

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 June 2021		Classification For General Release
Report of Director of Place Shaping and Town Planning			Ward(s) involved Maida Vale
Subject of Report	123-123A Shirland Road, London, W9 2EW		
Proposal	Demolition of existing property and erection of a five-storey building with basement level; a lightwell to the Elgin Avenue frontage; plant at roof level to provide a Class E commercial unit at ground and basement and residential dwellings at basement, ground and upper levels.		
Agent	Mr Matthew Humphreys		
On behalf of	Mr Jake Lyle		
Registered Number	20/07187/FULL	Date amended/ completed	22 February 2021
Date Application Received	10 November 2020		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

- 1) Grant conditional permission.
- 2) That City Council 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.

2. SUMMARY

The application site is a single storey building, comprising a dry cleaners, located on a prominent corner at the junction of Shirland Road and Elgin Avenue, within the Maida Vale Conservation Area. The building is not listed and there are no listed buildings within the immediate setting of the site. The existing site was subject to bomb damage and now comprises of a single storey building plus basement.

Planning permission is sought for the demolition of the existing building on the site, which dates from 1959 and its redevelopment with a building of five storeys plus basement. A commercial unit is proposed at basement and ground floor levels, with eight residential units above.

During the course of the application the City Council has adopted the City Plan 2019-2040. This has superseded the UDP (2007) and City Plan (2016). This application is solely assessed within this report against the newly adopted Local Plan.

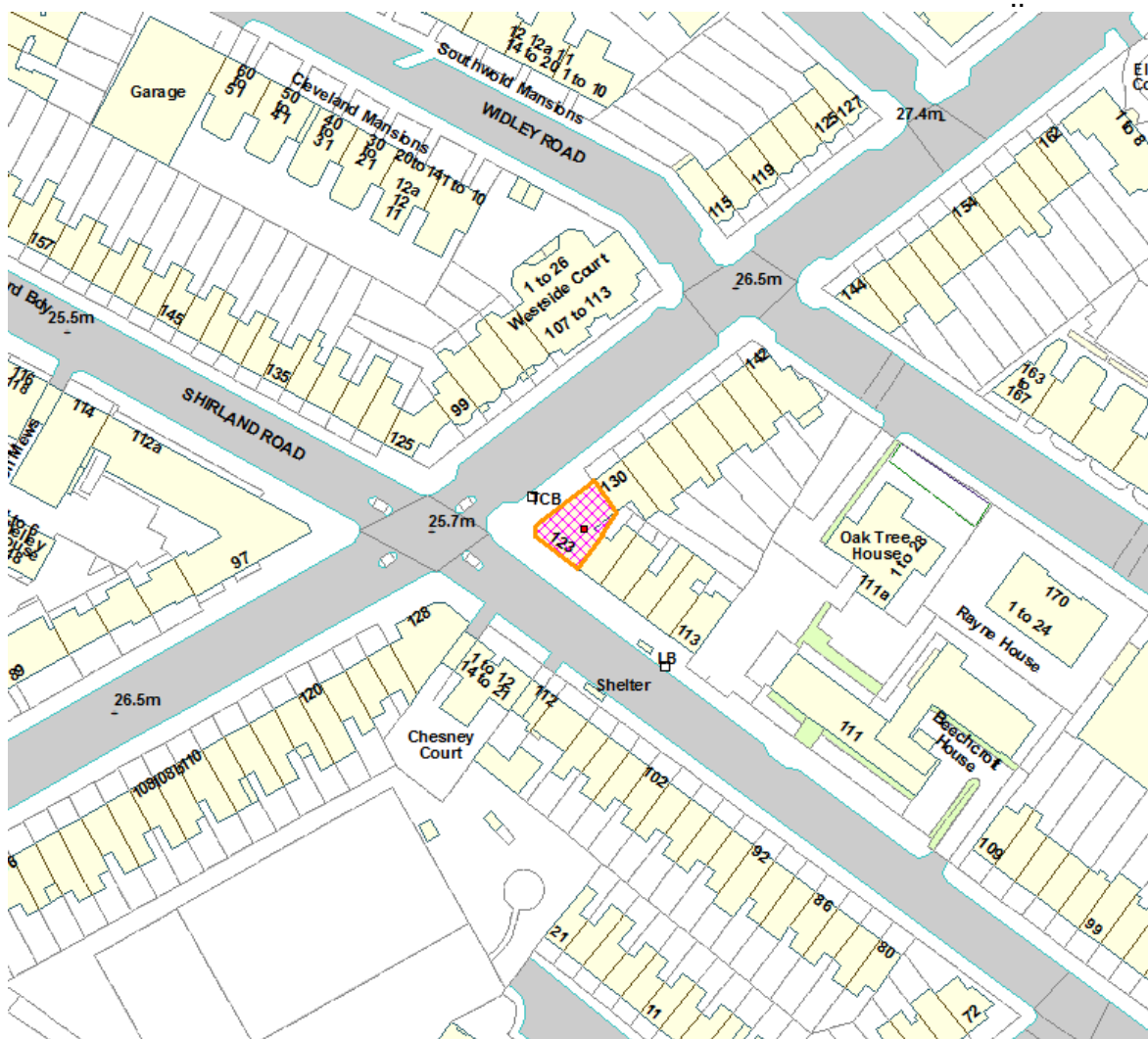
The key issues in the determination of this application are:

- The acceptability of the proposals in land use terms;
- The acceptability of the proposals in design and townscape terms and its impact upon the character and appearance on the Maida Vale Conservation Area;
- The impact of the proposals on the amenity of neighbouring properties;
- The impact of the proposals upon highway safety.
-

13 objections have been received to the proposals primarily on the grounds of land use, design, amenity, lack of carparking and noise and disruption and highways safety during the course of works.

The proposals are considered to comply with the City Plan 2019 -2040 and London Plan 2021 policies and are therefore recommended for approval, subject to the conditions as set out in the draft decision notice.

3. LOCATION PLAN



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4. PHOTOGRAPHS



123 Shirland Road

5. CONSULTATIONS

ORIGINAL CONSULTATION:

WARD COUNCILLORS:

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

BUILDING CONTROL - DEVELOPMENT PLANNING

No objection.

HIGHWAYS PLANNING TEAM - CITY HIGHWAYS:

No objection to proposals on car parking, cycle parking and servicing grounds subject to conditions. Concerns raised as to the proposed increase in building line; the lightwell proposed on Elgin Avenue and the servicing arrangements proposed.

ENVIRONMENTAL HEALTH:

No objection.

WASTE PROJECT OFFICER:

Further details of waste storage required.

ARBORICULTURAL SECTION - DEVELOPMENT PLANNING

Further to revisions no objection.

DESIGNING OUT CRIME:

No objection to proposals on the basis the application is for a dry cleaners at ground/ basement levels. Recommendations given.

THAMES WATER:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 264

Total No. of replies: 14

No. of objections: 12

No. in support: 2

12 objections received on some or all of the following grounds:

Land Use:

- the proposed commercial unit could result in an increase in noise pollution;
- increase in density;
- additional flats in the area aren't needed - there is an abundance of flats for sale/rent;
- there are a lack of amenities to support additional residential accommodation.

Design:

- works to take place to improve the appearance of the single storey existing building, without having to justify the works against the new development;
- building should not be taller and/or wider than adjoining buildings and this is harmful to the Conservation Area;
- the proposals do not fit in with the existing architecture of the Conservation Area;
- the new building will be considerably more bulky in height and volume to neighbouring buildings.

Amenity:

- loss of privacy from new windows;
- loss of daylight and sunlight;
- increase in noise from a new residential building;
- the proposed commercial unit could result in an increase in noise pollution

Highways:

- the development will exacerbate the issue that this cross road is an accident hotspot;
- the development will result in increase highways activity;
- the development will reduce visibility for cars travelling past the building;
- the proposals will impact on parking in the area;
- resident permits should be restricted;
- site traffic during construction may result in increased risk and accidents;

Waste:

- the development should have its own waste storage facilities

Other:

- the proposals bring no public benefits;
- the height of the building will affect TV reception;
- driving around looking for a parking space will impact on the surrounding area in terms of noise, pollution etc;
- the demolition and construction work may increase the risk of subsidence and structural integrity to adjacent properties;
- the demolition and construction will impact health and environmental quality, especially school children;
- the consultation process/ public consultation has been misquoted as 'successful' with the application supporting information;
- the development will devalue the area.

Two letters of support received on the grounds that the development is good for the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

SECOND CONSULTATION:

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

During the course of the application it was established that the chimneys on the adjacent properties were being altered as a result of the proposals. A revised certificate of ownership was submitted with the adjoining properties being served notice upon. A letter advising these adjoining properties of the works to the chimneys was issued.

