on the grounds that the proposed works would increase the security risk to the adjoining school and Torridon House. The access to the site would remain gated at both the Kilburn Land and Andover Place entrances with only residents having access. It is not considered that the addition of 21 residential dwellings would result in a heightened security risk for the surrounding residents and schools.

Objections have also been raised on the grounds that balconies with views towards the playgrounds of the adjoining school is a security risk. The balconies have been designed to be solid on the north elevation and partly screened, the building is also set away from the adjoining school. In addition the school has constructed a high boundary fence on the south border. It is not considered that the proposed works represent an increased security risk which warrants a refusal of the application.

Objections not addressed above

Objections have been received relating to the management of Torridon House waste, cycle and moped storage, increased electricity bills due to the proposed development and increased car insurance premiums for people due to on street car parking, inconsistencies in the application form which states there are no trees on site when there are, the works would prevent the school from opening classroom windows, lack of accountability in the planning and development process (Westminster as developer and decision maker is corrupt) and requesting for the application to be heard before planning committee.

The objections relating to the existing management of Torridon House are not a matter to be dealt with under this application. The works include replacement cycle storage. Increased electricity bills and insurance premiums are not a matter for planning.

The applicant has provided details of a replacement tree and landscaping. The trees officer has not raised objection to the works and has requested conditions to secure the details of tree planting and landscaping which have been added to the decision notice. The mistake on the application form is not considered a reason for refusal of the

application.

Regarding the objection on the grounds of Westminster Council being the applicant and LPA. It is not uncommon for local authorities to act as both applicant and decision maker. Officers have made a recommendation on the application to be heard before planning committee without prejudice in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992.

It is not considered that the new buildings would prevent the school classrooms from opening windows which face directly into the enclosed playground.

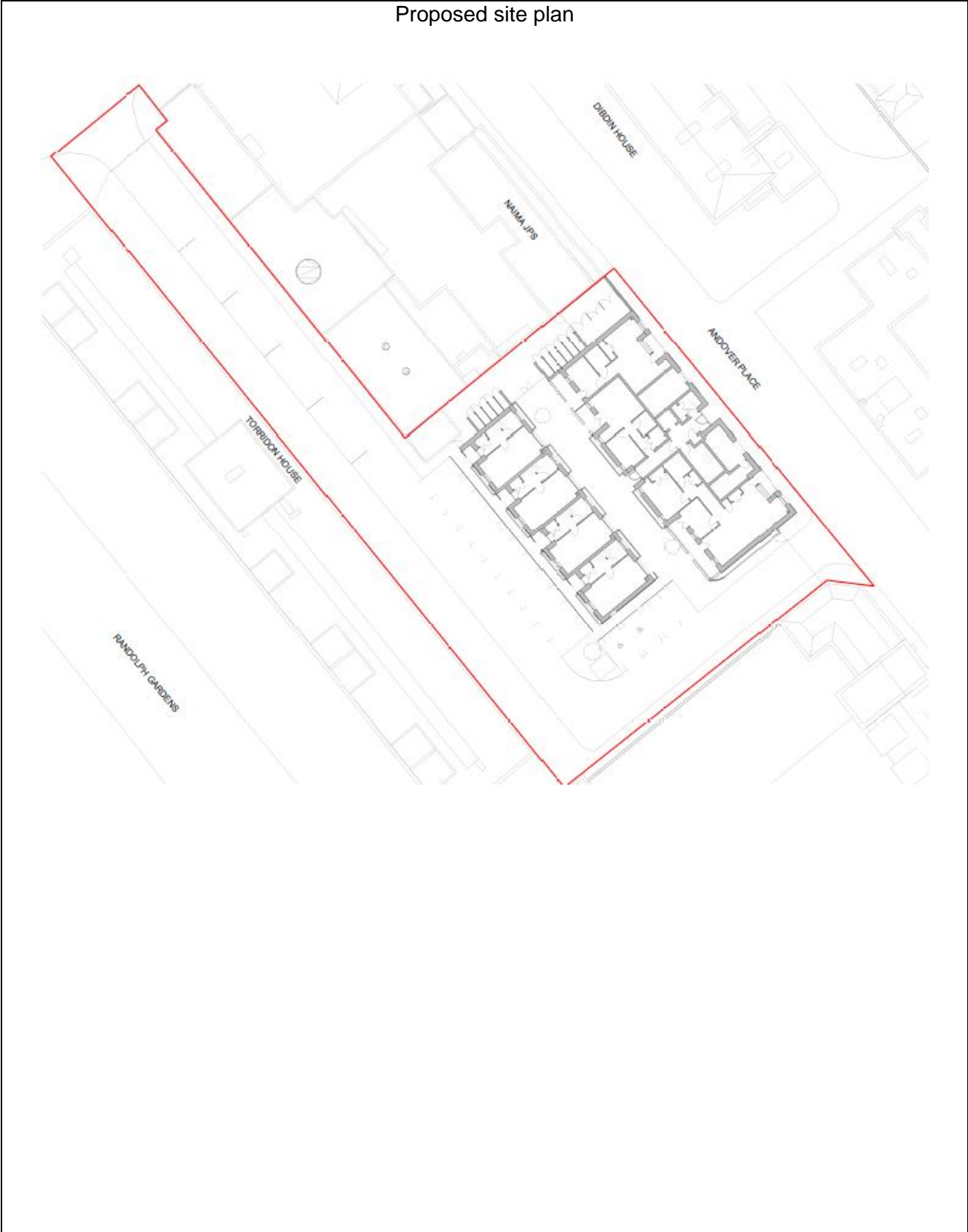
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **MAX JONES** BY EMAIL AT mjones@westminster.gov.uk.

