

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 October 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Queen's Park	
Subject of Report	Victoria Wharf, St John's Terrace, London, W10 4RB		
Proposal	Demolition of existing buildings, construction of five storey building and extension of existing block to provide 20 twenty, 1-bed flats with private balconies, bicycle storage, refuse storage and communal roof terraces.		
Agent	Child Graddon Lewis		
On behalf of	Westminster Community Homes		
Registered Number	20/02497/COFUL	Date amended/ completed	11 September 2020
Date Application Received	9 April 2020		
Historic Building Grade	Unlisted - Grade II listed Kensal House located on-site to the east.		
Conservation Area	Not applicable.		

## 1. RECOMMENDATION

1.	Grant conditional permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following: <ul style="list-style-type: none"> <li>a) Provision of the residential units as intermediate affordable housing in accordance with the affordability criteria specified by the Housing Development Manager;</li> <li>b) Provision of lifetime car club membership (minimum 25 years) for each residential flat;</li> <li>c) Stopping up of highway in St Johns Terrace;</li> <li>d) Funding for alterations to the public highway in St John's Terrace necessary to facilitate the development;</li> <li>e) A carbon offset contribution of £7741.50 (index linked and payable upon commencement of development); and</li> <li>f) Provision of monitoring costs (£500 per head of terms).</li> </ul>
2.	If the unilateral undertaking has not been completed within six weeks then: <ul style="list-style-type: none"> <li>a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</li> </ul>

- b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders

## 2. SUMMARY

The application site lies on the north side of the Grand Union Canal and at the southern end of St John's Terrace. It is not within a conservation area although the Grade II listed Kensal House is located on the site to the east. It contains a builder's yard (Use Class Sui Generis) with a double storey building located along its eastern side and a single storey structure on its southern boundary, adjacent to the canal. Part of the application site also includes public highway at the southern end of St Johns Terrace and the existing 'Victoria Wharf' development to the west of the builder's yard.

The applicant proposes demolishing all buildings on the builder's yard site and erecting a part five and part four storey building containing 20 intermediate rent affordable flats. The proposed building would be an extension of the existing Victoria Wharf development and be architecturally read with it. One of the proposed new units would be located within an extension over the existing roof terrace on the Victoria Wharf development and would use its existing access core. The 19 other new units would be accessed from a new entrance facing St Johns Terrace.

The applicant also proposes stopping up part of the southern end of St Johns Terrace to provide a secure entrance for the existing and proposed development and to provide a refuse store for the proposed development.

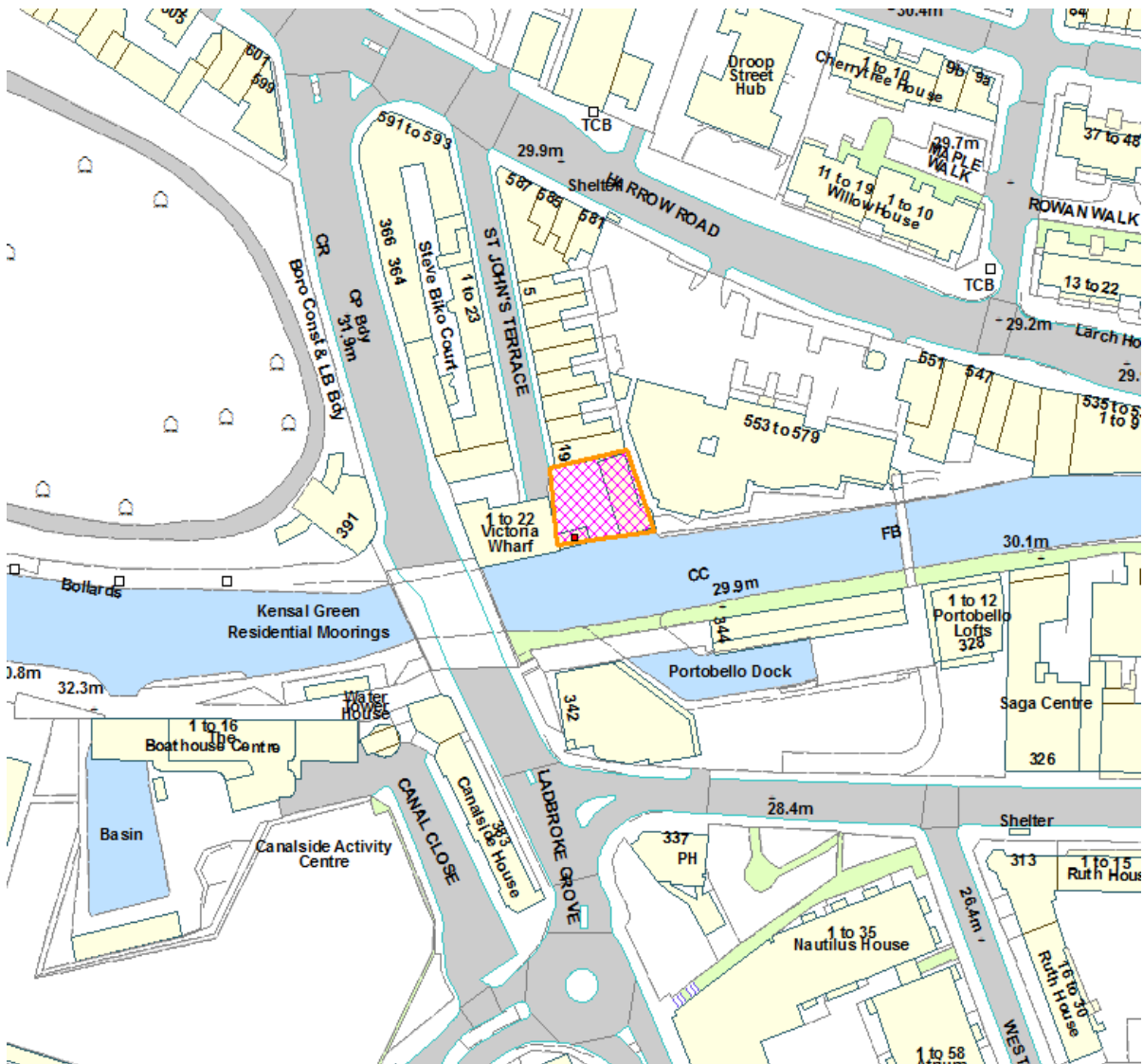
Objections have been received to the potential impact of the development on the Grade 2\* Dissenters Chapel in Kensal Cemetery; overdevelopment of this site; loss of parking on St Johns Terrace and the scale and architectural treatment of the proposed development.

The key considerations are:

- Provision of new residential units;
- Impact on the setting of listed buildings and the Grand Union Canal;
- Impact on residential amenity;
- Impact on parking.

