

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 27 October 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Little Venice	
Subject of Report	Garages At, Adpar Street, London		
Proposal	Demolition of existing car park and redevelopment to provide a 4-storey block of sheltered residential dwellings (Use Class C3) and other associated works, including amenity space, car parking, cycle parking, refuse storage, and landscaping improvement works.		
Agent	Mr Edward Buckingham		
On behalf of	Development Team, Westminster City Council		
Registered Number	20/03389/COFUL	Date amended/ completed	19 June 2020
Date Application Received	1 June 2020		
Historic Building Grade	Unlisted		
Conservation Area	No		

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. Provision of all units as affordable housing for nominated residents over the age of 60.
- ii. A financial contribution of £13,522 to the Carbon Offset Fund.
- iii. Provision and adherence to a car parking strategy.
- iv. Provision of lifetime (25 year) car club membership for all residential units.
- v. Provision of highway works in Adpar Street and Hall Place to provide access to the development.
- vi. Costs of monitoring the agreement (£500 per head of terms).

2. If the Unilateral Undertaking has not been completed within 12 weeks from the date of the Committee's resolution then:

a) The Director of Place Shaping and Town Planning shall consider 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 within the Hall Place Estate, on Adpar Street, with Devonshire House to the north east and Philip Court on Hall Place to the south west. It is immediately adjacent to a children's playground to the north and Braithwaite Tower is to the south. To the south-west is the City of Westminster College. The site currently contains a single storey covered car park, which dates from c.1970 and is accessed from Adpar Street. The site does not contain any listed buildings and lies outside of a conservation area. The council car park currently provides 32 car parking spaces, which are used by permit holders from the local area, with permits issued on a weekly basis.

Permission is sought for the redevelopment of the existing car park building with the erection of a four-storey block of 20 x 1-bedroom 'sheltered; independent living, adaptable and accessible flats for residents over the age of 60 years. Proposed car-parking spaces will comprise of 12 x re-provided spaces for existing permit holders of existing permit holders of the existing car park, and 2 x disabled, wheelchair accessible spaces for use by residents of the new development. Associated works include private and a communal amenity space; cycle parking; mobility scooter parking; waste storage and landscaping.

One objection has been received from a local resident on grounds of increased demand on parking in the area.

The key issues are:

- the principle of redeveloping this car park to provide affordable housing,
- the scale, massing and detailed design of the new building and the impact on the surrounding townscape;
- the loss of car parking and the impact this will have on surrounding highway network;
- loss of light/amenity to neighbouring residents in Devonshire House, Philip Court and Braithwaite Tower.

For the reasons set out in this report, the proposals are considered acceptable in land use, design, highways and 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.

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4. PHOTOGRAPHS

View from Adpar Street, looking south, adjacent to playground; with Braithwaite Towers and City of Westminster College in the background



View from Adpar Street looking south-east showing application site on right and Devonshire House to the left



View from Adpar Street, looking north, with Braithwaite Tower on left and Devonshire House on right



View from Hall Place, looking south with application site on left adjacent to playground



5. CONSULTATIONS

WARD COUNCILLORS FOR LITTLE VENICE:

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Any response to be reported verbally.

HISTORIC ENGLAND (ARCHAEOLOGY):

No objection; the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

TRANSPORT FOR LONDON

No objection; The cycle parking quantum and design should be in line with ITP London Plan Policy T5 and the London Cycle Design Standards. Two-tier racks are proposed, however, 5% of spaces should be accessible as this is a requirement of Chapter 8 of the LCDS. No objection to subsequent revised drawing that shows that this requirement is met.

AFFORDABLE HOUSING SUPPLY MANAGER:

No objection

ENVIRONMENTAL HEALTH:

No objection.

HIGHWAYS PLANNING MANAGER:

Objection raised to the loss of off street car parking. If officers consider 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:

Following revised drawings, no objection subject to condition requiring provision of waste and recycling storage

ARBORICULTURAL OFFICER:

No objection subject to conditions requiring tree protection measures and landscaping

DESIGNING OUT CRIME:

Concern is raised with regards to the external entrance to the cycle/scooter store and rear entrance to the bin store which are crime and safety concerns; the car park and residents car parking areas must be secured with full height LPS 1175 SR2 gates/shutters

THAMES WATER

No objection

ECONOMY TEAM

No objection

LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

ADULT & COMMUNITY SERVICES

Any response to be reported verbally.

BUILDING CONTROL:

Any response to be reported verbally.

NATIONAL GRID:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1320

Total No. of replies: 1

No. of objections: 1

No. in support: 0

The objection has been received from a local resident on grounds that the proposal would result in an adverse impact on on-street parking

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located within the Hall Place Estate, on Adpar Street. The site currently contains a single storey covered car park, which dates from c.1970 and is accessed from Adpar Street. The site does not contain any listed buildings lies outside of a conservation area. The car park currently provides 32 car parking spaces, which are used by permit holders from the local area, with permits issued on a weekly basis.

The surrounding area is predominantly residential in character. The site is opposite Devonshire House, a 4-storey sheltered housing block, to the north east, fronts Hall Place to the south west, with 4-storey residential properties located at Philip Court to the west. It is immediately adjacent to a children's playground to the north and Braithwaite Tower to the south, which is a 23-storeys tall. To the south-west is the City of Westminster College.

6.2 Recent Relevant History

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

7. THE PROPOSAL

The proposal involves redeveloping the existing car parking building with a 4-storey

building to provide 20 x 1-bedroom residential flats for residents aged 60 or over. This scheme forms part of the Council's infill housing programme and is 100% affordable housing.

The residential flats will be provided within a 4-storey block, with car parking, cycle parking, mobility scooter parking, refuse storage and an ancillary office for the use of a housing manager, located on the ground floor. The second and third floors will each have 8 flats, with 4 flats, and communal spaces, including a winter garden and an external communal area on the fourth floor.

The car-parking will comprise of 12 re-provided spaces for existing permit holders of the existing car park; and 2 disabled, wheelchair accessible spaces for use by new residents.

The new building will be on the same footprint as the existing car park building, with access to the car parking and main entrance to the flats being on Adpar Street, and a secondary frontage on Hall Place.

The upper floor levels contain the primary residential accommodation, with the ground floor primarily being ancillary space, which is reflected in the detailed design and fenestration. The ground floor level contains garage doors and access doors, with there being one communal entrance for the residential units. The first and second floor levels contain recessed balconies on the primary facades with stacked windows, with the flank walls containing both blind and transparent windows for passive surveillance. This fenestration pattern is maintained at fourth floor level, which is expressed as a mansard storey, with the windows taking the form of rooflights. On the playground elevation the lower part of the wall will be covered in climbing plants and shrubs planted. The roof is flat, with the lift overrun centrally positioned and photovoltaic panels installed. Each unit has private amenity space in the form of balconies and a terrace is proposed at fourth floor level; this terrace is equally split between a winter garden and outside space. The building will directly abut the pavements and playground. Primary access to the residential units is from Adpar Street, with the pedestrian door located on the eastern corner, recessed from the elevation. On the Adpar Street frontage two sets of garage doors are proposed; one serving the accessible parking bays and the other the standard car park.