No. Consulted 11

No. of responses: 1

- Reiteration of all previous objections but also the need/suggestion of raising the height of chimneys just re-confirms the fact that the proposed building is not in line with the proportions and character of the rest of the neighbourhood
- no consultation from applicant was made to adjoining properties regarding the chimney increase;

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a single storey building plus basement, comprising a dry cleaners, located on a prominent corner at the junction of Shirland Road and Elgin Avenue, within the Maida Vale Conservation Area. The building is not listed and there are no listed buildings within the immediate setting of the site. The existing building is a result of bomb damage during the war.

The site does not lie within any of the City Council's designated spatial strategy policy areas but does lie within the Shirland Road Junction Local Centre.

6.2 Recent Relevant History

A lawful development certificate was issued on 17 December 2015 for the use as dry cleaners (Class A1) with ancillary laundrette. (RN 15/09593/CLEUD).

In 1996, permission was granted for the redevelopment of site to provide a launderette on basement and ground floors and six two bedroom flats on three upper floors (RN:95/01456/FULL). This permission was not implemented. Drawings/ images of the approved scheme can be found at the end of this report.

7. THE PROPOSAL

The application proposes the demolition of the existing building on the site, which dates from 1959 and its redevelopment with a building of five storeys plus basement. A commercial unit is proposed at basement and ground floor levels, with the eight residential units being positioned over all floor levels. A lightwell serving the duplex basement and ground floor flat is proposed on the Elgin Avenue frontage. To the front elevations on Shirland Road and Elgin Avenue a mixture of recessed balconies and terraces are proposed. At roof level plant is proposed.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Dry Cleaners (Class E)	364	175	-189
Residential	0	812	+812
Total	364	987	+539

The mix of units comprises 1 x studio, 3 x 1 bed units, 2 x 2 bed units and 2 x 3 bed units.

During the course of the application revisions to the corner treatment of the building have been made, now showing a chamfered corner at ground floor level; changes to the lightwell to the Elgin Avenue elevation; omission of tables and chairs on the street as previously shown and the provision of cycle storage for the commercial unit. Further information regarding the impact of redevelopment upon the street trees has also been received. These changes were not considered so significant as to require re-consultation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss and reprovision of dry cleaners (Class E)

There is a loss of Class E floorspace of 189m² (and this would be lost at basement and ground floor). Policy 14 of the City Plan "Town Centre, high street and the CAZ" seeks to intensify town centres with additional floorspace being supported in principle. Part B goes on to say that uses that provide active frontages and serve visiting members of the public will be required at ground floor level.

Only part of the basement and ground floor of the redeveloped property is to be used as a dry cleaners, within Class E of the Town and Country planning Use Classes Order 1987 as amended. It should here be noted that the floorplans do label part of the area as launderette, as is the existing situation, however as agreed under the 2015 lawful development certificate, the primary function of the unit is as a dry cleaners. The applicant has been asked for revised drawings omitting this annotation.

The loss of Class E floorspace amounts to 189m². Floorspace of the newly developed basement and ground floor are to be given over to provide a duplex residential unit and ancillary residential floorspace such as the entrance way, cycle storage and refuse storage. The basement and ground floor unit would provide a Class E unit of 175m². The retention of commercial/active frontage within the area is welcomed and in this location the overall loss of commercial floorspace at lower ground floor is not prohibited by Policy 14. Whilst it is regrettable that there is a loss of Class E floorspace at ground floor level, it is not considered that the loss of the floorspace render the redeveloped commercial unit unviable, nor would it undermine the character and function of the area. The applicant is the operator of the current commercial use and has indicated that they wish to remain in operation in the redeveloped property and argue that the space proposed is sufficient for a business of this nature. The replacement dry cleaners is welcomed and it is recommended that a condition to ensure that a launderette (a sui

generis use) facility remains ancillary to the main Class E use, and this is with the agreement of the applicant.

Given the amendments to the Use Classes Order in September 2020, Class E now encompasses a wide variety of uses. Many of these uses, of a retail/ small office nature would be acceptable in this location and supported by the Council's general policies of supporting economic growth. In addition Policy 14 C 4 states that in Local Centres, development will provide a mix of commercial and community uses to meet residents' day to day shopping needs, provide local employment opportunities, and support opportunities for community interaction. Class E however includes uses such as restaurants/nursery/creche which would benefit from a permitted change (i.e planning permission not required) and in the absence of the any supporting information in relation to these type of specific uses, it is considered appropriate to restrict these type of Class E uses that would have an impact on the other residential accommodation proposed at the site (beneath and to the rear of the site) and given the lack of information for uses such as a restaurant which would require cooking ventilation equipment up to roof level. The applicant has agreed to a condition restricting these potentially harmful uses.

Residential use

Below is a table of the mix of units proposed:

Floor	No. of Units	Size (GIA)	Outdoor Space
Basement	1 x 1 bed(duplex with ground)	60m2	Yes
Ground	1 (duplex with basement)		
1 st Floor	1 x 1bed 1 x 2 bed	50m2 70m2	Yes Yes
2 nd Floor	1 x 1bed 1 x 2 bed	50m2 70m2	Yes Yes
3 rd Floor	1 x studio 1 x 3 bed	37m2 86m2	Yes Yes
4 th Floor	1 x 3bed	97m2	Yes
	Total 8 units		

Policy 8 of the City Plan 2019-2040 (April 2021) seeks to optimise housing delivery and increase housing density. The new City Plan and the newly adopted London Plan no longer set housing density for areas, but seek for density to be appropriate for the area., Despite the objections received on the grounds of housing density and that no more flats are needed in the area, it is considered that the proposed mix (see below) and density is appropriate for the area, which is characterised by flats and mansion buildings. Part B of this policy states that no new home should be more than 200m2 and it can be seen from the table above that none of the units proposed exceed this.

Policy 9 of the City Plan relates to the provision of affordable housing. Comment has been made by an objector that the proposals do not offer any public benefit, although it is unclear if the provision of affordable housing is what is meant. Given the number of

units proposed and the total floor area of the development, this policy is not triggered.

Policy 10 A states that residential development will provide a mix of units in terms of size and type secures a mixed and inclusive community and part B states all “new build homes will be designed with growing families in mind and 25% of all new homes across Westminster will be family sized. Where two-bedroom units are provided, the majority should be large enough to accommodate two double bedrooms within a single development. Studios will make up no more than 10% of new homes within a single development”. The proposals result in a variety of unit mixes and sizes and of the 8 units proposed, 2 are family sized, which is 25% of the development. 1 studio unit is proposed at 3rd floor level and this equates to 10% of the development. The 2 bedroom units at 1st and 2nd floor comprise 2 double bedrooms. The proposals comply with Policy 10 A and B.

Policy 12 of City Plan 2019-2040 (April 2021) requires that all new homes and residential extensions will provide a well-designed, energy efficient and high-quality living environment; that all new homes will meet or exceed the Nationally Described Space Standards and that all new build homes will provide external amenity space. Policy D6 of the London Plan (2021) concerns housing quality and standards. D6 Part C states that housing development should maximise the provision of dual aspect dwellings.

Whilst all the units proposed are dual aspect, the windows to the rear (east) elevation of the units sited to the northern part of the site, adjacent 130 Elgin Avenue are small and the main outlook is to Elgin Avenue. Given the tight knit corner nature of the property with little open aspect to the rear (east) of the site, there is little scope to increase the size of the windows in this location. All the units are considered are considered to receive a good level of natural daylighting and ventilation. All the units have access to private amenity space, mainly in the form of balconies, some recessed into the fabric of the building. The lower ground/ ground floor unit has a terrace/ lightwell. The Council’s Environmental Health officer has reviewed the application and has no objections to the proposed flats sited adjacent and above the commercial premises in noise and vibration terms.

Policy 14, B (Town Centres) also states in the town centre upper floors for residential use is supported in principle across all parts of the town centre.

In land use terms the proposals are considered acceptable and comply with all council policies.

8.2 Townscape and Design

Policy

The key legislative requirements in respect to designated heritage assets are as follows: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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 consideration of this case are City Plan 2019-2040 Policies 38 (Design Principles), 39 (Heritage) and 40 (Townscape and Architecture).

Heritage Assets and their Significance

A detailed heritage appraisal has been submitted with the application. This details the character and appearance of the Maida Vale Conservation Area and the impact the proposals will have on its historic and architectural interest.

The site lies within the Maida Vale Conservation Area. The interest in the conservation area derives from its layout along avenues and streets as well as the built form being predominantly residential and containing terrace houses, stuccoed houses with shared communal gardens and mansion blocks. The area is characterised by its architectural styles, material palette and strong road layout with the avenues containing street trees. The immediate setting is a primary junction where the avenues of Shirland Road and Elgin Avenue meet. Each corner is addressed by a prominent building which have a chamfered corner and an additional storey than the adjoining buildings. Whilst the immediate setting is residential each corner has a commercial unit at ground floor level and in some instances a few commercial units along the street.