The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). The application is therefore recommended for approval subject to securing a unilateral undertaking and the conditions set out in the draft decision letter.

## 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Application site as seen from opposite side of Grand Union Canal



Application site with Phase 1 (Centre-left of Picture)

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR QUEEN'S PARK

No response received.

### QUEEN'S PARK COMMUNITY COUNCIL

No response received.

### CANAL & RIVER TRUST

No objection, subject to conditions requiring a structural survey of the canal wall, drainage details, exploration of waterborne freight, landscaping and lighting details.

### INLAND WATERWAYS ASSOCIATION

No response received.

### ROYAL BOROUGH OF KENSINGTON & CHELSEA (RBKC)

Object. They are concerned that the proposed development may harm the setting of the Grade II\* listed Dissenters Chapel within Kensal Cemetery.

### THAMES WATER

Should permission be granted, they request condition requiring submission of a drainage strategy and details of foul water connection

### DESIGNING OUT CRIME OFFICER

No response received.

### HEAD OF AFFORDABLE HOUSING AND PARTNERSHIPS

Strongly support proposed affordable housing type and tenure, subject to planning obligation to require rents to be set at London Living Rent levels.

### HIGHWAYS PLANNING MANAGER

No objection, subject to securing stopping up of highway; s106 agreement to secure Lifetime Car Club Membership, stopping up of highway and other highway works and conditions requiring cycle parking and waste storage.

### WASTE PROJECT OFFICER

Object. Waste storage not in accordance with City Councils requirements.

### ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions controlling plant noise, external noise protection, adherence to the City Council's code of construction and land contamination.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 104

Total No. of replies: 2

No. of objections: 2

No. in support: 0

In summary, the objectors raise the following issues:

- The number of residential units proposed is excessive and will result in additional noise, traffic and services that will be unfair to current residents;
- The proposed building will block view of the canal from St Johns Terrace and turn it into a dark, dank, depressing canyon;
- The design proposed is a visual hotchpotch that does nothing to alleviate the towering presence that will overshadow the street;
- The design shows no respect for the scale and setting of Victorian cottage buildings in St Johns Terrace;
- The lack of parking would put pressure on on-street parking which is already strained; and
- Stopping up highway on St Johns Terrace would deprive residents of an essential loading, turning and spatial resource and create a gated community.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site lies on the north side of the Grand Union Canal and at the southern end of St John's Terrace. It is not within a conservation area although the Grade II listed Kensal House is located on the site to the east. It contains a builder's yard (Use Class Sui Generis) with a double storey building located along its eastern side and a single storey structure on its southern boundary, adjacent to the canal.

Part of the application site also includes public highway at the southern end of St Johns Terrace and the existing 'Victoria Wharf' development to the west of the builder's yard. That development comprises of 22 one-bedroom affordable homes within a five-storey building.

### **6.2 Recent Relevant History**

#### **6.2.1 Builders Yard Site**

17/07652/FULL

Demolition of existing buildings, construction of a part 5 and part 3 storey building containing 9 flats (2 x 1 bed, 4 x 2 bed, 2 x 3 bed, 1 x 4 bed) with private balconies/terraces, bicycle storage, waste storage and grass amenity areas. Permission Granted - 12 July 2018

#### **6.2.2 Victoria Wharf Development (Formerly Known as Development Site At 346-352 Ladbroke Grove)**

12/06405/COFUL

Demolition of existing structures and redevelopment by erection of two buildings comprising a three storey northern block and a five storey southern block to provide 22 affordable housing residential units (21x1 bedroom flats and 1x2 bedroom flat) with



central courtyard, roof terraces, landscaping, one on-site car parking space and pedestrian access to St John's Terrace and Ladbroke Grove. (Council's Own Development)  
Permission Granted - 13 May 2014

## 7. THE PROPOSAL

The applicant proposes demolishing all buildings on the builder's yard site and erecting a part five and part four storey building containing 20 intermediate rent affordable flats. The proposed building would be an extension of the existing Victoria Wharf development and be architecturally read with it. One of the proposed new units would be located within an extension over the existing roof terrace on the Victoria Wharf development and would use its existing access core. The 19 other new units would be accessed from a new entrance facing St Johns Terrace.

The applicant also proposes stopping up part of the southern end of St Johns Terrace to provide a secure entrance for the existing and proposed development and to provide a refuse store for the proposed development.

The existing and proposed floor areas on the application site are shown in Table 1 below.

Table 1: Existing and Proposed Floor Areas

	<b>Existing GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>+/-</b>
Builders Yard (Sui Generis)	148	0	-148
Residential (Use Class C3)	0	834.5	+834.5
<b>Total</b>	<b>148</b>	<b>834.5</b>	

The proposed development has been amended during the application as follows:

- The disabled parking bay approved for Phase 1 has been reinstated. A post box proposed for Phase 2 has been relocated to ensure vehicle access to this bay remains; and
- The air source heat pumps have been relocated from their location at third floor roof level to main roof level to provide a communal terrace that is accessible for disabled residents.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Loss of Builders Yard

The existing site was used by a local builder as a site to store building materials and as an office to coordinate works within the nearby Queens Park estate. This type of yard falls within the Sui Generis Use Class and is not protected by any policy of the City Plan

or the Unitary Development Plan (adopted 2007) ("the UDP"). Accordingly, there is no in principle objection to the loss of this use.

### 8.1.2 Affordable Housing

The provision of additional affordable residential accommodation is supported in principle by policies H3 and H4 of the UDP and policies S14 and S16 of the City Plan. The proposed intermediate rent units would also contribute to a greater diversity of tenure mix in the North Westminster Economic Development Area (NWEDA) which currently has a high proportion of social rented units (para. 3.52 of the City Plan). Accordingly, the proposed intermediate rent units proposed are supported by policy S12 of the City Plan.

The proposed development would be comprised entirely of one-bedroom intermediate rent units. This would not be consistent with policy H5 of the UDP, which requires a mix of units and that one third of the proposed units have three or more bedrooms. The tenure mix is also not consistent with the 60(Social):40(Intermediate) split sought by policy 3.11 of the London Plan (March 2016).

However, the proposed development is an innovative form of affordable housing that has proved successful at Phase 1 which is now oversubscribed. The applicants Horizon scheme provides intermediate rent tenants with a five year tenancy and for those tenants that move on into home ownership at the end of the tenancy period, a contribution of up to £2000 for each year (£10k for 5 years) of their tenancy will be provided by the applicant towards a deposit into home ownership. On this basis, the proposed affordable units are fully supported by the Head of Affordable Housing and Partnerships, provided the rental levels are set in line with London Living Rent (LLR) levels.

Given the innovative nature of these units, the strong support for this development from the Head of Affordable Housing and Partnerships, the strong support for affordable housing generally within policy S16 of the City Plan and the high proportion of social units that exist within NWEDA, the lack of unit and tenure mix is considered acceptable in this particular instance. It is recommended that rental levels are set in accordance with LLR levels and that this is to be secured by a s106 agreement.

