

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 September 2021	Classification For General Release	
Addendum report of Director of Place Shaping and Town Planning		Ward(s) involved Churchill	
Subject of Report	Darwin House, 104 Grosvenor Road, London, SW1V 3LH		
Proposal	(ADDENDUM REPORT) Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.		
Agent	Montagu Evans		
On behalf of	Westminster City Council		
Registered Number	20/06899/COFUL	Date amended/ completed	10 November 2020
Date Application Received	30 October 2020		
Historic Building Grade	Unlisted		
Conservation Area	Churchill Gardens		

1. RECOMMENDATION

1. Grant conditional permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a S106 unilateral undertaking to secure the following:

- a) provision of the 52 x residential units as Intermediate Rented Housing (18 x 1 bedroom flats in Block B) and Community Supportive Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;
- b) provision of car club membership for 25 years for each residential flat;
- c) walkways agreement to secure access through the site;
- d) a carbon offset contribution of £21,090;
- e) a financial contribution of £6954 to the Westminster Employment Service (index linked and payable on commencement of development);
- f) the cost of monitoring the agreement; and

g) costs of the stopping-up process.

2. If the S106 unilateral undertaking has not been completed within six weeks then:

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

b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Authorise the making of a draft Order pursuant to Section 247 of The Town and Country Planning Act (1990) (as amended) for the stopping up of parts of the public highway to enable this development to take place.

4. Authorise the Director of City Highways, Executive Director of City Management and Communities, or other such proper officer of the Council responsible for highway functions, to take all necessary procedural steps in conjunction with the making of the Order and to make the Order as proposed if there are no unresolved objections to the draft Order.

2. SUMMARY

This application which seeks to demolish all existing buildings on site (Darwin House, The Balmoral Castle Public House, and 23 lock-up garages) and provide two new buildings comprising of 52 x affordable residential units, was presented to Committee on 8th June 2021. Committee resolved to grant conditional permission, subject to the completion of a S106 unilateral undertaking to secure the following:

a) provision of the 52 x residential units as Intermediate Rented Housing (18 x 1 bedroom flats in Block B) and Community Supportive Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;

b) provision of car club membership for 25 years for each residential flat;

c) walkways agreement to secure access through the site;

d) a contribution of £21,090 (index linked and payable on commencement) to the Carbon Off set fund;

e) a financial contribution of £6954 to the Westminster Employment Service (index linked and payable on commencement of development) and;

f) the cost of monitoring the agreement.

Committee also resolved to add Conditions and Informatives (condition nos. 32, 33, 34 and informative nos. 16, 17, 18, 19 and 20 on the draft decision notice).

Stopping-up Order

Following this resolution to grant permission, the applicant has requested an area to be formally stopped up, as they now consider the area may have gained highway status/ permissive rights, due

to it being open to the public and unrestricted for at least the last 20 years. It is noted this area is not highway maintained at public expense but an estate access road.

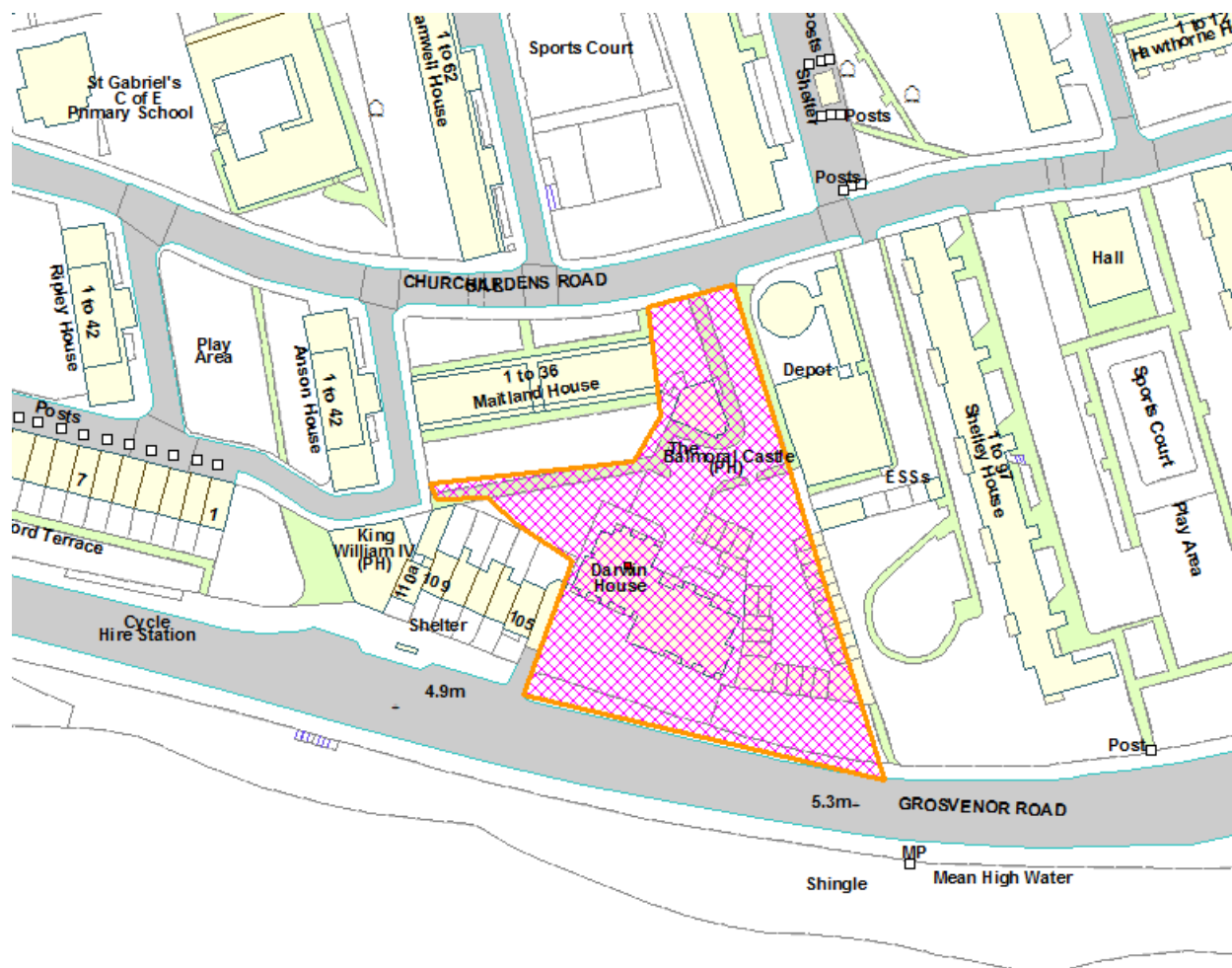
The proposals remove the existing vehicular access to Darwin House, relocates the existing ambulance bay and demolishes the existing garages thus removing the need for vehicular access to the area of the site proposed for stopping-up. The new ambulance bay and ancillary parking for the site will all be relocated adjacent to the site's eastern boundary away from the areas of public realm.

In highways terms, there are no concerns with the proposal to remove any access rights to this area. Further, it is noted the new development provides a new pedestrian route from Churchill Gardens Road to Grosvenor Road, which is to be secured within the unilateral undertaking. The proposal is in accordance with Policies 25, 28 and 43 of City Plan 2040.

The proposals require a separate Stopping-up Order and authorisation is sought for the making of this Order. The full costs of the stopping up process will also need to be met by the developer.

For information, the minutes and report of the Planning (Major Applications) Sub-Committee held on Tuesday 8th June are included in Appendix 1.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Views of the existing vehicular access to rear of Darwin House and lock-up garages

5. CONSULTATIONS

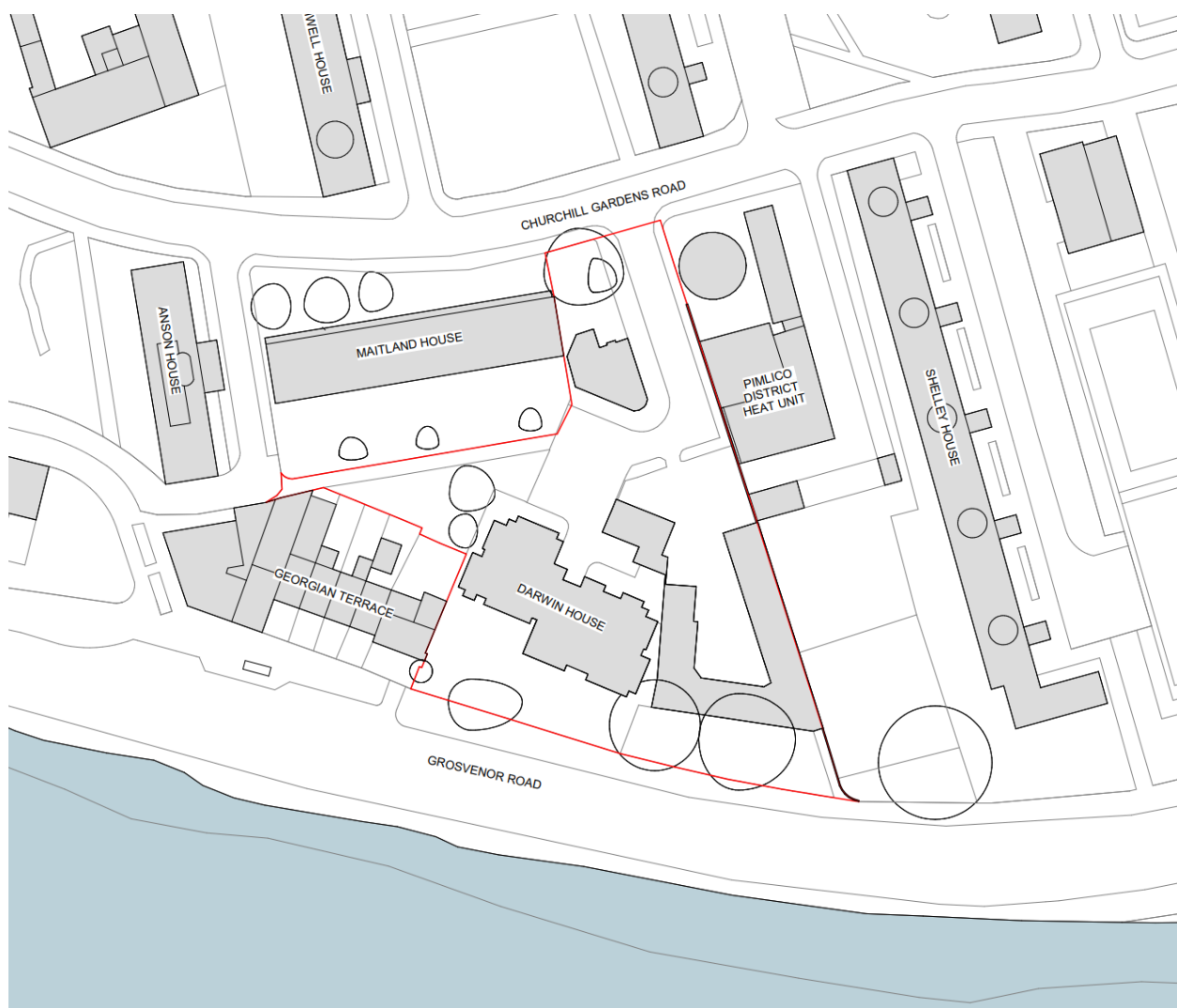
HIGHWAYS PLANNING MANAGER:

No objection.

