

CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 March 2021		Classification For General Release	
Report of Director of Place Shaping and Town Planning			Ward(s) involved Westbourne	
Subject of Report	Westmead, 4 Tavistock Road, London, W11 1BA			
Proposal	Redevelopment of site to provide residential building with plant room (Use Class C3), together with associated landscaping, refuse storage, car and cycle parking and alterations to public realm.			
Agent	Mr Chris Hicks			
On behalf of	Westminster City Council			
Registered Number	20/05708/COFUL	Date amended/ completed	10 September 2020	
Date Application Received	10 September 2020			
Historic Building Grade	Unlisted			
Conservation Area	Outside of a conservation area, however the Aldridge Road and Leamington Road Villas Conservation Area is to the south.			

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 obligations:
 - i. Provision of affordable housing equating to 41% of floorspace prior to the occupation of any of the market housing.
 - ii. Submission of an early viability review if the works have not been substantially implemented within 24 months of permission being granted.
 - iii. A financial contribution of £47,068 towards Carbon Offset Payments (index linked and payable on commencement).
 - iv. Lifetime Car Club membership (25 years minimum) for the self-contained residential units provided on occupation.
 - v. Highways works to facilitate the proposed development, including reinstatement of and alterations to the existing vehicle access and adjoining footway in Tavistock Crescent and Tavistock Road and associated works (legal administrative and physical)
 - vi. Prior to commencement of development, the provision of an employment training, skills and apprenticeships opportunities for residents of Westminster in relation to the construction phase of the development.
 - vii. Tree planting contribution of £10000 index linked to be used for the purpose of tree planting and

maintenance within the vicinity, provided prior to commencement.
viii. The costs of monitoring the Unilateral Undertaking.

2. If the Unilateral Undertaking has not been completed within 3 months from the date of the Committee's resolution then:
 - a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however if not
 - b) If it has not been possible to complete the Unilateral Undertaking within an appropriate timescale, the application shall be reported back to Sub-Committee.
3. That Sub-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.
4. That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in connection with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant is to cover all costs of the Council in progressing the stopping up orders.

2. SUMMARY

This application relates to the redevelopment of an existing low rise building currently set over lower ground, ground and first floor levels (plus plant room level), last used as a nursing home (Use Class C2). The site is bounded by Tavistock Crescent to the north, Tavistock Road to the south, an area of open space overlooked by a residential block of flats to the west and a mixed office/ pious building to the east. The site is just outside of the Aldridge Road and Leamington Road Villas Conservation Area, which runs south on the other side of Tavistock Road.

It is proposed to demolish this existing building and construct a 6-storey building (plus plant room) set over lower ground, ground and four upper levels, to provide 65 residential dwellings (Use Class C3), together with associated landscaping, refuse storage, car and cycle parking. The site also includes the open space adjacent to the west. The development includes 41 private units and 24 affordable units (with 10 social rent units and 14 intermediate units).

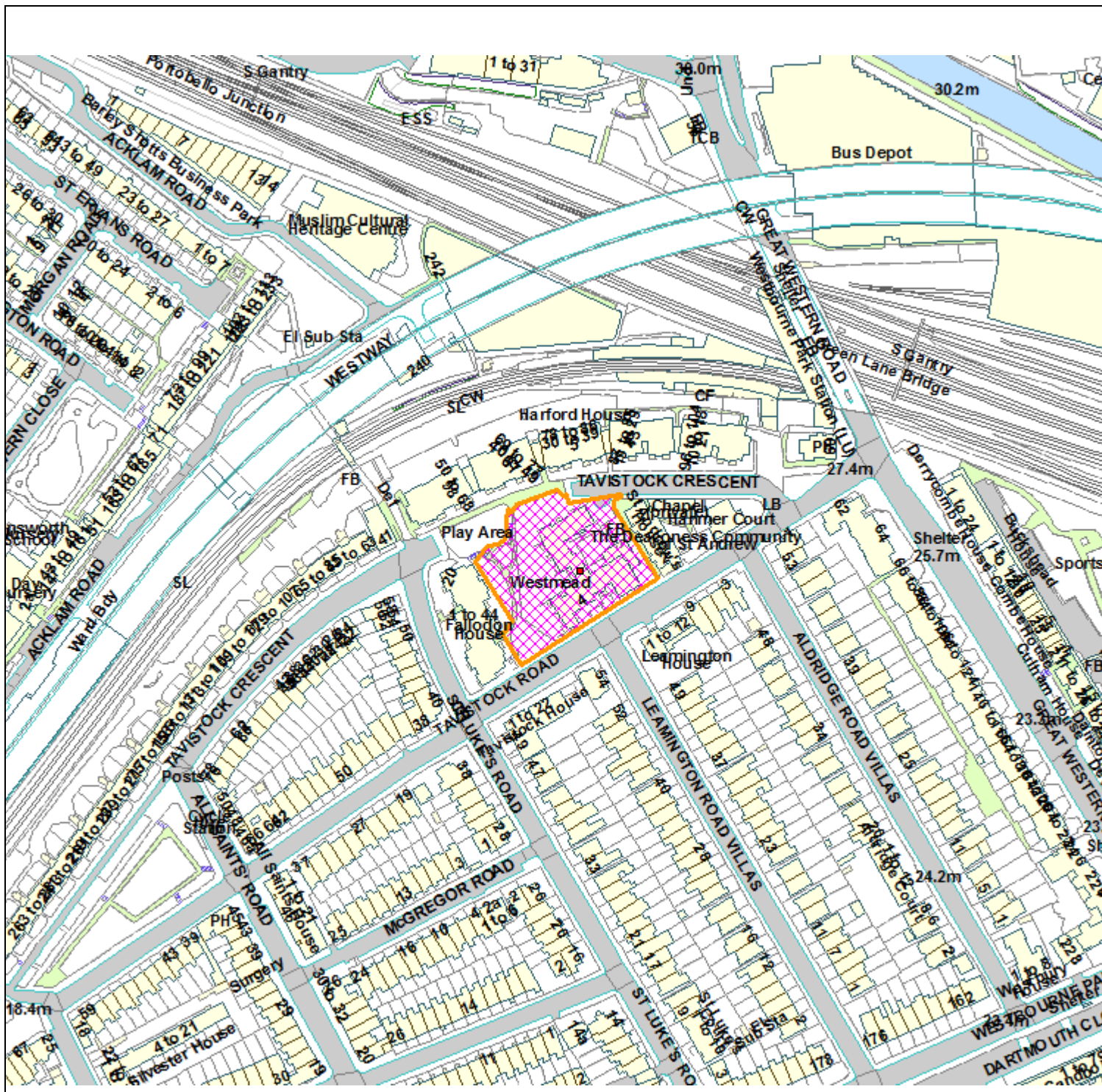
Considerable objection has been received from adjacent residents and from Cllr Hug. These representations are summarised in section 5 of this report.

The key considerations of this case are:

- The acceptability of the proposals in land use terms;
- The impact of the new development on the townscape and the setting of the adjoining conservation area;
- The impact of the development on the amenity of adjacent occupiers;
- The acceptability of the proposed landscaping and open space;
- The impact of the development on the highway network.

The proposed development is considered against current and emerging relevant policies in the Unitary Development Plan, adopted January 2007 (the UDP), Westminster's City Plan adopted in November 2016 (the City Plan) and the emerging City Plan 2019-2040. As set out within this report, the proposals do not strictly accord with all policies, however on balance, given the benefits of the scheme and particular considerations relevant to this application, the development is recommended for approval subject to the conditions set out on the draft decision letter and the completion of an unilateral obligation.

3. LOCATION PLAN



4. PHOTOGRAPHS

Satellite photograph



View from Tavistock Road



View from Tavistock Crescent South



5. CONSULTATIONS

COUNCILLOR HUG (Westbourne Ward)

- Disappointing the Council has not achieved 50% affordable housing. Not using the Affordable Housing Fund has led to an increase in private flats and increased height and mass.
- Welcome use of Mayor's Affordable Housing fund.
- Recommend design is amended to reduce impact on light of nearby properties, particularly those which are below ground (such as Harford House).
- Welcome the amendments to management of the open space, concerns in relation to the loss of mature trees as a result of the development.
- Most critical concern in relation to parking, given local parking stress, and concern of existing residents, and potential for a car free development.

MAIDA HILL NEIGHBOURHOOD FORUM

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Note that a key goal is to maintain the leafy garden rich nature of area. Regret the proposals to remove trees and suggest parking ramp becomes covered so greenery can be introduced. This will be better for the environment, the health of existing and future residents and more in keeping with the philosophy of the neighbourhood.

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Raise no objection. Suggest informative in relation to construction works.

LONDON UNDERGROUND

Raise no objection however note that should the developer need a tower crane, London Underground Protection would be needed to advise on its size and location.

HISTORIC ENGLAND

No comment.

THAMES WATER

Comment in relation to waste and water. Request a condition for no piling to take place until a piling method statement to be submitted

NATIONAL GRID

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

LONDON FIRE SERVICE

Any response to be reported verbally.

ADULT AND COMMUNITY SERVICES

Any response to be reported verbally.

WASTE PROJECTS OFFICER

Following the submission of a revised plan, no objection subject to a condition to secure waste and recycling store.

HIGHWAYS PLANNING MANAGER

Raise objection as the development would likely result in on street stress levels increasing over the 80% threshold level, contrary to TRANS 23. Request lifetime car membership is secured for the development along with details of the access ramp to the basement.

ENVIRONMENTAL SCIENCES

Following the receipt of various additional information and revisions, no objection subject to conditions and informatives.

BUILDING CONTROL

Any response to be reported verbally.

ARBORICULTURAL OFFICER

- Objection is raised to the loss of a Norway Maple and a Sycamore Tree. Additional details have been requested in relation to sections and hard landscaping details to ascertain its impact.
- Considers the likely impact of the development to be greater than as presented and further tree loss will be required. Further consideration of construction logistics and implications required.
- Details of the larger area of publicly accessible open space maintenance required.
- Objects to the lack of tree planting proposed.
- The offered off site tree planting contribution should be secured.
- Conditions and informatives suggested should permission be recommended.

WESTMINSTER ECONOMY TEAM

Note that no financial contribution is required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 805

No. of objections: 107 on behalf of 101 addresses, who raise the following comments:

Land Use:

- Development falls short of the 50% minimum requirement for affordable housing
- Application falls short on London Plan policy context in terms of affordable housing provision or justification as to why not met.
- Loss of community care home.
- A modern care home should be provided.
- Office blocks will become available for housing due to changing work patterns to meet housing shortfall without harming green spaces and communities.
- Proposal is too dense.

Design and conservation:

- Loss of views including the impact on viewing corridor from Aldridge and Leamington Road Villas Conservation Area and of the Trellic Tower beyond.
- The building is too large.

- Top storey should be further set back so not visible from the street.
- The building is out of character with the area.
- The design and materials are unacceptable.
- The proposals contravene the original master plan, removing the 'green square' which provides light to residents.
- Front gardens likely to act as dust bin.
- Contrary to Government and local policy to make places better for people

Amenity:

- Due to its height and bulk the building will block light to adjacent occupiers.
- Impact on 'Rights of Light'
- Loss of privacy from overlooking
- The refuse/bin store is located in close proximity to Harford House, who are already significantly affected by the development, and will also be affected by waste vehicles.

Highways:

- Inability to prevent residents from applying for a parking permit, despite support from GLA (the London Plan) and TfL.
- Increased parking stress to levels recognised as unacceptable contrary to Westminster Policies.
- The submitted Transport Statement is impenetrable and includes questionable data and methodology.
- Cycle parking and Car Club Membership is not sufficient to overcome the parking shortfall.
- The cleansing vehicle will have difficulty servicing the bin store and will cause disruption.