### 8.1.3 Standard of Accommodation

The proposed units vary in size from 40-41 sqm GIA. This exceeds the 39 sqm minimum standard for a one bedroom, one person flat, as per the Nationally Described Space Standard and policy 3.5 of the London Plan. All flats are also dual aspect and would receive direct sunlight from the canalside (south) elevation.

All flats have a 4 sqm balcony on the canal side elevation which provides private outdoor amenity space. Although this is marginally below the 5 sqm specified in the Mayor of London's Housing SPG, residents also have access to communal roof terraces at third floor and roof levels. Taken together, the balconies and roof terraces would provide satisfactory outdoor amenity space for residents.

Overall, the proposed flats provide satisfactory living accommodation and are in



accordance with policy 3.5 of the London Plan and the Mayors Housing SPG.

## 8.2 Townscape and Design

The site lies on the north side of the Grand Union Canal (Paddington Branch) and at the southern end of St John's Terrace, adjacent to phase 1 of the Victoria Wharf development. The site is not located within a conservation area and the nearest designated heritage asset is the Grade II listed Kensal House, which lies to the east. The east side of St John's Terrace contains some attractive late nineteenth century two-storey terraced houses, whereas the west side of the street has a more varied character and is generally of buildings of later twentieth century date.

The boundary with RBKC lies to the south and west and there are designated heritage assets within RBKC in the surrounding area, notably Kensal Green Cemetery Conservation Area, which contains numerous listed buildings and perhaps of most relevance to this application – the Grade II\* listed Dissenter's Chapel which is adjacent to the eastern boundary of the cemetery.

An objection from RBKC has been received on the grounds that the proposal will be visible from the Kensal Green Cemetery Conservation Area and will detract from the setting of the of the Grade II\* listed Dissenter's Chapel. An objection has also been received from a local resident raising concerns with the scale, bulk and appearance of the development.

### 8.2.1 Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant listed building consent for any works the local planning authority or 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 66 of the same Act requires 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."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant policies for the consideration of this application are S25, S28 and S37 of the City Plan and DES 1, DES 4, DES 9, DES 10 and DES 13 of the UDP.

### 8.2.2 Assessment

The current buildings on the site do not make a positive contribution to the townscape and have a poor relationship with the canal. As such, the demolition of the existing buildings and the principle of a residential redevelopment of the site is considered acceptable in design terms.

The proposals seek to extend the form, scale, layout and materiality of Phase 1 to the Phase 2 building, effectively extending the original scheme across the two sites resulting, visually, in one block. The proposed five storey element would match the height and respect the building lines of the adjoining site, but at its eastern end the building line steps back from the canal edge and reduces in height to four stories, responding to the scale and orientation of the later extensions to Kensal House. The St John's Terrace elevation is a continual five stories. The entrance to the block would be via a stair core on the eastern end of the building and deck access on the St John's Terrace elevation; this would link into the core of phase 1 on the top deck. The ground floor units would have direct access from the street; all of the flats would have balcony space facing onto the canal. A new shared roof terrace, split between main roof level and third floor roof level is proposed; the associated balustrading is set back from the canal side elevation and is formed of the same materials as the stair core. The architecture would be an extension of phase 1, with the use of the same proportions and materials.

In terms of height and bulk the proposed new building is considered to be acceptable, appropriately relating to phase 1 of the Victoria wharf development and the neighbouring listed building. It is the same height as the neighbouring phase with the step down to the side (east) and rear (north), which is considered to appropriately respond to the smaller scale of the buildings in Kensal House and 19 St John's Terrace. In terms of materials, the proposal is entirely appropriate for the site. The use of the same materials and pallet as Phase 1 will result in a unified piece of architecture which has visual interest on the canal side and a more contextual response on the side and northern elevations. The integration of the green glazed bay on the St John's Terrace elevation helps to visually break up the mass of the block, as do the contrasting decks. Whilst the concerns of the objector are noted, for the reasons above the proposal is supported and considered to be appropriate for this setting.

### 8.2.3 Impact on Heritage Assets

Given the varied townscape, the scale of the proposed building and the reduction in bulk to the east, the proposal would not negatively impact on the setting of the Grade II listed Kensal House. The heritage asset will still be prominent in views from Ladbroke Grove Bridge and appreciated in views from the canal.

An objection to the application has been received from RBKC on the grounds that the site would be visible across the canal and from within the Kensal Green Cemetery Conservation Area. Concern is also raised that the development will detract from the setting of the Grade II\* listed Dissenter's Chapel. While no visual impact assessment has been undertaken from within the cemetery by the applicants, it is considered that the proposal would not result in an adverse impact on the setting of the chapel or the conservation area. The backdrop to the chapel when viewed from within the cemetery

already features a number of existing (and in some cases new) buildings including the recently completed Phase 1 of Victoria Wharf and Steve Biko Court (to the north of Phase 1), but also within RBKC is 342 Ladbroke Grove and a former water tower on the south side of the canal. Given that the proposed development will lie to the east and broadly be of the same height as Phase 1, if it can be seen at all, it will sit within the existing backdrop of buildings and will certainly be less assertive than Phase 1 and also 342 Ladbroke Grove. It is thus considered that the setting of the Kensal Green Cemetery Conservation and its listed buildings, notably the Dissenter's Chapel would not be adversely affected and would be preserved by the proposal.

Accordingly and given the above, the proposal is considered acceptable in design terms and would accord with policies S25, S28 and S37 of the City Plan and DES 1, DES 4, DES 9, DES 10 and DES 13 of the UDP. As such, the proposal is considered acceptable and a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 8.3 Residential Amenity

The application site is separated from sites to the south by the width of the Grand Union Canal whilst the buildings on the south side of the canal are in non-residential use in any event. The site to the east of the application site (Kensal House) is in office use and amenity for office uses is not protected by development plan policy. Accordingly, the proposed development would not result in harm to residential amenity on those sites through unacceptable loss of light, increased sense of enclosure or loss of privacy.

With regards to the impact on Phase 1 to the west, the proposed development would abut and not project significantly beyond the flank wall of that development. It is noted that Phase 1 does include flank windows on the boundary with the application site. However, and notwithstanding that the applicant owns that site, informative 25 of the decision notice for the approval on that site (ref: 12/06405/COFUL), notes that these windows are un-neighbourly, would form an unreasonable constraint on development of the application site and can only be afforded limited protection. Accordingly, it would be unreasonable to withhold permission for the proposed development due to loss of light and sense of enclosure to those windows. Overall, the proposed development would not result in unacceptable loss of light, increased sense of enclosure or loss of privacy for the occupants of that property.