(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: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

Stopping-up Plan



Existing Site Block Plan

DRAFT DECISION LETTER

Address: Darwin House, 104 Grosvenor Road, London, SW1V 3LH

Proposal: Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.

Reference: 20/06899/COFUL

Plan Nos:

- 3640-LB-ZZ-ZZ-DR A-101000 Existing Site Location Plan
- 3640-LB-ZZ-ZZ-DR-A-101001 Existing Site Block Plan
- 3640-LB-XX-XX-DR-A-104000 Existing Site Elevations - 1 of 2
- 3640-LB-XX-XX-DR-A-104001 Existing Site Elevations - 2 of 2
- 3640-LB-ZZ-ZZ-DR-A-110000 Proposed Site Location Plan
- 3640-LB-ZZ-ZZ-DR-A-110001 Proposed Site Block Plan
- 3640-LB-ZZ-00-DR-A-120000 Ground Floor Plan
- 3640-LB-ZZ-00-DR-A-120001 First Floor Plan
- 3640-LB-ZZ-00-DR-A-120002 Second Floor Plan
- 3640-LB-ZZ-00-DR-A-120003 Third Floor Plan
- 3640-LB-ZZ-00-DR-A-120004 Fourth Floor Plan
- 3640-LB-ZZ-00-DR-A-120005 Fifth Floor Plan
- 3640-LB-ZZ-00-DR-A-120006 Sixth Floor Plan
- 3640-LB-ZZ-00-DR-A-120007 Roof Plan
- 3640-LB-ZA-ZZ-DR-A-130000 Block A Proposed East Elevation
- 3640-LB-ZA-ZZ-DR-A-130001 Block A Proposed North & South Elevation
- 3640-LB-ZA-ZZ-DR-A-130002 Block A Proposed West Elevation
- 3640-LB-ZA-ZZ-DR-A-130003 Block A Proposed North Elevation
- 3640-LB-ZA-ZZ-DR-A-130004 Block A Proposed West & East Elevation
- 3640-LB-ZA-ZZ-DR-A-130005 Block A Proposed South Elevation
- 3640-LB-ZA-ZZ-DR-A-130006 Grosvenor Road Street Elevation - Existing & Proposed
- 3640-LB-ZA-ZZ-DR-A-140000 Block A Proposed Section 1
- 3640-LB-ZA-ZZ-DR-A-140001 Block A Proposed Section 2 & 3
- 3640-LB-ZA-ZZ-DR-A-140002 Block B Proposed Section 1
- 3640-LB-ZA-ZZ-DR-A-140003 Block B Proposed 2 & 3
- 3640-LB-ZZ-ZZ-DR-A-158000 Site Demolition Plan
- 3640-LB-ZA-ZZ-DR-A-300000 Block A Flat Layouts
- 3640-LB-ZB-ZZ-DR-A-300001 Block B Flat Layouts
- 3640-LB-ZZ-00-DO-A-412001 P2 Refuse Strategy

Planning Statement, prepared by Montagu Evans LLP;
 Design and Access Statement incl. Crime Prevention Statement, prepared by Levitt Bernstein;
 Heritage, Townscape and Visual Impact Assessment, prepared by Montagu Evans LLP,
 Daylight and Sunlight Assessment (proposed accommodation), prepared by Rapleys;

Flood Risk Assessment, prepared by RPS;
 Foul and Surface Water Drainage Assessment prepared by RPS;; Energy
 Assessment, prepared by Etude;; Overheating Assessment, prepared by RPS;
 Air Quality Assessment, prepared by RPS;
 Air Quality Neutral Assessment, prepared by RPS;
 Noise Impact Assessment, prepared by RPS;; Transport Statement, prepared by
 RPS;
 Arboriculture Impact and Method Statement, prepared by RPS;
 Statement of Community Involvement, prepared by Westminster City Council;;
 Pedestrian Level Wind Microclimate Report, prepared by RWDI;
 Tree Survey, prepared by RPS;; Preliminary Ecological Appraisal, prepared by RPS;
 UXO Survey Assessment, prepared by RPS, Utilities Survey, prepared by RPS;;
 Archaeological Desk Based Assessment, prepared by RPS;
 Sunlight Daylight Assessment (adjoining properties), prepared by Rapleys;
 Letter (Proposed Stopping-Up), prepared by Montagu Evans; and
 002 Rev A Stopping Up Plan.

Case Officer: David Dorward

Direct Tel. No. 07866038730

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
 You must carry out piling, excavation and demolition work only:
 - o between 08.00 and 18.00 Monday to Friday; and , onot 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 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate 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 not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies. (C26OA)

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate 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 apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades (including courtyard facing elevations and structures) of Block A and Block B to indicate the following:

- 1) windows;
- 2) external doors;
- 3) cills and reveals;
- 4) interfaces with windows;
- 5) entrance canopies
- 6) interfaces with architectural metalwork;
- 7) ventilation and other services terminations at façade;
- 8) railings and balustrades;
- 9) integral external lighting;
- 10) PV panels

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate 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 apply to us for approval of samples of the hard landscaping materials you will use, including 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 improve the appearance of the development and its contribution to the character and appearance of the Churchill Gardens Conservation Area and the Churchill Gardens landscape as a grade II Registered Park and Garden. This is as set out in Policies 38, 39, 40 and 43 of the City Plan 2019 - 2040 (April 2021).

- 8 You must apply to us for approval of details (1:20 and 1:10) of the following parts of the development:

1. External seating
2. Bollards
3. Public realm lighting
4. Gates
5. Railings and boundary treatments
6. External steps and walls

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To improve the appearance of the development and its contribution to the character and appearance of the Churchill Gardens Conservation Area and the Churchill Gardens landscape as a grade II Registered Park and Garden. This is as set out in Policies 38, 39, 40 and 43 of the City Plan 2019 - 2040 (April 2021).

- 9 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 buildings is suitable and that they contribute

to the character and appearance of this part of the Churchill Gardens Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

10 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)

11 Pre Commencement Condition. Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved phasing plans.

Reason:

In the interests of proper planning, for the purposes of CIL and to ensure that the planning benefits of the scheme are delivered in accordance with the approved development.

12 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)

13 You must provide each car parking space shown on the approved drawings prior to occupation of the development and thereafter permanently retain them. Each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

- 14 Prior to occupation of the development electric vehicle charge points (EVCPs) shall be installed for a minimum of 6 of the car parking spaces. These charging points shall not be removed unless authorised by the City Council as local planning authority and maintained in working order for the lifetime of the development.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with Policy 26 of the City Plan 2019 - 2040 (April 2021). (R22BC)

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 3640-LB-ZZ-00-DO-A-412001 P2 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the buildings. (C14FC)

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)

- 16 **Pre Commencement Condition.** Notwithstanding the submitted details, 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.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 17 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing).
If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

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

- 18 You must apply to us for approval of detail of any foundations or surfacing within tree root protection areas. The details must include existing and proposed section drawings and must demonstrate the surfacing and foundations will not cause any harm to tree roots. You must start any work on the relevant parts of the development until we have approved what you have sent us. You must then construct the foundations and surfacing according to the approved details.

Reason:

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

- 19 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18BB)

- 20 (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 Environmental Supplementary Planning Document (May 2021), 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)

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 Environmental Supplementary Planning Document (May 2021). (R48AB)

- 22 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 20 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), 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. (R51AC)

- 24 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition(s) 22 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), 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.
(R51AC)

- 25 **Pre Commencement Condition.** No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a, competent person(s) or organisation to undertake the agreed works.
If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - B. Where appropriate, details of a programme for delivering related positive public benefits.
 - C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 26 The development shall be carried out in accordance with the energy efficiency measures set out in the approved Energy Statement. You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

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

Reason:

To make sure that the development affects the environment as little as possible, as set

out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 28 **Pre Commencement Condition.** No demolition shall take place in respect of the Balmoral Public House and single storey garage blocks (Phase 1) until the results of two bat emergence surveys have been submitted to and approved by the City Council as local planning authority in consultation with Natural England.
- If the results of these surveys show that no roosting bats are present in these buildings, works can commence on site.
- If the results show the presence of roosting bats, no demolition works shall take place until the applicant obtains a Licence from Natural England and details of the proposed mitigation measures. A copy of this Licence must be submitted to the City Council before any demolition takes place and the development must be carried out in accordance with this Licence at all times.

Reason:

The submitted ecological report has identified the Balmoral Public House having moderate potential for roosting bats and therefore two emergence surveys are required to demonstrate whether bats are present. Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and to ensure that the development complies with Policy 34 of the City Plan 2019-2040 April 2021) .

- 29 **Pre Commencement Condition.** No demolition shall take place in respect of Darwin House (Phase 3) until the results of a single emergence survey has been submitted to and approved by the City Council as local planning authority in consultation with Natural England.
- If the results of these surveys show that no roosting bats are present in these buildings, works can commence on site.
- If the results show the presence of roosting bats, no demolition works shall take place until the applicant obtains a Licence from Natural England and details of the proposed mitigation measures. A copy of this Licence must be submitted to the City Council before any demolition takes place and the development must be carried out in accordance with this Licence at all times.