Other:

- Three petitions of over 300 signatures were presented to the council in relation to pre-application public engagement by the developer.
- Unjustified redistribution of public land and asset value into private hands, overriding a number of considerations including impact on protected view corridor from adjacent conservation area and on surrounding residents amenity.
- Lack of transparency regarding consultee responses.
- Dubious and inconsistent methodologies used to support key conclusions.
- Conflict of interest between Westminster departments (Westminster builds and Westminster Planning) as determining their own development.
- Should be an independent appraisal of the application proposals.
- Request for S106 money to clean up Leamington House.
- Drawings and visuals are inconsistent and not accurate/ a true representation.
- Consultation letters received after consultation period had expired.
- Trees should be protected, particularly given pollution and poor air quality due to the Westway. They also reduce sound pollution and promote biodiversity
- Loss of trees unacceptable.
- Poor communication by council in pre-application engagement.
- Noise, dust and disruption as a result of building works.
- Building designed Pre-Covid. Has consideration been given to how it will function given risks of Covid, such as mixing in elevators.
- Loss of house price/ inability to sell during construction.
- Who will manage the green space?

- Impact on drainage

Points of support within objections letters:

- The proposals will reduce anti-social behaviour due to greater surveillance.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application lies outside of a conservation area, however the Aldridge Road Villas and Leamington Road Villas Conservation Area lies to the east and south of the site on the other side Tavistock Road.

The existing building dates from the 1970s and it is of three storeys constructed in yellow brick with a flat roof and uniform fenestration. Owing to the topography of the site, the building appears sunken from Tavistock Road, with the lower level fronting the green space to the west. The site is seen in context with the five storey block of flats on the north side of Tavistock Crescent, which date from the same period and use a comparable material palette.

To the east of the site lies St Andrews House, which is utilitarian in appearance.

To the west of the site there is a small area of open space featuring a number of mature trees, which includes a path which leads up the side of Falloden House to a play area which sits at the end of Tavistock Crescent. To the north of the site on the other side of Tavistock Crescent (part pedestrianised) are the residential blocks known as Hartford House. To the east is the pious building with its associated offices and ancillary accommodation. To the south are residential buildings of various scale and appearance, and Leamington Road Villas road leading off to the south within the conservation area.

To borough boundary with the Royal Borough of Kensington and Chelsea lies to the west in close proximity. The site is therefore also considered to be within the setting of the Colville Conservation Area which is with the Royal Borough of Kensington and Chelsea. The site also lies close to a number of buildings identified within the Aldridge Road Villas and Leamington Road Villas Conservation Area Appraisal as being Unlisted Buildings of Merit; these include the terraces within the conservation area, the Chapel on Tavistock Crescent, the Metropolitan Public House and the former Vicarage at 54 Leamington Road Villas.

6.2 Recent Relevant History

Various application for minor alterations including:

07/07732/COFUL: Installation of Kee-Klamp handrail on flat roof (Council's own development). Application Permitted 18 October 2007.

95/03872/COFUL: Extension of 1 bedroom over existing balcony. Application Permitted 29

June 1995.

94/04616/COFUL: Extension at lower ground floor level to form larger dining room.
Application Permitted 22 September 1994.

93/08042/COFUL: Change of use of managers & assistant managers flats to permit the rooms to be used as a centre for domiciliary care workers. Retrospective application.
Application Permitted 17 February 1994.

7. THE PROPOSAL

Table 1 inclusive of ancillary areas (GIA sqm)

	Existing GIA (sqm)	Proposed GIA (sqm)
Care Home (C2)	2235.6	0
Private Residential (C3)	0	3861
Intermediate Residential (C3)	0	1190
Social Residential (C3)	0	1397
Total	2235.6	6448

It is proposed to demolition this existing care home and construct a 6-storey building (plus plant room) set over lower ground, ground and four upper levels, with a recessed top storey, to provide 65 residential dwellings (Use Class C3). A new ramp is proposed down the eastern side of the site, providing access to a basement car and cycle park. Landscaping is proposed on all frontages, including new private gardens and alterations to the area of open space to the west of the site.

The proposed mix of units is 31 x 1 bed, 21 x 2 bed, 12 x 3 bed and 1 x 4 bed (21% family sized) with 41% of the floorspace for affordable housing, equating to 24 units.

All of the flats which do not have their own front door can be accessed from two points, one from Tavistock Crescent to the north, with the main entrance being on the southern side from Tavistock Road, which features a double height space.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.3 Loss of Care Home (Class C2)

Policy Context:

There are adopted, saved and emerging policies which seek to protect community facilities and specialist housing such as the existing care home on the site.

Policy S15 of the adopted City Plan (Meeting Housing Needs) states that all specialist housing floorspace be protected to meet those specific needs except where the accommodation is needed to meet different residential needs as part of a published strategy by a local service provider. Where this exception applies, changes of use will only

be to other forms of residential accommodation.

Emerging City Plan policy 10 (Housing for specific groups) Part D relates to specialist housing and states that all existing specialist and supported housing floorspace will be protected from changing to non-specialist or supported residential use except where it is demonstrated that:

1. the accommodation is of poor quality, does not meet contemporary requirements and is not capable of being upgraded; or
2. the use has a demonstrable and significant adverse effect on residential amenity; or
3. it is surplus to requirements as any form of specialist or supported housing; or
4. the accommodation is being adapted or altered to better meet specialist need or to enable residents to remain in their existing property.

The supporting policy text goes on to state the importance of protecting such stock given high land values, giving pressure to change low-value specialist housing to higher value private residential accommodation, which could result in residents not being able to afford to remain in Westminster. It does however confirm that such housing can be lost, if it is of poor quality, requiring considerable improvements, surplus to requirements, and to make optimum use of housing sites as needs change over time as demonstrated by marketing.

Policies SOC 1 of the UDP and S34 of the City Plan, relate to social and community floorspace in more general terms, and similarly seek their protection, except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the replacement use will be the priority use for the area.

Material considerations:

There are two other applications which form part of the consideration of this scheme. Namely the construction of a purpose built 84 bed new care home at 111 Shirland Road, as approved in August 2017 (referenced 16/10952/COFUL). Residents from within Westmead have now moved into this new facility. Secondly, a current application for the redevelopment of another care home at Carlton Dene, whereby a new Extra-Care Residential Facility with 65 flats and 22 residential flats is proposed (referenced 20/08040/FULL). All of the units are proposed as affordable. Existing residents of the Carlton Dene facility have also been rehoused into the 111 Shirland Road new facility. It is important to note that the Shirland Road development was designed in order to be able to take all of the existing residents from these two existing care homes.

Assessment:

Objections have been received in relation to the loss of the community facility.

The applicant has submitted a report to justify the loss of the care home, and sets out justification of how the proposals meet the above policy requirements, it is summarised as follows:

- The existing care home no longer meets modern standards and requires significant investment to maintain occupation.
- Existing residents are to be offered alternative accommodation in the purpose built replacement accommodation at 111 Shirland Road.
- This re-provision formed part of the wider Council strategy drafted back to 2007 (and

approved in 2012) known as the Specialist Housing Strategy for Older People Programme (SHSOP). The Council's published research shows that there is a need for Extra Care housing, to delay entry to a conventional care home for as long as possible.

- 111 Shirland Road resulted in an uplift of 570sqm of C2 floorspace. While the demolition of Carlton Dene and Westmead care homes will result in the loss of C2 floorspace, there is still a net gain in floorspace and no loss in terms of the number of residential care bedrooms.
- Approval for the closure of Westmead and its redevelopment for General Needs Housing was given at Cabinet Meeting in March 2019.
- As the existing care home was purpose built, and as there is no overall loss of specialist housing, the 18 month marketing period required by the emerging policy for alternative users of the space as required by policy, is not appropriate. To keep the facility open for this timeframe alone would required £1m in capital expenditure.
- Reports into the physical suitability of maintaining the existing building to meet future needs were undertaken by Savills for Westminster in 2009 and 2014. These identified that considerable investment both internally, externally and structurally was required.
- The most appropriate use for the site is as housing which will improve mix and tenure.

It is clear from the requirement of the policies, that a wholistic approach is required in terms of the assessment of applications which relate to the loss of specialist housing such as the existing care home. Such proposals need to be weighed in accordance with a wider programme of delivery of a range of housing types, which have been researched as part of a formal document of evidence to confirm what is required across the borough. This has come about through the councils SHSOP, which has confirmed a requirement for the provision of and development of additional extra care facilities, which will better meet the requirements of the aging population. It does however also confirm that the care facilities do still provide an important function.

Through the development of the Shirland Road new Care home, the existing residents have been able to be rehoused into a modern, purpose built facility. The Carlton Dene redevelopment, will provide a considerable amount of additional floorspace, providing a new extra care facility.

It is also accepted that the existing facility at Westmead is no longer fit for purpose, being out of date, and requiring significant investment in order to bring it up to current standards. While it is noted that there are objections from residents to the loss of the care home, given that there is a clear programme of delivery of both replacement and additional care provision within the locality, it is not considered that the loss of the existing facility in this location can reasonably be restricted, with the requirements of the adopted and emerging policies are largely met. It is also then considered that the most appropriate land use for this site, is for the provision of housing to meet the council's housing needs. The acceptability of the proposed housing is further set out below.

8.1.2 Proposed Residential (Class C3)

Policies S14 (Optimising Housing Delivery), S15 (Meeting Housing Needs) and S16 (affordable housing) of the City Plan and H3 (encourage provision of more housing), H4 (provision of affordable housing), H5 (Providing a range of housing sizes), H8 (hostels and specialist housing), H10 (provision of gardens and community facilities), H11 (controlling housing density) of the UDP are relevant to the consideration of this application. Within the

emerging City Plan 2019-2040 Policy 8 (housing delivery), 9 (affordable housing) and 10 (housing for specific groups) are also relevant.

Quality of accommodation:

The applicant has undertaken a daylight and sunlight assessment to demonstrate the internal lighting for the proposed residential units are in line with BRE guidelines. This guidance states that different rooms have different requirements in terms of daylight (Average Daylight Factor ADF). For instance, a kitchen has a recommended ADF of 2%, a living room of 1.5% and a bedroom of 1%. The level of light depends on factors such as the size of window, room depth and if the room has multiple aspects.

The submitted study does identify that not all rooms will meet the requirements of the BRE, however it does score well with 89% of the habitable rooms passing the ADF test (164 of the 184 rooms). The worst affected units are located at lower ground and ground floor levels. The figures are low due to their aspect and as they have balconies located above the windows. They are further affected due to them being living/kitchen/dining spaces and therefore have a deeper floorplate thereby reducing the area of the room receiving daylight. The report notes that should you remove the kitchen (the deepest part of the flat), then the living spaces themselves are served well by light (increasing from 72% compliance to 95%). Dual aspect flats have been placed where possible, however due to the shape of the site, less dual aspect flats have been achieved as would usually be desired. While it is noted that not all of the units will meet the requirements, the vast majority do, and on balance, given the advantages of providing balconies, to provide outside amenity space for each flat, the figures are considered acceptable.

All of the units will meet the London Plan and Nationally Described Technical Housing Standards (March 2015).

Seven of the units are designed to be wheelchair accessible in accordance with London Plan policy, which will be secured by condition.

In order to ensure that the new residential accommodation does not suffer from excessive noise from either external or internal noise sources, the Environmental Sciences Office (ESO) has recommended Westminster's standard noise conditions, which are considered acceptable.

During the course of the application an overheating report has been submitted. The ESO has provided comments on this and requested revisions to address concerns of overheating, namely 10 bedrooms which did not meet the CIBSEs Technical Memorandum TM 59 requirement through failure of the night-time temperature assessment, where 26°C must not be exceeded no more than 32 hours. Further concerns were raised that 40 bedrooms, which are proposed to be naturally ventilated through open windows, would not meet internal noise requirements due to external noise. An objection was therefore raised on the grounds of both noise and overheating.