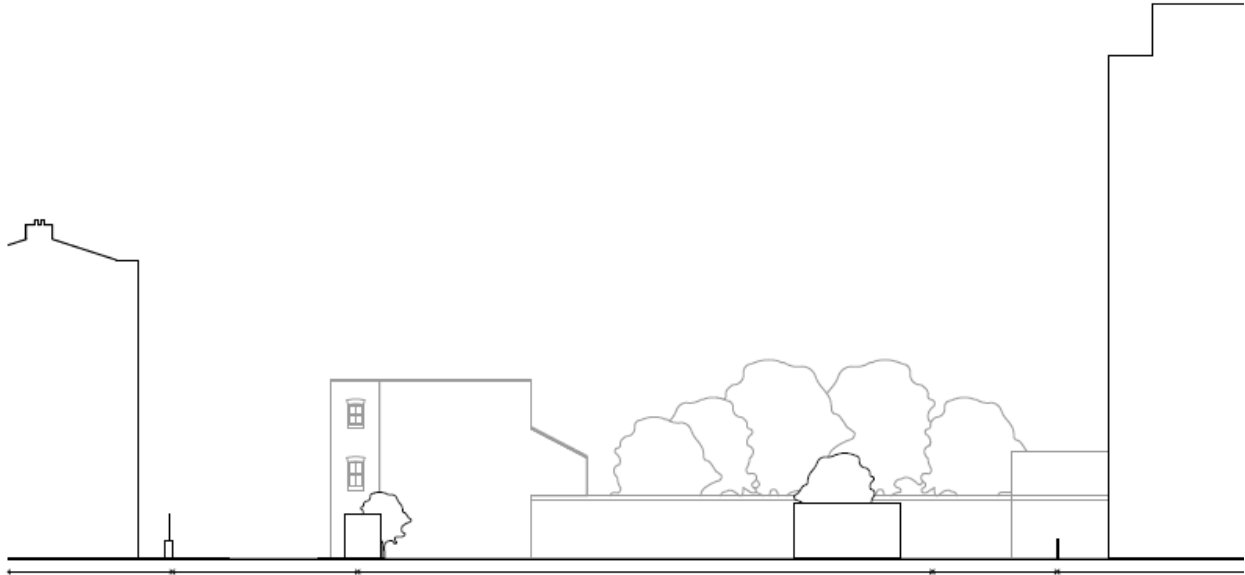
9. KEY DRAWINGS



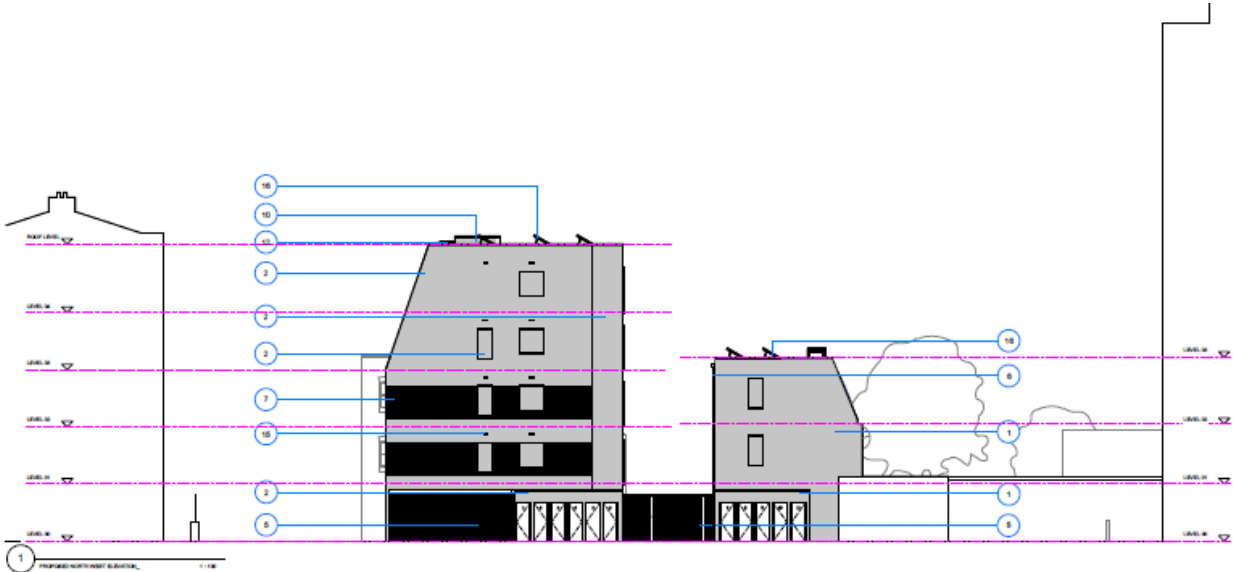
Proposed site plan



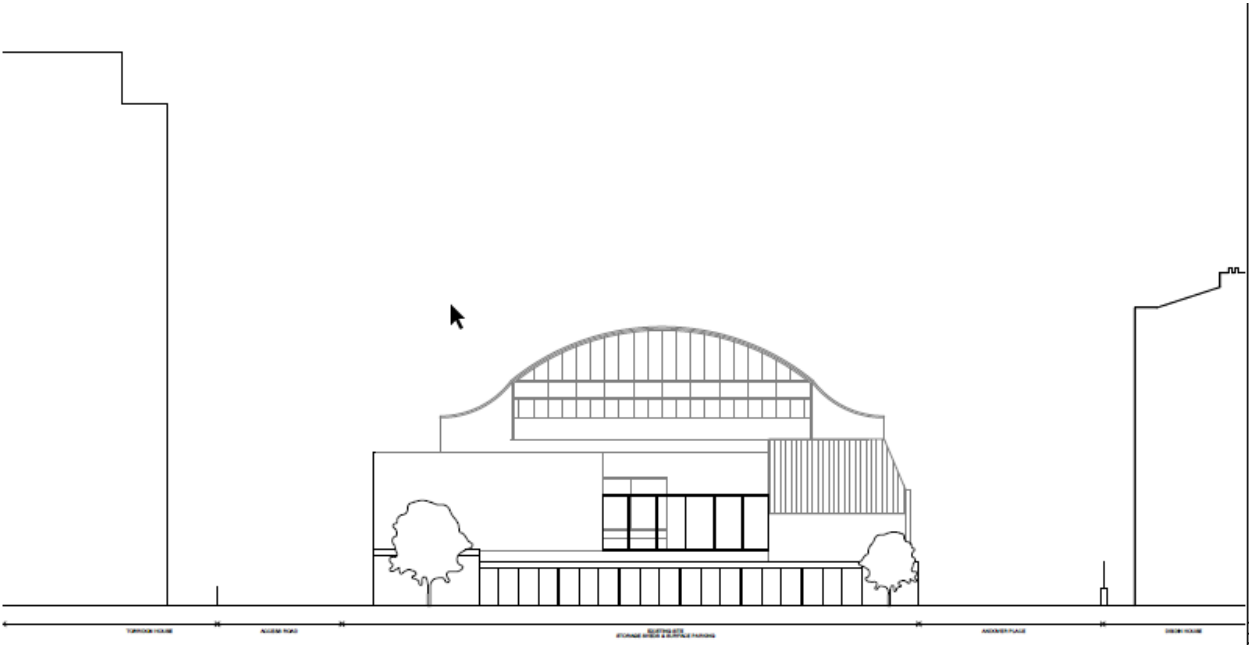
Existing north west elevation



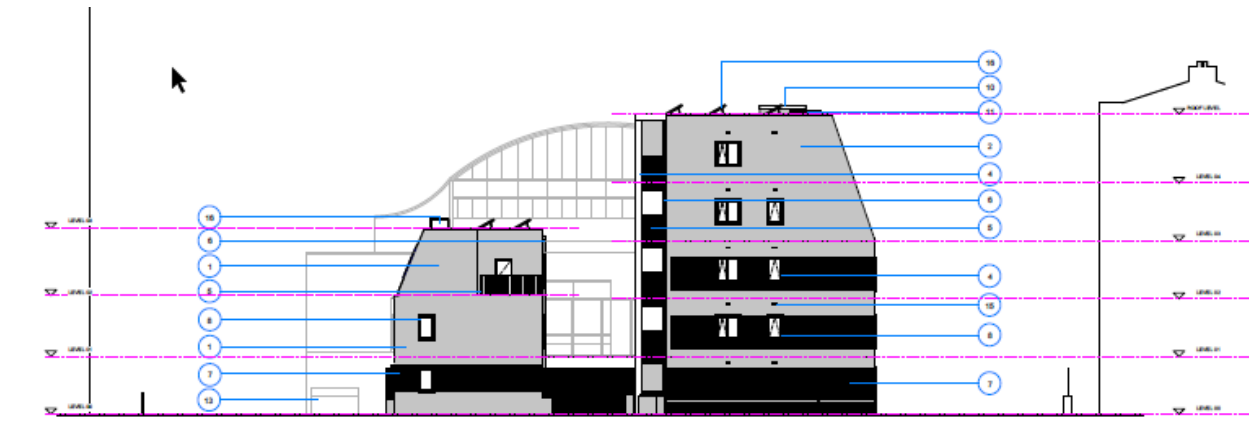
Proposed North West elevation



Existing south east elevation



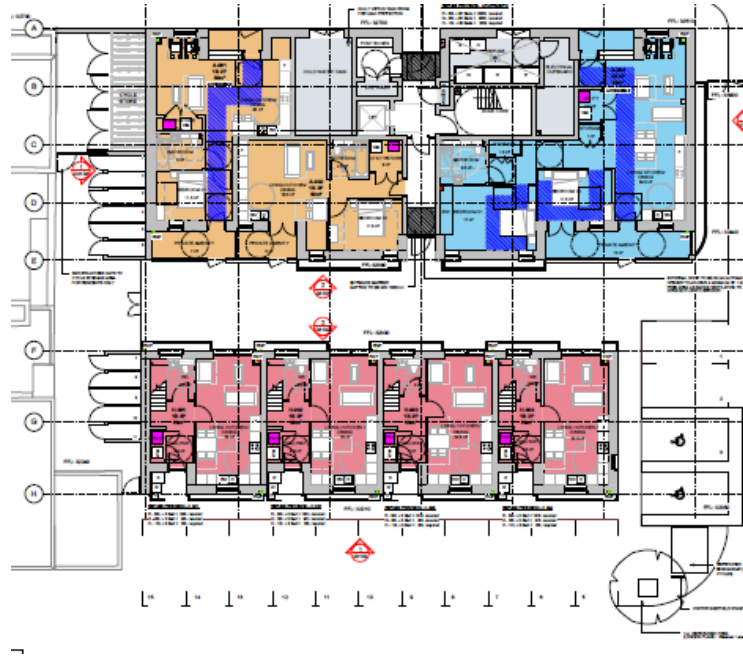
Proposed south east elevation



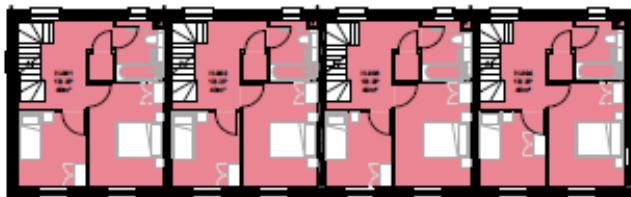
2 PROPOSED SOUTH EAST ELEVATION 1:100

Floor plans

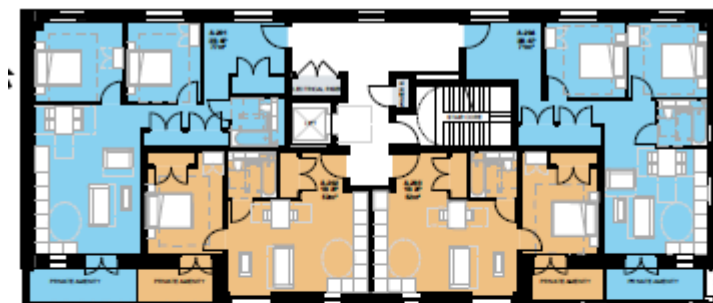
Ground floor



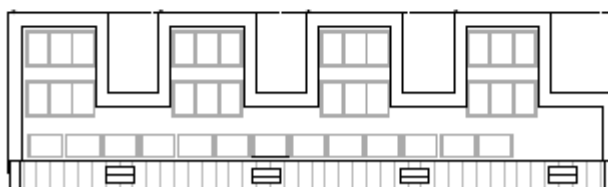
First floor



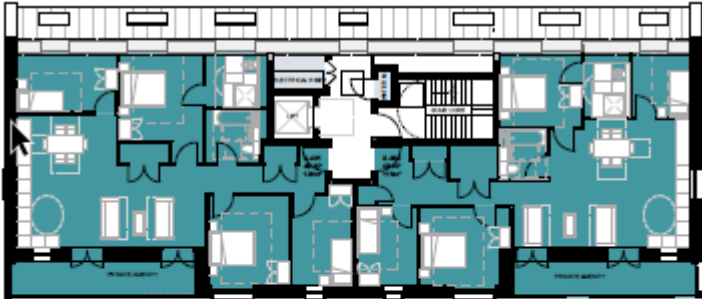
Second floor



Third floor



Fourth Floor



Visuals





CGI angle of view

DRAFT DECISION LETTER

- Address:** Torrison House Car Park, Randolph Gardens, London, NW6 5HP,
- Proposal:** Demolition of existing structures including storage sheds and redevelopment of existing car park to provide two blocks of three and five storeys providing a total of 21 x Use Class C3 (residential) units and other associated works, including the provision of storage units, car and cycle parking, landscaping, access gates and boundary treatment.
- Reference:** 19/09329/COFUL
- Plan Nos:** TCP DMAXX 00 DR A 00010 P2, TCP DMA XX 00 DR A 01101 P2, TCP DMA XX 00 DR A 01102 P3, TCP DMA XX 00 DR A 02002 P6, TCP DMA XX 01 DR A 02003 P4, TCP DMA XX 02 DR A 02004 P4, TCP DMA XX 03 DR A 02005 P4, TCP DMA XX 04 DR A 02006 