Reason:

The submitted ecological report has identified that Darwin House has low potential for roosting bats, and to ensure that an additional survey is carried out before any demolition takes place . If the results of these surveys show that no roosting bats are present in this building, works can commence on site . Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and to ensure that the development complies with Policy 34 of the City Plan 2019-2040 April 2021) .

- 30 The development shall be carried out in accordance with the mitigation details set out in the approved ecological report. Details of the proposed bat and bird boxes and the creation of new habitats shall be submitted to and approved by the City Council as local planning authority before any works commence on Phases 2 and 4. The

development shall be carried out in accordance with these approved details and shall be erected prior to the occupation of the buildings .

Reason:

To reduce the impact of the proposed development on biodiversity and to secure improvements for biodiversity as set out in Policy 34 of the City Plan 2019-2040 (April 2021).

- 31 You must apply to us for approval of details of screens to be installed on the west-facing side of balconies of flats in Block B (adjacent to no. 105 Grosvenor Road). These screens shall be obscured and extend to not less than 1.8 m above balcony floor level. The approved screens shall be erected in accordance with the approved details prior to the first occupation of the flats and shall be retained for the full lifetime of the development.

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).

- 32 You must not use the flat roofs of the buildings (Blocks A and B) 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. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 33 **Pre Commencement Condition.** You must apply to us for approval of a site Waste Management Strategy. You must not start any work until we have approved what you have sent us. You must then carry out the development in accordance with the approved document.

Reason:

To protect the environment and to ensure site waste is suitably managed as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021).

- 34 **Pre Commencement Condition.** No development shall commence until a programme has been submitted to and approved by the City Council as local planning authority for the implementation of a Residents' Liaison Group during the construction works.

Reason:

To minimise the impact of the development construction on adjacent residential occupiers in order to safeguard their residential amenity, in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

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 **HIGHWAYS LICENSING:**, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.
CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control
- 3 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.
It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 5 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 6 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).
- 7 When you apply to us for approval under condition C31CC you must include:
- o Specific details of the type of ground protection to be used in each area/at each stage of the development
 - o Details of the site set up including the site compounds, materials storage and welfare areas.
 - o Provision within the arboricultural supervision schedule to send a written report to the Council's arboricultural officer within 5 days of each site visit.
- 8 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974). British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work. An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 9 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc)

which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

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

- 10 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 11 Conditions 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. (182AA)
- 12 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation, e.g. windows kept closed and mechanical ventilation utilised.
- 13 Written schemes of investigation will need to be prepared and implemented by a suitably

qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 14 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.**
- 15 Thames water note the following: There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes> , The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other, structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
- 16 Condition 34: The Community Liaison Group should also include representatives from Adult Social Care in order to mitigate the impact of the construction on the amenity of existing elderly residents in Darwin House.
- 17 You are advised to consider whether access off Grosvenor Road is possible during construction, although this would be subject to the views of TfL. If this is not possible, you are advised that assessments should be undertaken to investigate whether construction vehicles

Item No.
1

going passed the local primary school can do so at staggered times to avoid school drop off/picking up times.

- 18 You are advised to consider whether additional greening could be provided, in particular a green wall on the flank elevation of Block B and/or green roofs.
- 19 You are advised to look at a Local Lettings Policy for the new units.
- 20 The names of the existing buildings should be re-used in any future applications for Street Naming and Numbering.

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

ITEM 1 - Appendix 1



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 8th June, 2021**,

Members Present: Councillors Robert Rigby (Chairman), David Boothroyd, Geoff Barraclough, Jim Glen, Louise Hyams and James Spencer

Also Present:

Councillor Murad Gassanly was present for Items 1 and 2 in his capacity as Ward Councillor.

Councillor Liza Begum was present for Item 2 in her capacity as Ward Councillor.

1 MEMBERSHIP

- 1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 The Chairman explained that a week before the meeting, all six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report; together with bundles of the letters or e-mails received in respect of this application containing objections or giving support. If an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored.
- 2.2 Councillor James Spencer declared that in respect of Item 2 he knew one of the objectors, however he had not entered into any correspondence with any of the objectors and he would approach the application with an open mind.
- 2.3 Councillor Jim Glen declared that in respect of Item 1 he had met several of the objectors, but he had formed no opinion on the application and he would approach the application with an open mind. He also declared that he was Trustee of the Westminster Tree Trust.

ITEM 1 - Appendix 1

- 2.4 Councillor Boothroyd declared he was Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. He was precluded from working on any scheme in Westminster under the company's code of conduct.

Gerald Eve and Montagu Evans were planning consultants for some Thorncliffe clients, and were also acting for applicants at the meeting. He did not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.

In respect of item 2, some of those who had made representations, including Cllrs Begum and Talukder, were considered his friends.

- 2.5 Councillor Rigby declared that in respect of Item 1 he had sat on a previous Sub-Committee which had considered the application. In respect of Item 2 he had previously been the Deputy Cabinet Member for Finance, Property and Regeneration and as such had been aware of the application, but he had formed no opinion on the application and would approach it with an open mind. One of the objectors was also a former Westminster City Council Councillor but he had held no discussions with him regarding the application. In respect of Item 3 he had sat on a previous Sub-Committee which had considered an application on the same site.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meetings held on 13 April and 20 April 2021 be signed by the Chair as a correct record of proceedings.

3 PLANNING APPLICATIONS

1 DEVELOPMENT SITE BOUNDED BY EBURY STREET, PIMLICO ROAD, AVERY FARM ROW, EBURY SQUARE AND CUNDY STREET

Application 1 Comprehensive residential-led mixed-use redevelopment, including demolition of Kylestrome House, Lochmore House, Laxford House, Stack House, Walden House and structures attached to Coleshill Flats; tree removal and pollarding; erection of a partial sub-basement, basement and buildings varying in height from five to 11 storeys, to provide affordable homes (Class C3), market homes (Class C3), senior living accommodation (comprising Class C3 and / or Class C2), alongside a range of uses at partial sub-basement, basement and ground floor level including retail (Class A1), restaurants / cafes (Class A3), drinking establishments (Class A4); offices (Class B1), community space (Class D1), cinema (Class D2); use of the lower ground floor of the Coleshill Flats as retail and / or workspace (Class A1 and / or B1); provision of new pedestrian routes; basement car parking; basement and ground floor circulation, servicing, refuse,, ancillary plant and storage;

ITEM 1 - Appendix 1

provision of hard and soft landscaping; landscaping works and creation of new play facilities at Ebury Square; rooftop PV panels; rooftop plant equipment; refurbishment and relocation of Arnrid Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of the telephone boxes on Orange Square; and other associated works. (This is a phased development for CIL purposes). Application 2 Demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Arnrid Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square; and other associated works in connection with comprehensive residential-led mixed-use development.

Additional representations were submitted by The Greater London Authority (25.05.21) and Grosvenor (02.06.21).

Late representations were received from a local resident (07.06.21). The minutes from the Sub-Committee meeting held on 16 February 2021 were also circulated.

The presenting officer circulated the following additional conditions:

Condition 62

You must apply to us for approval of a management plan for the Class C3 independent living units. The management plan should set out the occupancy restrictions for this type of accommodation and should be consistent with condition 63. You must not occupy any Class C3 independent living units until we have approved what you have sent us. Thereafter you must manage Class C3 accommodation in accordance with the details approved.

Condition 63

The primary occupants of the Class C3 independent living units shall only be persons over 65 years of age.

Condition 64

Pre-commencement condition – Notwithstanding the information submitted, you must apply to us for approval of a construction logistics plan. You must not start any work until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

James Wright addresses the Sub-Committee in support of the application.

Anna Bond addresses the Sub-Committee in support of the application.

Councillor Murad Gassanly addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

ITEM 1 - Appendix 1

RESOLVED UNANIMOUSLY:

Application 1

That subject to the views of the Mayor of London, conditional permission, as amended, be granted subject to:

1. An additional informative with regards to the reduced structural slab and the need to ensure there was adequate sound insulation between the floors, subject to Building Control approval.
2. A legal agreement to secure the following:
 - a) Provision of 88 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 44 x intermediate rent tenure (rents set at London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 44 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.
 - b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development.
 - c) A Walkways Agreement to secure access for the public across the site.
 - d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development)
 - e) Car club membership for the occupiers of all residential units for a period of 25 years.
 - f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development).

ITEM 1 - Appendix 1

g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development).

h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development).

i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be:

i. Zone 1: In or close to the locations shown on planning application drawing ref 288_P20.100 Rev B

ii. Zone 2: Within 200m of the development site

iii. Zone 3: Within Churchill and/or Belgravia wards

iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster

j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the City Council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development) and to secure energy monitoring and management over the lifetime of the development.

k) The long term retention, access to and maintenance of any play space within the development.

l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards.

m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent.

n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period.

o) Provision of public art to the value of £75,000.

p) The provision of a travel plan and the cost of monitoring the plan.

q) The setting up of a Community Forum for the duration of the development works.

r) The costs of monitoring the S106 legal agreement.

ITEM 1 - Appendix 1

3. That if the legal agreement had not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning should consider whether the permission could be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
4. That the Sub-Committee authorised the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land currently adjacent to Ebury Street to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant would be required to cover all costs of the City Council in progressing the agreement.

Application 2

1. That conditional listed building consent be granted.
2. That the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter be agreed.

2 DARWIN HOUSE, 104 GROSVENOR ROAD, SW1

Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.

Additional representations were received from the Churchill Gardens Residents Association (02.06.21), Protect Churchill Gardens Residents Group

ITEM 1 - Appendix 1

(04.06.21) and twelve local residents (02.06.21, 27.05.21, 28.05.21, 31.05.21 and 04.06.21).

Late representations were received from Montagu Evans (04.06.21), six local residents (06.06.21 and 07.06.21), the WCC Housing Department (undated), WCC Highways (08.06.21) and Hereward & Co Solicitors (06.06.21).

The presenting officer tabled the following revised and additional conditions:

Revised Condition no.26 (Energy)

~~You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application. Photovoltaic panels. You must not remove any of these features.~~

Condition:

The development shall be carried out in accordance with the energy efficiency measures set out in the approved Energy Statement. You must not remove any of these features.

Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

Revised Condition no. 28: (Bats)

~~**Pre Commencement Condition.** You must apply to us for approval of details of the action you will take to protect bats in the area around the development. You must not start any work until we have approved in writing what you have sent us (after consulting Natural England). You must carry out these measures according to the approved details before you start to use the building. (C43EA)~~

Pre Commencement Condition:

No demolition shall take place in respect of the Balmoral Public House and single storey garage blocks (Phase 1) until the results of two bat emergence surveys have been submitted to and approved by the City Council as local planning authority in consultation with Natural England.

If the results of these surveys show that no roosting bats are present in these buildings, works can commence on site.

If the results show the presence of roosting bats, no demolition works shall take place until the applicant obtains a Licence from Natural England and details of the proposed mitigation measures. A copy of this Licence must be submitted to the City Council before any demolition takes place and the development must be carried out in accordance with this Licence at all times.

ITEM 1 - Appendix 1

Reason:

The submitted ecological report has identified the Balmoral Public House having moderate potential for roosting bats and therefore two emergence surveys are required to demonstrate whether bats are present. Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and to ensure that the development complies with Policy 34 of the City Plan 2019-2040 April 2021) .

Additional Condition no. 29. (Bats)

Pre-Commencement Condition:

No demolition shall take place in respect of Darwin House (Phase 3) until the results of a single emergence survey has been submitted to and approved by the City Council as local planning authority in consultation with Natural England.

If the results of these surveys show that no roosting bats are present in these buildings, works can commence on site .

If the results show the presence of roosting bats, no demolition works shall take place until the applicant obtains a Licence from Natural England and details of the proposed mitigation measures. A copy of this Licence must be submitted to the City Council before any demolition takes place and the development must be carried out in accordance with this Licence at all times.

Reason:

The submitted ecological report has identified that Darwin House has low potential for roosting bats, and to ensure that an additional survey is carried out before any demolition takes place . If the results of these surveys show that no roosting bats are present in this building, works can commence on site . Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and to ensure that the development complies with Policy 34 of the City Plan 2019-2040 April 2021) .

Additional Condition no. 30 (Ecological Report)

Condition:

The development shall be carried out in accordance with the mitigation details set out in the approved ecological report. Details of the proposed bat and bird boxes and the creation of new habitats shall be submitted to and approved by the City Council as local planning authority before any works commence on Phases 2 and 4. The development shall be carried out in accordance with these approved details and shall be erected prior to the occupation of the buildings .

Reason:

To reduce the impact of the proposed development on biodiversity and to secure improvements for biodiversity as set out in Policy 34 of the City Plan 2019-2040 (April 2021)

ITEM 1 - Appendix 1

Additional Condition no. 31 (Privacy Screens)

Condition:

You must apply to us for approval of details of screens to be installed on the west-facing side of balconies of flats in Block B (i.e. adjacent to no. 105 Grosvenor Road). These screens shall be obscured and extend to not less than 1.8 m above balcony floor level. The approved screens shall be erected in accordance with the approved details prior to the first occupation of the flats and shall be retained for the full lifetime of the development.

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).

George Woods addressed the Sub-Committee in support of the application.

Jeremy Evershed addressed the Sub-Committee in support of the application.

Gordon Haggart addressed the Sub-Committee in objection to the application.

Paul Zuckerman addressed the Sub-Committee in objection to the application.

Councillor Murad Gassanly addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

Councillor Liza Begum addressed the Sub-Committee in her capacity as Ward Councillor in objection to the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission, as amended, be granted pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to:
 - i) Completion of a S106 unilateral undertaking to secure the following:
 - a) provision of the 52 x residential units as Intermediate Rented Housing (18 x 1 bedroom flats in Block B) and Community Supportive Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;

ITEM 1 - Appendix 1

- b) provision of car club membership for 25 years for each residential flat;
 - c) walkways agreement to secure access through the site;
 - d) a contribution of £21,090 (index linked and payable on commencement) to the Carbon Off set fund;
 - e) a financial contribution of £6954 to the Westminster Employment Service (index linked and payable on commencement of development) and;
 - f) the cost of monitoring the agreement.
- ii) The following additional conditions:
- a) a requirement that the flat roofs on the building not be used as terraces;
 - b) the development of a site waste management plan; and
 - c) the establishment of a Community Liaison Group to deal with issues in respect of construction.
- iii) The following additional informatives:
- a) The Community Liaison Group to also include representatives from Adult Social Care in order to mitigate the impact of the construction on the amenity of existing elderly residents in Darwin House.
 - b) Applicant to consider whether access off Grosvenor Road was possible during construction, although this would be subject to the views of TfL and it was understood that there were constraints relating to the existing cycle lane and trees. If this was not possible it was suggested that assessments be undertaken on whether construction vehicles going passed the local primary school do so at staggered times to avoid school drop off/picking up times.
 - c) Applicant to consider whether additional greening could be provided, in particular a green wall on the flank elevation of Block B and/or green roofs.

ITEM 1 - Appendix 1

- d) Applicant to look at a Local Lettings Policy for the new units.
 - e) The names of the existing buildings to be re-used in any future planning applications for Street Naming and Numbering.
2. That if the S106 unilateral undertaking had not been completed within six weeks then:
- a) The Director of Place Shaping and Town Planning should consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 50 EASTBOURNE TERRACE, W2

Change of use of Retails Units at ground and lower ground floor level along Craven Road from Classes A1/A2/A3 to Gym, Retail and or Restaurant (Class E).

A late representation was received from the South East Bayswater Residents Association (04.06.21).

Mark Younger addressed the Sub-Committee in support of the application.

Amy Rogers addressed the Sub-Committee in objection to the application.

RESOLVED:

That conditional permission be granted subject to an additional condition to ensure access and egress to the Gym for customers and staff only took place from Craven Road, unless as a means of escape in an emergency, and an additional informative to encourage the use of electric vehicles for servicing.

ITEM 1 - Appendix 1

The Meeting ended at 9.47 pm.

CHAIRMAN: _____ **DATE** _____

ITEM 1 - Appendix 1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 th June 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Churchill	
Subject of Report	Darwin House, 104 Grosvenor Road, London, SW1V 3LH		
Proposal	Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.		
Agent	Montagu Evans		
On behalf of	Westminster City Council		
Registered Number	20/06899/COFUL	Date amended/ completed	10 November 2020
Date Application Received	30 October 2020		
Historic Building Grade	Unlisted		
Conservation Area	Churchill Gardens		

1. RECOMMENDATION

1. Grant conditional permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to completion of a unilateral undertaking to secure the following:
 - a) provision of the 52 x residential units as Community Supported Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;
 - b) provision of car club membership for 25 years for each residential flat;
 - c) walkways agreement to secure access through the site;
 - d) a contribution of ££21,090 (index linked) to the Carbon Off-set fund;
 - e) a financial contribution of £6954 to the Westminster Employment Service (index linked and payable on commencement of development) and;
 - f) the cost of monitoring the agreement.

ITEM 1 - Appendix 1

2. If the unilateral undertaking has not been completed within six weeks then:
- a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

This application relates to the redevelopment of a site with an area of approximately 0.4ha, located to the south west of Pimlico and forming part of the wider Churchill Gardens Estate. The site is located on the Embankment between Vauxhall Bridge and Chelsea Bridge, directly to the north of Grosvenor Road. The Site currently comprises of Darwin House, a four storey purpose-built community supported housing block. Darwin House provides 31 self-contained studio flats, which includes a managers unit, and forms part of Westminster's Community Supported Housing provision. The site further comprises of the Balmoral Castle Public House and 23 single storey lock-up garages.

The site is located in the Churchill Gardens Conservation Area with the landscape to the Churchill Gardens Estate added to the Register of Parks and Gardens at grade II in 2020. The site is located in close proximity to several grade II listed buildings including the Accumulator Tower and District Heating Workshop, Shelley House and Keats House to the west, as well as the early 19th century townhouses at 106-109 Grosvenor Road.

The proposed development seeks to demolish all existing buildings on site (Darwin House, The Balmoral Castle Public House, and 23 lock-up garages) and provide two new buildings comprising of 52 x affordable residential units:

- Block A (7 storeys' in height and comprising 34 x 1 bed Community Supported Social Rented Housing); and
- Block B (5 storeys' in height and comprising 18 x 1 bed Intermediate Rented Housing).

Landscaping works are also proposed around the remainder of the site.

The proposals aim to upgrade and provide more community supported housing and new intermediate affordable housing in the area. The council has made a commitment to the residents of Darwin House that they will only need to move once. The development would therefore be phased and Block A would be constructed in phase 1 prior to the demolition and decant of residents from Darwin House.

The proposals has received objections from local residents in the Churchill Gardens Estate, the local resident's association, and ward councillors. Whilst a number of objectors are not opposed to a redevelopment of the site, objections are raised to the proposals in its current form. These representations are summarised in section 5 of this report.