The primary material will be a red brick, with reconstituted stone used to highlight architectural features. The brickwork to ground floor level will be laid in a recessed horizontal pattern, whilst the roof will be clad in metal, with standing seams. The recessed balcony walls will be rendered with glass balustrades and the garage doors and fenestration will be bronze coloured aluminium.

Landscaping improvements are proposed adjacent to Braithwaite Tower, including the removal of hard boundaries and improved pathway access.

The proposed residential units will be for independent living, but designed to 'HAPPI' principles, being fully accessible and adaptable to different needs, and therefore can provide sheltered accommodation. Each unit will have a gross internal floor area of at least 55sqm, with larger units measuring 85sqm.

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 and H5 Providing a Range of Housing Sizes.

8.1.1 Loss of Parking

The proposals result in an overall loss of 20 off-street car parking spaces as some of those lost are to be re-provided. UDP policy 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 on the grounds that it would result in increased pressure for on street parking in the surrounding streets and the exceptional circumstances have not been demonstrated.

Data provided in the applicant's Transport Assessment indicates that 23 of the 32 parking spaces are licensed with surveys suggesting only 13 spaces are occupied during the peak occupancy period. The proposed development will provide a total of 14 car parking spaces, which includes a re-provision of 12 spaces for existing license holders and 2 disabled parking spaces for the new residential units.

In land use terms, it is considered that the benefits of providing much needed affordable housing outweighs the loss of 20 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.

8.1.2 Proposed Residential Accommodation

The scheme proposes 20 x 1 bedroom flats for residents over the age of 60 years. In this location, outside the CAZ, City Plan Policy S14 prioritises the provision of residential development. Policy S15 focuses on tenure mix of housing. The proposal is for 20 x 1 bedroom flats.

The proposed use is considered to fall within Use Class C3, as whilst the application is for 'sheltered' accommodation, there is to be no dedicated care provided to residents on site, with only an on-site office provided for use by a site manager during normal office hours. Policy S15 of the City Plan and H5 of the UDP require a mix of unit sizes to be provided. However, the proposed units are to be 100% affordable and rented to nominated residents over the age of 60 years with an identified need. Subject to the provision of 100% affordable housing for residents over the age of 60, secured by a Unilateral Undertaking, the proposal for only one bedroom units is considered acceptable in this particular instance.

All flats are to be fully wheelchair accessible, and adaptable to meet changing accessibility needs, and will be compliant with M4 (3) of the Building Regulations so that

they would be 'fully accessible'. Each home offers flexible open plan living space; the bathrooms are designed to be wetrooms, and accessible from the bedroom and the main living area. A dedicated space to store and charge two wheelchairs will also be provided.

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. All flats will have private balconies, and also access to communal amenity spaces on the third floor, including a winter garden and an external space.

The submitted Daylight and Sunlight Assessment includes an assessment on the 'Average Daylight Factor' values for the habitable rooms in the proposed new units, and it concludes that they are in accordance with BRE guidance, with all assessed habitable rooms meeting and exceeding the recommended levels of internal daylight.

The proposed new housing is therefore considered acceptable in land use terms.

8.1.2 Affordable housing

The proposed provision of additional residential units is encouraged by Policy S14 of the City Plan and H3 of the Unitary Development Plan. The proposals provide 100% affordable housing which is welcomed and accords with City Plan Policy S16 which aims to optimise the delivery of new affordable homes.

As the proposal is for 100% affordable housing, this will be secured through a Unilateral Undertaking to ensure affordability in perpetuity, and nomination rights to remain with the City Council, to be set out and secured within the UU.

Affordable housing for local residents over the age of 60 years of age is supported by policies H4 and H6 of the UDP and S15 and S16 of the City Plan and policy 3.8 of the London Plan.

8.2 Townscape and Design

The site does not contain any listed buildings and lies outside of a conservation area. Within the Design and Access Statement the applicant has drawn attention to three Grade II listed buildings, namely Paddington Green Children's Hospital, Paddington Green Houses and St Mary's Church, which they have considered to be within the setting of the site. Owing to the distance between sites, architecture of the buildings between and the spatial relationship of the areas the application site is not considered to read in association with these listed buildings and as such is not considered to be within the setting of any listed buildings.

8.2.1 Legislation and Policy

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

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 of the NPPF (2018) require that great weight should be placed on high quality new design.

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.

8.2.2 Assessment

The redevelopment of the site is accepted in design terms. The existing plot is constrained by two roads and the playground; the infilling of the whole footprint will result in a typical townscape block which is similar in height to Devonshire House opposite, with the primary elevations fronting the roads. As such the positioning, footprint and orientation of the building is considered to accord with the aims of DES 4. The height of the building comfortably relates to Devonshire House opposite as well as surrounding built form; the form of the roof aids in reducing bulk at the roof level and as such the height of the building responds to the prevailing overall heights and massing of adjacent buildings as required by DES 4. The block will be seen in long views down Adpar Street and Hall Place and in immediate private views from Devonshire House and Braithwaite Tower, as such the building will be read in context with existing blocks in the immediate setting. Given the form and massing of the building the impact of the building on local views is considered to be appropriate.

With regards to detailed design, the proposals have sought to reflect the varied character of the area, which includes more traditional blocks as well as the modern towers. The scale of the elevations, including the proportions and arrangement of the balconies and fenestration is considered to conform to the architectural forms in the area. It is regrettable that the ground floor level is not more visually active, however it is considered that concealment of the car parking and services with decorative garage doors and gates is a welcomed enhancement on the current open garage form. Details of these features are requested by condition.

Whilst mansard roof forms are not found within the immediate setting, Devonshire House as a steeply pitched roof level and mansards are not atypical in a wider setting. As such this roof form is considered to be appropriate in this context. As the site is constrained

the introduction of communal amenity space at fourth floor is welcomed. The external space will be concealed within the mansard form but will have an open roof; larger windows are also proposed. Whilst this departs from a traditional roof level detail, the activation at higher level is considered to be positive and will not detract from the overall architectural approach.

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 or laying brickwork in an alternative way. The introduction of photovoltaics is supported as is the use of greening and planting adjacent to the playground. 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.

The landscaping proposals are welcomed, and the outlined design is considered to be appropriate for the location, creating a new type of space to complement the existing play space.