Proposal

The footprint of the building follows the established built line, with the building line stepping forward on the corner. During the course of the application a chamfered elevation has been introduced directly on the corner. At Ground floor level the corner and the Shirland Road elevation contain shopfronts demarked by the materiality. The recessed section on Elgin Avenue is more residential in appearance, containing the principal residential entrance and the fenestration associated with some of the units. On Elgin Avenue an open lightwell is proposed serving the unit at lower ground floor level and a lightwell covered by a metal grill will serve the commercial unit.

The three middle floors are constructed in brick, with a strong vertical emphasis created by the regular position of the fenestration, balcony arrangement and the proposed detailing within the brickwork. The fifth floor level is proposed as a mansard roof level, set back behind a parapet. It is proposed to raise the adjoining chimney stacks in response to the mansard roof. Two dormers are proposed on the Shirland Road elevation and three facing Elgin Avenue.

Assessment Of Impact And Design Conclusions

The existing building is not considered to make a positive contribution to the townscape and unsuccessfully achieves prominence on the corner of the junction. Comment has been made by objectors that the existing building could be modified and retained as a single storey structure. The proposals before us are for the demolition and redevelopment of the site, and as such, the demolition of the existing building and the redevelopment of the site is acceptable in design terms.

The footprint of the building creates an urban block with elevations which address the street. Each elevation responds to the character of each street, with the Elgin Avenue frontage being more residential whilst Shirland Road contains a more active frontage at ground floor level. It is recognised that the front built line on the corner does step forward of the existing building line, which departs from the aims of policy 38 for development to conform with established built lines. However it is recognised that on Shirland Road the shops at ground floor level have front lightwells with railings and therefore the front built line is broken and on Elgin Road there are lightwells associated with residential units. In this specific context, given the broken built lines, the front built line as proposed is considered to be acceptable.

Adjacent to the Elgin Avenue elevation it is proposed to create two lightwells in association with a new residential unit and the commercial unit. At the proposed scale the residential lightwell is considered to be appropriate as they reflect those serving the lower ground floor levels of the Elgin Avenue terraces. The lightwell serving the commercial unit is proposed to have a metal perforated cover, which allows for ventilation of the dry cleaners at lower ground floor and then for refuse to be collected from the commercial unit. The cover has the same depth as the residential lightwell. It was however initially proposed for this to be deeper and surrounded by railings concealed by a metal grill. Whilst uncharacteristic, subject to details regarding the colour of this grill to match the railings/ treatment within the elevations of the building, the proposals are considered acceptable. Given the changes now allowed within Class E of the Use Classes order, the property could be a different use and the applicant has agreed to a condition securing a smaller lightwell depth, and therefore a smaller grill should the property not be used as a dry cleaners.

The objections received raise concerns with the proposed height of the building, as it is taller than those it is adjacent to. The height, form and massing of the building is considered to accord with the aims of Policies 38 and 40 as the development reflects prevailing building heights in the immediate setting. The roof form respects the other prominent corners on this junction and whilst being taller than the adjacent properties, the chimney stacks which are considered to positively contribute to the character of the area, are being raised in height accordingly to retain their prominence on the roofscape. The scale of the building results in this corner plot being visually completed, which is considered to enhance the character and appearance of this part of the conservation area.

The roof top plant enclosure for the air source heat pumps does result in additional height. This plant is located to the rear of the plan and adjacent to the chimney stacks. As such it will not be perceived from street level and only apparent in a limited number of oblique views. The plant is an efficient energy source, compliant with the aims of policy 36 and as such the additional height as a result of the plant room is considered to be acceptable in townscape terms.

A number of objections state that the building is not in keeping with the existing buildings on Shirland Road or Elgin Avenue. In considering the architecture, the building is considered to successfully address the differences between Shirland Road and Elgin Avenue, which achieving a uniform aesthetic. The Elgin Avenue frontage is more residential in character, with the front lightwells and oriel windows to reference the projecting bays and architectural details found on the neighbouring Victorian terraces.

The Shirland Road elevation is simpler as the adjacent terraces are more reserved in detailing. As a whole the building has a strong vertical emphasis and uniformity found in the fenestration with articulation found in the recessed balconies, projecting bays and use of materials. The use of brick as the primary material is appropriate for the setting as its characteristic of the area, whilst the use of stone to add interest reflects the articulation found on the other corner plots and on the local terraces. Nevertheless, details of the facing materials will be requested by condition. The shopfronts have been consciously designed to create an active frontage, whilst sensitively designing in areas for signage. Therefore the architectural approach and materials are considered to be appropriate for the site and will preserve the character and appearance of the conservation area.

Accordingly and given the above, the proposal is considered acceptable in design and heritage terms and would accord with policies 38, 39 and 40 of the City Plan 2019-2040. The proposal is considered to preserve the character and appearance of the Maida Vale Conservation Area. 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

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policies 33 and 38 C are also relevant which seek to make sure that quality of life and health and wellbeing of existing and future occupiers.

Objections have been received to the application on the grounds that the proposed building would result in loss of light to residents opposite the site on Elgin Avenue, overlooking, loss of privacy and noise.

Daylight and Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Right of Light Consulting, has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site. The report tests over 500 windows.

The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. Where room layouts are not known the daylight distribution test has not been undertaken by plotting the No Sky Line (NSL). VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably

well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested for daylight and sunlight levels comprise:

- 99-105 Elgin Avenue (west of the site across the road);
- 130 Elgin Avenue (north of the site directly adjacent);
- 121 Shirland Road (east of the site directly adjacent);
- 128 Elgin Avenue (south of the site across the road);
- Chesney Court, Shirland Road (south of the site across the road)

99-105 Elgin Avenue (a mix of flats and a single family dwelling)

In terms of VSC, there are losses to 5 windows at lower ground and ground floor within these 4 properties. These losses are small and in accordance with the BRE guidance.

In terms of NSL analysis of the 32 rooms assessed in these properties, 26 will not experience any reduction. Of the 6 that do experience reduction, 2 are fully in accordance with BRE guidelines, whilst 4 rooms serving lower ground floor accommodation, experience losses marginally greater than the accepted reduction of less than 0.8 its former value/ greater than 20%.

Given all the windows and rooms will continue to experience good levels of daylighting via the main method of VSC testing, these minor losses to the distribution of daylight within a room are, on balance acceptable.

In terms of sunlight, there are a small number of reduction in sunlight levels but again these are in full accordance with the BRE Guidance.

130 Elgin Avenue (comprising 3 flats, 1 x flat at basement; 1 x flat at ground and 1 x flat at first to third floors)

In terms of VSC, there are losses in excess of the guidelines of 20% at 27.9%, 34.5% and 23.9% to 3 windows, tucked into the corner of the side elevation of the rear closet wing, serving what appears (from Council records) to be a bathroom window at basement, a hallway window to the ground floor and a study served by 2 other windows. Given the losses are marginally over the BRE guidelines and the rooms to which these windows serve, in this urban location and taking into consideration that a smaller development in terms of storey number would likely have an impact upon the basement and ground flats, the proposals are considered acceptable.

In terms of sunlight, the hallway window in the ground floor flat will experience a reduction in APSH that is marginally in excess of BRE guidance. As the room will retain a APSH of 23% it will still receive a good level of sunlight for this urban location.

121 Shirland Road (7 rooms within a house in multiple accommodation, with a dry cleaners at ground floor)

From planning history records, officers have been able to establish the room layout in the property.

In terms of VSC there are losses marginally in excess of BRE guidelines to five windows, serving five rooms. Two of the windows affected are in the side elevation of the closet wing and are secondary windows to the main room, which has its main window in the rear elevation of the closet wing and therefore these losses are considered negligible. The three losses to the basement, first and second floor room are 44.3%, 25.6% and 30.1% respectively. Whilst the loss to the basement room appears excessive in terms of absolute reduction it is 0.9, rather than less than 0.8 as per the guidance. In terms of NSL, all rooms comply.

Whilst it is regrettable that these three HMO rooms will experience potentially harmful reductions to their daylighting levels, given the existing levels as a result of the constrained nature of this corner of Shirland Road/ Elgin Avenue and the orientation of this property with these rooms facing northwards, any development is likely to have an impact. On balance it is considered that the proposals for a residential development, with high importance in terms of completing the townscape outweighs the harm caused to these properties.

In terms of sunlight, as the windows in this site are north facing, a sunlight assessment is not required.