ITEM 1 - Appendix 1

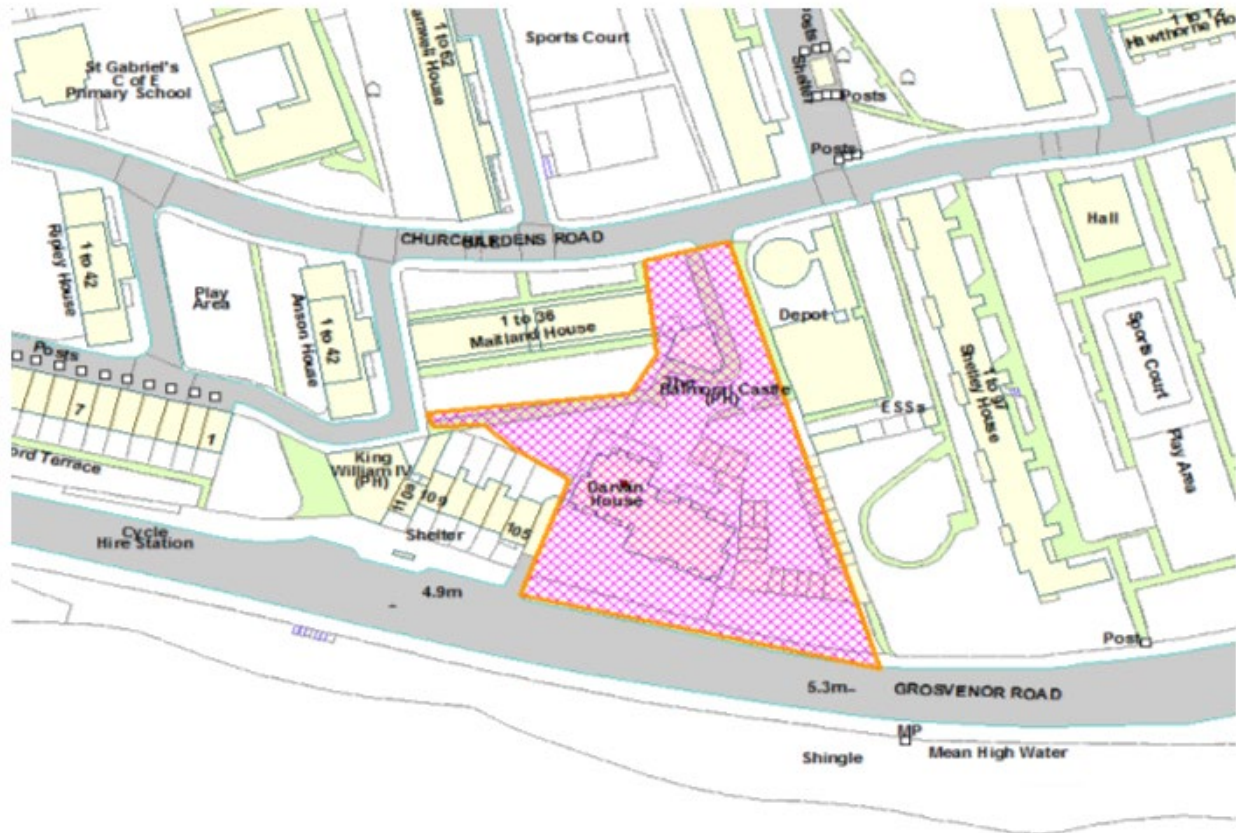
The key considerations of this case are:

- The acceptability of the proposals in land use terms;
- The impact of the new development on the townscape and the setting of the conservation area, registered park and garden and adjacent listed buildings;
- The impact of the development on the amenity of adjacent occupiers;
- The acceptability of the proposed landscaping;
- The impact of the development on the highway network.

The proposed development is considered against the policies in the adopted City Plan 2019-2040, London Plan and NPPF. The proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. The proposed development does, however, comply with policies which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. In taking an overall view, and for the reasons set out in this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. The development is recommended for approval subject to the conditions set out on the draft decision letter and the completion of an unilateral undertaking.

ITEM 1 - Appendix 1

3. LOCATION PLAN



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ITEM 1 - Appendix 1

4. PHOTOGRAPHS



Darwin House, 104 Grosvenor Road

ITEM 1 - Appendix 1



View of Darwin House from Grosvenor Road with 105 – 109 Grosvenor Road (LHS)



View of the garages from Grosvenor Road with Darwin House (LHS) and Shelley House (RHS)

ITEM 1 - Appendix 1



View looking south at the garages with Darwin House (RHS)

ITEM 1 - Appendix 1



View looking north at garages with Balmoral Castle Public House (centre/ scaffolding), Maitland House (LHS) and Accumulator Tower (RHS)

ITEM 1 - Appendix 1



View from Churchhill Gardens Road of Balmoral Castle Public House with Maitland House (RHS)

ITEM 1 - Appendix 1

5. CONSULTATIONS

Cllr. Begum & Cllr. Talukder

Raise a number of concerns regarding the current proposals on behalf of local residents, including the local resident's association and other representative bodies, who have shared their issues with the scheme.

Churchill Gardens Estate is a conservation area with grade II listed landscaping as awarded by Historic England, so it is important that the Council gets the scheme right. We are concerned that the current design of the development is not in keeping with the design of the estate and would result in a major loss of privacy and light to residents living in the surrounding blocks, particularly for those in Maitland house, Shelley house and the riverside Georgian villas on Grosvenor road, with the latter two being listed structures. Further efforts must be taken to reduce the impact of any development on these residents.

Phase 2 of the current redevelopment proposes a block of 18 units of intermediate housing with no plans for any general needs of social housing. Given the housing pressures in Churchill Gardens, including serious overcrowding and long-standing residents being pushed into temporary housing, as well as a Westminster wide housing waiting list of over 4000, we believe that this scheme should provide new social housing (with a local lettings policy) to address this problem.

During the construction period, we are concerned about the level of disturbance to residents and the impact on road traffic. We have been led to believe the only access for construction vehicles will be Churchill Gardens Road, which is a narrow road which serves residents in Churchill Gardens estate and children going to St Gabriel's Primary School furthermore the east end of Churchill Gardens road has height restrictions. Residents are concerned about noise pollution, years of demolition, piling and construction noise will impact residents particularly the elderly and young children. Darwin house residents will be some of the most effected. It is important that further steps are taken to mitigate the impact of any construction on existing residents, both around construction and traffic management.

Many residents have noted the parking pressures on Churchill Gardens Estate with a waiting list of up to 2 years for a parking permit. We believe that the council should look to make the development of additional units, currently the intermediate Block B, be truly car free (without the ability to apply for parking permits or provision of onsite parking) to help minimise additional parking pressure and help the council meet its climate goals.

We support the need for new homes for Darwin house residents but believe that any proposed plans should meet the needs of the existing community.

Churchill Gardens Residents Association

Comments were submitted to WCC Development team on 17 July 2020 in relation to the pre-application community engagement proposals and prior to the submission of the finalised planning application submission.

Supports the objective of providing better homes for local people.

ITEM 1 - Appendix 1

Concerns raised relating to a number of issues below:

Design

- height of the proposed block fronting Grosvenor Road does not comply with the conservation area circulation design.
- As a whole the design of the buildings do not take into consideration the design of the Churchill Gardens conservation area/ multi-award winning estate
- Disappointed that a building of historic interest was allowed to fall into such disrepair.
- A link between the current "Riverside Gardens" opposite Shelley House would enhance the green space.

Amenity

- Block A (adjacent Shelley House) should be no more than five storeys high given the distance from Shelley House

Housing

- "Shorthold Tenancies" would result in a rapid turnover of residents and tend to inhibit the establishment of a stable community.
- All units in the Darwin/Balmoral should be solely for sheltered and supported housing Second.

Other

- Impact of the processes of demolition and construction on the heart of the Churchill Gardens estate. A dedicated temporary access from the Grosvenor Road needs to be established.
- Increased pollution levels exacerbate morbidity rates in those infected by COVID-19.
- Darwin House should be capable of refurbishment after its current residents have been accommodated in a new block/extension.
- Materials, brick, timber slate and stone, in both the former Balmoral Castle and Darwin House to be reused by careful dismantling, rather than demolition of these buildings.

Churchill Gardens Neighbourhood Forum

The Forum is not opposed to a redevelopment of the Balmoral Castle & garages, but strongly object to the application in its current form. In general terms the Forum consider that the City Council's proposals will detrimentally affect both the neighbouring area & its buildings, as well as damaging the whole of the Conservation Area. A summary of the objections are under the ten headings below:

Darwin House:

Central government policy on brownfield sites is now to convert existing structures, where possible, rather than to demolish & rebuild.

Heritage & Character:

The estate's multi-award-winning design & build will be damaged by the increased densities proposed in the application.

Architecture & Materials:

There is little attempt to replicate the distinctive designs (e.g. vertical congruity) or the yellow brick materials of the adjacent Buildings of Merit.

Site Access:

ITEM 1 - Appendix 1

Application should be made to Transport for London for site access via Grosvenor Road, as Churchill Gardens Road is unsuitable for heavy plant & large lorries. That has not been attempted.

Environmental Issues:

The dispersal of asbestos in Darwin House is a concern, while the four phase scheduling of the scheme is much longer than desirable locally.

Energy Sourcing:

Solar panels, as proposed, are not best practice for green energy, whilst the current WCC planning policy specifies connecting to PDHU.

Infrastructure:

No worthwhile additional facilities are proposed – parking space is reduced & there is little to address the additional consequential requirements for healthcare, transport & other services.

Open Spaces:

The “new” open space to the north of Building B” will be largely sunless, owing to the latter’s height, which runs contrary to the architectural principles of the extant design & build.

Consultation:

In the City Council’s official consultation documents, at least two of the undertakings vouchsafed to residents regarding the regeneration appear to be being dishonourably breached.

Conservation Audit:

WCC’s own Conservation Area Audit states of the adjacent Buildings of Merit that “By definition these properties are considered to be of particular value to the character & appearance of the conservation area & their demolition or unsympathetic alteration will be resisted”. The Forum agrees.

Affordable Housing Supply Manager

These proposals have been discussed with Westminster Housing and are supported by the Head of Affordable Housing Partnership as these proposals will result in an enhanced accommodation offer for persons requiring community and supported housing with larger living spaces. The provision of 18 intermediate affordable homes for rent will increase affordable housing choice in this location.

Highways Planning Manager

The development would result in the loss of protected off-street residential parking and this would affect people already living in the area. No exceptional circumstances have been demonstrated to justify the loss of the existing residential car parking.

Supported transportation issues include Cycle Parking; Walkway/ Pedestrian link to Grosvenor Road; Waste storage; Trip generation, and Servicing. If permission is granted, conditions are recommended and the following items to be secured by legal agreement: Lifetime Car Club Membership, Highways Works, and Walkways Agreement.

Waste Project Officer

No objection.

Arboricultural Manager

ITEM 1 - Appendix 1

There is a risk of harm to trees and in particular two mature London plane trees. However, the tree protection methods proposed are thorough and so this risk can be mitigated subject to appropriate conditions. The landscaping proposals are vague and details could be secured by planning conditions.

Environmental Sciences

No objection on environmental noise or nuisance grounds, subject to conditions.

WCC Economy Team

The scheme needs to provide an Employment & Skills Financial Contribution of £6,954

Historic England (Listed Builds/Con Areas)

No objection to the replacement of Darwin House, a poor quality block from 1980, or the adjacent low grade garages. The design approach suggests blocks with a horizontal emphasis that could complement the modernist buildings that form the dominant character of the conservation area.

The loss of the former Balmoral Castle pub, however, would cause harm to the significance of the conservation area by removing a rare (in this location) Victorian building of merit (and of architectural interest, despite its poor condition), and severing an important historical link to the area's pre-modernist form and development. Your authority will need to be confident that the resulting harm has been clearly and convincingly justified (paragraph 193, NPPF) before weighing that harm against the public benefits of the scheme (paragraph 196, NPPF), but Historic England has concerns about the proposals due to the harm they will cause to the historic environment.