In conclusion, the proposal is considered to comply with UDP policies DES 1 and DES 4 as well as S25, S26 and S28 of the City Plan; and therefore, 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

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 daylit 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 applicant has submitted a detailed assessment of 70 windows on Devonshire House, Braithwaite House and Philip Court. The assessment demonstrates that there are losses of greater than 0.2 of the existing value and a residual proposed VSC of less than 18% for 18 windows all of which are on ground, first and second floors at Devonshire House. The rest of the windows comply with one or other of the VSC targets. The 18 windows that would have losses of greater than 0.2 of the existing value and a residual proposed VSC of less than 18%, are summarised in the table below:

Table 1 Devonshire House VSC

Window	Room	Floor	Existing VSC	Proposed VSC	% Retained
1	Bedroom	Ground	19.18	14.143	73.74%
5	Bedroom	Ground	23.716	15.673	66.09%
9	Bedroom	Ground	18.336	7.88	42.98%
10	Bedroom	First	23.092	11.045	47.83%
11	Bedroom	Second	24.473	15.47	63.21%

13	Bedroom	Ground	21.467	9.428	43.92%
14	Bedroom	First	26.504	12.863	48.53%
15	Bedroom	Second	27.889	17.82	63.90%
17	Bedroom	Ground	16.652	7.606	45.68%
18	Bedroom	First	20.79	10.18	48.97%
19	Bedroom	Second	22.037	14.145	64.19%
21	Bedroom	Ground	19.351	8.783	45.39%
22	Bedroom	First	23.768	11.89	50.03%
23	Bedroom	Second	25.245	16.001	63.38%
37	Kitchen	Ground	15.53	10.701	68.91%
38	Kitchen	First	17.013	12.793	75.20%
45	Kitchen	Ground	15.38	9.562	62.17%
46	Kitchen	First	17.628	12.038	68.29%

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 residual VSC of around 18% in an urban context is not uncommon and is considered to provide an acceptable level of light.

Of the 18 windows that do not meet either the 0.8 factor or 18% retained VSC target, 13 of these windows already have an existing VSC of 18% or more, and further analysis has been undertaken for the rooms served by these windows, in the form of the No Sky Line test, also called the Daylight Distribution test. All of these 13 windows are sole windows to bedrooms. Table 2 below summarises the outcome of this test for these 13 windows, and an additional window (window 17) which already has an existing VSC value of less than 18% and is also not served by secondary windows. The remaining 4 windows which do not meet either of the VSC tests as set out in Table 1 above, are all secondary windows serving kitchens (windows 37,38,45 and 46)

Table 2 Devonshire House No Sky Line (NSL)

Window	Room	Floor	Existing %	Proposed %	Factor Retained
1	Bedroom	Ground	92.1	81.2	0.9
5	Bedroom	Ground	92.1	67	0.7
9	Bedroom	Ground	94.2	54.6	0.6
10	Bedroom	First	98.8	63.1	0.6
11	Bedroom	Second	99.6	77.4	0.8
13	Bedroom	Ground	97.3	56.1	0.6
14	Bedroom	First	98.6	63.6	0.6
15	Bedroom	Second	99.7	77.6	0.8
17	Bedroom	Ground	84.5	52.4	0.6
18	Bedroom	First	88.3	67.2	0.8
19	Bedroom	Second	93.2	71.5	0.8
21	Bedroom	Ground	94.2	60.3	0.6
22	Bedroom	First	94.2	66.9	0.7

23	Bedroom	Second	94.1	71.9	0.8
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The above table demonstrates that of the 14 windows assessed, 8 fail the No Sky Line test and therefore the residents may experience a material loss of light to the rooms they serve on the ground and first floor facing the new development.

Although it is acknowledged that the scheme would result in material losses of daylight to a number of windows, it should be noted that the most affected windows serve bedrooms located on the ground and first floors of Devonshire House. As a point of reference, windows to bedrooms within new development are not required to receive as high a level of daylight as windows to kitchens as set out within BRE Guidelines. The benchmark values for each room type which are recommended by the BRE guidance and BS8206:2 are; kitchens 2.00%; Living Rooms 1.5% and Bedrooms 1.00%. This particular test has not been applied to the windows that would suffer daylight losses as it is applied only to new residential development and not existing residential properties. However, it highlights that windows to bedrooms are not required to receive as high levels of daylight as windows to kitchen windows. All the windows which suffer significant losses of daylight as discussed above, serve bedrooms.

It is expected that windows at lower levels would be affected by buildings that are located in proximity and directly opposite, as is the case between Devonshire House and the proposed development, and it is a common relationship between this type and scale of buildings found in surrounding streets. As the height and bulk of the proposed building is considered acceptable in townscape terms, and as the majority of the retained daylight values are considered reasonable in these circumstances, it is not considered that the impact on daylight levels could justify a recommendation for refusal. These losses must also be balanced against the benefits of the proposed scheme, which will provide 20 new affordable dwellings designed to meet the need for local residents over the age of 60. It is therefore considered on balance that the losses of daylight to windows at Devonshire 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, 36 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 comply with BRE guidance for sunlight.

Sunlight to Neighbouring External Spaces

Sunlight to the adjoining public space to the north of the application site has also been assessed. External spaces are generally assessed using the sunlight hours test, but only on March 21st. The guidance describes a well-lit space as being one which receives at least 2 hours of direct sunlight on this date over 50% of its area. BRE guidance also uses the '80%' rule for this test, whereby the effects are considered acceptable if the remaining sunlight is in excess of 80% of the existing level. This clause applies if the space is reduced to less than 50% of the area well sunlit. The assessment confirms that the space retains in excess of 80% of current sunlight levels and so the scheme is compliant with BRE recommendations.

8.3.2 Sense of Enclosure

The proposed building is to be 4-storey in height, which is the same height as neighbouring Devonshire House and Philip Court. Both of these buildings are separated from the proposed new building by the width of the roads at Adpar Street and Hall Place. This relationship between residential buildings is similar to others found in surrounding streets. It is recognised that for the properties on the lower floors of adjacent residential blocks, including at Devonshire House, there would be a material increase in the sense of enclosure, however this is considered to be comparable to the built form and character of the area. While it is noted that there will be an impact, given the comparable bulk and the public benefits of the scheme, this impact is on balance, considered acceptable.

8.3.3 Privacy

Given the distances between the existing flats at Devonshire House, Braithwaite Towers and Philip Court on Hall Place, and the new units which is over a street's width apart and similar to distances between residential blocks found in the surrounding streets, it is not considered that the proposed new residential accommodation would result in such a negative impact in terms of overlooking to justify refusal.

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 32 existing spaces. 12 replacement spaces are proposed (with an additional 2 spaces for the new residential). The applicant states that 23 licenses are provided to park in the 32 spaces but 13 is the maximum parked in one survey period. This indicates a demand for these existing off-street car parking spaces. Given fluctuations in car parking levels, any additional vehicles above the 12 reprovided 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 policy does allow for off-street residential parking to be lost in exceptional circumstances. It should also be noted that the existing parking does not appear to be secured via planning condition or legal agreement for use by residents.

Car Parking Provision

2 disabled car parking spaces are provided for the new 20 residential units.

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 96%. TRANS23 includes all legal parking spaces (eg Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 63%.

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 84%. 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.

Despite the areas already high level of public transport accessibility, households with 1 or more car in the Little Venice Ward is 46% (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. There is no evidence to suggest future occupiers of this development would have different car ownership levels to existing residents of the area, however it is noted that occupiers are limited to the over 60's.