With regards to the site to the north (19 St Johns Terrace), permission has previously been approved for a similarly scaled building that results in loss of light and privacy to that site (See RN: 17/07652/FULL). The applicant also owns that property.

The applicant has provided an Assessment of Daylight and Sunlight Loss to the flank windows to 19 St Johns Wood Terrace. In terms of daylight, this assessment indicates that five out of eight south facing/flank windows would have Vertical Sky Component losses of up to 84%. The rooms facing the application site would also have No Sky Line losses of up to 99%. In terms of sunlight, all windows would also have losses exceeding BRE Guidelines.

Whilst these losses would ordinarily be unacceptable, the windows and rooms affected are un-neighbourly, being located on the boundary with the application site, and form an unreasonable constraint on development of the application site. Notwithstanding this, the resulting daylight and sunlight levels would be consistent with those experienced in the mid-terrace properties located to the north and are therefore commonplace in this area. Accordingly, and given the benefits of the development in terms of affordable housing delivery, an objection to the development on this basis would not be sustainable.

With regards to sense of enclosure, the proposed building is located largely beside the flank wall of 19 St Johns Terrace and too far from that property to result in unacceptable levels of sense of enclosure. However, the proposed development does include a five-storey high stair enclosure located on the boundary with 19 St Johns Terrace and that would project beyond the flank wall. This stair enclosure would significantly increase sense of enclosure to the rear garden of that site. However, that site is also owned by the applicant. Given this and the significant benefits of the scheme in terms of affordable housing delivery, an objection to the development on this basis would not be sustainable.

With regards to plant noise and the impact on neighbouring properties, the Environmental Health Officer has reviewed the proposed development. They raise no objection to the development, provided conditions are imposed to control plant noise. Subject to these conditions, the proposed development would be consistent with policy S29 of the UDP and policies ENV 6 and ENV 7 of the UDP.

## **8.4 Transportation/Parking**

### **8.4.1 Parking and Waste Storage**

No off-street parking is proposed for this development. Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

The evidence of the Council's most recent nighttime parking survey indicates that parking occupancy of ResPark bays within a 200-metre radius of the site is 64%. However, policy TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 50%.

However, the evidence of the Council's most recent daytime parking survey indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 44%. Policy TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Overall, parking pressures in this area remain below the stress level, but with the introduction of increased levels of residential in this area without off-street parking or on-street parking restraint the stress levels are likely to increase. On the basis of the Council's data and car ownership levels, with the addition of residential units in this

location, any additional on-street parking generated can be absorbed into the surrounding street network.

However, to ensure car ownership levels remain low and the impact on the surrounding highway network is minimised, a planning obligation to secure lifetime car club membership for the proposed flats is recommended. Subject to this obligation, the proposed development would be consistent with policy TRANS 23 of the UDP.

Conditions are recommended requiring details of cycle parking and waste storage. Subject to these conditions, the proposal would provide satisfactory cycle parking and waste storage.

#### **8.4.2 Stopping Up and Highway Layout**

Objections have been received to the proposed stopping up of public highway within St Johns Terrace. Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place.

Any obstruction to highway raises concerns. However, given this section of highway only provides access to the subject site and no through route, the loss of this area of highway is acceptable in principle, in this particular instance, and not considered contrary to policy S41 of the City Plan or TRANS3 of the UDP. Stopping up of highway will be required prior to commencement of development (it cannot be retrospective). In conjunction with the stopping up, changes to the on-street car parking layout will be required with a minor shortening of the existing on-street residential bays (to not less than 15 metres), should permission be granted.

Any works to the highway, including changes to Traffic Management Orders (e.g. relating to on-street parking) that are required to implement a planning permission must be secured as part of a planning permission. A planning obligation is recommended to secure this.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

All flats within the proposed development would be wheelchair accessible via the lift in Phase 1. The communal roof terrace has been amended to ensure that part of it is not now accessible by wheelchair. The application has also been amended to safeguard access to the disabled parking bay at phase 1 and a condition is recommended to ensure that this access remains.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **8.7.1 Ecology**

The Grand Union Canal is classified as a Metropolitan Site of Nature Conservation

Importance. The applicant has submitted an Ecological Survey that confirms that no bats are on-site. Conditions are recommended to protect use of the canal for feeding by bats and to enhance its ecological value. Subject to these conditions, the proposed development would be consistent with policy S36 of the City Plan.

### **8.7.2 Site Contamination**

The applicant has submitted a preliminary Land Contamination Assessment considering this sites history as a builder's yard. This assessment concludes that the risk of contamination is low but recommends further site investigation. A condition is recommended to secure this further investigation. Subject to this condition, the proposal would be consistent with policy ENV 8 of the UDP.

### **8.7.3 Air Quality and Carbon Emissions**

Given this sites location within an Air Quality Management Area (AQMA, the applicant has submitted an Air Quality Assessment (AQA) with this application. The AQA concludes that the site is not expected to have any significant impact on air quality in the area and the development has adopted measures to reduce exposure of residents to the poor air quality that could potentially be present from occupiers of the development. The AQA has been reviewed by the Environmental Health Officer who concurs with its findings. Accordingly, the proposed development meets policy S31 of the City Plan and policy 7.14 of the London Plan.

The applicant has also submitted an Energy Assessment to demonstrate carbon savings. Policy 5.2 of the London Plan requires all new homes to be Zero Carbon, with a minimum of 35% of savings to be met on-site. The remaining balance must be met on-site and/or through a carbon offset payment.

The Energy Assessment indicates that the proposed development will make a carbon saving of 70.8% over 2013 Building Regulations requirements. The remaining 29.2% is therefore subject to a carbon offset payment of £7741.50. It is recommended that this is secured via a section 106 agreement.

## **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 London Plan

This application raises no strategic issues.

## 8.10 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are 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 the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development; requiring structural details of the canal wall; drainage details; and requiring further contaminated land assessments. The applicant has yet to agree these conditions and an update will be provided verbally.

## 8.11 Planning Obligations

Further to the assessment above, a planning obligation is recommended to secure the following:

- a) Provision of the residential units as intermediate affordable housing in accordance with the affordability criteria specified by the Housing Development Manager;
- b) Provision of lifetime car club membership (minimum 25 years) for each residential flat;
- c) Stopping up of highway in St Johns Terrace;
- d) Funding for alterations to the public highway in St John's Terrace necessary to facilitate the development;
- e) A carbon offset contribution of £7741.50 (index linked and payable upon commencement of development); and
- f) Provision of monitoring costs (£500 per head of terms).

As the proposed development is entirely comprised of affordable housing it is not liable for a CIL payment.

## 8.12 Environmental Impact Assessment

This development is too small to be considered EIA development.

## 8.13 Other Issues

### 8.13.1 Construction impact



Item No.
<b>2</b>

As a major development, the proposed development would be subject to the City Council's Code of Construction Practice. A condition is recommended to secure adherence to this.