Historic England (Greater London Archaeology Advisory Service)

The development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

The Victorian Society

The Balmoral Castle Pub contributes towards the Churchill Gardens Conservation Area, adding variety and interest, and its loss would further obscure the legibility of 19th century development. This would lead to less than substantial harm to the conservation area. Under Paragraph 196 of the NPPF, "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." We are not opposed to the principle of the proposed surrounding development, but the renovated Balmoral Castle Public House should be included within any scheme as a way to highlight the historical progression of the site and we therefore urge the council to refuse consent to the scheme as it currently stands.

Environment Agency

No objection

Thames Water Utilities Ltd

No objection subject to conditions.

London Borough Of Lambeth

ITEM 1 - Appendix 1

No objection

Westminster Society

Any response to be reported verbally.

Pimlico FREDA

Any response to be reported verbally.

Transport for London

Any response to be reported verbally.

The Gardens Trust

Any response to be reported verbally.

Designing Out Crime

Any response to be reported verbally.

Adjoining owners/ occupiers & other representations received:

No. Consulted: 1916

No. of replies: 30

No. of objections: 27

(27 comments received from 22 local residents & the Dolphin Square Preservation Society)

Objections on some or all of the following grounds:

Design

- Height and design of new buildings will harm the character and appearance of the award winning (Green Flag) Churchill Gardens Conservation Area, setting of adjacent listed buildings; and setting of the Churchill Gardens Registered Park and Registered Garden;
- The Balmoral Castle PH is an unlisted building of merit and should be protected;
- Harm to setting of listed Georgian terrace on Grosvenor Road;
- Some objectors consider there is scope to redevelop the site on a smaller scale and more in keeping with the character and appearance of the Churchill Gardens Estate.

Amenity

- Block A will harm the amenity (increased sense of enclosure and loss of light) to residents adjacent in Shelly House;
- Block A is 7 storeys and sited 38m away from Shelley House whereas other 7 storey buildings in the estate are separated 50+m from adjacent buildings;
- Higher buildings in the estate are further apart and inserted at angles
- Loss of privacy to residents in Shelley House;
- Buildings are too high for a small area;
- Loss of views towards River from Shelley House;
- A smaller scale project is more appropriate;
- Overlooking/ loss of privacy from balconies in Block A and to flank windows of Grosvenor Road properties;
- Overlooking/ loss of privacy from windows and balconies in Block B to rear gardens

ITEM 1 - Appendix 1

- of properties on Grosvenor Road;
- Loss of light to windows of properties on Grosvenor Road;
- Loss of view from rear of Grosvenor Road properties towards Accumulator Tower and Shelley House

Land Use

- Affordable housing rents not the same as social housing rent;
- Social housing should be provided rather than Intermediate Housing;
- Increase in number of people may cause harm in an already over-populated estate;
- Insufficient infrastructure to cope with increased numbers;
- It would be beneficial if the council were to purchase available homes already on the market in Churchill Gardens

Highways/ Parking

- Increase on-street parking pressures;
- Currently a 2 year waiting list for a parking permit in the Churchill Gardens Estate;
- Temporary site access should be provided via Grosvenor Road;

Sustainability

- Demolition of Darwin House is unnecessary and wasteful – it should be refurbished/renovated with possible extension over the garages;
- More information should be provided as to why refurbishment of Darwin House is not suitable;
- Solar panels on roof are inappropriate;
- Green roofs would help reduce potential flooding;

Other

- WCC councillors & staff assured local residents that the development would be no higher than the existing Balmoral Castle and Darwin House buildings;
- Construction work may be dangerous in close proximity to primary schools;
- Noise and disturbance from building works;
- Dust and pollution from building works;
- Harm to mental health of existing residents (building works and loss of light to Shelley House);
- Residents unable to discuss plans together because of the pandemic;
- The planning application should not be pushed through during a pandemic;
- It's not right that WCC is both applicant and decision maker;
- Residents allotments should be provided rather than landscaping;
- Health risk associated with proximity of new building to Pimlico District Heating Unit (may affect air quality/ wind direction will be affected decreasing dispersal of combustible products and compounds);
- Bat Survey should take place before any development;
- WCC should consult National Grid given proximity to pipelines;
- New building will create wind tunnels;
- Lack of consultation and engagement with residents;

No. in support: 2

(incl. a representation on behalf of all Darwin House residents)

ITEM 1 - Appendix 1

Comments on some or all of the following grounds:

- Darwin House residents welcome the proposals;
- Darwin House residents live in small/ cramped studio flats;
- The replacement Darwin House/ community supported housing will bring a huge improvement in the quality of life for Darwin House residents;
- It is vital we build more housing.

No. neither objecting to or supporting: 3

Comments on some or all of the following grounds:

- Developers/ builders should be conscious of residents and limit noisy works to certain hours of the day to minimise disruption to residents;
- Existing Churchill Gardens residents should be given 'first refusal' on new homes;
- Social housing should be provided rather than private housing.

Press Advertisement/ Site Notice:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to the redevelopment of a site with an area of approximately 0.4ha, located to the south west of Pimlico and forming part of the wider Churchill Gardens Estate, directly to the north of Grosvenor Road. The site currently comprises of Darwin House, a four storey purpose-built community supported housing block. Darwin House provides 31 self-contained studio flats, which includes a managers unit, and forms part of Westminster's Community Supported Housing provision. The site further comprises of the Balmoral Castle Public House and 23 single storey lock-up garages.

The site is located in the Churchill Gardens Conservation Area which was designated in 1990. The landscape to the Churchill Gardens Estate was added to the Register of Parks and Gardens at grade II in 2020. The site does not comprise of any statutory listed buildings however the Balmoral Castle Public House is designated as an 'unlisted building of merit' within the Churchill Gardens Conservation Area Audit.

The site is located in close proximity to several grade II listed buildings including the Accumulator Tower and District Heating Workshop, Shelley House and Keats House to the west, as well as the early 19th century three-storey townhouses at 106-109 Grosvenor Road. Further residential buildings ranging in heights up to eleven storeys are located to the north of the site.

Vehicle access to the site is via an access road which runs south of Churchill Gardens Road. Pedestrian access to the site is obtained from both Grosvenor Road, to the South and Churchill Gardens Road to the North.

The site is further located within Flood Zone 3, which benefits from a high probability of flooding without local flood defences. It should be noted however that the site does lie within an area which benefits from flood defences, in the form of the Thames Barrier.

ITEM 1 - Appendix 1

The site is also located within a Rapid Inundation Flood Zone, which represents that flooding would occur in the first hour if the Thames flood defences were breached.

The site benefits from a PTAL rating of 2/3 which identifies that the site has a 'Poor' to 'Moderate' level of accessibility to public transport, although Pimlico Tube Station is located approximately 800m to the north east of the site, which is serviced by London Underground Victoria Line. The closest bus stop is located to the north of the site on Lupus Street.

6.2 Recent Relevant History

There are no applications of relevance.

7. THE PROPOSAL

Existing & proposed floorspace figures:

Land use	Existing floorspace sqm (GIA)	Proposed floorspace sqm (GIA)	+/-
Community Supported Social Rented Housing (Class C3)	1606	2908	+1302
Intermediate Rented Housing (Class C3)	0	1326	+1326
Public House (sui Generis)	219	0	-219
Garages	470	0	-470
Total	2295	4234	+1939

The application proposes:

- The demolition of the existing buildings and structures on site, including the Balmoral Castle Public House, Darwin House, and 23 single storey lock up garages;
- The redevelopment of the site to provide 52 residential units across two blocks

ITEM 1 - Appendix 1

ranging between heights of four to seven storeys;

- The delivery of Community Supported Social Rented Housing (34 x 1 bedroom flats in Block A);
- The delivery of Affordable Intermediate Rented Housing (18 x 1 bedroom flats in Block B), which fronts the Grosvenor Road;
- The provision of 80 cycle spaces, 10 car parking spaces including 6 accessible wheelchair parking spaces and one designated ambulance drop off space; and
- Public realm and landscape works including the creation of a new green space within the centre of the development and a pedestrian route between Churchill Gardens Road and Grosvenor Road.

Demolition

It is proposed that all existing buildings and structures on Site will be demolished. This includes the existing derelict Balmoral Castle Public House, the existing Darwin House which provides 31 self-contained supported studios, including a managers flat, and the 23 lock up garages located along the eastern boundary of the Site.

Phasing

The applicant has committed to a phasing strategy for the proposed scheme. The phasing will minimise disruption to existing residents alongside enabling a single house move for the existing Darwin House Residents. The phasing strategy for the scheme is set out below:

Phase 1 – Demolition of garages and public house;

Phase 2 – Erection of a part seven storey, part six storey and part five storey building to provide community supported housing (Block A). Darwin House residents to move into Block A;

Phase 3 - Demolition of Darwin House;

Phase 4 – Erection of part five storey and part four storey building to provide general need housing/ 18 affordable one bedroom units (Block B); and

Phase 5 – Complete landscaping works.

Layout & Scale

As set out above, this application seeks planning permission for the erection of two residential blocks ranging between heights of four to seven storeys. Block A will be located along the eastern boundary of the site, parallel to the Accumulator Tower and Riverside Garden with Shelley House beyond. Block A will deliver 34 units of residential accommodation. Block B is located adjacent to Grosvenor Road, with the building line of Block B slightly set back from the Georgian Terrace Houses located to the west of the Site. Landscaping will be delivered throughout the scheme, with a buffer of landscaping proposed between Block B and Grosvenor Road, an area within the centre of Block A and Block B and finally, an area to the south of Block A, adjacent to Grosvenor Road.

ITEM 1 - Appendix 1

Block A - Proposed Community Supported Social Rented Housing (Class C3)

Block A will range between five and seven storeys and will provide 34 community supported dwellings, all on Social Rents managed by WCC. The 34 community supported dwellings would house all the existing Darwin House residents and provide additional accommodation for new residents. The units located within Block A will be 1 bedroom units in line with the identified required.

These units will meet Nationally Described Space Standards and will also be designed to meet the design principles set out by Housing our Aging Population Panel for Innovation (HAPPI). The design standards aim to create a home in which an older resident can move into and remain as their care needs change. The proposals provide a substantial uplift in affordable housing floorspace.