20 residential units (the total within the development), based on the ward car ownership level, would be expected to generate 10 vehicles. Two of these would be able to use the 2 proposed disabled access spaces for the new residential units, if registered disabled. The development provides 12 parking spaces, which will be available for residents within the area. Given that there are currently 23 licenses within the existing car park, there will be 11 licensed vehicles currently parking off-street that will no longer be able to (difference between 23 current licenses and 12 replacement car parking spaces), this is a total of 19 vehicles that would need to park on-street in the surrounding area, increasing existing on-street stress levels. (that is 11 plus 8 others that would be expected to be generated by the proposed development, as only 2 spaces out of 10 that would be generated are to be provided for them)

As the area is already over the 80% UDP stress threshold during the day, additional vehicles from the development (including loss of existing car parking spaces) will exacerbate the day time stress and therefore the proposed new residential units are not consistent with TRANS21 and TRANS23.

Lifetime car club membership is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and not assist in not increasing on-street parking stress further. Lifetime car club membership shall be secured via unilateral undertaking, to be funded by the developer.

1 Electric Vehicle Charing Point is proposed for the two car parking spaces allocated to the 20 new residential units. A further 3 Electric Vehicle Charging Points are provided for the 12 replacement car parking spaces. A revised ground floor plan proposes more spaced locations for the EVCP points to allow multiple vehicles to have access to a single charging point.

The plans indicated that a car may need to reverse into the street. While vehicles reversing onto the highway is not ideal, on balance, the car parking spaces access is

considered functional, given the exiting vehicle crossover locations. The internal layout of car parking spaces is considered acceptable.

Officers consider that in light of the proposals, providing 20 affordable residential 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.

An objection has been received by a local resident on grounds of the impact on parking. As discussed above and elsewhere in this report, in this case, it is considered that the benefits of the provision of affordable housing for local residents outweigh the impact on the demand on on-street parking.

Trip Generation

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling). Trip generation modelling indicates that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network.

Servicing

S42 of the City Plan and TRANS20 of the UDP requires off-street servicing. The largest regular service vehicle expected to be associated with a residential development in this location is the refuse collection vehicle. It is accepted that the internal access road (via Hall Place) is sufficient to accommodate servicing of the new residential development, including refuse collection. Further, the site is located within a Controlled Parking Zone, which means that locations single yellow lines in the vicinity allow loading and unloading to occur.

Travel Plan

Given the sites proposed uses and location, a travel plan is not required.

Gates and Doors

Doors opening outwards over the public highway cause an obstruction, contrary to S41 and TRANS3 and the Highways Act (s153). It is accepted the gate alignment to the car parking areas does not alter significantly from existing and these are indicated to not open over the highway, a condition is recommended to ensure this.

Cycle Parking

Long stay cycle parking will support sustainable travel options by residents. Long term cycle parking must be secure, accessible and weather proof.

The draft London Plan Policy T5 requires 1.5 spaces per 1-bedroom unit and 2 spaces per 2+ bedroom unit. 20 residential units would require 30 long stay cycle parking spaces. 18 long term cycle parking spaces are provided.

It is noted that the proposed development falls within Use Class C3, which requires 30 long stay cycle parking spaces. However, it is acknowledged that future occupants may not all be able to use a bicycle to access local amenities and services. Only 18 bicycle

parking spaces have been provided, but 5 mobility scooter parking spaces have also been provided for 20 residential units. In this particular case, a lower number of cycle parking spaces is considered acceptable, when also taking into consideration that there is provision of space for mobility scooters and wheelchairs, which suits the particular demographic of the site. Transport for London have raised no objection to the number of cycle parking spaces proposed. The design of the cycle parking and mobility scooter areas is considered acceptable, and Transport for London are satisfied that they are suitably accessible.

8.5 Economic Considerations

Any economic benefits resultant of the scheme are welcomed.

8.6 Access

All of the units within the development would be designed to be compliant with M4 (3) of the Building Regulations so that they would be 'fully accessible'. Each home offers flexible open plan living space; the bathrooms are designed to be wetrooms, and accessible from the bedroom and the main living area. A dedicated space to store and charge two wheelchairs will also be provided. Each home will also have external private amenity space in the form of a balcony.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Site Contamination

The applicant has submitted a preliminary Land Contamination Assessment considering this site's history as a car park. 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.

8.7.2 Air Quality

Given this site's location within an Air Quality Management Area (AQMA), the applicant has submitted an Air Quality Assessment (AQA) with this application. 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.

8.7.3 Carbon Emissions/Energy Strategy

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 66.3% reduction in CO₂ emissions relative to 2013 Building Regulations Target Emissions Rate. Of the proposed 66.3% reduction, 6.6% is saved through demand reduction measures such as low energy lighting, insulated building fabric and a Waste Water Heat Recovery System (WWHRS). The remaining 59.7% savings are made through the

inclusion of renewable energy in the form of 28 kWp array of photovoltaic (PV) cells on the roof of the proposed building.

Electrically powered heat pumps are proposed for all dwellings, as an environmentally friendly heating system, with the individual electrical supply to each dwelling used to power the units. A generator will be in place as a life safety back up electrical supply.

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 £13,522.

The applicant has agreed to providing a biodiverse roof, and has accepted a condition requiring full details.

8.7.4 Plant and Noise Insulation

It is stated in the submitted Noise Impact Statement that mechanical plant and equipment is proposed, and it is understood that there is likely to be a single condenser unit to be installed at the development, to service the proposed winter garden area.

The Environmental Health Officer has advised that the report is limited and may not have captured the lowest background noise. A condition is therefore recommended requiring a supplementary acoustic report with acoustic specifications for the plant and details of noise and vibration attenuation measures to be submitted to ensure that noise from the plant is controlled, and to prove that the design criteria have been achieved.

The Environmental Health Officer has also recommended that a supplementary report providing sound insulation measures to demonstrate that the sound insulation will be sufficient to protect resident from existing external noise and that the development will comply with the Council's noise criteria.

The applicant has agreed to all the conditions recommended.

8.7.5 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.

8.7.6 Trees

The City Council's Arboricultural Officer has no objection to the proposal subject to conditions requiring details of proposed landscaping and tree protection measures.