P4, TCP DMA XX RF DR A 02007 P5, TCP DMA XX ZZ DR A 03001 P2, TCP DMA XX ZZ DR A 03002 P2, TCP DMA XX ZZ DR A 03003 P2, TCP DMA XX ZZ DR A 03004 P2, (Sheet 1 of 3) TCP DMA XX ZZ DR A 03101 P5, (Sheet 2 of 3) TCP DMA XX ZZ DR A 03102 P5, (Sheet 2 of 3) TCP DMA XX ZZ DR A 03103 P5, TCP DMA XX ZZ DR A 04501 P2, TCP DMA XX ZZ DR A 04601 P4, TCP DMA XX ZZ DR A 04602 P4, TCP DMA XX ZZ DR A 07205 P2, TCP DMA XX ZZ DR A 07206 P2, TCP DMA XX ZZ DR A 07207 P2

Case Officer: Max Jones

Direct Tel. No. 020 7641
07866036849

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 4 You must apply to us for approval of details 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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)

- 5 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)

- 6 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an

agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 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 and the details of any tree planting pits. 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 of planting them, you must replace them with trees of a similar size and species

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is 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. (R30BC)

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

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)

- 9 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 2016 (R22FA)

- 10 You must reprovide the cycle parking space for Torrison House 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 2016 (R22FA)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number TCP-DMA-XX-00-DR-A-02002 Revision P5. You must clearly mark them and make them available at all times to everyone using the flats. (C14FB)

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)

- 12 You must provide each car parking space shown on the approved drawings prior to occupation of the new dwellings and each car parking space shall only be used for the parking of vehicles of people living in Torricon House with a maximum of 1 car parking space per residential unit.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 **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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

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

Phase 1: Desktop study - full site history and environmental information from the public records. This has been provided with the application and therefore considered as discharged.

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)

- 15 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. (R49AA)

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