The applicant has subsequently revised the proposals so that all of the flats include mechanical ventilation to meet TM59. While the ESO does not object to the revisions they note that the applicant is advised to ensure that the noise from the use of the mechanical ventilation units does not create or cause unacceptable noise levels within the apartments.

The ESO notes that the applicant will however need to comply with internal noise standards within condition 25 on the draft decision letter.

Density:

Policy H11 within the UDP relates to housing density and recommends 250-500 habitable rooms per hectare in this location (Zone 2). London Plan Policy D3 does not set a range however seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility, and the capacity of existing and future transport services, using an assessment of site context and a design-led approach to determine site capacity.

The applicant has provided the following density figures in accordance with the recently adopted London Plan (para 3.3.22):

Site area	= 0.37h		
No. of units	= 65; units per hectare	= 175.7	
No. of hab. rooms	= 191; rooms per hectare	= 516.2	
No. of bedrooms	= 113; bedrooms per hectare	= 305.4	
No. of bedspaces	= 243; bedspaces per hectare	= 656.8	

The density is slightly in excess of what is recommended for this area within the UDP (250-500 habitable rooms per hectare), however, the figure is considered to maximise capacity of the site, while still retaining open space, and being acceptable in design and townscape terms (as addressed elsewhere in this report). Additionally, the site has 'good' level of access to public transport with a PTAL rating of 4, and with the Westbourne Park Underground Station just 170m of the site. Given that the application is for the redevelopment of the site, and Westminster's aims to maximise housing delivery and the delivery of affordable housing, the proposed density is considered acceptable in this instance.

Housing Mix:

The optimisation of housing delivery is a key strategic objective for the Council. Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. A total of 65 flats are proposed with the following mix:

Table 2: Breakdown of the 65 proposed units and tenure split:

No beds	Private	Intermediate	Social	Total
1 bed	22	9	-	31
2 bed	12	5	4	21
3 bed+	7	-	6	13
Total	41	14	10	65

UDP Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances. Emerging policy 10 of the City Plan 2019-2040 states 25% of homes should be family sized and 2 bedroom flats should be able to accommodate two double rooms.

As only 20% of the units have 3 beds or more, this policy has not strictly been achieved. The table above indicates that there is however a good spread of unit sizes over both the affordable and private flats. Policy S14 within the City Plan also states that 'the number of residential units across development sites will be optimised'. While the proposals do fall short of policy H5 and the emerging policy, as a range of housing sizes are provided in the scheme and the benefits of providing more flats to help meet Westminster's Housing target, the proposed mix is considered, on balance, to be acceptable in this instance. It should also be noted that the Housing Manager has supported the proposals, and the viability of the scheme is also a consideration, which will be further discussed below under affordable housing.

Outside Amenity Space:

Policy H10 within the UDP and the London Plan require housing developments to include the provision of amenity space. All of the flats have access to a private balcony or terrace, which is welcomed. The residents will also be able to enjoy the enlarged area of publicly accessible open space adjacent to the site.

8.1.4 Affordable housing

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of the City Plan. The City Plan requires housing developments of either 10 or more additional units or over 1,000sqm additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing. Given that the site is in public ownership, and in accordance with the London Plan, 50% should be affordable housing.

Schemes that do not meet this threshold, or require public subsidy to do so, will be required to submit detailed viability information which will be scrutinised and treated transparently. Comprehensive review mechanisms will be applied to schemes that do not meet the relevant threshold as set out in Part B of Policy H5 Threshold approach to applications, in order to ensure that affordable housing contributions are increased if viability improves over time.

The Draft City Plan 2019-2040 Policy 9 (Affordable Housing) Part E states that 60% of the affordable units will be 'intermediate' affordable housing for rent or sale and 40% will be social rent or London Affordable Rent.

Saved UDP Policy H4 (Provision of Affordable Housing) states that where more than 30% affordable housing is proposed then the tenure mix should be guided by housing needs assessments to ensure that development meets the needs of households. It goes to advise that the Council will maximise provision of additional affordable housing through renewal of its housing assets.

The proposed development will deliver 41% affordable housing by floor area, 40% by habitable rooms and 37% on a unit basis (equating to 24 units). Of the 24 units, 14 (58%) are intermediate (London Living Rent) and 10 (42%) are social rent. This is not therefore in accordance with Policies, which require a 50% provision on this site. Objections have been raised on this ground, including from Cllr Hug.

The proposed mix has been put forward in consultation with Westminster's Housing Manager, to ensure that it meets demand. As such the Housing Manager has confirmed

that he supports the proposals. As such the proposed mix and tenure is considered acceptable.

In line with policy H5 within the London Plan (Threshold approach to applications), where an application does not meet the threshold requirements (50% in this instance) it must follow the Viability Tested Route. As such the applicant has submitted a viability assessment by Knight Frank. This has been independently assessed by DS2 who have confirmed that the development is delivering in excess of the maximum reasonable amount of affordable housing and therefore the shortfall below the 50% minimum requirement is considered acceptable in this instance. A copy of this assessment by DS2 is set out in the background papers.

In line with London Plan guidance the affordable housing will be secured by a unilateral undertaking which will include clauses for a review mechanism to ensure that the maximum level of affordable housing is delivered. This will be secured to ensure that it is provided prior to occupation of the market housing.

8.2 Townscape and Design

Policy Context

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.”

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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 and S28 of the City Plan and DES 1, DES 4 and DES 9 of the UDP. Within the emerging City Plan 2019-2040 Policy 38 (Design Principles), 39 (Westminster’s Heritage) and 40 (Townscape and Architecture) are also relevant.

Assessment

The current building is not considered to make a positive contribution to the townscape and has a poor relationship with both frontages on Tavistock Road and Tavistock Crescent as

well as the surrounding built form. As such, the demolition of the existing building and the principle of a redevelopment of the site is considered acceptable in design terms.

The proposed building is a 6 storey block, including a sunken level, with the upper levels recessed. The block has a L-plan with greater width on Tavistock Road and a more formal frontage on Tavistock Crescent than the existing building. Predominantly a brick building with reconstituted stone features, interest is proposed using terracotta coloured railings, soffits and framing. There is a communal entrance on both the Tavistock Road and Tavistock Crescent elevations, with there also being a number of private entrances. Photovoltaic panels are located at roof level. The proposal includes landscaping in the form of open space to the west with the newly enlarged publicly accessible area, and area of landscaped defendable space with ornamental planting, as well as private amenity space for each flat.

In considering the footprint of the building and its siting within the plot, the L-plan and its placement to the east of the site is considered to be a successful solution. This allows for an active frontage to both the front and rear elevations as well as creating a useable open space to the west. The established building lines along Tavistock Crescent and Tavistock Road are reflected in the way the building presents itself to the street and the use of private as well as communal entrances encourages the activation. As such the siting of the building accords with the aims of DES 4.

A number of consultation responses consider the height of the proposed development to be excessive. From Tavistock Road and in views from within the Aldridge Road Villas and Leamington Road Villas Conservation Area the building will appear as 4 storeys plus a recessed 5th storey (with one storey being below street level). Similarly, in views from the east along Tavistock Crescent the building will appear as 4 storeys with a setback top storey. The full height of the building will principally be in views from the west where the 6 storey elevation will be notable. As the terraces within the conservation area to the south are primarily 3 to 4 storeys plus roof level additions and the block of flats to the rear are 5 storeys, the height of the building is not considered to be out of context with the surrounding built form. At present the site has benefitted from the low level of the existing 1970s building, however historic maps show that terraces were present prior to the 1970s and it is likely they would have been comparable in height to the terraces to the south. Consequently, the height of the proposed building is considered to conform to the prevailing story heights of the surrounding buildings in accordance with DES 4 and emerging City Plan policy 40 Part F.

As a block, the mass of the building does depart from the rhythmic form of the terraces and, to a degree, the flats behind. This has sought to be softened by the detailed design within the architecture and the use of materials. However in considering the setting of the conservation area to the south, the building acts as a bookend along a primary road, visually demarking the end of the terrace when seen from Leamington Road and therefore its mass is not considered to be out of scale for a building providing this sightline and demarking position. Furthermore, the use of recessed bays on the front elevation and setting back the upper storey creates a readable base, middle and top which punctuates the mass and visually breaks it up.

Objectors note the design of the proposed building is not in keeping with the character of the area. The areas around the site have very defined characteristics, including the terraces

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to the south, 1970 block to the north and the west and the church facilities to the east. This design has sought to respond to this wider character drawing reference to elements found on all three character areas. The verticality of the block and the use of bays respects the terraces, whilst the uniformity to fenestration scale is reflective of the flats. Furthermore, the base brick is reflective of the traditional London stock brick and the yellow bricks found to the north and is considered to transition between these two areas sympathetically. The use of a terracotta colour to provide articulation does depart from prevailing colours in the area but it is considered to compliment the neighbouring palette and helps define the new building into its setting. Therefore, the architecture, detailed design and materials are considered to respond to the local area and as such accords with DES 1 and DES 4 of the UDP 28 of the City Plan and Emerging Policies 38 and 40.

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. Similarly, the introduction of sustainability measures such as the photovoltaics are supported.

Impact on heritage assets

A number of consultation comments have raised concerns with the proposed development, stating it is not in keeping with character of the adjacent conservation areas. It can be argued that the existing building is not in keeping with the character of the Aldridge Road Villas and Leamington Road Villas Conservation Area to the south and Colville Conservation Area to the south west. Given these areas have special architectural or historic interest, it is considered to replicate the architecture would not be appropriate for this site. As proposed the building responds to the height of the terraces, their materiality and elements of the architectural detailing in order to sympathetically respond to their character and appearance. It forms a defined block which visually terminates the conservation area, when viewed from Leamington Road Villas and reinstates an active frontage which is considered to compliment the residential character of the conservation area. As such the proposal is not considered to harm the setting of the conservation area, in accordance with DES 9.

The setting of the buildings identified as unlisted buildings of merit are not considered to be compromised by the proposed development. The existing site is fairly urban in setting and plan and the replacement building is not considered to depart from this arrangement.

Concerns have been raised with the height of the building in relation to obstructing existing views of the Grade II Listed Building, Trellick Tower. Firstly, this view is not a locally recognised view and is considered to be fortuitous owing to the low height of the existing building. Nevertheless, the increase in height by 3 storeys, will result in the loss of visibility of the building in some private views, however owing to the height of Trellick Tower, it will remain visible above the proposed building in some existing views. Therefore, whilst it is unfortunate that the view may be lost, it is not a planning ground on which permission could be withheld.

Accordingly, and given the above, the proposal is considered acceptable in design and heritage terms and would accord with policies S25 and S28 of the City Plan, policies 38, 39 and 40 of the Emerging City Plan 2019-2040 and DES 1, DES 4 and DES 9 of the UDP. As such, the proposal is considered acceptable 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

Policy ENV 13 of the UDP and S29 of the City Plan seek to protect the amenity of neighbouring occupiers. Policies ENV5 (Air pollution), ENV6 (Noise pollution) and ENV7 (Noise from plant) are also relevant. 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 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.

The applicant has submitted in support of the application a daylight and sunlight assessment by eb7 which sets out the surrounding buildings which have been tested.

Objections have been received from local residents on the grounds of loss of light as a result of the proposed development. One objection also notes that the plans which the 3D model within the eb7 report are incorrect and also raises issues in relation to the flat nature of the modelling, not showing the changes in levels of the site. Eb7 have since amended the plans and confirmed that the levels have been considered and that the report is accurate.