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. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

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:

- i. Affordable housing 100% for nominated residents over the age of 60
- ii. A Carbon offset contribution of £13,522
- iii. Car parking strategy
- iv. Lifetime car club membership for all residents
- v. Highway works to Adpar Street and Hall Place
- vi. Monitoring costs of the undertaking

The development may liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's additional floor space figures of

1568sqm residential floor area, the estimated CIL payment would be £775,869.63 for Westminster's CIL (£400 per square metre in the Core Residential Area), and £117,424.22 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

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

Security

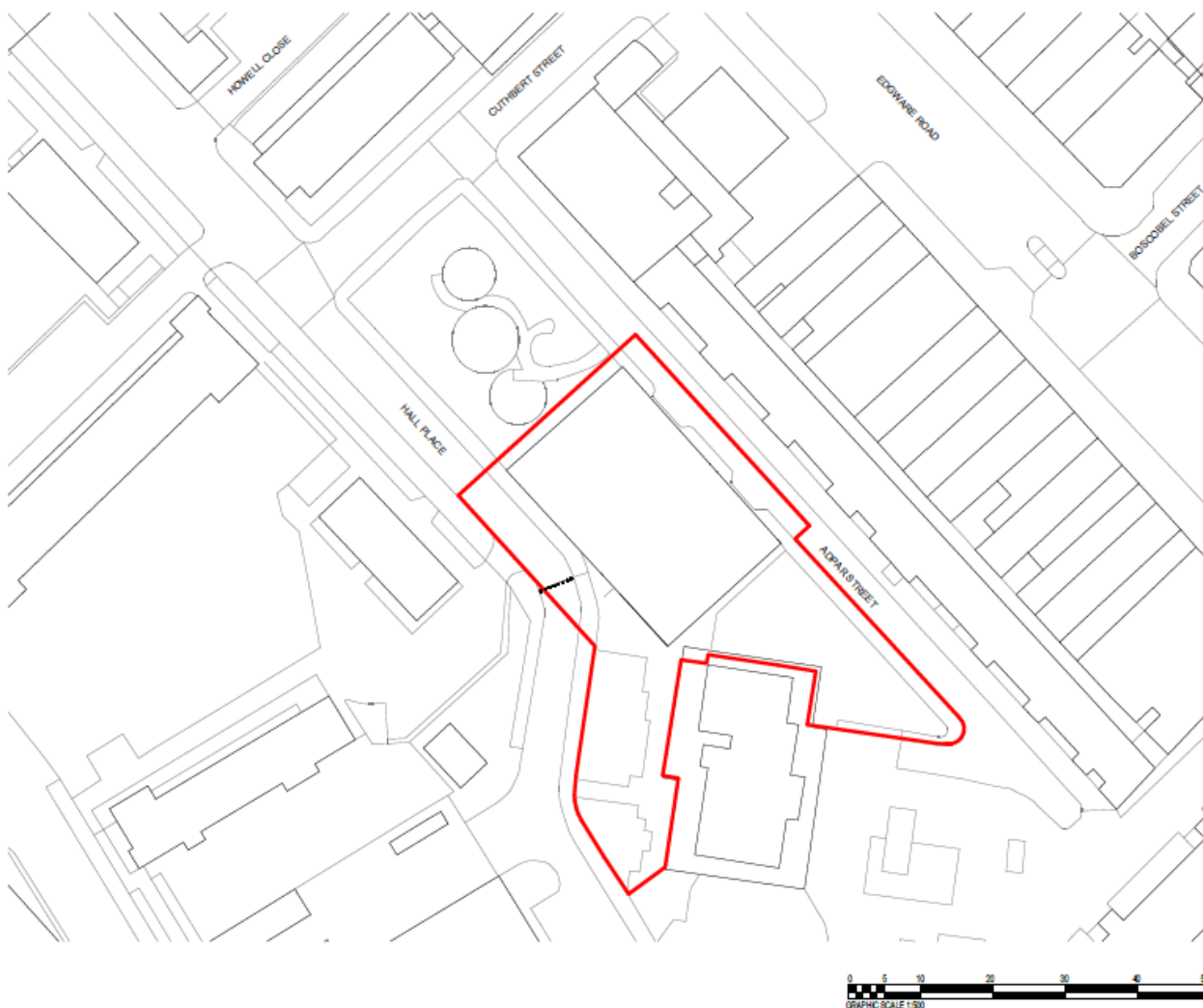
The Designing Out Crime Officer has recommended that full height gates are installed to ensure security. The applicant has agreed to this. A condition requiring further details of gates has been recommended for design reasons, and it will also be ensured that these are full-height to meet security requirements. Concern is also raised with regards to the external entrance to the cycle/scooter store and rear entrance to the bin store due to safety concerns. However, it is considered that access to these will be required to ensure accessibility, including for refuse collection, and that alterations may hinder facilitating 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: AVANI RAVEN BY EMAIL AT araven@westminster.gov.uk