128 Elgin Avenue (ground floor commercial unit and 4 upper floor flats)

In terms of VSC, the reductions in daylighting are very small and all well within the BRE guidance.

In terms of sunlight, given the siting of these flats to the development site, with windows on Shirland Road all north facing, a sunlight assessment is not required.

Chesney Court, Shirland Road (residential flat building)

In terms of VSC, the reductions found to windows serving these flats comply with the BRE guidance. One window at ground floor level, which is under a balcony overhang and therefore will have a contributing factor to daylight within that room, marginally fails on NSL in terms of a proportional reduction, but again as the proposals comply with VSC, this on balance is acceptable.

In terms of sunlight, given the siting of these flats to the development site, with windows on Shirland Road all north facing, a sunlight assessment is not required.

Daylight and Sunlight Conclusion

In conclusion, the proposals whilst resulting in some minor losses to daylight and sunlight, overall are considered acceptable for this urban location and in considering the wider benefits to the scheme of providing housing and infilling a bomb site.

Outlook & Sense of Enclosure

Given the siting of the development and its corner location, the proposals have very

limited impact upon neighbouring properties in terms of outlook. Residents within 130 Elgin Avenue will view a very small part of the rear elevation (not abutting 121 Shirland Road) but only in views from three south facing windows of the rear closet/ projection. These windows appear to be a bathroom window at lower ground floor level which overlooks the boundary wall; a ground floor hallway window; and an unknown second floor window which serves a maisonette over first, second and third floors.

121 Shirland Road is a house in multiple occupation and comprises 7 rooms. The proposed development will be directly on the boundary with this property, within some 3m away from the rear elevation windows and those within the west facing rear closet wing. A development of any height above ground floor in this location will impact the residents of this building. Setting the rear elevation building line in to be further away from these dwellings would narrow the floorplate substantially, thereby impacting the number of residential units proposed. As mentioned, the existing building is as a result of bomb damage and would historically have included a much larger building on this street corner. In addition the development approved in 1996, whilst unbuilt proposed a similar bulk and massing to the rear. While it is appreciated that this development will inevitably result in a loss of outlook to these properties, on balance, given the housing benefits of the scheme, and as a similar size building would have historically sat on this corner site, the proposals are acceptable in this regard.

Loss of Privacy

The majority of the fenestration is proposed to the Shirland Road and Elgin Avenue frontages, looking out over the pavements and streets. The windows directly adjacent the properties on Shirland Road and Elgin Avenue are flush or even recessed with the building line, thereby not resulting in any overlooking. Whilst balconies and terraces are proposed in both front elevations, again partly recessed within the building fabric, opportunities for overlooking are kept to a minimum. It should be noted that there are many balconies/ terraces on Elgin Avenue properties and overlooking across the avenue is not considered to be harmful.

There is one window in the rear elevation at ground to fourth floor and at each level this serves either a staircase; a kitchen or a bedroom. These windows look directly across to the western elevation of the rear closet wing of 121 Shirland Road. There are 2 small windows in this elevation that appear to either serve the landing area or toilet accommodation. It is recommended that the proposed rear elevation windows are obscure glazed to a height of 1.8m internally and this would ensure that the proposed windows would not result in any harmful overlooking to these neighbouring windows. In the main rear elevation of 121 Shirland Road there are windows serving the three flats within the building. It is unclear as to what rooms these windows serve, however any view from the proposed windows would be at such an oblique angle that it is unlikely that any overlooking would occur.

Noise from Proposed Dry Cleaners

Details of how the dry cleaners/ launderette operates and the ventilation that is required via the lightwell to Elgin Avenue has been provided. The Council's Environmental Health officer has no objections to this in noise terms.

In response to the objections regarding noise from the increased in coming and goings to the proposed commercial, it is assumed that these were in relation to the external

tables and chairs originally shown on the plans and the potential of the site being used as a form of cafe. The applicant removed these annotations and the commercial unit proposed is now solely a dry cleaners. Given that the existing use is a dry cleaners and there is a reduction in floorspace proposed, it is not considered that the proposed use would result in harmful noise levels from people visiting the site. The applicant confirms that the hours of operation are 07.30am to 22.00 daily, as existing, and this is to be conditioned.

As discussed above however, under the new Use Classes Order, amended September 2020, the dry cleaners could change to another use within Class E without the need for permission which could be noisier and more frequently visited. The applicant has agreed to a condition restricting uses, that officers consider may result in more harmful amenity concerns such as restaurants and creches.

Noise from balconies

As noted above, balconies and amenity space are proposed for each unit. These are not large outdoor amenity areas, with only limited capacity and therefore not likely to create excessive noise levels from users. The proposals are acceptable noise terms.

Noise from Plant/Machinery

Plant is proposed at roof level serving the proposed flats. An acoustic report has been submitted with the application and the City Council's Environmental Health officer, again has no objections to this in noise terms, subject to the imposition of the Council's standard noise conditions.

8.4 Transportation/Parking

Building Line

Currently the building line on the corner of Shirland Road/Elgin Avenue is open and passable, with the building having a chamfered corner. The Highways Planning Manager considers that the land in front of the building is likely to have gained the status of highway, even if it has not been maintained by the Council as Highway Authority. It should be noted that, as the Highway Authority, no investigations or conclusions in regard to land title have been made and land title interests is a matter for the applicant.

The proposals, as described above under the design section of this report, bring the building line, at its corner, 1.3m forward of the existing building and the Highways Planning manager has raised an objection to this on the grounds of highways safety and that the demands on existing space are increasing, and that the proposals are therefore contrary to Policy 28 of the City Plan. During the course of the application, the corner element of the building at ground floor level has been chamfered rather than a 'sharp corner' in order to address both design and highways concerns. However, the increase in bulk forward of the existing building line is still considered unacceptable to the Highways Planning Manager. Whilst these concerns are noted, it is acknowledged where they say the land is passable, that this is often not the case given the number of dry cleaners vehicles that park illegally on this part of the footway, thereby resulting in pedestrians already using the pavement the way it will be required should the building be extended.

Despite the objection, there would remain significant passable highway of generally over

3m on the Elgin Avenue frontage (at one point this is reduced to 1.9m as there is a telephone box sited on the pavement), as is the existing situation with the properties north of the site from No. 130; and over 4m at the projecting corner and 5m at the recessed frontage of the Shirland Road elevation. The increase in building line is considered to be reflective of the other corner junction buildings on this cross roads, and that the design and townscape benefits of this infill development are considered to outweigh these highways concerns. Officers consider that the proposals comply with policy 28 of the City Plan.

The City Council therefore 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.

Car Parking

Objections have been received on the grounds that the increase in residential accommodation will have a negative impact upon the parking available in the area which is already difficult. Comment is also made that should permission be granted then residents shouldn't be allowed to apply for resident permits.

The proposals do not include any provision for off-street car parking. Policy 27 encourages developments without car parking, in accordance with the London Plan.

The site has a high level of public transport accessibility with a PTAL rating of 5. Coupled with the number of units proposed and the cycle parking proposed (discussed below), the proposals are considered to comply with the Council's policy and a scheme with no car parking is welcomed.

In order to maintain low car ownership levels, lifetime car club membership is considered the strongest mechanism that is likely to ensure car ownership of the future residential occupiers is maintained at low levels. Lifetime membership of a car club (CarPlus accredited) for residential occupiers is to be secured to assist in ensuring car ownership remains low and reducing any impact on on-street stress levels. The applicant has agreed to this provision and this will be secured via Grampian condition.

The City Council does not support the restriction on residents and the ability to apply for resident permits and therefore the objections on these grounds are not sustained.

Cycle Parking

The proposals include 14 long stay cycle parking spaces for the residential units at basement level and 2 internal long term spaces for the Class E unit at ground floor level. The drawings show this provision and therefore the proposals comply with Policy T5 of the London Plan.

Internal short stay cycle parking for the retail unit is also shown. While the Highways Planning Manager questions the long term design and function, it is accepted the quantum required is provided.

The cycle parking will be secured by condition.

Servicing & Deliveries

Policy 29 of the City Plan encourages the provision of consolidated facilities for servicing and deliveries in new development and it states that this should be met within a development site. The policy goes on to further state that where it is not possible to fully meet the servicing, collection and delivery needs within a development site they must be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity.

No off street servicing is proposed for the proposed dry cleaners or the residential units, with the applicant arguing that this is reflective of the existing situation (with respect to the dry cleaners).

The Highways Planning Manager says that there appears to be no physical constraints in achieving on site servicing. Officers consider this impractical for a number of reasons; the site's corner location on a busy cross roads; a fairly narrow plan form which would potentially require a servicing bay resulting in reversing manouvres onto the highway and that this appears to be at odds with earlier comments regarding the highway being passable.