8.3.1 Daylight and Sunlight

Daylight

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. In light of this officers have given weight to an alternative 15% VSC retained value in assessing the impact of the development. This is because of the importance of the development overall in achieving benefits whilst too are material considerations to be weighed in balance. Properties that are affected by reduced daylight that see retained VSC values in the mid-teens are therefore considered to have a reasonable amount of daylight in the context of this particular urban location. This approval is supported by policy D6 of the recently adopted London Plan, which sets out that the design of a development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

The applicant has undertaken VSC studies for both with and without balconies. The BRE states "Existing windows with balconies above them typically receive less daylight. Because

the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situation, without the balcony in place. For example, if the proposed VSC with the balcony was under 0.8 times the existing value with the balcony, but the same ratio for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light."

The BRE notes that where room layouts are known, then the no sky contour (NSC) can be calculated. It indicates the area of a room which will receive light directly from the sky. If following the construction of a new development, the NSC moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value this will be noticeable to occupants, and more of the room will appear poorly lit. It states that this does however also need to be applied flexibly.

Sunlight:

In terms of sunlight to an existing dwelling, the BRE advises it may be adversely affected if the centre of a main window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours (APSH) between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4 % of annual probable sunlight hours.

Assessment:

Each of the affected properties will be taken in turn. A full table of existing and proposed VSC results can be found at the end of this report (Appendix A). Because the majority of the surrounding properties have significant projecting balconies, both the with and without balcony figures have been tabulated. The figures shown in this section are only where the window breaches the BRE targets in terms of VSC to windows without balconies and where the NSC also does not meet the BRE guidelines (less than 0.8 its former value).

Harford House:

This 5 storey block is set to the north of the site, has significant protruding balconies, and a lower ground floor, which already has a restricted outlook due to its location below street level.

Daylight:

Table 3: Harford House VSC and NSC figures

Floor	Window	Use	With Balconies			Without Balconies			NSC retained
			Existing	Proposed	% loss	Existing	Proposed	% loss	
LG	W22	KITCHEN	19.9	14.3	-28.1	22.2	16.5	-25.7	0.5
	W24	KITCHEN	18	11	-41.5	21	13	-38.3	0.4
	W27	LIVING	31	21	-31.5	33	24	-29.4	0.7
	W29	KITCHEN	15	6.3	-56.6	23	15	-35.3	0.5
	W32	LIVING	32	23	-28.2	34	25	-26.6	0.7
	W33	RESI	28	20	-29.2	31	23	-26.5	0.7

G	W23	KITCHEN	30	22	-26.8	35	27	-23.0	0.7
	W28	RESI	29	21	-28.2	33	24	-25.2	0.7
	W30	KITCHEN	23	16	-29.6	30	21	-29.1	0.6
	W35	KITCHEN	18	9.4	-46.9	26	17	-33.3	0.6
1	W31	KITCHEN	12	5	-58.7	29	22	-25.2	0.7

Of the windows tested, 72% of the windows serving habitable rooms meet the BRE requirements in terms of VSC, rising to 94% with the balconies removed. 78 of the 84 habitable rooms will meet the NSC targets. The results above show how the VSC figures are significantly reduced through the presence of the balconies, particularly at ground and first floor levels. One of the worst affected rooms has been highlighted in bold, which is a kitchen at lower ground floor level, with a VSC of 13 (without balcony) and an NSC of 0.4 x its former value. While these figures are low and below what would be desirable, VSC figures of around the mid-teens are common in an urban context and are due to the location of this room at lower ground floor level, where any additional bulk is going to have a significant impact.

Sunlight:

The report figures indicate that 33 of the rooms will receive in excess of a 20% loss of APSH. This figure reduces to 1 with the balconies removed. However in terms of the overall sunlight assessment (see above), the report confirms that with the balconies removed, all living rooms are compliant with the BRE targets.

Fallodon House

This four storey block is located to the west of the development site, on the other side of the existing area of open space. Similar to Harford House, a number of the windows which overlook the site are impacted overhanging balconies.

Daylight:

Table 4: Fallodon House VSC and NSC figures

Floor	Window	Use	With Balconies			Without Balconies			NSC retained
			Existing	Proposed	% loss	Existing	Proposed	% loss	
LG	W12	STAIR	12	8.8	-26.1	13	9.5	-25.2	0.7
	W16	RESI	8.2	2.6	-68.3	27	20	-25.9	0.7
	W22	RESI	8.3	2.5	-69.9	27	20	-25.6	0.7
	W24	RESI	22	16	-28.6	25	18	-26.9	0.7
	W28	RESI	8.5	2.2	-74.1	27	20	-26.7	0.6

It is clear from the table in Appendix A that a large number of windows will be significantly impacted by the development proposals (43 windows failing the BRE VSC test). It is also apparent how much the presence of the balconies impacts the levels of light received by these windows. For instance, with window W22 above, the existing VSC with the balcony is 8.3, which increased to 27 with the balcony removed. The report notes that with the balconies removed the proportion of windows which pass the BRE test raises from c.70% to c.97%, with 130 of the 134 windows which serve habitable spaces being BRE compliant.

It is appreciated that these windows will see significant losses of light, however the existing levels of light are relatively low, below 10 VSC and therefore any additional losses will be expressed as high percentage changes. This is demonstrated in this table where very high percentage losses are demonstrated, such as W16 which will see its VSC (with balcony) reducing from 8.2 to 2.6, a 68.3% loss. For the same window, if the balconies are removed it will retain a good level of light, with a VSC of 20.

With the balconies removed, the worst affected room in terms of retained VSC is W12 which has a VSC of 9.5. However, this window serves a staircase and is therefore not a habitable room and the losses are considered acceptable in this instance.

The report also notes that the assessment is undertaken in the absence of trees. These windows would be considerably affected in terms of their existing levels of light by the trees within the area of open space, which separates them from the development site and do cause considerable shading.

While the impact of the development will be significant, given the above considerations, with relatively good levels of light being retained when considered in line with the BRE guidelines for removing balconies, the separation of the building by the existing area of open space, and the benefits of the scheme, the impacts are on balance considered acceptable.

Sunlight:

The report notes that the site facing elevation is not within 90 degrees of due south and therefore it is not relevant for APSH sunlight assessment under the BRE.

Leamington House

This four storey block is located to the south of the site and features external walkways which run along the front of the building at first, second and third floor levels. The Daylight and Sunlight report notes that from an inspection of estate agent plans and an external inspection, the majority of the affected windows are not habitable spaces such as hallways/bathrooms or serve small kitchens (without dining space) and bedrooms, which are less sensitive.

Daylight

Table 5: Leamington House VSC and NSC figures

Floor	Window	Use	With Balconies			Without Balconies			NSC retained
			Existing	Proposed	% loss	Existing	Proposed	% loss	
G	W12	NON-HAB	28	18	-33.3	28	18	-33.3	0.6
	W13	NON-HAB	33	23	-30.2	33	23	-30.2	0.7

The two rooms in the table above are indicated as non habitable, but do retain good levels of light in the high teens +. The results in Appendix A, do show that there are some considerable VSC losses. This is often due to existing low levels of light with scores below 10 VSC. However, where rooms are habitable, the retained levels of light are considered acceptable, particularly when the balconies are removed with VSC levels of 27 and 29 for the habitable rooms, which is considered as a good level of light within the BRE.

Sunlight:

None of the rooms facing the scheme are within 90 degrees of due south and an assessment is therefore not required under the BRE guidance.

St Andrews House, 2 Tavistock Road

This four storey building is located in close proximity to the eastern boundary of the site. The building contains a mix of commercial and community uses as well as some convent ancillary sleeping accommodation. The report notes that the bedrooms and studios are located within the northern and southern areas of the building, with the main windows which run along the western facing side of the building being meeting rooms, offices and workspaces, which are non-habitable. There are bedrooms at the northern end of the building which face the site, with heavily recessed windows.

As set out within the BRE guide, given the close relationship of the building with the boundary of the site, the applicant has undertaken a mirror image test, whereby the bulk of the affected building is mirrored onto the application site, setting a baseline context. In this context the windows would see a marked improvement in VSC figures, as the mirrored building would be in very close proximity to these windows when compared to the proposed building.

While the windows in the western side of the building will see an impact in terms of VSC with the proposed building, in the context of the mirror image test, as the development is set back further away from the boundary, the impact in terms of VSC is acceptable. Given their 'bad neighbour' relationship with the boundary, use as either ancillary accommodation or commercial for the non-residential building, and the results of the above mirror testing, the impact on these windows is considered acceptable.

9 Tavistock Road

This four storey property is situated to the south east of the site, which has an oblique view of the site. The report indicates that all the of the windows and rooms tested pass the requirements of the BRE in terms of both daylight and sunlight.

54 Leamington Road Villas

This three storey property, with attic, is located to the south of the site on the junction of Tavistock Road and Leamington Road Villas, which has north facing windows which look over the existing green space and obliquely to the site. The report indicates that all the of the windows and rooms tested pass the requirements of the BRE in terms of both daylight and sunlight.

Open Space:

The proposed public open space to the west of the proposed block is also considered to be of high quality with 97% of space receiving two or more hours of sunlight on the 21st of March assessment date.

Daylight and Sunlight Conclusions:

It is apparent from the data within the submitted daylight and sunlight report and as summarised above, the development will have a significant impact, with some considerable losses demonstrated particularly to Harford and Falloden Houses, which will see very low levels of retained light. However, this is largely as a result of balconies and the lie of the land, with rooms below street level. The BRE notes that their guidelines should be applied

flexibly and having regard to the context of the site. In this location, windows currently have very open aspects due to the existing very low level of development, with a low lying building. As such, any development on this site will have a noticeable and significant impact.

While the losses to surrounding properties are regrettable, they are considered acceptable, given the urban context, current very low level of development on the site and the considerable regeneration and housing benefits that this scheme will deliver.

8.3.2 Sense of Enclosure

Given the low rise nature of the existing building, the proposed replaced development will have a significant impact on the outlook of adjacent residents. Objections have been received on these grounds, with some objectors requesting the top storey to be further set back.

Harford House:

To the north is Harford House, which is set on the other side of Tavistock Crescent, which turns into the area of open space which wraps around the north and west sides of the site. Due to the changes in level, and as the building is only a single storey above the street on this frontage, these residents have an open aspect across the site. The existing single storey building is set some 20m away at the closest point on the other side of Tavistock Crescent with a green buffer from the open space for the residents located further west.

As proposed, the building has five above street level storeys set a minimum of 17m away from Harford House, with the fifth floor set back at an angle to provide a triangular terrace and further separation from Harford House (minimum of 21m). As demonstrated by the daylight and sunlight figures, these residents will experience an impact from the development, however, these residents currently enjoy an unusually open aspect across the low lying building and the open space. The building will increase the sense of enclosure, with the new building frontage facing Harford House. However, it is not considered that this relationship will result in such a negative impact as to warrant refusal, given the separation on the other side of the road, and given that this is a classical relationship in an urban context with buildings facing each other, separated by a roads width.

Falloden House:

To the west Falloden House will also be negatively impacted. This building is staggered with projecting sections overlooking private gardens at ground floor level. These residents are separated by the existing area of open space, which is to be retained (26m at narrowest point). The bulk of the existing care home is slightly higher on the Tavistock Road frontage, with a lower ground and ground floor, with recessed first floor and ancillary rooftop structures which face residents of Falloden House.

The proposed building maintains the majority of its bulk along the Tavistock Road frontage, rising 4 sheer stories with a recessed fifth floor. Due to the 'L' shape of the proposed development, the building frontage facing onto Falloden House sets back to the north, so the southernmost properties adjacent to Tavistock Road will be in closer proximity to the new building (minimum 25m separation at south widening to 36m separation for northern section). The 1.8m recessed fifth floor will reduce its impact slightly on adjacent occupiers. While it is appreciated that there will be an increased sense of enclosure for these occupiers, the building is separated by the area of open space, which will include

vegetation, which will help to screen the development. The building line is also similar to that of existing. Due to the setting back of the majority of the bulk to the north, the separation by the open space, and vegetation, it is considered that the impact on these residents is considered to be acceptable.