9. KEY DRAWINGS

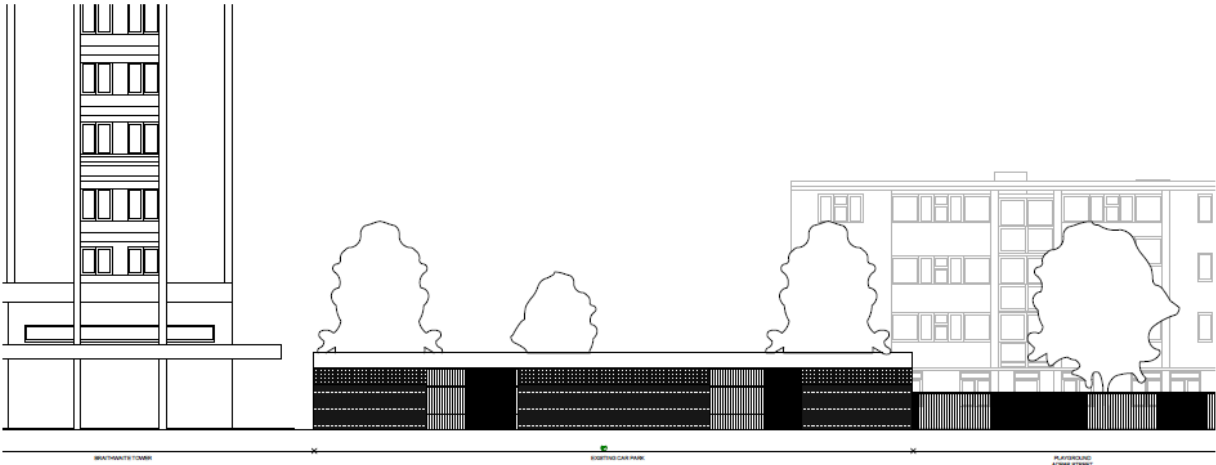
Existing site plan



Proposed site plan



Existing East Elevation



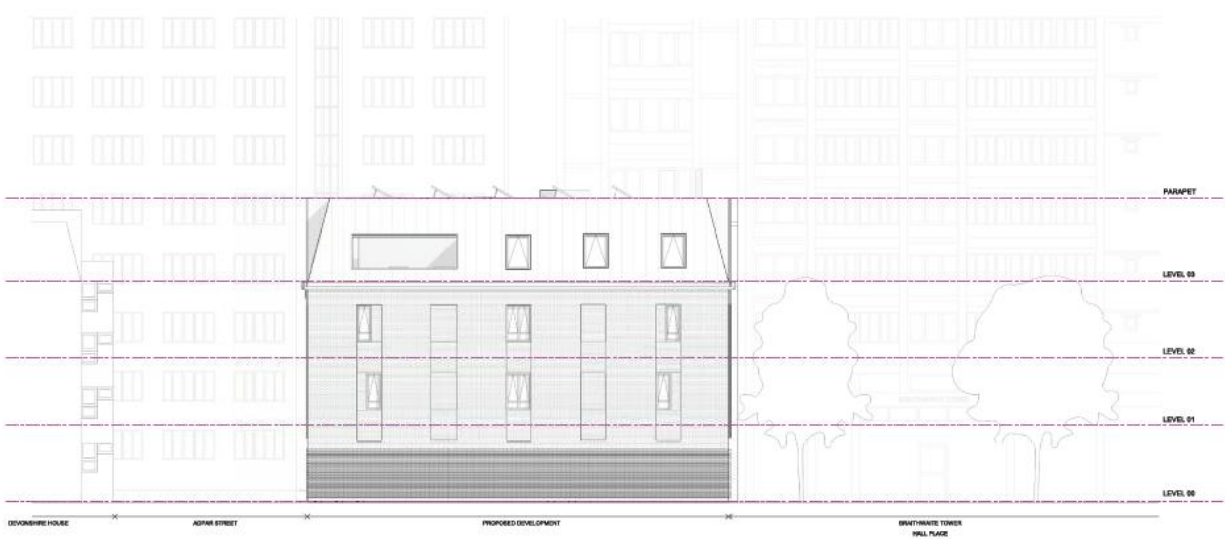
Proposed East Elevation



Existing North Elevation



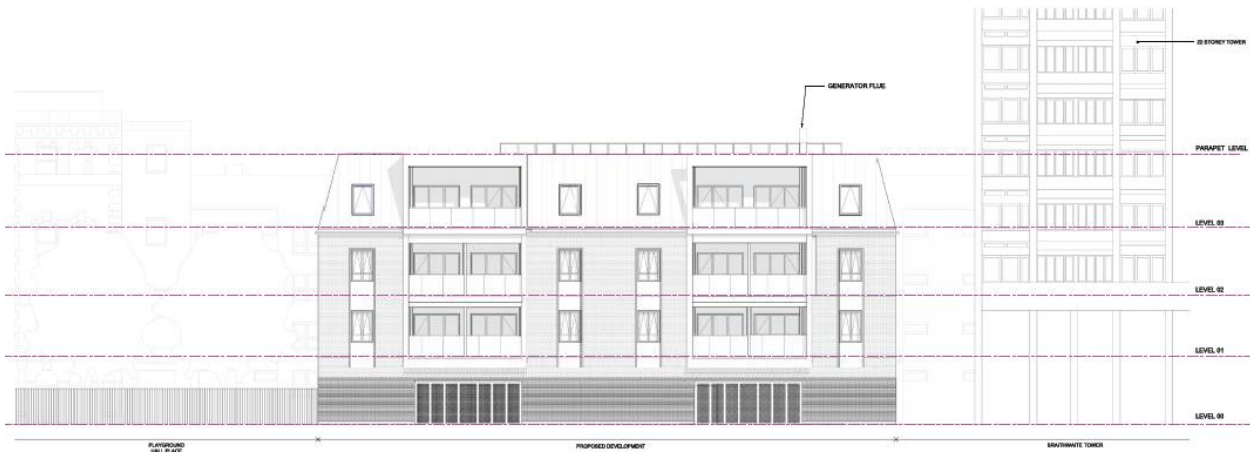
Proposed North Elevation



Existing West Elevation



Proposed West Elevation



Existing South Elevation



Proposed South Elevation

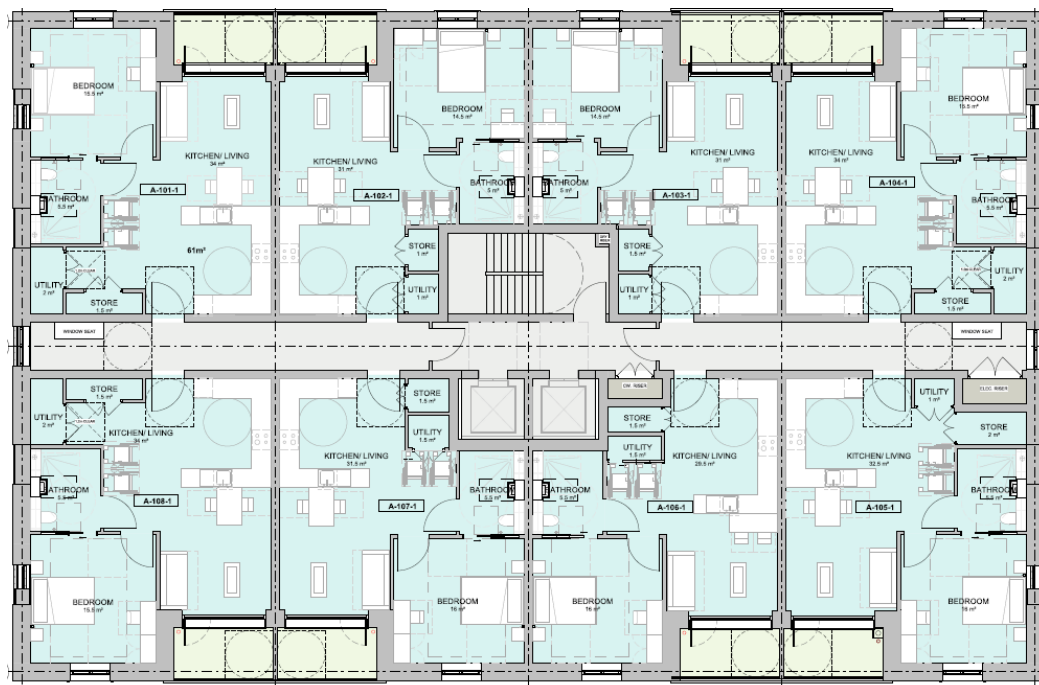


Ground Floor Plan Details:

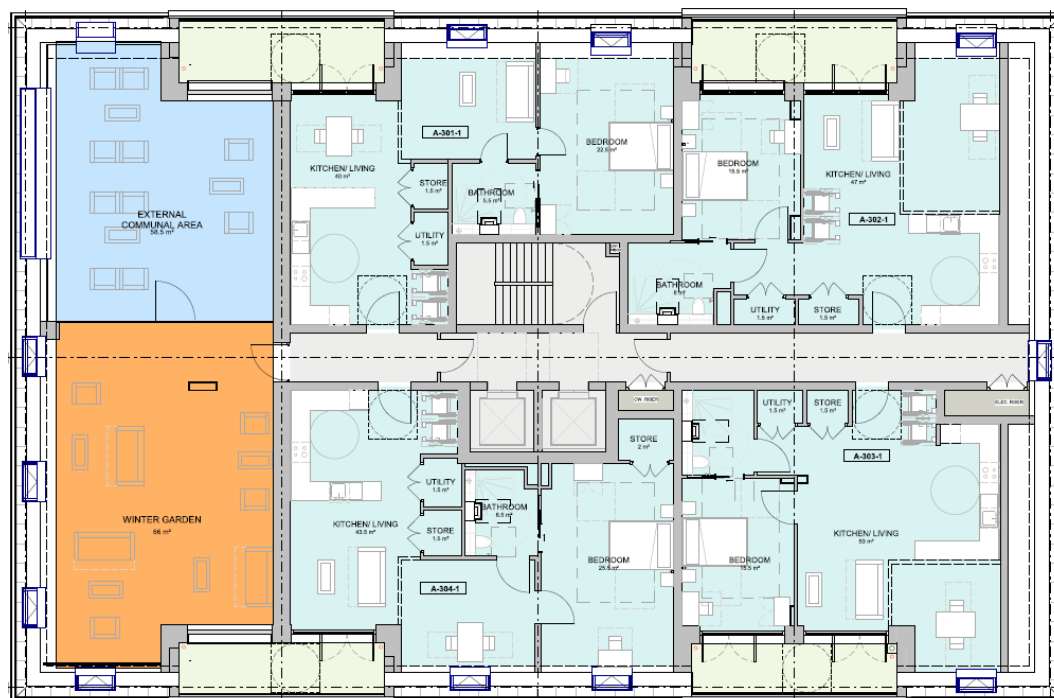
- Car Park:** 101.89 m² (left side, labeled 'CAR PARK' and 'RE-PROVIDED CAR PARKING SPACES').
- Accessible Car Parking Spaces for Residents:** 2 spaces (top right).
- TANK:** 19 m² (top center).
- STAIR:** 12.5 m² (center left).
- LAUNDRY:** 2.2 m² (center right).
- LOBBY:** 9.5 m² (center).
- OFFICE:** 1.1 m² (center right).
- WC:** 2.2 m² (center right).
- SCOOTER STORE:** 25 m² (center right).
- CYCLE STORE:** 16.5 m² (center right).
- WATER RESERVOIR (W RES):** 1.1 m² (center left).
- WATER RESERVOIR (W RES):** 1.1 m² (center left).
- REFUSE:** 17 m² (center left).
- LSR:** 10 m² (center left).
- GEN:** 15 m² (center left).

Other Labels: ADPAR STREET (top), HALL PLACE (bottom left), 101.89 (left side), 101.89 (left side).

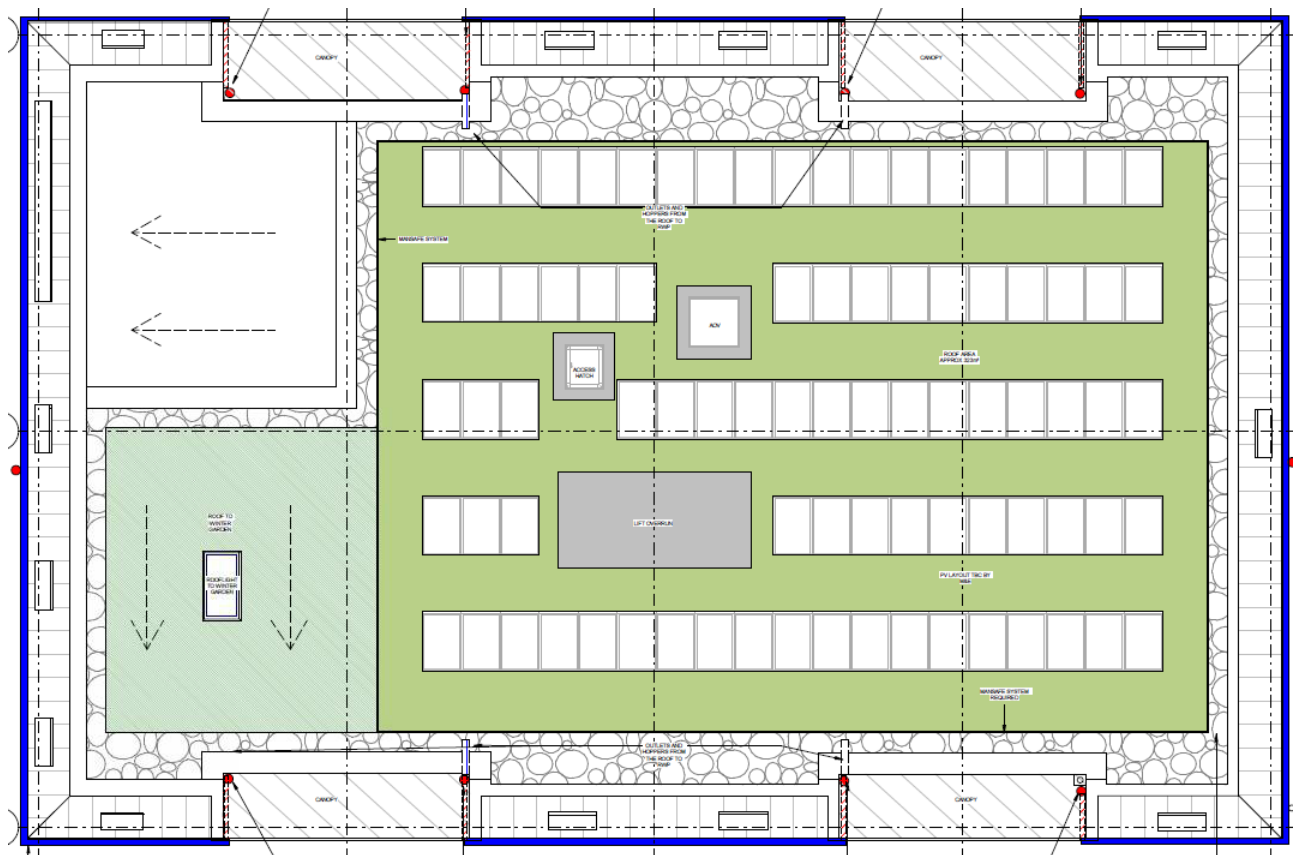
First floor (same as Second Floor)



Third floor



Roof Plan



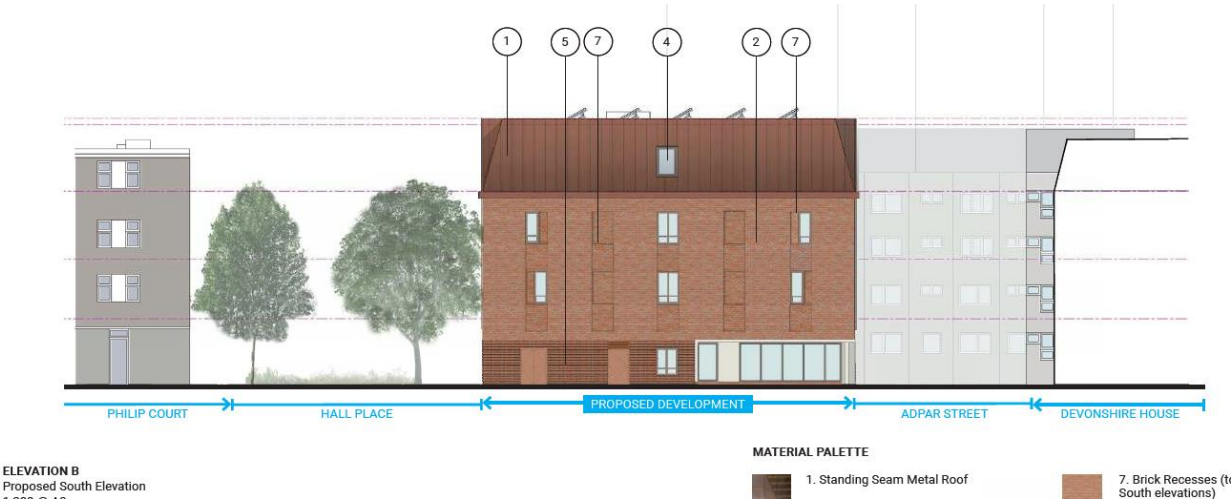
Visuals



Visuals



Visuals



DRAFT DECISION LETTER

Address: Garages At, Adpar Street, London,

Proposal: Demolition of existing car park and redevelopment to provide a 4-storey block providing a total of 20 x sheltered residential dwellings (Use Class C3) and other associated works, including amenity space, car parking, cycle parking, refuse storage, and landscaping improvement works.