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, neighbourhood plan (where relevant), 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 HIGHWAYS LICENSING:, 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 visit our website at www.westminster.gov.uk/guide-temporary-structures., , CONSIDERATE CONSTRUCTORS:; 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., , BUILDING REGULATIONS:; You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 4 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). For further information please use the following link: www.westminster.gov.uk/private-sector-housing. However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email at ehconsultationteam@westminster.gov.uk.
- 5 As this development involves demolishing commercial, institutional or public buildings, you should consider if there is any contaminated land from previous activities on the site. For example, this building may contain asbestos materials or hydrocarbon storage tanks associated with the heating system., , Your investigation should follow the advice in publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.

- 6 Condition 16 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 7 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk, , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)
- 9 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 10 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 email AskHighways@westminster.gov.uk. 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).
- 11 With reference to condition please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's

Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 12 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: 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.**
- 13 Operational gas and electricity infrastructure has identified within the application site boundary., , In the case of Gas apparatus, all developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. , , Email: plantprotection@cadentgas.com Tel: 0800 688 588 , , In the case of Electricity infrastructure all developers should contact UK Power Networks Ltd, , Email: lee.metselaar@ukpowernetworks.co.uk 01279 824724
- 14 Under Condition 10 you are strongly encouraged to incorporate informal play equipment into the approved communal landscaped area.
- 15 This permission is governed by a Unilateral Undertaking from the applicant under Section 106 of the Town and Country Planning Act 1990. The Undertaking relates to: , , i. Stopping up of part of Droop Street and realignment of parking spaces and associated highway works; , , ii. Provision of lifetime (25 year) car club membership for all affordable units., , iii. Provision of a

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financial contribution of £xxxxx (index linked) to the Carbon Off-setting Fund payable on commencement of development ., iv. Costs of monitoring the agreement (£500 per head of term).

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