South of Tavistock Road:

There will be considerable additional bulk along the Tavistock Road frontage, with five above street level stories. As previously noted, the fifth floor is to be recessed slightly, to reduce its impact on this frontage. Some of the building will face down Leamington Road Villas and the main part of the building will face onto 9 Tavistock Road to the east, which is a four storey residential block. The impact on these occupiers will be characteristic to the urban setting, given the separation on the other side of the Tavistock Road (c. 20m separation), which is considered to be acceptable.

St Andrews House:

The closest relationship is to the east, however as noted in the daylight and sunlight section, this building is set very close to the boundary with this site (c. 1.7m). Any development would therefore have a negative impact due to the bad relationship of its windows along the boundary of the site. The applicants have undertaken a mirror image test within the daylight sunlight report, to demonstrate how putting the same amount of bulk on the site would relate to this existing adjacent building. It demonstrates that the proposed building has a better relationship, being set away from the boundary (c. 12.5m).

While there will be in impact, the development is not set directly onto the boundary with a significant set back due to the ramp down to the basement parking. The main windows which face the site serve offices and are therefore not used as habitable rooms. These have a 'bad neighbour' relationship with the site, due to their location on the boundary and can therefore be afforded limited protection. Due to this relationship and given the setting back of the proposed building, the proposals are considered to be acceptable in relation to this neighbour.

Sense of Enclosure Conclusion:

In conclusion, while the development will have some significant impacts on adjacent occupiers, the proposals are considered acceptable in line with the above comments.

8.3.3 Privacy

The proposed blocks include windows and projecting and inset balconies on all sides. These will result in a loss of privacy to surrounding occupiers. Similarly, the adjacent residential blocks have windows balconies/terraces and therefore there will be a degree of mutual overlooking as a result of the proposals. In relation to the proposed balconies, the benefits of providing these outside areas for the proposed flats is considered to outweigh the harm from potential noise, disturbance and overlooking. The impact in terms of increased overlooking from windows will be similar to many an urban context and is not considered unacceptable in this location.

8.3.4 Noise from plant equipment

Plant is proposed on the roof, which is to be contained within an enclosure and also within the basement. While no objection has been raised in relation to this, as the plant has not been finalised, Environmental Sciences Officer has requested a condition to secure a supplementary acoustic report to be provided, which will include details of any noise and

vibration mitigation and compliance with Westminster's standard noise and vibration conditions. Subject to these conditions, it is considered that the plant equipment will be suitably conditioned ~~restricted~~ to safeguard the amenities of adjoining residents.

8.3.5 Amenity Conclusion

While it is appreciated that the development will result in a loss to residential amenity to the surrounding occupiers, given the urban context, and the benefits of providing additional housing to meet the councils housing targets, as well as affordable housing, these impacts are on balance considered acceptable.

8.4 Transportation/Parking

There are three existing parking spaces accessed from Tavistock Crescent for members of staff for the care home, these will be removed as part of the redevelopment. The proposals include the provision of 121 cycle parking spaces and 7 disabled car parking spaces within the lower ground floor, which are accessed from a new ramp which leads down from Tavistock Crescent.

The Highways Planning Manager has raised an objection to the proposed development due to the lack of proposed parking for the new residential units, contrary to Policy TRANS 23 of the UDP. There has also been considerable objection from surrounding residents on the grounds of the lack of parking provision and the resultant impact on existing parking within the area and the impact of servicing the development. They also consider that the development, if allowed, should be secured as car free so that residents cannot apply for a parking permit. Ward Cllr Hug has similarly raised his strong concern in relation to this lack of parking and its impact on the surrounding highway network.

Car Parking Provision

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 84%. 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 75%.

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 74%. 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, with the site having a PTAL level of 4, households with 1 or more car in the Westbourne Ward is 33% (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.

65 residential units (the total within the development), based on the ward car ownership level, would be expected to generate 22 vehicles. 7 of these would be able to use the 7 proposed spaces for the new residential units. The remaining 15 vehicles that would need to park on-street in the surrounding area, increasing existing on-street stress levels.

13 extra vehicles during the night and 14 during the day would increase the stress threshold over the 80%. The additional 15 vehicles from the proposed development will exacerbate the day and night-time stress and therefore the proposed new residential units are not consistent with TRANS21 and TRAN23 of the UDP.

Given the level of objection and as the development is contrary to the aforementioned planning policies, the negative impacts resultant of the development must be weighed against any benefits resultant of the scheme and considerations of any mitigation measures which could be imposed to help offset this harm.

In order for the development to be policy compliant, a considerably larger area would be required for car parking, through expanding the car park at lower ground floor level and therefore reducing the number of flats, or through excavating to provide additional space. Both options have implications in terms of the viability of the scheme, through additional costs for excavation or through reducing the number of units on the site. As has been highlighted within the Affordable Housing section of this report (8.1.4), the applicants have undertaken a viability appraisal of the development, which has been independently assessed. Both appraisals confirm that in excess of what is viable is being provided on this site in terms of affordable housing, with this shortfall being absorbed by the council due to the benefits of providing affordable housing. The amount of affordable housing has been also been boosted through securing a grant of £966,00 from the Greater London Authority. The provision of the required 15 additional spaces would come at the cost of a reduced amount of residential units, which would affect the viability of the scheme and reduced affordable housing provision.

The emerging City Plan 2019-2040 states that development should be predominantly car free, but does also seek to ensure that parking stress is not exacerbated above stress levels. It states that in stress areas, mitigation measures will be expected to off-set the impact of increased parking stress. It notes that as a minimum, lifetime car club membership should be provided. The Highways Planning Manager has confirmed that this is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and assist in not increasing on-street parking stress further. This should be secured by a unilateral undertaking, to ensure that it is provided for each of the flats. Many objections have requested that should permission be granted, the development should be 'car free' in accordance with the London Plan, to ensure occupiers cannot apply for a parking permit. While this would address the shortfall in parking, this is not set out within adopted or emerging local policies.

On balance, it is considered that benefits of providing additional residential units, and affordable housing, outweigh the increased parking pressure that the development would likely have on the highway network, subject to the securing of lifetime car club membership for each of the proposed units and the proposed cycle parking.

The proposal includes 1 Electric Vehicle Charing Point per car parking space. This is

welcomed and consistent with The London Plan requirements and will be secured by condition.

Cycle Parking Provision

121 cycle parking spaces are proposed within the basement for the new residents. Short stay cycle parking is proposed adjacent to the residential entrances. Cycle parking will support sustainable travel option for residents and the provision is consistent with policy and is to be secured by condition.

Vehicle Access Ramp

The basement vehicle area is accessed via a double width (two-way) ramp from Tavistock Crescent. However, the ramp gradient is indicated to be 1:8 and does not include transition zones at the top and bottom. The Highways Planning Manager has requested further details of the ramp design to be secured via condition which is considered reasonable.

Servicing

S42 and TRANS20 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 noted that provision is made for a refuse vehicle to be able to turn in Tavistock Crescent, as part of on-site 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. Objection has been received from residents in relation to the waste vehicle blocking the road. The Highways Planning Manager notes that this may result in localised congestion and conflict and obstruction to other highway users, including motorists, cyclists and pedestrians on the surrounding highway network, noting the existing situation, an objection has not been raised in this instance.

8.5 Economic Considerations

Westminster Economy Team have indicated that the scheme does not trigger a requirement for a payment towards Westminster Employment Service.

Any economic benefits that the scheme delivers are most welcomed including a clause within the unilateral undertaking for the provision of an employment training, skills and apprenticeships opportunities for residents of Westminster in relation to the construction phase of the development.

8.6 Access

Pedestrian access to the site will remain from Tavistock Road. Cars and bikes are located within the lower ground floor, which is accessed from Tavistock Crescent. Waste and waste vehicles will also service from the Crescent. All flats have been designed to be compliant with Part M Category 2 accessibility Standards. Of the 65 Units, 7 are wheelchair adaptable, spread between the lower ground and third floors and accessed via lifts. These units are to be secured by condition and in line with policy and acceptable.

Objection has been raised in relation to servicing to the rear on the residents who are worst affected by the development (in terms of daylight and sunlight). The applicant has demonstrated that a cleansing vehicle is able to suitably service the building from this frontage, and would appear to already service the existing care home from this frontage.

The servicing from this frontage is considered acceptable.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Waste Project Officer requested some additional information in relation to waste and recycle storage and for a double door to the bulky waste store. Following the receipt of a revised plan, the proposed arrangement is now acceptable.

8.7.1 Trees, Open Space & Biodiversity

An area of open space is located to the west of the existing care home. This is largely fenced off with much of the land ring fenced into the care homes demise. A publicly accessible path does however lead up from Tavistock Road, between Falloden House and the care home up to an existing play area which is set in the open house between Harford House and Falloden House. Table 6 shows the existing and proposed size of the open space and how much of the area is open to the public.

Table 6: existing and proposed areas of openspace (sqm)

	Total area	Publicly accessible
Existing	1777	641
Proposed	1485	1328
Total	-292	+687

Policy ENV 15 of the UDP states that permission will not be granted for development of public/private open space, unless the proposals are essential and ancillary to maintaining or enhancing that land as valuable open space. It also states the City Council will encourage the enhancement of open space for public use.

ENV 16 of the UDP seeks to protect trees and shrubs, and seeks for new and replacement trees to be secured by conditions.

Policy DES 12 (Part A) of the UDP states development adjacent to open space must safeguard their value, wider setting and ecological value, preserve their historic integrity, protects views, and will not project above the existing tree or building line.

Policy 34 of the Emerging City Plan 2019-2040 relates to Green Infrastructure and seeks to protect open space, increase greening and biodiversity.

An Arboricultural Impact Assessment (AIA) has been submitted with the application, which has been assessed by the Councils Arboricultural Officers. The report notes that there are currently 20 trees on the site, 10 of which are to be removed as a result of the development proposals to facilitate the demolition of the existing building and construction of the new building. There has been considerable objection in relation to the loss of these trees and amendments to the area of open space or 'green square', on both biodiversity and also air quality grounds.

Of the trees which are to be removed the Arboricultural Officer (AO) raises objection on the grounds of the loss of a Norway Maple (tree 1) and a Sycamore (tree 14). The loss of the other trees is acceptable subject to their replacement. The AO has also been in

considerable dialogue with the applicant in relation to the impact of the proposed works on retained trees and in relation to the loss of the 2 trees. In order to ensure the protection of retained trees and in order to ensure that the proposed replacement trees and landscaping is secured, conditions are recommended. In addition, the applicant does not consider that the same quantum of trees can be replanted as have been removed due to underground services and site constraints, therefore a payment has been recommended to secure replacement planting off site. The AO has recommended a sum of £10,000 which would cover the cost of planting and maintaining no fewer than 8 trees, this is to be secured by Unilateral Undertaking.

The loss of the trees on the site is regrettable, however it is noted that efforts have been made to retain as many trees as is practicable. Conditions are recommended on the draft decision letter for the submission of details of landscaping and replacement planting. A condition is also recommended to ensure that the publicly accessible open space is provided prior to the occupation of the development.

As noted in the figures above, while total area of open space is to be reduced, the amount of space which is available for public use is to be doubled, which will benefit both existing and new residents. In order to maximise the potential of the site, the small loss of open space is on balance considered acceptable, particularly given the public benefits of providing a larger, and more useable area of the open space over to the public. Subject to the conditions and unilateral agreement to allow for suitable planting to be provided and the provision of the open space prior to occupation, it is considered that on balance the proposals are acceptable.