(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 <a href="mailto:northplanningteam@westminster.gov.uk">northplanningteam@westminster.gov.uk</a> .
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9. KEY DRAWINGS





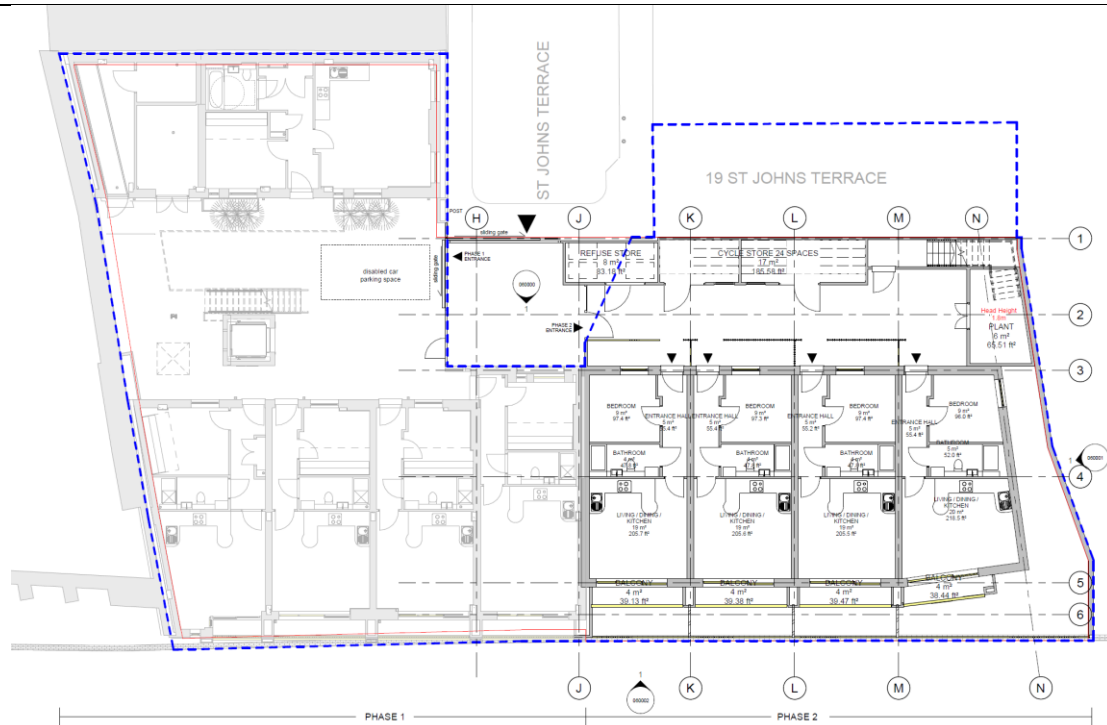
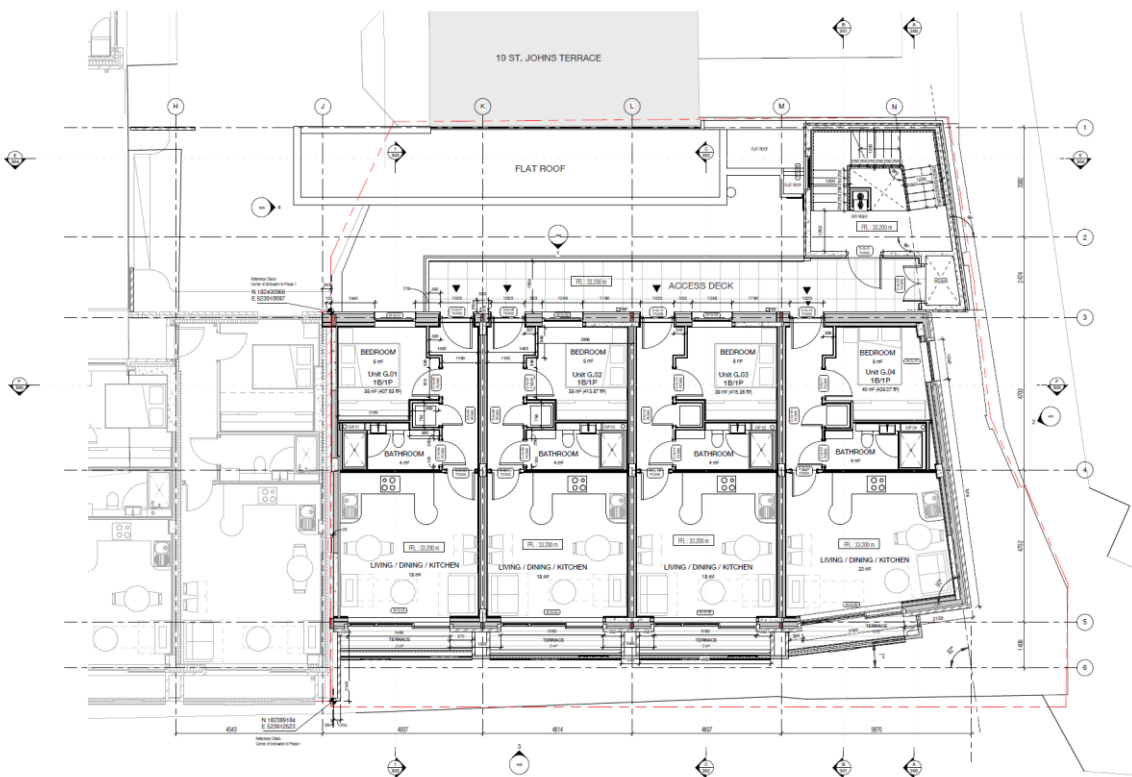
**Proposed South (Canal) elevation (Completed Phase 1 to left)**