Whilst a draft Servicing Management Plan (SMP) has been submitted with the application, this lacks specific details and clear instructions and processes for future occupiers of the development. The applicant has agreed to the Highways Planning Managers request for a condition to secure a more detailed SMP which should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised.

8.5 Economic Considerations

Any economic benefits associated with the development proposals are welcomed.

8.6 Access

Level access is proposed from street level to the commercial unit and to the residential units. Internally a lift is proposed to all floors and therefore all residential units and this is welcomed.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Refuse storage for the both the residential units and the Class E unit are shown at ground floor level, accessed from the Elgin Avenue frontage. Whilst the principle of these storage areas are acceptable, further details are required but the Waste Projects Officer and this is to be conditioned.

Trees

There are three street trees adjacent the application site; 2 Alders on Shirland Road and 1 London Plane on Elgin Avenue.

The Council's Tree officer originally had concerns with the impact of the development

upon the Shirland Road Alder trees, however subject to the receipt of further information, including clarification that the existing vaults under the pavement on Shirland Road are not being extended upwards and therefore 1.2m of soil depth remains for the Alder tree roots, no objections are no raised. The applicant has agreed to a pre-commencement to secure an updated Arboricultural Method Statement.

Biodiversity

There doesn't appear to be any biodiverse features within the development. At the time of writing, the applicant had been asked to confirm acceptance of a condition securing a biodiverse roof.

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There are no neighbourhood plans for this location.

8.10 London Plan

The proposals are in accordance with the aims and objectives of the London Plan 2021.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development; a grantpian condition to secure mitigation of demand on on-street car parking and tree protection. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

A Grampian condition is proposed to secure mitigation of the demand on on-street car parking. This is likely to be agreement of car club membership for each residential unit and will likely be secured via a unilateral agreement.

The estimated CIL payment is £318,893, comprising Mayoral CIL of £59,229 and Westminster CIL of £259,664.

8.13 Environmental Impact Assessment (EIA)

An EIA is not required for a development of this size.

8.14 Other Issues

Basement

There is an existing basement measuring 2.5m. This is to be slightly extended to the western elevation on Elgin Avenue to provide the two lightwells to serve the lower ground floor duplex flat and the commercial unit at lower ground floor level; and under the extended building line on the corner with Elgin Avenue and Shirland Road. The existing basement and coal vaults on Shirland Road are all to be extended to a depth of 4m.

Policy 45 of the City Plan refers to basement development. Part A states that basement developments should 1) incorporate measures recommended in the structural statement or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding; 2) be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area; 3) protect heritage assets, and in the case of listed buildings, not unbalance the building's original hierarchy of spaces where this contributes to its significance; and 4) conserve the character and appearance of the existing building, garden setting and the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

The site is within a surface water flooding hotspot 12 as identified within the Basement SPG. A flood risk assessment has been included within the basement method statement. It identifies that the site is within a flood zone 1 (Environment Agency), and is therefore at low risk of flooding. The construction of the extended basement has been assessed and is considered acceptable by the Council's Building Control Officer and therefore neighbour objections on the issue of potential subsidence are not considered sustainable in this instance. There are two lightwells proposed to the Elgin Avenue frontage, one open and surrounded by railings and one enclosed with a perforated metal cover to provide ventilation to the dry cleaners, but also access to the waste store. For the reasons discussed in the design section of this report, these lightwells are considered to be acceptable in conservation and design terms. The proposals comply with part A of the policy.

Part B of the policy states that basement developments will be supported where they: 1) do not extend beneath more than 50% of the garden land – on small sites where the garden is 8m or less at its longest point, basements may extend up to 4m from the original building in that direction; 2) leave a margin of undeveloped garden land

proportionate to the scale of the development and the size of the garden around the entire site boundary; 3) not comprise more than one storey beneath the lowest original floor level – exceptions may be made on large sites with high levels of accessibility for construction; 4) provide a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement; and 5). not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.

The basement is primarily under the footprint of the existing building and the proposed building save for the two lightwells on the Elgin Avenue Frontage and a small strip under the Elgin Avenue frontage extending to the corner, measuring 1.7m – 3.5m respectively. The development in this instance does not require a margin of undeveloped land given its corner location and no rear yard/ garden. At 4m in height, whilst marginally taller than most floor to ceiling heights the proposals are clearly one storey. The height of 4m allows for the head height required by a dry cleaning operation. Above the coal vaults, an area of 1.2m of soil depth is proposed to ensure that the Alder street trees have sufficient space to continue to grow, as discussed above. In respect of Part B, 5 which seeks to ensure that proposed development does not prevent the area under the highways from being used for services/ utilities, whilst the basement extends under, what the Highways Planning Manager considers to be 'highway' given the open nature of this property and that its been passable over the passage of team, the applicant argues that this 'pavement/forecourt' is within their ownership. The basement does not extend into the adopted highway and it is assumed that there are limited services under this pavement/ forecourt to require adherence to this part of the policy. As noted above, on the Shirland Road frontage, the area above the existing vaults is not being excavated and remains as existing. The proposals comply with part B of the policy.

Noise and Disruption During the Course of Works

Objections have been received on the grounds of noise and disruption during the course of works if permission was to be granted; the construction impact to children in the locality and how works may affect the surrounding highway network

The guidance within the Code of Construction Practice (CoCP) sets out what development projects need to mitigate their effects during construction through compliance with (CoCP). Given the proposals include basement works, the applicant has already confirmed through the submission of draft Appendix A that they intend on complying with the CoCP. The CoCP has been set up to help reduce the impact of developments on neighbouring occupiers and provides the council with funding to help to inspect construction sites and address issues should they arise.

In addition a condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructors scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

In terms of how the works affect the surrounding highways network and traffic management, an application cannot be reasonably withheld on this basis.

Crime and security

The Designing Out Crime Officer has no objections to the proposals on the basis that the proposed use is as a dry cleaners, and not as a launderette and that no tables and chairs are proposed. These comments triggered the minor revisions to the scheme, removing reference to the tables and chairs and agreeing conditions securing that the launderette was ancillary to the dry cleaners, as has been agreed as lawful through application 15/09593/CLEUD. The officer confirms that the development can likely achieve a Secured by Design Accreditation. Recommendations in their comments have been made with respect to window and door safety standard; bike stand fittings etc and an informative advising the applicant to consult the Secured by Design Homes Guide 2019 is recommended.

Other

An objection has been received on the grounds that taller developments in the area affect TV signals. Whilst this is noted, it is not considered reasonable that an application be withheld on this ground.

Matters of property devaluation as a result of an increase in flats and homes in the area, raised by objectors are not considered a material planning consideration.

Objectors raise the issue that the consultation process/ public consultation responses has been misquoted in the submission as 'successful' when this is not the case and the concerns raised by residents were not adequately addressed. Whilst it is regrettable that the public consultation and responses may not have been summarised accurately or to the applicants benefits, the application has been assessed on its merits, and for the reasons discussed in the report the proposals are considered acceptable.

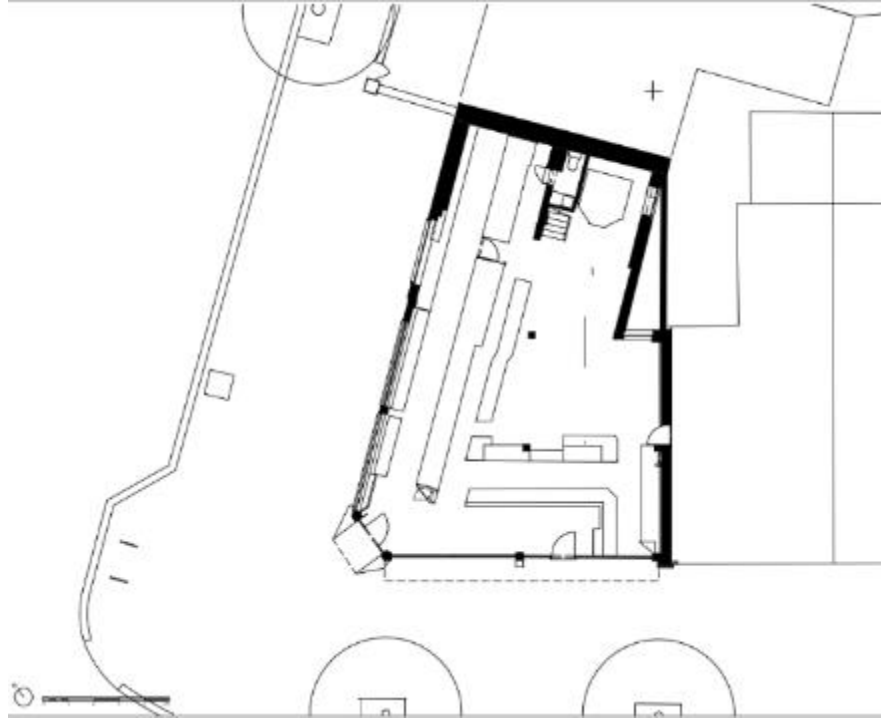
Finally, objections have been received on the grounds that residents of existing flats or future occupiers of the development flats who drive around looking for a parking space will impact on the surrounding area in terms of noise, pollution etc. Whilst this concern is noted, a development of this size, as argued above is not considered to result in such a demand on the existing highway network so as to warrant refusal.