A condition is also recommended for the submission of details of bat and bird boxes to be submitted, this is to ensure that the biodiversity can be boosted across the site.

8.7.2 Sustainability

Westminster City Council declared a climate emergency in September 2019 and committed to becoming climate neutral as a borough by 2040. Energy efficiency and low carbon design are therefore key considerations for developments across the borough.

In order to help to achieve this goal, the applicant seeks to achieve compliance with the Passivhaus standard. By targeting Passivhaus, the development is set to significantly exceed the London Plan and Westminster City Council planning energy policies.

The building has been designed to be airtight, highly insulated and to include space heating, hot water and ventilation with heat recovery through a single combined system called an Exhaust Heat Pump Recovery System. The roof will maximise renewable energy generation with Photovoltaic panels, which will generate approximately 39% of the building's total energy requirement.

Despite the above measures taken to ensure the most sustainable, energy efficient building is provided, the scheme needs to comply with the Zero Carbon Homes requirement, as defined by the current London Plan. The remaining regulated carbon emissions associated with the site's residential element are therefore offset through a carbon offsetting contribution to the value of approximately £47,068. This is based on the recommendations of the Greater London Authority of a carbon offset fund of £95/tonne for a period of 30 years. This is to be secured via Unilateral Undertaking.

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 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021. However, 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 limited weight at this present time prior to the publication of the Inspector's final report.

8.9 Neighbourhood Plans

The site is located outside of an area with an adopted Neighbourhood Plan, however it is noted that the Notting Hill East Neighbourhood Forum is in the process of preparing one.

8.10 London Plan

This application is considered to be in accordance with the London Plan unless otherwise outlined within this report.

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 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 following conditions:

- 1) Method Statement of measures to protect trees on and close to the site
- 2) Auditable system of arboricultural site supervision
- 3) Details of vehicle access ramp
- 4) Contaminated land, however Phase 2 is currently being reviewed by the ESO and will be reported verbally
- 5) 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 these conditions.

8.12 Planning Obligations

The draft 'Heads' of unilateral undertaking are proposed to cover the following issues:

- i. Provision of affordable housing equating to 41% of floorspace prior to the occupation of any of the market housing.
- ii. Submission of an early viability review if the works have not been substantially implemented within 24 months of permission being granted.
- iii. A financial contribution of £47,068 towards Carbon Offset Payments (index linked and payable on commencement).
- iv. Lifetime Car Club membership (25 years minimum) for the self-contained residential units provided on occupation.
- v. Highways works to facilitate the proposed development, including reinstatement of and alterations to the existing vehicle access and adjoining footway in Tavistock Crescent and Tavistock Road and associated works (legal administrative and physical)
- vi. Prior to commencement of development, the provision of an employment training, skills and apprenticeships opportunities for residents of Westminster in relation to the construction phase of the development.
- vii. Tree planting contribution of £10000 index linked to be used for the purpose of tree planting and maintenance within the vicinity, provided prior to commencement.
- viii. The costs of monitoring the Unilateral Undertaking.

The Community Infrastructure Levy helps to fund infrastructure such as transport schemes and schools which the council and local community and neighbourhoods require and helps to accommodate new growth from development. The Levy is spent on area wide needs, apart from 15% (or 25% if a neighbourhood plan is adopted) which goes to the neighbourhood.

The CIL payments associated with the development will be provided on application by Westminster CIL officer, however it is estimated at:

- Westminster - £960,848.45
- Mayoral CIL2 - £192,169.90

8.13 Environmental Impact Assessment (EIA)

The application is not EIA development. It is not considered to meet the threshold and criteria to constitute EIA development and the proposed development does not exceed the threshold set out for its category in Schedule 2 is not actually in one of the "sensitive areas" and is not considered likely to have a significant effect on the environment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, environmental impacts are assessed where relevant elsewhere in this report.

8.14 Other Issues

8.14.1 Construction impact

Concerns have been raised in relation to disturbance as a result of construction. Given the scale of the proposed development, it will inevitably have an impact on the surrounding environment, however this is not a grounds for refusing planning permission. In order to mitigate the construction impacts the Council has adopted its Code of Construction

Practice, which requires developments of this nature to submit details of how the construction phase of the development will be managed. This is to be secured by condition. It is also recommended that the applicant is advised of the Considerate Contractors scheme by way of an informative, which also seeks to ensure that developments are undertaken in a way as to reduce their impact and to work with surrounding occupiers. Subject to this condition and informative, the proposals are considered acceptable.

London Underground has noted that should the developer need a tower crane, London Underground Protection would be needed to advise on its size and location. An informative is recommended to advise the applicant of this.

8.14.2 Crime and security

The applicant has met with the Met Police Designing Out Crime Officer prior to the submission of the application, which has been amended in accordance with their comments. Such changes include the provision of defensible planting and suitably high fencing to the open space, to discourage anti-social behaviour. The building has also been amended in line with recommendations to reduce the opportunities for crime and improve security. These provisions are welcome and are secured through approving the proposed drawings.

8.14.3 Statement of Community Involvement

The applicant has submitted a statement of community involvement, which indicates that they have undertaken consultation with stakeholders and local residents, namely two in person exhibitions, a public webinar and two further zoom meetings. Objections have been received in relation to this engagement.

Objections have also been raised that Council could not act reasonably in terms of determining their own application (Councils' Own Development). The Planning Committee treats applications for Council's Own's Development the same way we determine any planning application. This application is being reported to Committee for a decision and this is in accordance with the Town and Country Planning General Regulations 1992 Section 10. It is not considered there is a conflict of interest, as the sub-committee is not the committee responsible (wholly or partly) for the management of any land or buildings to which the application relates to.

8.14.4 Fire safety

The applicant has confirmed that the proposals will meet Part B 'Fire Safety' of the Building Regulations. A Key Fire Safety Principles Report and strategy has been submitted. This is considered acceptable at planning stage, with any further details being scrutinised as part of buildings regulations approvals.

8.14.5 Children's Play Space

The site is not located within an area of identified Children's Play Space deficiency. There is an existing children's play area located to the north east of the site, adjacent to the open space. The planned works to the area of open space will improve access to this existing facility, which is welcomed.

8.14.6 Air Quality

Objections have been raised in relation to air quality, however this is largely due to the loss of the planting. The considerations in relation to the tree loss is discussed in section 8.7 of

this report.

During the course of the application additional information has been provided to the ESO in relation to air quality to demonstrate the predicted concentrations for Nitrogen Dioxide at a range of heights, on a range of facades of the proposed building nearest the Westway. The ESO has confirmed that these are acceptable.

8.14.7 Contaminated Land

The ESO has provided comments in relation to the phase 1 risk assessment provided with the application and recommended the councils standard contaminated land condition to secure these details. A phase 2 study has also been provided, the ESO has reviewed this but considered that further work is required in relation to this phase and therefore does not agree that this part of the councils standard condition can be discharged without the submission of further information. The condition is therefore retained as only part 1 being discharged.

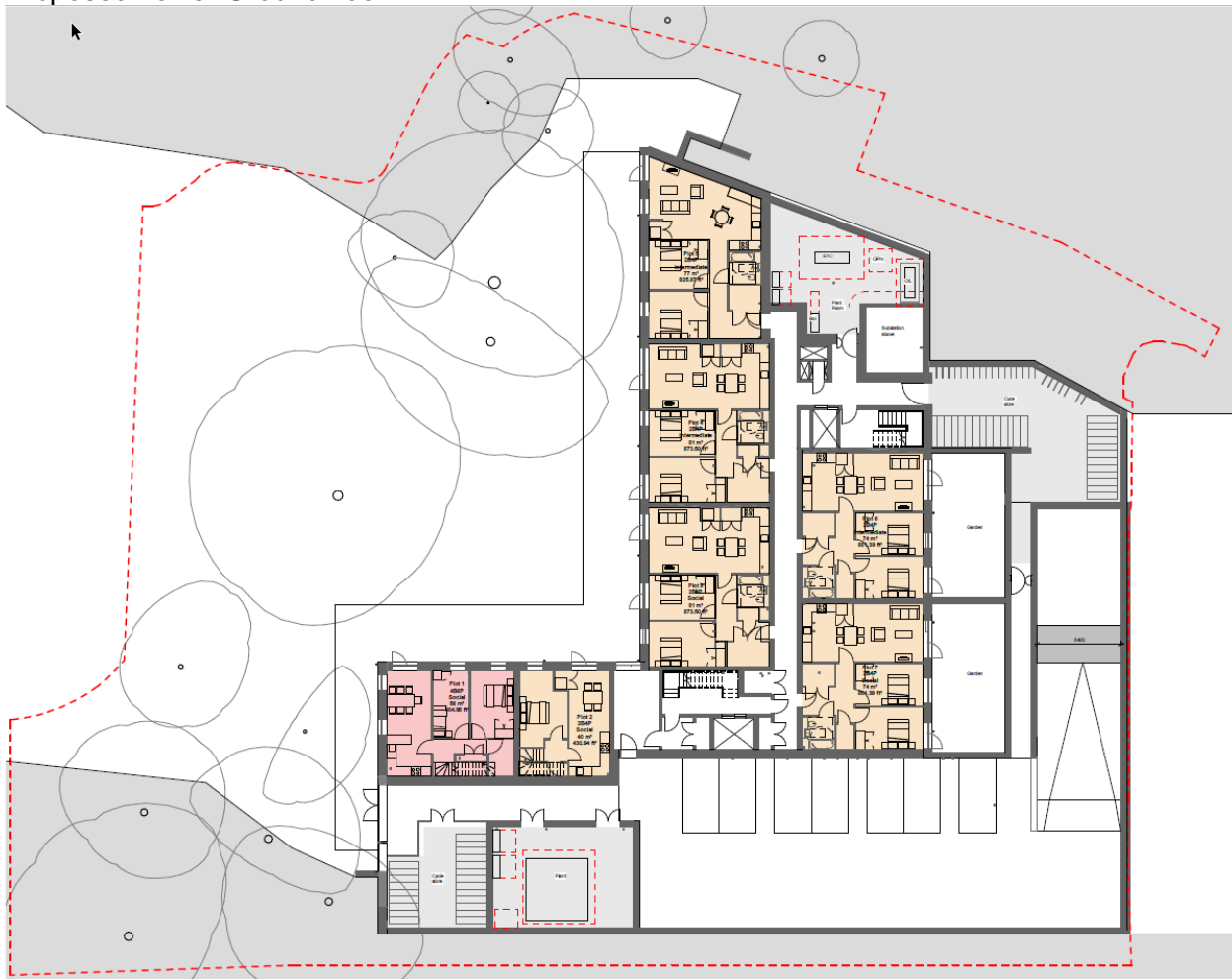
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

9. KEY DRAWINGS



Proposed Lower Ground floor



Proposed Ground Floor



Typical proposed upper floor level (this is third)

The floor plan illustrates a typical proposed upper floor level (third floor). The building's footprint is outlined by a red dashed line. The plan shows a complex arrangement of rooms, including offices, meeting rooms, and a central corridor system. The rooms are labeled with their respective areas and names, such as "Room 301", "Room 302", "Room 303", "Room 304", "Room 305", "Room 306", "Room 307", "Room 308", "Room 309", "Room 310", "Room 311", "Room 312", "Room 313", "Room 314", "Room 315", "Room 316", "Room 317", "Room 318", "Room 319", "Room 320", "Room 321", "Room 322", "Room 323", "Room 324", "Room 325", "Room 326", "Room 327", "Room 328", "Room 329", "Room 330", "Room 331", "Room 332", "Room 333", "Room 334", "Room 335", "Room 336", "Room 337", "Room 338", "Room 339", "Room 340", "Room 341", "Room 342", "Room 343", "Room 344", "Room 345", "Room 346", "Room 347", "Room 348", "Room 349", "Room 350", "Room 351", "Room 352", "Room 353", "Room 354", "Room 355", "Room 356", "Room 357", "Room 358", "Room 359", "Room 360", "Room 361", "Room 362", "Room 363", "Room 364", "Room 365", "Room 366", "Room 367", "Room 368", "Room 369", "Room 370", "Room 371", "Room 372", "Room 373", "Room 374", "Room 375", "Room 376", "Room 377", "Room 378", "Room 379", "Room 380", "Room 381", "Room 382", "Room 383", "Room 384", "Room 385", "Room 386", "Room 387", "Room 388", "Room 389", "Room 390", "Room 391", "Room 392", "Room 393", "Room 394", "Room 395", "Room 396", "Room 397", "Room 398", "Room 399", "Room 400".