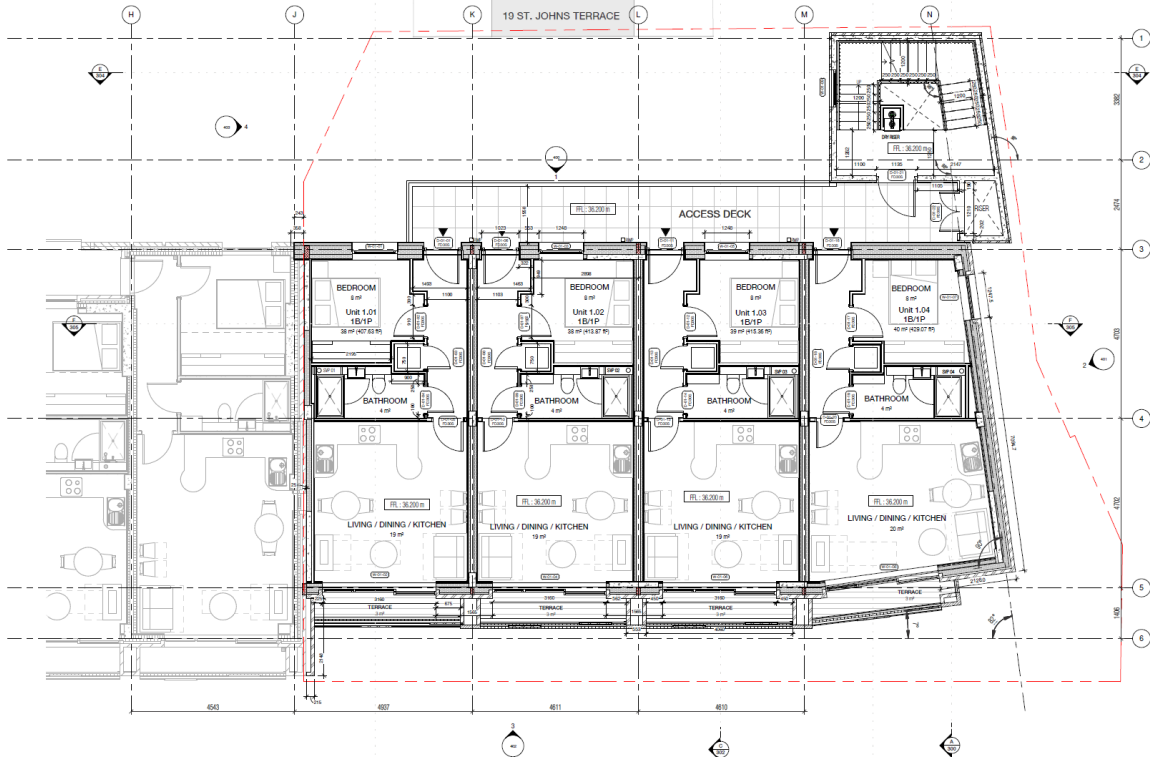


**Proposed North Elevation (Completed Phase 1 to Right)**

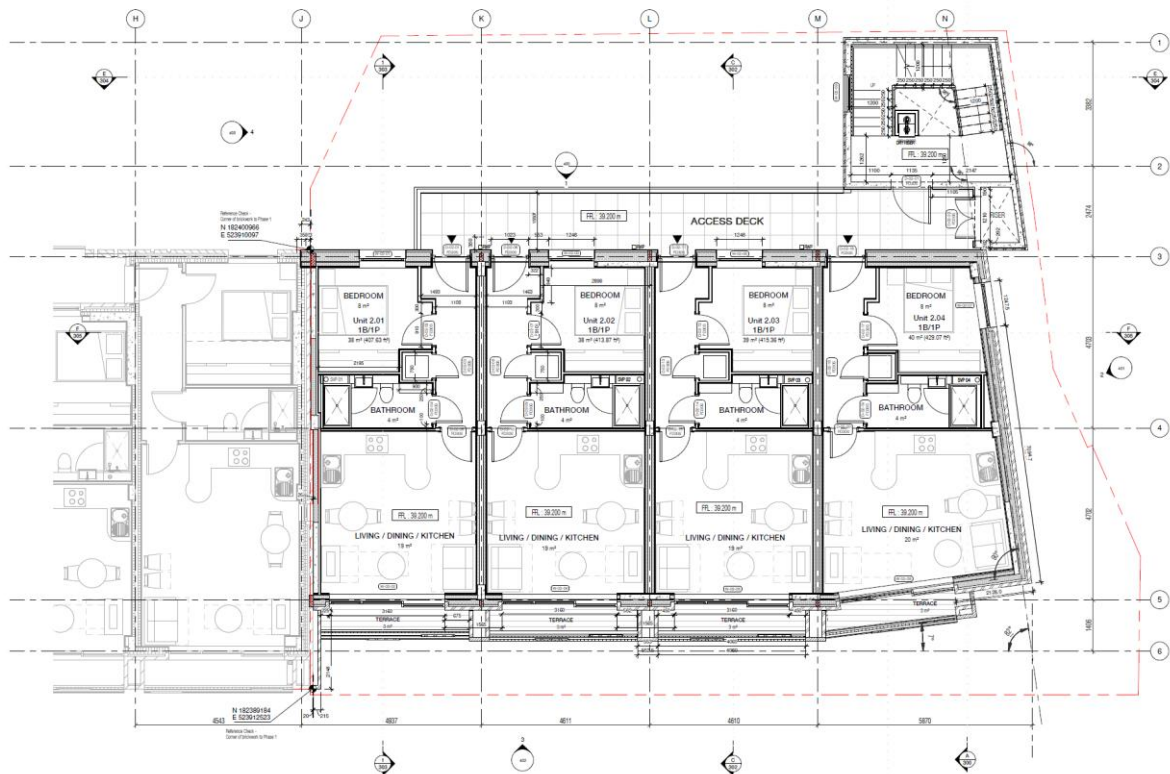


**Proposed East Elevation**

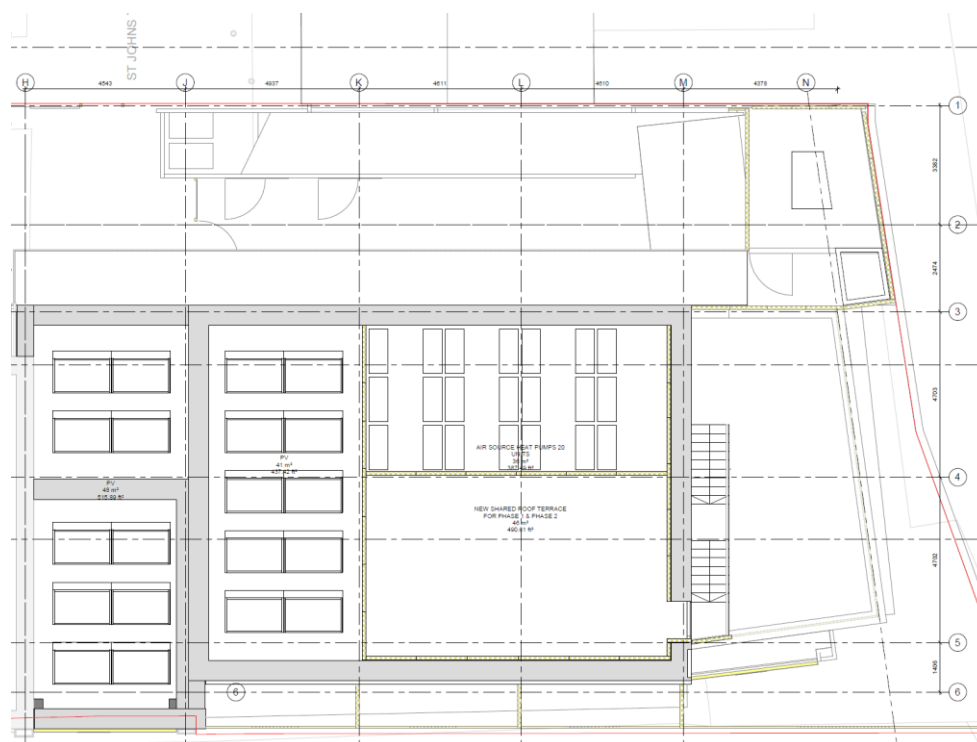
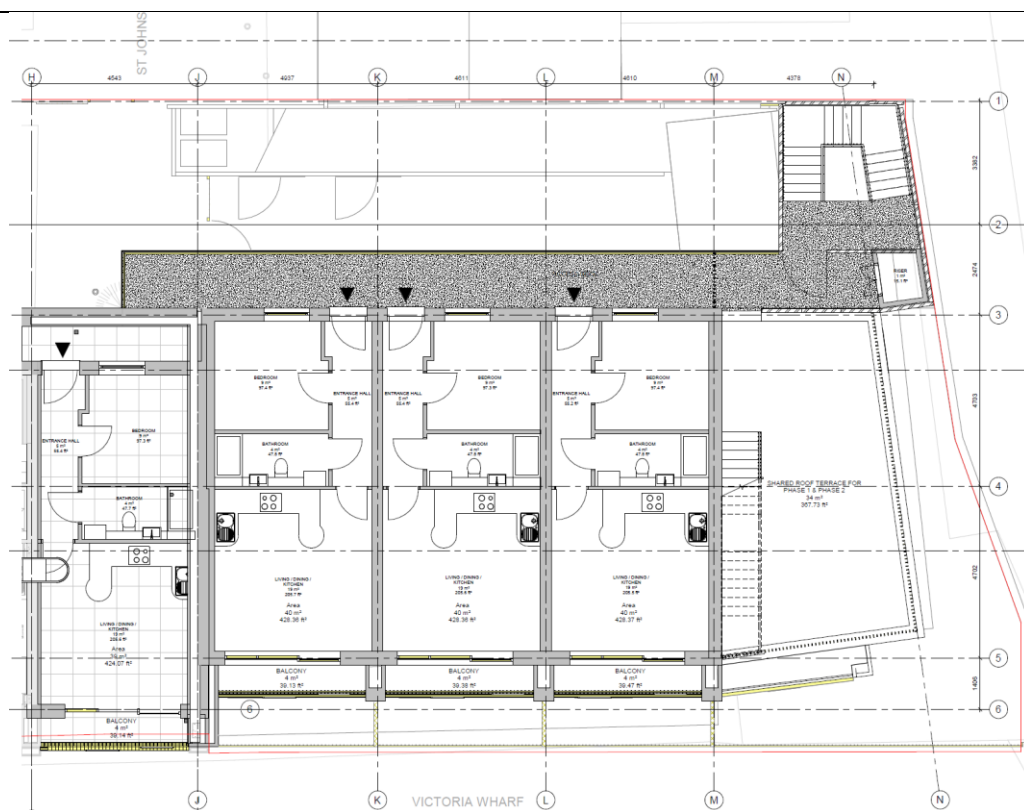
**Proposed Lower Ground Floor/Site Plan****Proposed Ground Floor Plan**



Proposed First Floor Plan



Proposed Second Floor Plan







**Applicants Visualisation of Phases 1 (left) and 2 (right) from Canal**

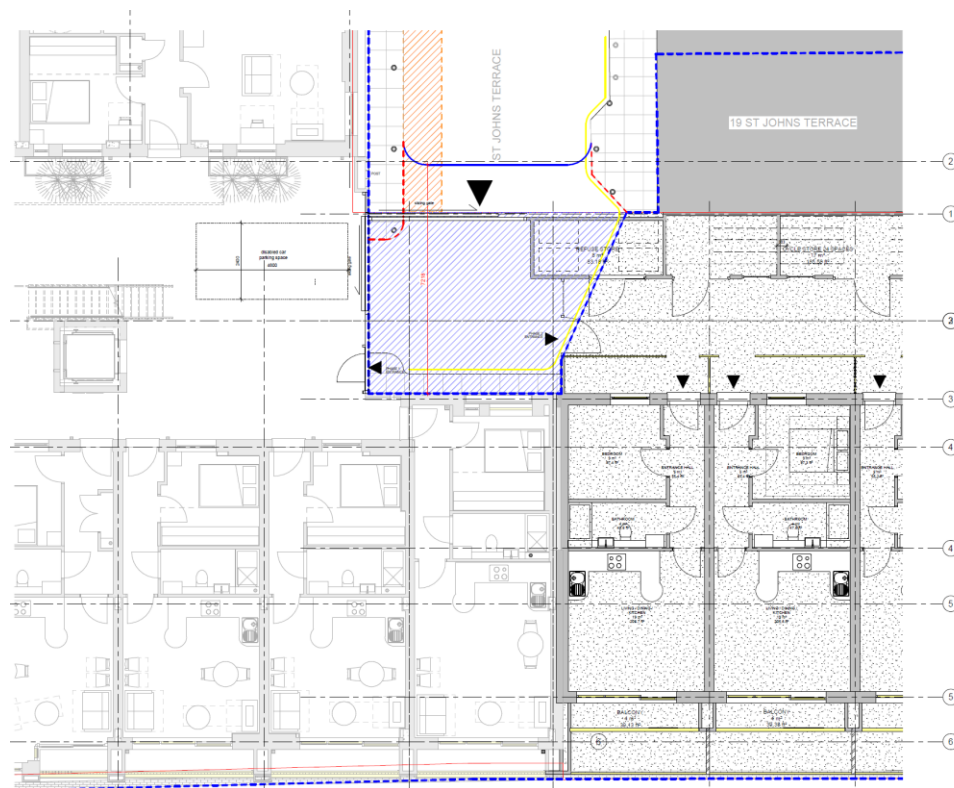


**Applicants Visualisation of Phases 1 (right) and 2 (left) from Ladbrooke Grove**





Applicants Visualisation of Phases 1 (right) and 2 (left) as seen from St Johns Terrace



Area of Highway to be Stopped Up (Blue Shaded Area)

**DRAFT DECISION LETTER**

**Address:** Victoria Wharf, St John's Terrace, London, W10 4RB,

**Proposal:** Demolition of existing buildings, construction of five storey building and extension of existing block to provide 20 twenty, 1-bed flats with private balconies, bicycle storage, refuse storage and communal roof terraces.

**Reference:** 20/02497/COFUL

**Plan Nos:** Drawing numbers VW11-CGL-001000 Rev P2, VWII-CGL-001001 Rev P3, VWII-CGL-001002 Rev P2, VWII-CGL-002000 Rev P2, VWII-CGL-002006 Rev P2, VWII-CGL-050004 Rev P2, VWII-CGL-050005 Rev 5, 201 Rev P5, 202 Rev P5, 203 Rev P5, 301 Rev P5, 303 Rev P2, 401 Rev P3.