With regard to Darwin House this means that all units within Block A will provide fully accessible kitchens, bathrooms, flexible hobby room which can accommodate an overnight bed space for carer or family member if that level of support is required, step free access from the street to the unit and within the unit itself, and balconies overlooking a central courtyard.

Block B – Proposed Intermediate Affordable Housing Units

Block B will provide 1,326 sqm of residential accommodation (GIA) and will be delivered through 18 one bedroom units. Block B will range between four and five storeys in height. The residential accommodation to be delivered within Block B will be one bedroom, two person units. These units will be new affordable homes for intermediate rent and will be managed by WCC.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Principle of residential accommodation

National, regional, and local planning policies seek to optimise housing delivery and boost housing supply.

The NPPF states that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This is to support the Government's objective of significantly boosting the supply of homes.

London Plan Policy H1 seeks to increase the supply of housing in the capital and sets the City Council a 10 year housing target of 9,850 homes.

City Plan Policy 8 (Housing delivery) states that the number of new homes built in Westminster will exceed 22,222 over the plan period. Housing delivery will be 'stepped up' over the first 10 years of the plan to deliver 1,495 new homes a year. The policy further states that this will be achieved through optimising site densities, planning

ITEM 1 - Appendix 1

positively for tall building, delivering a higher number of homes on small sites and permitted upward extensions.

This application seeks to deliver 52 residential units (Class C3). The proposed development will deliver both supported affordable accommodation and new affordable housing. The accommodation delivered within Block A will be a direct replacement of that existing within Darwin House, but will improve the standard of the current accommodation and provide an additional 3 units. All units will be provided as Social Rented Accommodation. The units delivered in Block B will be delivered as Intermediate Affordable Housing and will be owned and allocated to new residents by WCC.

Furthermore, it should be noted that within the WCC City Plan, the Pimlico Area has also been identified as a suitable location within the Borough to accommodate additional residential accommodation. Given that the surrounding site context is predominately residential, it is considered that the provision of additional accommodation at this location is further acceptable as it aligns with the policy direction for both the Pimlico Area and the borough.

In light of the above, the principle of a residential development is considered to fully accord with the aims of the development plan, and assist WCC in achieving its housing targets.

8.1.2 **Replacement of existing Community Supported Social Rented Housing (Class C3)**

Darwin House is a four storey purpose-built accommodation for the elderly containing 31 x bedsits/ community supported units. No formal care is provided on site but residents are visited by health care professionals as with any other elderly person living in their own home. The applicant advises that the existing accommodation is no longer up to standards and needs to be upgraded.

The proposed Block A would provide 34 x 1 bed community supported units and would rehome the existing Darwin House residents with larger and improved accommodation. The upgrade and re-provision of these units is welcomed.

8.1.3 **Affordable Housing**

The NPPF (2019) places considerable focus on the delivery of affordable housing.

London Plan, Policy H4 (Delivering Affordable Housing) identifies a strategic target for 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 (Threshold approach to applications) states that the threshold level of affordable housing on gross residential development is set at a minimum of 35%.

City Plan, Policy 9 (Affordable Housing) outlines that the council will seek 35% affordable housing across all developments.

The scheme proposes the delivery of a 100% Affordable Housing Scheme, delivering 34 units of Community Supported Housing for over 55s at Social Rents and 18 Intermediate

ITEM 1 - Appendix 1

Affordable Housing Units within Block B, both falling within Class C3. In terms of tenure split this equates to 36.5 % intermediate and 63.5% Social Rent, which broadly accords with London Plan policy on tenure split.

The proposals overall deliver an uplift of 21 units (18 Intermediate / 3 Social Rent) but the significant improvement to the quality of the housing and increase in affordable housing floorspace of 1425sqm is also a significant consideration.

The proposals have been discussed with Westminster Housing and are supported by the Head of Affordable Housing Partnership as these proposals will result in an enhanced accommodation offer for persons requiring community and supported housing with larger living spaces. The provision of 18 x intermediate affordable homes for rent will increase affordable housing choice in this location.

Block A will range between five and seven storeys and will provide 34 community supported dwellings, all on Social Rents managed by WCC. Rents will be determined in line with Government Rent calculation formula for social rent. The 34 community supported dwellings can rehouse all the existing Darwin House residents and provide additional accommodation for new residents.

These units will not only meet Nationally Described Space Standards but will also be designed to meet the design principles set out by Housing our Aging Population Panel for Innovation (HAPPI). These design standards aim to create a home in which older residents can move into and remain as their care needs change. The proposals provide a substantial uplift in affordable housing floorspace.

Block B will provide residential accommodation as 18 x one-bedroom intermediate homes for rent. Block B will range between four and five storeys in height. The residential accommodation to be delivered within Block B will be one bedroom, two person units.

All units within the scheme will have a dedicated balcony space, which will exceed the London Plan requirement of 5sqm per 1-2 person unit. Within the communal and public space areas, a total of 1,788 sqm of amenity space will be provided as part of the scheme.

Of the 18 x intermediate homes for rent, none will have rents exceeding London Living Rent (LLR) levels.

LLR is the form of intermediate rented housing supported by the GLA. In addition, a proportion of these 18 homes (up to 25%) will have intermediate rents set at less than LLR levels to ensure a range of household incomes can afford these properties.

The proposed tenure mix for the site as a whole has been developed in consultation with the council's Affordable Housing Manager. As such, it has been acknowledged that the proposed tenure mix, given that it addresses a specific identified need, is acceptable.

The scheme delivers 100% affordable housing, which is given significant weight in the overall planning balance.

ITEM 1 - Appendix 1

8.1.4 Residential Density

The NPPF seeks to ensure that development proposals optimise the potential of sites to accommodate development as well as create and sustain an appropriate mix of uses. Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land as well as create and sustain an appropriate mix of uses. Plans should contain policies to optimise the use of land and meet as much of the identified need for housing as possible.

London Plan Policy D3 (Optimising site capacity through the design-led approach) seeks for development proposals to make the most efficient use of land and optimise density, including developing densities above those of the surrounding area on most Sites.

Furthermore London Plan Policy D2 (Infrastructure requirement for sustainable densities) of the emerging London Plan requires density of developments to be considered and linked to the provision of future planned levels of infrastructure rather than existing levels and be proportionate to the site's connectivity and accessibility walking, cycling and public transport to jobs and services.

The City Plan does not provide any specific policies relating to density. Paragraph 8.7 states: "Historically, housing in Westminster has been developed at relatively low densities. This cannot continue in the face of a very high demand for housing and the projected population growth. Therefore, as developable land is scarce, to deliver our housing targets, higher density development will be required".

The applicant advises that the scheme has been carefully designed to reflect both the site's context, the national, regional and local drive to optimise the development of brownfield sites in sustainable locations and most specifically to this application, the re-provision requirement of Darwin Housing and the identified need for affordable accommodation within the Borough. The site is located in a relatively accessible location, which benefits from surrounding transport links and as such is considered a suitable place for a development of this nature.

The scheme proposes to deliver 52 residential units on a Site which measures approximately 0.4ha. It is considered that the proposals will deliver a density of residential homes which will contribute to the council's increasing housing target, specifically the identified need for replacement affordable accommodation at Darwin House and the delivery of affordable housing.

8.1.5 Housing Mix

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

City Plan, Policy 10 (Housing for specific groups) requires residential developments to provide a mix of units in terms of size, type and tenure to secure mixed and inclusive communities, and to contribute towards meeting Westminster's housing needs for

ITEM 1 - Appendix 1

different groups. Part B of the policy requires 25% of new build homes to be family sized units.

The scheme seeks to deliver solely one bedroom units across both Block A and Block B. Whilst it is acknowledged that the proposed unit mix does not comply with the policy requirements set out above, the delivery of accommodation within Block A, provides Community Supported Housing for the elderly.

This type of accommodation by its very nature requires single bedroom accommodation, as it is providing for single person households and occasionally couples. It is a direct replacement and improvement of the existing 31 studio units of accommodation for the ageing population at Darwin House, plus the provision of 3 additional units of accommodation.

With regard to Block B, the applicant advises that the proposed mix has been derived as a result of the constrained site, the need to maximise unit numbers and the housing need in the area. The Housing Officer has noted that the demand in the SW1 area, in the intermediate tenure, is for approximately 79% 1 bedroom dwellings, in comparison to 18% 2 bed and 4% 1 bedroom units as of November 2019.

As such, the scheme is reflective of the need for a high proportion 1 bedroom, intermediate affordable housing. The inclusion of 2 bedroom units would reduce the overall number of homes that the scheme is able to deliver. It is considered that the provision of a greater provision of 1 bedroom units at appropriate affordable rental levels, will better meet the Borough's housing need, taking account of the overwhelming demand for the type of property. This is significant material consideration which justifies a deviation from adopted policy on mix.

8.1.6 Housing Quality

London Plan, Policy D6 (Housing Quality and Standards) requires housing developments to be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Minimum internal space standards are set out in Table 1 of the London Plan

City Plan, Policy 12 (Housing Quality) requires all new homes to meet or exceed the Nationally Described Space Standards.

All 52 residential units will exceed the minimum space standards set out in both the London Plan and National Technical Standards (2015).

It should also be noted that the units within Block A will achieve and follow the design principals set out by the Housing our Aging Population Panel for Innovation (HAPPI). HAPPI principles represent a gold standard in home design for older residents and embedded within them the more dedicated care needs that residents may have or may develop over time. The design standards aim to create a home in which an older resident can move into and remain as their care need may change.

ITEM 1 - Appendix 1

London Plan Policy D7 (Accessible Housing) states that at least 10 per cent of dwellings should meet Building Regulation required M4(3) 'wheelchair user dwellings' and all other dwellings should meet M4(2) 'accessible and adaptable dwellings'.

Furthermore, City Plan Policy 12 (Housing Quality) states 90% of all new-build homes will meet Building Regulation requirements M4(2) "accessible and adaptable dwellings" and 10% of new-build homes (including changes of use) will meet Building Regulations requirements M4(3) "wheel chair user dwellings."

In line with the requirements of the London Plan, the scheme will provide six wheelchair apartments which have been designed to be compliant with Part M4 (3) wheelchair accessible units. The remainder of the units will be M4 (2). Given the nature of the proposal, the six M4 (3) units will be wholly located within Block A, where the demand for such units is likely to be greater.