Proposed South Elevation (Tavistock Road)



Proposed west elevation



Proposed east elevation



Proposed north elevation



Tavistock bay visual



DRAFT DECISION LETTER

Address: Westmead, 4 Tavistock Road, London, W11 1BA

Proposal: Redevelopment of site to provide residential building with plant room (Use Class C3), together with associated landscaping, refuse storage, car and cycle parking and alterations to public realm.

Plan Nos: PL0010 P2; PL0011P3; PL0100P7; PL0101P7; PL0102P6; PL0103P6; PL0104P6; PL0105P6; PL0106P4; PL0110P2; PL0111P3; PL0112P6; PL0113P6; PL0114P7; PL0115P6; PL0116 P1; PL0117P3; PL0118P3; PL0119P3; PL0120P0; PL0121P0; PL0130P1; SK0000; SK0007; SK0008; SK0010 P1; SK0024P1; SK0025P2; SK0026P0; SK0101P3; SK0102P2; SK0103P2; SK0104P3; SK0105P3; SK0106P2; JSL3418-100E; 102 landscape proposals including existing services; Arboricultural Impact Assessment & Method Statement V6; Addendum to Energy / Sustainability statement RevA; Overheating report P03 by rps; Phase 1 Preliminary Risk Assessment Report V2 by RPS; Phase 2 Environmental and Geotechnical Site Investigation Report 02 by RPS.

For information only: SK0060 P0; Technical Response. Air Quality Acoustics dated 11.01.21; Daylight and Sunlight Addendum Letter dated 13 November 2020 by eb7; Daylight & Sunlight Report dated 28/08/2020 by eb7; Email from eb7 dated 3 March 2021; Design and Access Statement dated September 2020 by cgl; Air Quality Assessment Rev 1 by rps; Case to justify loss of care home use (C2) Rev 2 by rps; Financial Viability Assessment by Knight Frank dated 7 September 2020; Foul and Surface water drainage assessment 1.2 by rps; Detailed desk study (Stage 2) for potential UXO Contamination report V0 by rps; Utilities Statement P02 by rps; Flood risk assessment 3 by rps; Acoustic Design Statement dated 08/09/2020 by rps; Transport Statement dated September 2020 by rps; Energy and sustainability Statement Rev E by Etude; Preliminary Ecological Appraisal Statement 1 by rps; Built Heritage Assessment dated September 2020 by rps; Planning Statement dated 10 September 2020 by rps; Statement of community involvement dated 9 September 2020 by City of Westminster.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

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 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 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)

- 5 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)

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

- 7 **Prior to first occupation of the development**, the photovoltaic panels shall be provided on the roof as shown on the approved roof plan. The PV panels shall be maintained and retained for the lifetime of the development.

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 **Prior to the occupation of the development**, a suitably qualified independent review of the energy efficiency measures to be provided within the development shall be provided to the Local Planning Authority. This shall confirm that the building has been designed to Passivhaus standards. If another method is used, it must be demonstrated to achieve an equally high standard. All the energy efficiency measures referred to in the review shall be installed and function before first occupation of the building. The features shall be maintained and retained for the lifetime of the development.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 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 **Pre Commencement Condition.** You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the

level of qualifications and experience needed to be registered. The details of such supervision must include:

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

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

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

Reason:

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

- 11 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 planting season 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 5 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 the occupation of the development**, the area of open space to the west of the building must be provided, maintained and made publicly accessible thereafter.

Reason:

To increase biodiversity and to secure what is offered in accordance with ENV 15 and DES 12 of the UDP (adopted January 2007) and S35 of the City Plan (adopted November 2016).

- 13 **Prior to the occupation of the development** details of bird and bat boxes shall be submitted to the Local Planning Authority (LPA) for approval. The boxes shall then be installed and maintained in accordance with these details prior to the occupation of the flats, unless otherwise agreed first in writing by the LPA.

Reason:

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

- 14 **Prior to the commencement of development**, the detailed design of the vehicle ramp shall be submitted to the Local Planning Authority. The ramp shall then be installed in accordance with these details.

Reason:

To make sure that the ramp is suitably designed for vehicles for which it has been designed, to avoid blocking the surrounding streets as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 15 All vehicles must enter and exit the basement in forward gear.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 16 **Prior to occupation of the development**, the car parking spaces within the basement shall have electric vehicle charging points available for use, and thereafter maintained in working order for the lifetime of the development.

Reason:

To provide electric vehicle charging for people using the development as set out in Policy T6 of the London Plan 2021.

- 17 **Prior to the occupation of the development**, the 7 disabled car parking spaces shall be provided for residential occupiers of the development only, with a maximum of 1 space per residential unit. The car parking spaces shall be retained and maintained for the lifetime of the development.

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)

- 18 A minimum of 121 long stay cycle parking spaces shall be provided within the basement and 6 short stay cycle parking spaces shall be provided **prior to the occupation of the development**. The long stay spaces shall only be used by residential occupiers of the building. All the cycle parking shall be maintained and retained for the lifetime of the development.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy T5 of the London Plan (2021).

- 19 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)

- 20 All vehicle barriers shall be set back a minimum distance of 6m from the highway (footway) boundary.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 21 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PL0101 Rev P7. You must clearly mark them and make them available at all times to everyone using the development. (C14FB)

Reason:

Prior to occupation of the development, the separate stores for waste and materials for recycling shown on drawing number PL0101 Rev P7 must be provided. They must be clearly marked and made available at all times to everyone using the development.

- 22 **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 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 – implemented in accordance with the Phase 1 Preliminary Risk

Assessment Report V2 by RPS.

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)

- 23 (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)

- 24 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)

- 25 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night and are not exposed to noise from the substation of more than noise rating 30 dB LAMAX (day) and noise rating 25 dB LAMAX (night). Residential habitable rooms are to achieve a 5 dB(A) improvement on the performance specifications within Document E of the Building Regulations.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 26 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15

mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 27 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) 23 and 26 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)

- 28 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 24 and 25 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:

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 (UDP), 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. (R51BB)

- 29 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)

- 30 The main roof of the development as shown on plan PL0106 must not be used for sitting out or for any other purpose. It can be used for maintenance or in the event of an emergency.

Reason:

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

- 31 A minimum of 10% of the residential flats shall be wheelchair accessible.

Reason:

In accordance with Policy D7 of the London Plan (2021).

- 32 The 65 residential units as shown on the drawings hereby approved must be provided **prior to first occupation**, with a minimum of 13 family units (3 bedroom +).

Reason:

In order to build flexibility into the development proposal whilst maintaining optimisation of the site for residential purposes and an appropriate mix of unit sizes, including provision for family sized units, in accordance with policies H3 and H5 of our Unitary Development Plan adopted January 2007 and S14 and S15 of our City Plan Policies that we adopted in November 2016.

- 33 **Prior to the occupation of the development**, confirmation in consultation with Thames Water that either:

- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water, to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

- 34 **No piling shall take place** until a piling method statement detailing the depth, type of piling, methodology including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works, has been submitted to

and approved in writing by the local planning authority in consultation with Thames Water. The development shall be carried out in accordance with the approved details.

Reason:

To protect underground strategic water main utility infrastructure, as piling has the potential to impact on local underground water utility infrastructure.

35 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)

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

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

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

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

- 3 In relation to condition 14 the details of the ramp should ensure minimum gradients of 1:8 are provided, including transition zones (1:10 and 1:20 as appropriate), to ensure long term usability and function of the vehicle ramp.
- 4 If a Tower Crane is required for the development, London Underground Infrastructure Protection would need to be advised of the size of the tower crane and where it will be positioned. If it is to the north of the site and it is sufficiently large enough, then LU will need to be consulted to ensure that the collapse radius is kept outside the LU boundary.
- 5 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 6 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)

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

8 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

- 9 Thames water note the following: 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 our mains (within 3m) we'll 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 our guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our 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/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

- 10 You must ensure that the details you submit to satisfy the tree protection conditions are prepared in conjunction with a construction management plan and site logistics details, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction.

- 11 Condition 9 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- * the order of work on the site, including demolition, site clearance and building work;
- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

- 12 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.

- 13 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.
- 14 Condition 22 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. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 15 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.
- 16 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 17 Condition 24, 25 and 28 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)
- 18 Supplementary Acoustic Report content:
- The acoustic survey is to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures.
 - A 24 hour noise survey is required as a minimum and it must be representative of the worst case scenario.
 - Measurements of existing LA90, 15mins recorded one metre outside the window of the nearest affected noise sensitive property (or a suitable representative position), at times when background noise is at its lowest during hours when the plant or equipment will operate. For plant design criteria the background noise level should be reported in terms of the lowest LA90, 15mins during the proposed hours of operation.
 - Measurement of existing LAeq recorded one metre outside the window of the nearest affected noise sensitive property (or a suitable representative position) and reported at LAeq,16 hours day (07:00 - 23:00 hrs) and LAeq, 8hours night (2300 - 0700 hrs).
 - A schedule of all plant and equipment that form part of the application including its location and associated: ducting; attenuation and damping equipment.
 - Manufacturer specifications of sound emissions in octave or third octave detail.
 - A site plan locating the location of most affected noise sensitive receptor location and the most affected window of it.
 - 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.
 - Measurement evidence and any calculations demonstrating that plant can meet the required noise level.
 - The proposed maximum noise level to be emitted by the plant and equipment (if an application is being made to fix the plant noise level).
- 19 Non Road Mobile Machinery:
The applicant is required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: environmentalsciences2@westminster.gov.uk
- 20 Where the existing background, ambient and maximum noise levels within the residential dwellings are very low, it is expected that the accuracy of the results should be taken into consideration when dealing with the measurement of very low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment. It is acknowledged that it is impossible to measure NR criteria which is below existing NR levels. Therefore, it is anticipated that the assessment of condition 25 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the above points taken into consideration. The assessment of Condition 25 Might also include a

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calculation approach where measurement is impractical or a combination of measurement and calculation may be appropriate. Measurement of condition 25 requires that residents allow the applicant access to carry out acoustic testing to demonstrate compliance with condition 25 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the residential properties.