Plan Nos: 00010 Rev P1; 01101 Rev P3; 01102 Rev P7; 02101 Rev P4; 02101 Rev P (annotated); 02102 Rev P2; 02103 Rev P3; 02104 Rev P3; 02105 Rev P2; 03001 Rev P1; 03002 Rev P1; 03003 Rev P1; 03004 Rev P1; 03201 Rev P3; 03202 Rev P2; 03203 Rev P3; 03204 Rev P3; 04501 Rev P1; 04502 Rev P1 04601 Rev P1; 04602 Rev P1; 44802/5503/010; 194173 190228 TOPO-01(00) Design and Access Statement dated 29.05.20; Planning Statement dated April 2020; Arboricultural Impact Assessment by Treework Environmental Practice dated 20 April 2020; Landscape Design Report by Lloyd Bore Ltd dated 07.05.2020; Archaeological Desk-Based Assessment dated March 2019; Ecological Assessment Report by Stantec dated April 2020; Phase 1 Ground Condition Assessment dated April 2020; Air Quality Assessment by Stantec dated April 2020; Daylight and Sunlight Assessment by T16 Design Ltd dated October 2020; Noise Impact Assessment dated April 2020; Transport Statement dated April 2020; Energy Assessment dated May 2020; Site Location Figure 001 Rev A; Site Location Figure 002 Rev A; Area Topography Figure 003 Rev A; EA Flood Zone Figure 004 Rev A; EA Surface Water Flood Risk Figure 005 Rev A; EA Surface Water Flood Risk - Depth 3.3 Percent Chance Figure 005a Rev A; EA Surface Water Flood Risk - Depth 1.0 percent Chance Figure 005b Rev A; EA Surface Water Flood Risk - Depth 0.1 Percent Chance Figure 005c Rev A; EA Ground Water Source Protection Zones Figure 006 Rev A; EA Recorded Historic Flood Extents Figure 007 Rev A; Property Flooding map; Fig 3.9 Surface Water Flood Risk Hotspots; Fig. 3.12 Increased Potential for Elevated Groundwater; Summary Map of Past Floods Map 4.1; Summary Map of Past Floods - Recorded Incidents of Sewer Flooding Map 4.1a; Increased Potential for Elevated Groundwater Map 5.3; Foul Water and Utilities Statement dated May 2020; Detailed Unexploded Ordnance (UXO) Risk Assessment by 1st Line Defence dated 12 March 2019; Flood Risk Assessment and Drainage Strategy dated May 2020; 500 Rev P02; 501 Rev P01; 510 Rev P02; 511 Rev P01; FEH Greenfield Runoff (with calcs) by PBA

For Information Only: Appendix A Checklists (Checklist A : Code of Construction Practice- Level 1 and Level 2 Developments); Statement of Community Involvement dated May 2020; Cover letter dated 1 June 2020

Case Officer: Avani Raven

Direct Tel. No. 07866037313

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 You must apply to us for approval of detailed drawings and 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)

- 4 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)

- 5 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)

- 6 You must apply to us for approval of detailed sections at 1:10 of the following parts of the development: a) garage doors and b) gates. You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed 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)

- 7 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- * Roof top photovoltaic panels
- * Air source heat pumps
- * Waste Water Heat Recovery System (WWHRS)

You must not remove any of these features without the written consent of the Local Planning Authority.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 8 **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)

- 9 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

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

- 10 a. You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the supervision schedule. You must apply to us for our approval of the details of such supervision including:
- o identification of individual responsibilities and key personnel.
 - o induction and personnel awareness of arboricultural matters.
 - o supervision schedule, indicating frequency and methods of site visiting and record keeping
 - o procedures for dealing with variations and incidents.

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

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

Reason:

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

- 11 Notwithstanding the details submitted, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

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

Reason:

To improve the appearance of the development, 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)

- 12 Prior to construction above ground floor level, you must apply to us for approval of detailed drawings showing the location of a **biodiverse** roof, and sections showing the profile of the soil depths, and a management plan in relation to the **biodiverse** roof to include construction method, layout, species and maintenance regime. You must then carry out the work according to the approved drawings/details and maintain the biodiverse roof for the lifetime of the development

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 13 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)

- 14 All car parking spaces must be provided prior to occupation and thereafter maintained for the lifetime of the development; the two disabled car parking spaces must be for the use of a residential occupier of the proposed residential development only, with a maximum of 1 car parking space per residential unit; and the 12 replacement car parking spaces shall be for local residential use only.

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)

- 15 You must provide the waste store shown on drawing 44802/5503/010 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as

set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 16 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)

- 17 **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 commencement (but excluding site preparation, demolition or excavation works) of the development, and for phase 4 when the development has been completed but before it is occupied.

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)

- 18 (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)

- 19 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)

- 20 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the sound insulation will be sufficient to protect residential from existing external noise and that the development will comply with the Council's noise criteria set

out in Condition 19; 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)

- 21 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) 18 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)

- 22 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)

- 23 Prior to the occupation of the development you must provide the Electric Vehicle Charging points shown on drawing 02101 Rev P4 and thereafter maintained in working order and retained for lifetime of this development.

Reason:

To provide parking spaces that support sustainable modes of transport as set out in S41 of Westminster's City Plan (November 2016).

- 24 You must apply to us for approval of full height gates to the car-parking areas. You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

Reason:

To make sure that a safe and secure environment is provided, as set out in S29 of Westminster's City Plan (November 2016).

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 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.

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.

- 7 Condition 20 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)
- 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 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 11 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).
- 12 With reference to condition 8 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.

- 13 When you apply to us for approval under condition 11 you must include details of any level changes and any new foundations or hard surfacing within the root protection area of any retained tree, demonstrating that these will either be no dig or will be carried out in such a way that no harm will be caused to the tree. These details must align with the approved arboricultural method statement.

- 14 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. Affordable housing 100% for nominated residents over the age of 60
 - ii. A Carbon Offset Contribution
 - iii. Car parking strategy
 - iv. Lifetime car club membership for all residents
 - v. Highway works to Adpar Street and Hall Place
 - vi. Monitoring costs of the undertaking