**Case Officer:** Nathan Barrett **Direct Tel. No.** 07866036771

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of 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 **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)

4 **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.

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)

- 5 **Pre-Commencement Condition** Before development commences, a survey of the condition of the canal wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning Authority. The works identified shall be carried out in accordance with the approved method statement and repairs schedule before the flats hereby approved are occupied.

Reason:

In the interest of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity, in accordance with policy S37 of the Westminster's City Plan (November 2016).

- 6 **Pre-Commencement Condition.** If surface water run-off and ground water is proposed to drain into the canal, details shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The development must be carried out in accordance with the approved details.

Reason:

To safeguard the canals water quality, in accordance with policy S37 of the Westminster's City Plan (November 2016).

- 7 **Pre Commencement Condition** Prior to the commencement of each phase of work within 15m of the Grand Union Canal, a Risk Assessment and Method Statement setting out the details of the works to be undertaken, including (but not limited to) demolition, temporary works, scaffolding, earthworks, foundations and canal side access arrangements, shall be submitted to and approved in writing the Local Planning Authority. Any works shall be carried out in accordance with the approved details.

Reason:

In the interest of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity, in accordance with policy S37 of the Westminster's City Plan (November 2016).

- 8 Before occupation of the development, full details of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details before occupation of the approved development.

Reason:

To safeguard the canals ecology, in accordance with policies S36 and S37 of Westminster's City Plan (November 2016).

- 9 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 any proposed aquatic habitat enhancement. 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 six 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 five years 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 S36, S37 and 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.

- 10 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 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)

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

- a) metal perforated panels, including those on the access decks;
- b) elevations and sections of the refuse and cycle stores; and
- c) elevations of the vehicle and pedestrian gates to St Johns Terrace

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

- 12 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

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)

- 13 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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)

- 14 The development shall not be occupied until confirmation has been provided that either:

1. Foul and surface water drainage capacity exists off site to serve the development;
2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan; or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason:

To ensure sufficient water and wastewater capacity in accordance with policy 5.14 of the London Plan (March 2016).

- 15 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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. (R46AB)

- 16 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. (R48AA)

- 17 You must apply to us for approval of details of a supplementary acoustic report



demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 15 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 18 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)

- 19 You must apply to us for approval of details of how waste is going to be stored on the site. 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 waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the flats. You must not use the waste store for any other purpose. (C14CD)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 21 The disabled parking space shown on drawing no. VWII-CGL-002000 Rev P2 shall be retained for the lifetime of this development. Vehicle access to this disabled parking

space for disabled residents shall also be retained for the lifetime of this development.

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 22 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)

- 23 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - provision of bird and bat boxes.. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To reduce the effect the development has on 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. (R43AB)

- 24 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)

- 25 You must apply to us for approval of a sample panel of brickwork including mortar for both plain and sawtooth brickwork sections of sufficient size to show the jointing between the brickwork. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these panels. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

- 26 You must apply to us for approval of a detailed drawing, or photograph, or manufacturer's specification (as appropriate) of the entrance doors to the individual flats. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the drawings/ photograph/ specification we approve.

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)

- 27 You must apply to us for approval of details of the signage identifying the building at ground floor level adjacent to the main entrance from St John's Terrace. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings.

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)

- 28 You must apply to us for approval of detailed drawings showing the design and use of materials for the access decks (including their underside finish), and showing the railings to the access decks and balconies (including their method of fixing to the access decks and balconies). You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings.

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)

- 29 You must apply to us for approval of a detailed section drawing showing the coping or capping detail to the top of both the brickwork elevation and the perforated screening. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (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)

**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](http://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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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](http://www.westminster.gov.uk/contact-us-building-control)

- 3 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that all necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-andour-code-of-practice>).
- 4 The applicant/developer is advised that any development, crane oversail or access over the waterway requires written consent from the Canal & River Trust and a commercial agreement. They should contact the Canal & River Trust's Estates team at [Bernadette.Mcnicholas@canalrivertrust.org.uk](mailto:Bernadette.Mcnicholas@canalrivertrust.org.uk) regarding the required agreement.
- 5 The applicant is advised that any drainage from the site into the waterway will require consent from the Canal & River Trust, and they should contact the Canal & River Trust's Utilities team at [liz.murdoch@canalrivertrust.org.uk](mailto:liz.murdoch@canalrivertrust.org.uk).

- 6 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Waters guide 'Working Near our Assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 7 There are public sewers crossing or close to your development. If you're planning significant work near Thames Waters sewers, it is important that you minimize the risk of damage. Thames Water need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read Thames Waters guide "Working Near or Diverting our Pipes at:

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

- 8 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near mains (within 3m) Thames Water need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read Thames Waters guide "Working Near or Diverting our Pipes" at:

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

- 9 Prior to the commencement of development, the highway will need to be stopped up under s247 of Planning Act. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring. The applicant must contact the Council by writing to Jeff Perkins ([JPerkins@westminster.gov.uk](mailto:JPerkins@westminster.gov.uk)) to progress the stopping up order.

- 10 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](http://www.equalityhumanrights.com)). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide ([www.cae.org.uk](http://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](http://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.

- 11 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](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)

- 12 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 email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk).

- 13 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.

- 14 The term 'clearly mark' in condition 19 means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 15 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](mailto: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).

- 16 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 our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto: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.

- 17 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

- \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

- \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.

- 18 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
  - \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.



- \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- \* Lighting - ensure luminaires can be safely accessed for replacement.
- \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).  
More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/toolbox/height.htm](http://www.hse.gov.uk/toolbox/height.htm)

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 19 Conditions 15 and 16 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)
- 20 Condition 4 refers to a 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](http://www.westminster.gov.uk/contaminated-land). For further advice you can email Public Protection and Licensing at [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).
- 21 All on-site mitigation measures, with ongoing maintenance requirements, detailed in Eight Associate's Air Quality Assessment report dated 20/01/2020, for the purpose of reducing exposure to poor air quality within the development should be adopted as part of this scheme.
- 22 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://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](mailto: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.

- 23 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Provision of the residential units as intermediate affordable housing in accordance with the affordability criteria specified by the Housing Development Manager;
  - b) Provision of lifetime car club membership (minimum 25 years) for each residential flat;
  - c) Stopping up of highway in St Johns Terrace;
  - d) Funding for alterations to the public highway in St John's Terrace necessary to facilitate the development;
  - e) A carbon offset contribution of £7741.50 (index linked and payable upon commencement of development); and
  - f) Provision of monitoring costs (£500 per head of terms).

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.