APPENDIX A: Daylight results where VSC losses of are in excess of 20% their former value

			With Balconies			Without Balconies		
Floor	Window	Use	Existing	Proposed	% loss	Existing	Proposed	% loss
HARFORD HOUSE								
LG	W6	KITCHEN	11	7.5	-33.6	28	24	-14.5
	W16	KITCHEN	15	8	-47.4	24	17	-29.9
	W17	KITCHEN	12	5.4	-53.8	28	20	-27.1
	W18	LIVING	32	23	-26.4	34	26	-24.7
	W19	LIVING	30	22	-27.4	32	24	-26.4
	W20	LIVING	30	22	-27.7	33	24	-26.6
	W21	KITCHEN	19	12	-36.6	23	16	-31.9
	W22	KITCHEN	20	14	-28.1	22	17	-25.7
	W23	KITCHEN	18	12	-34.8	21	14	-31.4
	W24	KITCHEN	18	11	-41.5	21	13	-38.3
	W25	LIVING	29	20	-32.6	31	22	-30.9
	W26	LIVING	29	20	-30.8	30	22	-29.3
	W27	LIVING	31	21	-31.5	33	24	-29.4
	W28	KITCHEN	11	2.6	-75.5	27	18	-34.1
	W29	KITCHEN	15	6.3	-56.6	23	15	-35.3
	W30	LIVING	31	22	-29.4	34	25	-27.5
	W31	LIVING	31	22	-27.1	32	24	-25.4
	W32	LIVING	32	23	-28.2	34	25	-26.6
	W33	RESI	28	20	-29.2	31	23	-26.5
	W34	RESI	28	20	-28.6	31	23	-26.0
	W35	LIVING	31	23	-25.5	34	26	-24.0
	W36	LIVING	31	23	-25.2	33	25	-23.9
	W38	KITCHEN	14	10	-24.6	23	18	-20.7
	W39	KITCHEN	11	4	-62.3	27	20	-26.4
	W44	KITCHEN	20	14	-28.9	22	16	-26.4
	W50	KITCHEN	7.7	5.3	-31.2	24	21	-14.2
	W51	KITCHEN	13	9	-29.1	21	18	-18.2
GROUND	W8	LIVING	15	11	-26.2	37	33	-10.8
	W9	LIVING	13	9.5	-29.1	37	33	-11.4
	W10	LIVING	15	11	-28.5	37	33	-12.1
	W14	LIVING	15	9.6	-36.0	37	31	-16.2
	W15	LIVING	13	7.7	-42.1	37	31	-17.0
	W16	LIVING	14	8.4	-41.3	37	30	-17.8
	W17	KITCHEN	17	11	-37.4	26	19	-25.7
	W18	KITCHEN	18	13	-26.8	29	23	-23.2
	W19	LIVING	13	6.8	-48.9	37	29	-20.9

	W20	LIVING	12	5.6	-54.1	37	29	-21.7
	W21	LIVING	14	6.8	-50.4	37	29	-22.6
	W22	KITCHEN	23	16	-30.7	30	22	-26.3
	W23	KITCHEN	30	22	-26.8	35	27	-23.0
	W24	RESI	7.2	2	-72.2	35	27	-22.6
	W25	RESI	26	18	-30.2	32	24	-25.0
	W26	RESI	30	22	-27.0	34	26	-23.7
	W27	RESI	27	19	-30.0	33	25	-24.8
	W28	RESI	29	21	-28.2	33	24	-25.2
	W29	KITCHEN	29	21	-28.5	35	26	-24.6
	W30	KITCHEN	23	16	-29.6	30	21	-29.1
	W31	LIVING	14	6.2	-56.6	37	27	-25.7
	W32	LIVING	13	4.7	-63.6	37	27	-25.5
	W33	LIVING	14	6.1	-57.0	37	27	-25.2
	W34	KITCHEN	17	10	-39.9	29	20	-30.1
	W35	KITCHEN	18	9.4	-46.9	26	17	-33.3
	W36	LIVING	14	5.9	-57.6	36	27	-24.7
	W37	LIVING	13	4.9	-61.4	36	27	-24.7
	W38	LIVING	14	6.6	-54.2	36	28	-24.2
	W39	RESI	26	19	-26.3	33	25	-24.6
	W40	RESI	31	23	-25.5	35	28	-22.3
	W41	RESI	26	18	-29.0	33	25	-23.3
	W42	LIVING	14	6.9	-50.7	36	28	-21.4
	W43	LIVING	12	5.5	-54.9	36	28	-21.2
	W44	LIVING	13	6.6	-50.0	36	29	-20.4
	W46	KITCHEN	17	12	-32.4	28	22	-23.5
	W47	LIVING	12	6.1	-48.7	36	29	-18.3
	W48	LIVING	11	5.4	-50.0	35	29	-17.8
	W49	LIVING	12	6.9	-43.4	35	29	-17.3
	W64	LIVING	11	7.4	-33.3	34	30	-11.0
	W65	LIVING	9.8	6.4	-34.7	33	30	-10.8
	W66	LIVING	11	8.1	-28.9	33	30	-10.2
FIRST	W17	KITCHEN	12	6.6	-44.5	29	24	-18.6
	W18	KITCHEN	12	8.1	-34.1	29	24	-18.5
	W30	KITCHEN	12	5.7	-52.1	29	21	-25.4
	W31	KITCHEN	12	5	-58.7	29	22	-25.2
	W35	RESI	20	14	-26.9	26	19	-24.2
	W36	RESI	20	14	-31.5	26	19	-25.1
	W41	KITCHEN	11	7.8	-29.7	28	23	-17.3
	W42	KITCHEN	12	6.5	-45.4	29	23	-20.0

	W55	KITCHEN	11	7.5	-29.9	27	24	-12.5
SECOND	W15	LIVING	15	11	-25.3	29	35	20.8
	W16	LIVING	16	12	-25.5	39	35	-10.6
	W19	LIVING	15	10	-31.3	39	34	-12.7
	W20	LIVING	14	9.1	-35.0	39	34	-13.2
	W21	LIVING	16	11	-32.7	39	34	-13.4
	W27	LIVING	17	11	-36.4	39	33	-15.8
	W28	LIVING	15	8.9	-40.3	39	33	-15.8
	W29	LIVING	16	10	-37.0	39	33	-15.8
	W30	KITCHEN	20	15	-26.6	30	25	-18.8
	W31	KITCHEN	20	14	-29.9	28	22	-21.8
	W32	LIVING	16	10	-37.5	39	33	-15.8
	W33	LIVING	15	8.9	-40.3	39	33	-15.6
	W34	LIVING	17	11	-35.8	39	33	-15.5
	W38	LIVING	16	11	-32.3	38	33	-13.8
	W39	LIVING	15	9.5	-35.4	38	33	-13.5
	W40	LIVING	16	11	-31.8	38	33	-13.3
	W43	LIVING	15	10	-30.8	38	34	-12.0
	W44	LIVING	14	9.2	-32.4	38	34	-11.7
	W45	LIVING	14	11	-22.7	38	34	-11.3
			With Balconies			Without Balconies		
Floor	Window	Use	Existing	Proposed	% loss	Existing	Proposed	% loss
Leamington House								
Ground	W2	NON-HAB	1.3	0.4	-69.2	15	11	-27.8
	W3	NON-HAB	9	4.7	-47.8	28	24	-16.1
	W4	RESI	9.6	4.9	-49.0	31	27	-15.3
	W5	NON-HAB	9.9	4.6	-53.5	32	27	-16.6
	W6	NON-HAB	9.9	3.9	-60.6	31	25	-19.6
	W7	NON-HAB	8.8	3.4	-61.4	27	22	-20.4
	W8	NON-HAB	1	0.1	-90.0	16	11	-26.9
	W9	NON-HAB	5.3	3	-43.4	18	16	-12.6
	W10	NON-HAB	26	18	-33.5	26	18	-33.5
	W11	NON-HAB	8.6	1.6	-81.4	8.6	1.6	-81.4
	W12	NON-HAB	28	18	-33.3	28	18	-33.3
	W13	NON-HAB	33	23	-30.2	33	23	-30.2
FIRST	W2	NON-HAB	2.3	0.7	-69.6	15	11	-24.8
	W3	NON-HAB	11	7.1	-36.0	30	26	-13.0
	W4	RESI	12	7.6	-35.6	34	29	-12.5
	W5	NON-HAB	12	7.3	-39.2	34	30	-13.7
	W6	NON-HAB	12	6.6	-45.0	33	28	-16.2
	W7	NON-HAB	11	5.8	-45.8	29	24	-17.2

	W8	NON-HAB	1.7	0.3	-82.4	17	14	-20.9
	W9	NON-HAB	6.7	4.7	-29.9	20	18	-10.7
SECOND	W3	NON-HAB	2.7	1	-63.0	13	10	-21.9
	W5	NON-HAB	14	10	-27.0	36	32	-10.3
	W6	NON-HAB	14	9.3	-31.1	35	31	-12.0
	W7	NON-HAB	12	8.3	-31.4	31	27	-12.4
	W8	NON-HAB	9.7	6.6	-32.0	24	21	-12.7
	W9	NON-HAB	9.2	6.6	-28.3	24	22	-10.7
	W10	NON-HAB	2.7	1.1	-59.3	18	16	-14.7
			With Balconies			Without Balconies		
Floor	Window	Use	Existing	Proposed	% loss	Existing	Proposed	% loss
54 LEAMINGTON ROAD VILLAS								
GROUND	W1	RESI	23	16	-30.0			
			With Balconies			Without Balconies		
Floor	Window	Use	Existing	Proposed	% loss	Existing	Proposed	% loss
1-44 FALLODEN HOUSE								
GROUND	W3	RESI	20	15	-25.1	31	26	-16.9
	W4	RESI	8.5	3.9	-54.1	27	22	-18.6
	W7	STAIR	8.3	5.5	-33.7	9.4	6.4	-31.9
	W8	STAIR	12	7.8	-33.3	13	9.3	-29.5
	W11	STAIR	11	7.5	-31.8	12	8.3	-30.8
	W12	STAIR	12	8.8	-26.1	13	9.5	-25.2
	W14	RESI	27	20	-26.7	34	26	-21.5
	W15	RESI	20	13	-36.0	31	24	-23.2
	W16	RESI	8.2	2.6	-68.3	27	20	-25.9
	W20	RESI	24	17	-28.7	30	23	-22.6
	W21	RESI	19	12	-35.8	30	23	-23.0
	W22	RESI	8.3	2.5	-69.9	27	20	-25.6
	W23	RESI	27	20	-25.7	29	22	-24.4
	W24	RESI	22	16	-28.6	25	18	-26.9
	W26	RESI	26	19	-28.0	33	26	-22.5
	W27	RESI	20	13	-36.1	31	24	-23.6
	W28	RESI	8.5	2.2	-74.1	27	20	-26.7
	W32	RESI	23	17	-25.7	31	25	-20.0
	W33	RESI	19	13	-31.7	31	24	-20.3
	W34	RESI	8.3	2.9	-65.1	27	21	-22.2
FIRST	W5	RESI	13	7.6	-41.1	34	29	-15.8
	W6	RESI	14	8.8	-37.6	33	27	-16.5
	W7	STAIR	12	8.2	-29.9	13	8.8	-30.7

	W11	RESI	25	19	-25.7	33	26	-20.4
	W12	RESI	22	16	-25.5	28	21	-22.7
	W13	RESI	13	6.6	-48.8	36	29	-19.2
	W14	RESI	18	12	-34.6	35	29	-19.2
	W18	RESI	21	16	-26.2	28	22	-21.8
	W19	RESI	11	5.4	-52.6	30	24	-21.1
	W20	RESI	8.8	3.4	-61.4	25	20	-23.2
	W24	RESI	22	16	-28.1	28	22	-22.9
	W25	RESI	13	6.2	-50.4	35	29	-18.7
	W26	RESI	18	12	-32.0	35	29	-18.2
	W32	RESI	18	13	-26.7	35	30	-14.5
SECOND	W4	RESI	16	12	-26.3	35	31	-11.8
	W5	RESI	11	6.9	-34.3	30	26	-14.1
	W13	RESI	15	9.4	-37.3	35	29	-16.2
	W14	RESI	10	5.2	-49.0	29	23	-19.3
	W20	RESI	14	8.6	-37.7	33	28	-16.1
	W21	RESI	10	5.1	-49.0	29	24	-18.1
	W29	RESI	10	4.8	-53.4	29	24	-19.1
	W35	RESI	14	9.2	-32.8	34	29	-13.6
	W36	RESI	10	5.7	-43.0	29	24	-15.3