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

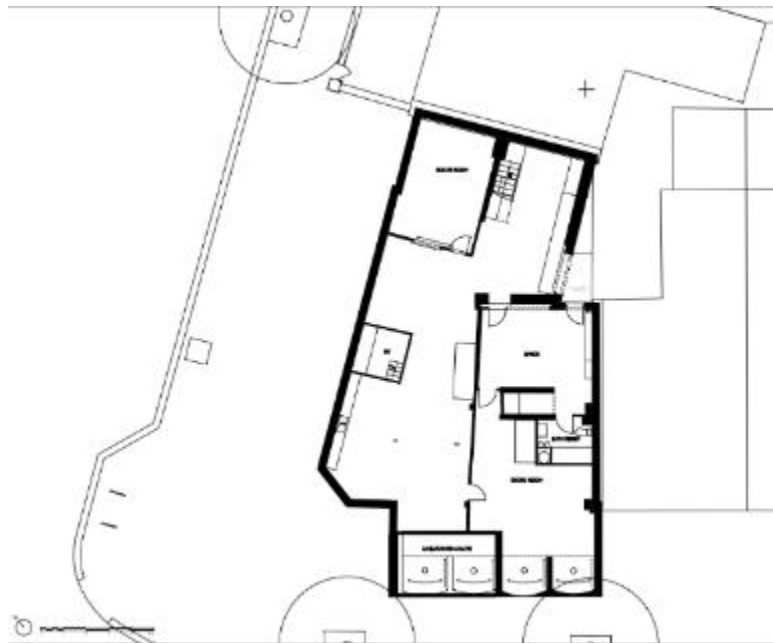
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

9. KEY DRAWINGS

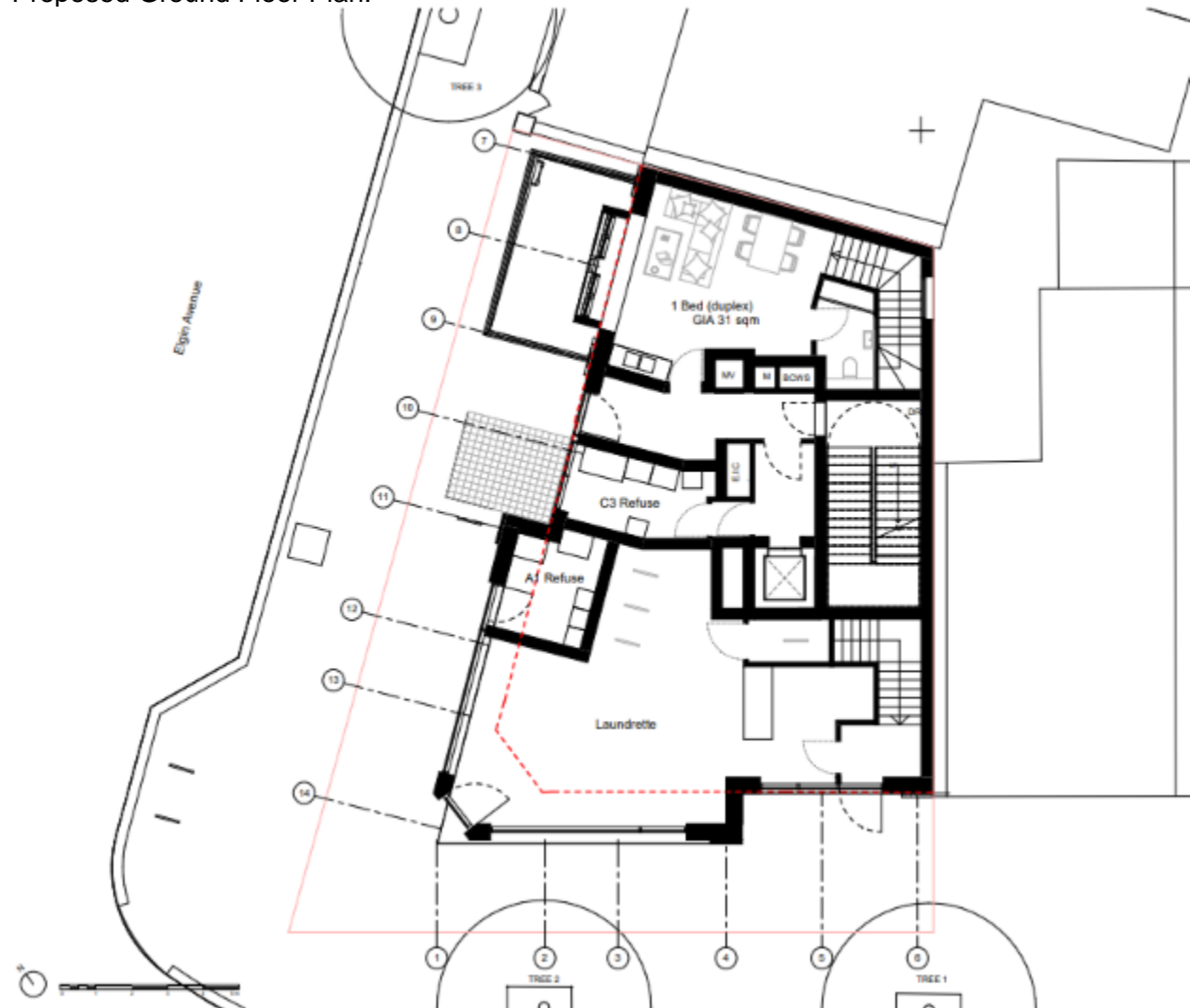
Existing Ground Floor Plan:



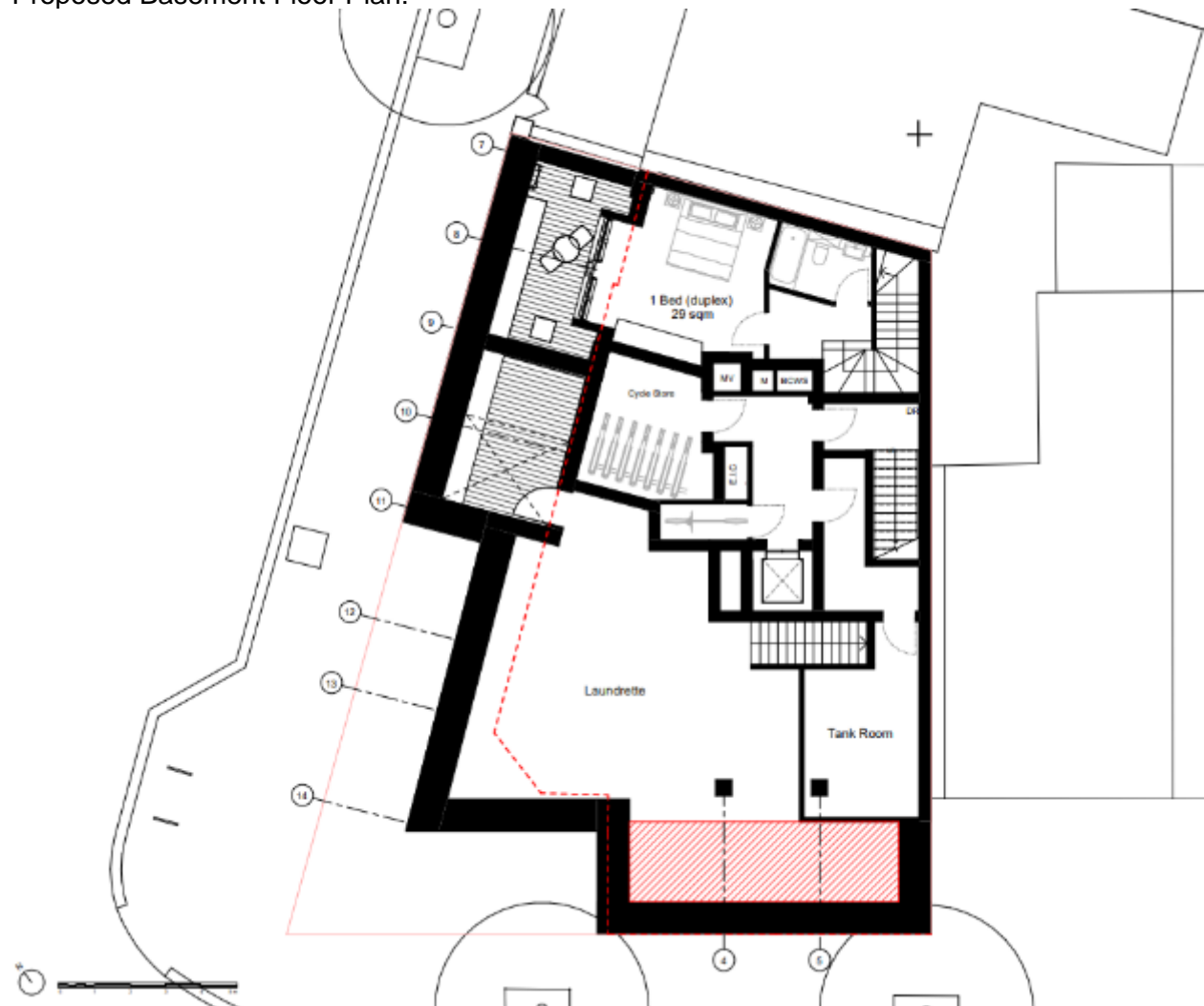
Existing Basement Floor Plan:



Proposed Ground Floor Plan:



Proposed Basement Floor Plan:



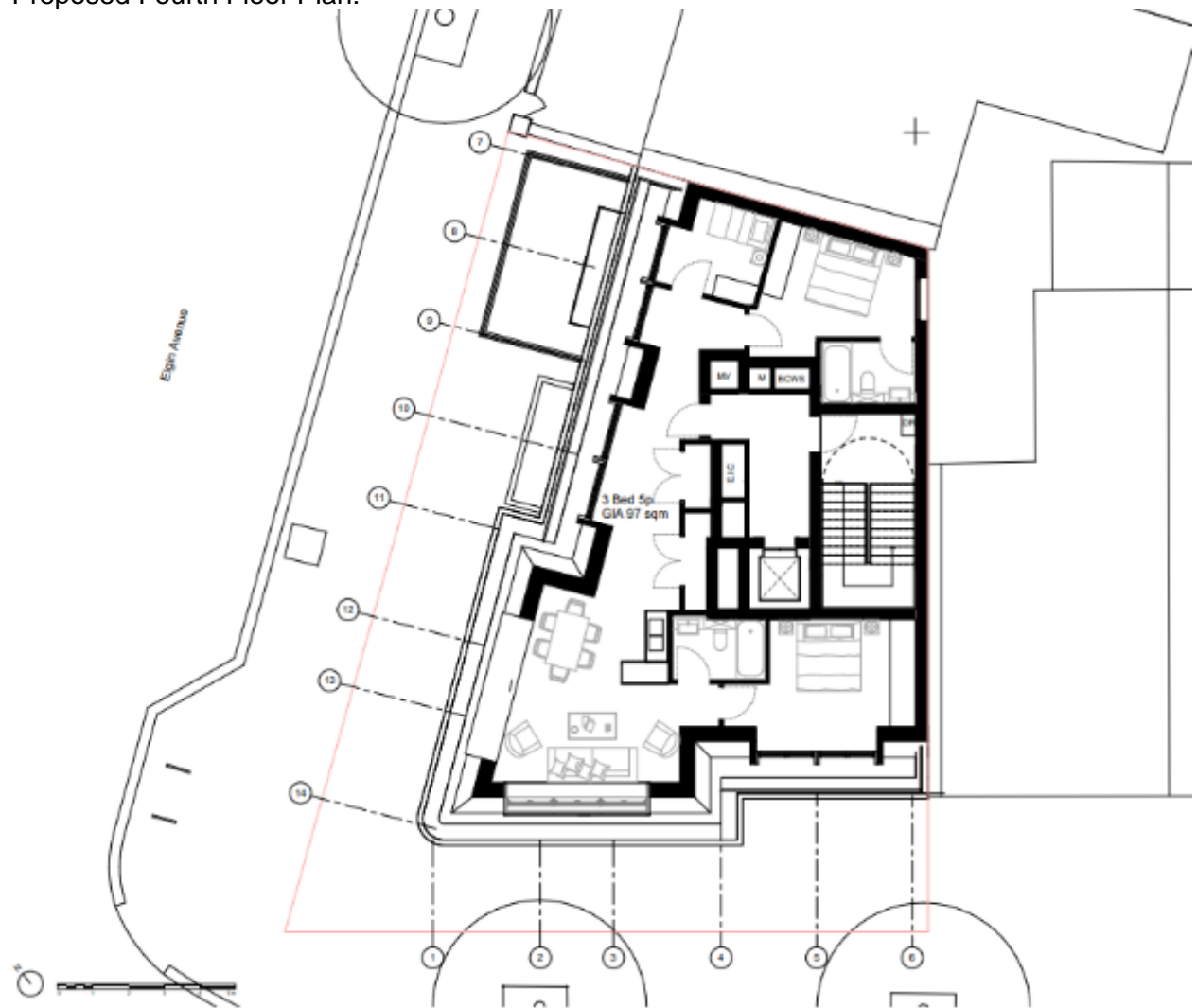
Proposed First and Second Floors:



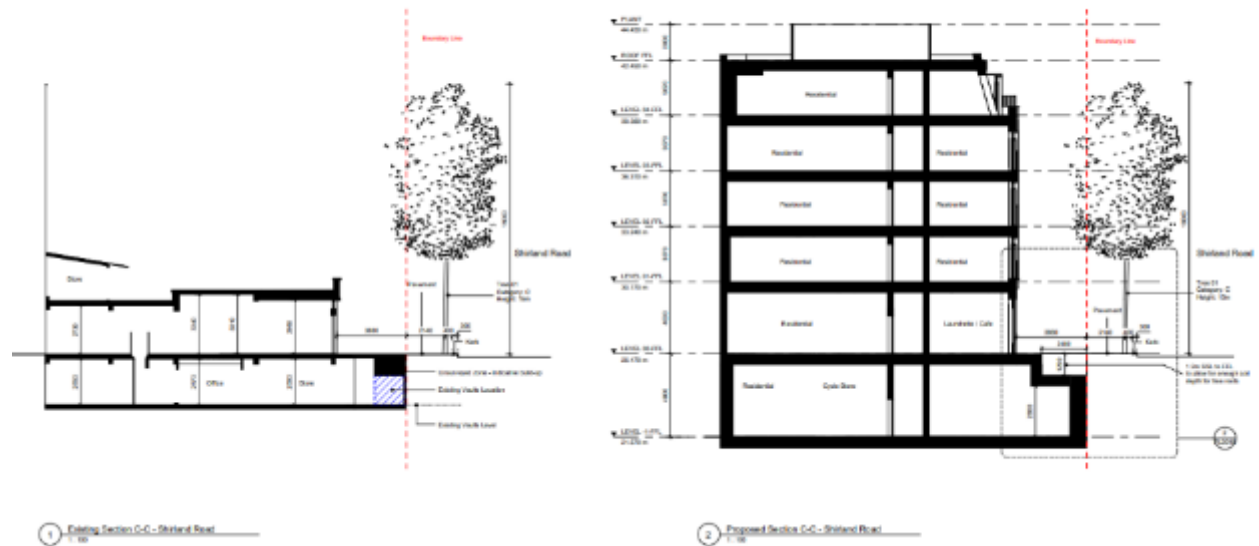
Proposed Third Floor Plan:



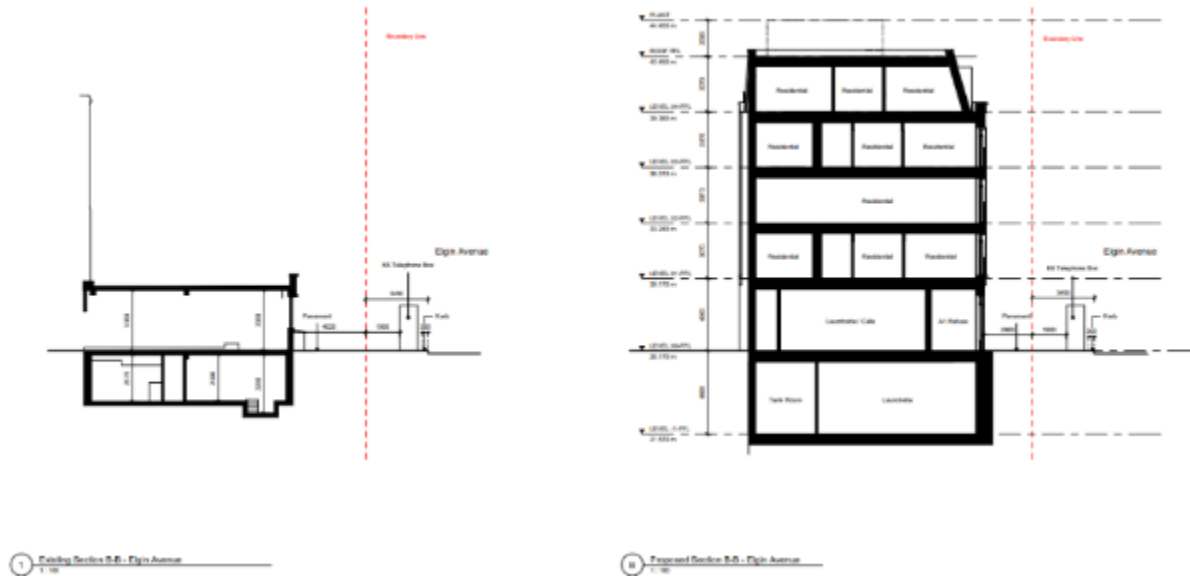
Proposed Fourth Floor Plan:



Existing and Proposed Section – showing Shirland Road:



Existing and Proposed Section – showing Elgin Avenue:



Architectural elevation drawing of the proposed building at 1100 E. 1st St. The drawing shows a four-story building with a flat roof and a series of windows. A red dashed line indicates the proposed building footprint. A blue dashed line indicates the existing chimney. The drawing is labeled with "Proposed Elevation - Eign Road" and "1:100".

Architectural elevation drawing of the proposed building at 121 Shaker Road. The drawing shows a multi-story building with a central section and a long, low wing to the right. The central section has a flat roof and a series of windows. The long wing has a series of arched windows. The drawing includes vertical grid lines numbered 1 through 6, and horizontal elevation markers on the left side. The elevation markers are: 10,000' (3,048 m), 9,900' (3,018 m), 9,800' (2,987 m), 9,700' (2,957 m), 9,600' (2,927 m), and 9,500' (2,897 m). The drawing also includes labels for 'Proposed Utility Street 10' Elevation', 'Proposed Utility Street 11 Elevation', 'Existing Utility Street 10', and 'Existing Utility Street 11'. The drawing is titled 'Proposed Elevation - 121 Shaker Road' and '1:100'.

Proposed Visuals – For information only:



Proposed view - View along Elgin Avenue



Proposed view - View along Shilford Road

DRAFT DECISION LETTER

Address: 123-123A Shirland Road, London, W9 2EW,

Proposal: Demolition of existing property and erection of a five-storey building (with basement level) incorporating a lightwell to the Elgin Avenue frontage and plant at roof level to provide a commercial unit at ground and basement and residential dwellings at basement, ground and upper levels.

Plan Nos: ZZ-00-DR-A-00002 P1; ZZ-00-DR-A-01002 P1; ZZ-B1-DR-A-00001 P1; ZZ-B1-DR-A-01001 P1; ZZ-DR-A-00003 P1; ZZ-01-DR-A-01003 P1; ZZ-ZZ-DR-A-00004-P1; ZZ-ZZ-DR-A-PL0011 P1; ZZ-ZZ-DR-A-PL0012 P2; ZZ-ZZ-DR-A-PL0000 P1 ; ZZ-B1-DR-A-PL0001 P3; ZZ-00-DR-A-PL0002 P2; ZZ-01-DR-A-PL0003 P2; ZZ-03-DR-A-PL0004 P2; ZZ-04-DR-A-PL0005 P2; ZZ-05-DR-A-PL0006 P2; ZZ-ZZ-DR-A-PL0000 P1; ZZ-ZZ-DR-A-PL0007 P2; ZZ-ZZ-DR-A-PL0009 P3; ZZ-ZZ-DR-A-PL0015 P2; ZZ-ZZ-DR-A-PL0016 P2; ZZ-ZZ-DR-A-PL0017 P1; ZZ-ZZ-DR-A-PL0018 P1; ZZ-ZZ-DR-A-PL0019 P1; ZZ-ZZ-DR-A-PL0020 P1; ZZ-ZZ-DR-A-PL0021 P1.

For information only:

Supporting Statement with Appendices 1-9 dated November 2020; Design and Access Statement revised February 2021; Site History and Impact Assessment dated October 2020; Sustainability and Energy Statement dated 28 October 2020; Drainage Strategy and Flood Risk Report dated July 2020; Structural Method Statement dated October 2020; Transport Statement dated November 2020; Delivery and Servicing Plan dated November 2020; Drat Construction Management Plan dated 3 November 2020; Daylight and Sunlight Assessment dated October 2020; Noise Report dated 20 October 2020; Arboricultural Method Statement and tree Protection Plan dated 14 october 2020; tree Report dated 7 July 2020 with Tree Plan dated 25 June 2020; Tree Site Investigation Report dated 19 February 2021.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3 Pre Commencement Condition. Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

5 You must apply to us for approval of details of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

(C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must not paint any outside walls of the building without our written 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 (as amended) (or any order that may replace it). (C26WC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 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 this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 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 this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 In the event that the Class E commercial unit at part ground/ part basement floor is not operated as a dry cleaners as the first occupiers post completion of the development or when the unit is no longer operated as a dry cleaners, then the metal plated grill on Elgin Avenue must be reduced, and the lightwell partly covered over so as to not project any further than the built line of the corner projection on Elgin Avenue of the development hereby permitted.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must use the commercial floor space at part ground/ part basement for retail/ offices or a medical/health facility (as defined under Class Ea, c, e, g) only. You must not it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because it would harm the amenity of neighbouring occupiers and would not meet Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R05JA)

- 11 In the event that the commercial premises at part ground/ part basement operates as a dry cleaners under Class E of the Use Classes Order , amended September 2020, then any laundrette facility must be ancillary and not occupy more than 30 percent of the floor area.

Reason:

We cannot grant planning permission for unrestricted launderette use in this case because it would fall within a Sui Generis use class and therefore require planning permission.

- 12 Customers shall not be permitted within the Class E commercial premises before 07.30 or after 22.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 13 The 8 residential units as shown on the drawings hereby approved must be provided prior to first occupation, with a minimum of 2 family sized units.

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 7 and 10 of the City Plan 2019 - 2040 (April 2021)

- 14 (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 in writing 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 in writing 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 written approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 15 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-

specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 16 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise

Technical Guidance Note (November 2019). (R48AB)

- 17 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49BB)

- 18 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 19 The glass that you put in the rear elevation windows must not be clear glass, up to a height (internally) of 1.8m. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 20 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the development. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 21 **Pre Commencement Condition.** You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

-The mitigation of increased demand on on-street car parking.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R19AD)

- 22 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 23 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 24 You must apply to us for approval of details of a servicing management plan prior to the occupation of the commercial unit. You/ all future occupiers must then abide by the terms and agreement of the servicing management plan hereby approved at all times.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 25 In the event that the commercial unit at part ground/ part basement is not used as a dry cleaners, you must apply to us for approval of an operational management plan. This plan must include details of staff, capacity and patent number (if applicable), arrival and departure processed, length of stay, hours of operation etc. You/future occupiers must then abide by the terms and agreement of the operational management plan at all times.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 26 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 27 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved. (C30GA)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policies 34 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

- 28 **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 the trees and the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 29 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the biodiverse roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

- 29 No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, 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. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 4 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be provided at the premises, you will need to apply for a Special Treatment Licence. Please use the following link for further information and to make your application: www.westminster.gov.uk/massage-and-special-treatment-premises-licences. You should contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email to ehconsultationteam@westminster.gov.uk for advice to ensure the treatment rooms meet the appropriate standards.
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For

more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

6 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

- 7 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 8 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 9 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

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

- 10 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. These recommendations can be found in the Secured by Design Homes Guide 2019. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region.
- 11 Under condition 21, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure car club membership for the residential flats, as set out in the letter dated 25 February 2021 from Matt Humphreys. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 12 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 13 Conditions 14 and 16 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 14 Condition 28 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:

*that the first 800mm of excavation for the contagious plies where within or abutting Root Protection Areas will be supervised by the arboricultural consultant and any roots found shall be cut cleanly;

- * that arboricultural site supervision and monitoring records shall be sent to the Westminster City Council Tree Section within 5 days of any visits;
- * a specification for the replacement soil;
- * 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.

- 15 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
 Development Planning
 Maple Lodge STW
 Denham Way
 Rickmansworth
 Hertfordshire
 WD3 9SQ
 Tel: 01923 898072
 Email: Devcon.Team@thameswater.co.uk

- 16 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.

- 17 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.