Overheating

The application is supported by way of an Overheating Assessment. The overheating study confirms that with the CIBSE TM59 guidance 'compliance is achieved for all occupied rooms regardless of the adopted statistical assessment method'. The scheme has been designed to reduce overheating and solar gain. A mechanical ventilation heat recovery system is proposed so that façade openings are not required to provide whole dwelling ventilation. This is beneficial in terms of overheating and noise mitigation.

8.1.7 Amenity Space

City Plan, draft Policy 12 (Housing Quality) part D requires all new build homes to provide at least 5 sqm of private external amenity space for each dwelling designed for one-two person or more, and where practicable a further one sqm for each additional person. All units have private external balconies which exceed this requirement.

With regard to additional amenity space, residents will benefit from and have access to the public amenity spaces located throughout the development. The scheme delivers a total of 558.96 sqm of shared amenity space for building A, as well as 1,230 sqm of Public Open Space.

8.1.8 Loss of Balmoral Castle Public House

National, regional, and local planning policies recognise the important role that London's public houses can play in the social fabric of communities, meeting local needs

The NPPF recognises the important role of public houses within the community.

London Plan Policy HC7 (Protecting Public Houses) part B states: Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

ITEM 1 - Appendix 1

City Plan Policy 16 (Food, drink and entertainment) part B relates to protection of public houses and states: Public houses will be protected throughout Westminster, except where there is no reasonable prospect of its continued use as a public house, as evidenced by appropriate marketing for a period of at least 18 months.

The Balmoral Castle Public House closed around 2006 and has been vacant ever since. The public house is in the ownership of the Council and has external scaffolding erected to safeguard against elements of the building that may fall off. It is acknowledged that the building is in a poor state of repair. The applicant is of the view that the use of the building has been abandoned and has no lawful use in planning terms. However, no evidence has been submitted with this application to support this assertion, nor has any marketing evidence been provided to demonstrate there is no reasonable prospect of its continued use as a public house.

Notwithstanding, given its current dilapidated condition and the length of time it has been vacant, it is considered that its replacement with a scheme that delivers 100% affordable housing, is a significant material consideration which justifies a deviation from adopted policy on protection of public houses.

8.2 Townscape and Design

Given the highly sensitive and prominent location of this site and the scale of the development proposed, the proposal will both directly and indirectly affect the significance and setting of many designated and undesignated heritage assets including the Churchill Gardens Estate Conservation Area, the Balmoral Castle Pub which is an unlisted building of merit within the conservation area, 105- 109 Grosvenor Road which are grade II listed 19th century townhouses, the grade II listed accumulator tower, pumphouse and workshops located immediately to the north east of the proposal site, grade II listed Shelley House located to the east of the proposal site and the estate landscape which is a grade II registered park and garden.

8.2.1 Relevant Legislative Framework and Policies

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 requires 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.'

Section 66 of the same Act requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policies 38, 39, 40 and 43 of the adopted City Plan 2019- 2040 are of relevance to this proposal. Policy 38 (Design Principles) requires new development to incorporate 'exemplary standards of high quality, sustainable and inclusive urban design and

ITEM 1 - Appendix 1

architecture' which must 'positively contribute to Westminster's townscape and streetscape'. Policy 39 (Westminster's Heritage) highlights the importance of Westminster's unique historic environment and requires development to ensure that heritage assets and their settings are conserved and enhanced. Policy 40 (Townscape and Architecture) requires development to be sensitively designed, '... having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape.' Policy 43 (Public Realm) relates to development within the public realm which must be 'contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design' and 'be safe, attractive and accessible to all.'

In terms of the National Planning Policy Framework (NPPF, 2019) the key sections of relevance in assessing this development are Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and enhancing the historic environment). In the latter chapter, paragraph 193 makes clear:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 194 states:

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....'

Paragraph 196 states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Finally, paragraph 197 states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

8.2.2 Overview of Proposed Design

The proposed development involves the demolition of Darwin House, the 23 existing single storey garages and the Balmoral Castle Public House to enable the construction of a new seven storey block (Block A) running parallel to Shelley House and a five storey building (Block B) running west to east on the north side of Grosvenor Road at the southern end of the proposal site. The work is to be undertaken in four phases.

ITEM 1 - Appendix 1

The orientation of Block A runs parallel to that of Shelley House to the east. The building is to be seven storeys in height with a flat roof, which is approximately 7m lower in height than nine storey Shelley House. PV panels are to be located on the flat roof. The proposed design incorporates full width, recessed balconies set behind railings overlooking the shared courtyard on the west side. A full height vertical stairwell is proposed to the west side which projects above main roof level, expressed with full height glazing which juxtaposes the otherwise horizontal treatment of the principal facades. To the east side, recessed external walkways provide access to flat entrances. The two uppermost storeys are recessed away from its northern end and the corner of the new block is chamfered at its north western corner. The north and south flank elevations are secondary to the principal east and west frontages and are largely unarticulated, incorporating frameless aluminium glazing with corner windows to both ends.

Block B is positioned further towards the river than the existing Darwin House, set very slightly back from the front building line of the adjacent listed building at 105 Grosvenor Road. Recessed full width balconies are proposed to the front (south) elevation overlooking the river, set behind railings, and a full height glazed stairwell is proposed to the eastern end. The proposed block is five storeys in height and the uppermost storey is recessed to its western end, away from the adjacent Georgian terrace. PV panels are to be located on the flat roof of the new building.

In terms of detailed design, both blocks are to be constructed using a pale brown brick with a light coloured mortar using raked horizontal joints and flush vertical joints. The supporting Design and Access Statement explains that the intended brick is longer in its dimensions than a standard brick, used in a stretcher bond in order to express the horizontality of the architectural treatment. The vertical columns featuring in both buildings are to be constructed using a pre-cast concrete. Triple glazed aluminium framed fenestration is to be used throughout the development in a light 'champagne' colour.

In the area between the two new buildings and south of Maitland House, the proposed landscaping plan shows the provision of new piazza and lawn areas with additional trees and planting. A new community garden is proposed in the south east corner of the site adjacent to Grosvenor Road. A gated vehicular road is retained to the east side of Block A running north to south down Rutland Street for parking, drop off and ambulance access. The existing boundary wall to the east of this road is shown retained. The new layout provides an accessible north to south pedestrian route from Churchill Gardens Road to Grosvenor Road. Existing mature trees throughout the site are shown retained. In general, new hard landscaped areas are to be paved using block paved materials of varying types and colours, as set out in the supporting Design and Access Statement. Low level planting areas are also proposed where ground floor units face on to the public realm, to provide some defensible space.

8.2.3 Significance of the Churchill Gardens Estate Conservation Area

The Churchill Gardens Estate is a pioneering, prize winning, mid- 20th century housing estate designed by architects Phillip Powell and Hidalgo Moya. Construction of the new estate began in 1947 following a competition held by Westminster City Council who had acquired the 33.5 acres of land south of Lupus Street. The Royal Institute of British

ITEM 1 - Appendix 1

Architects judged the international competition, awarding the commission to young architects Powell and Moya and their design for the first mixed housing estate of both low and high rise social housing blocks in Britain, incorporating 1576 flats and two terraces of houses for letting at an economic rent. The estate, which was constructed over four main phases, went on to become 'the most ambitious housing scheme of the 1940s' (Historic England) and was described by the Architects' Journal in 1952 as 'deservedly becoming the most highly praised example of high density development in the country.' Density was 200 people per acre which was the maximum permissible at the time. The modernist architectural style of the estate was one of the first housing projects to move away from the picturesque Arts and Crafts style of public housing which had been favoured during the interwar years. This dramatic change in aesthetic 'reflected the drive for modernisation and the need for high quality, high density housing after the destruction of the war' (Churchill Gardens Estate Conservation Area Audit by Westminster City Council, 2005).

The first phase of estate development gained a Festival of Britain Award and the whole estate gained two Civic Awards in 1962. Today, the estate is widely considered an iconic and highly regarded example of high density post-war housing development and in 2000, the estate was awarded the Civic Trust 40th Anniversary Award for the most outstanding scheme since the awards began four decades earlier. The importance of the area was recognised when the estate was formally designated as a conservation area in 1990. Several of the blocks within the conservation area have also been statutorily listed in recognition of their special architectural and historic interest.

Few pre-war buildings were retained by Powell and Moya in their masterplan. One exception to this was the Balmoral Castle Public House, which was retained. There are also some surviving Georgian townhouses which were retained on Grosvenor Road, including nos. 105-109 which are located immediately to the west of the proposal site. In the context of the estate however, surviving pre-war buildings such as these are rare and appear to have been carefully selected by Powell and Moya. As a result, those that do survive make a particularly important contribution to ones understanding of the historic chronology of the development of the area and the original architects' ambition to layer the old alongside the new in their masterplan. This deliberate layering and contrasting of architectural styles and periods makes an important contribution to the character and appearance of the conservation area.

The wider setting of the conservation area and the bold, dramatic visual impact of the high rise blocks on the Thames skyline is also an important aspect of the significance of the conservation area. The appearance of the large rooftop drums, which accommodate water tanks and lift shafts, and the unique form of the accumulator tower rising above the entire estate reinforces the high impact of this dramatic and distinctive silhouette. Likewise, at a smaller scale Powell and Moya's masterplan sought to maximise local vistas through the estate. There are many attractive, intentionally sited views available throughout, providing panoramas towards the river and the landscaped green areas between blocks.

In summary, the significance of the Churchill Gardens Estate Conservation Area is derived from its historic interest as a highly influential, widely renowned and largely intact early example of post-war high density housing which acted as a model for much subsequent post-war housing redevelopment throughout Britain. It is also significant as a

ITEM 1 - Appendix 1

well preserved example of the early work of the two preeminent architects Powell and Moya. The implementation of the first ever district heating system in Britain is also of high historic interest. The significance of the conservation area is also derived from its architectural interest as a post-war high density housing estate that was one of the first to adopt the Le Corbusier 'Ville Radieuse' modernist principles that broke away from the previously popular vernacular style. The coherent and characteristic architectural style employed throughout the new buildings on the estate, through the use of a limited material palette, modular repetition and a range of horizontal and vertical emphasis is also of high architectural interest. So too the layering and contrasting in close proximity of buildings of dramatically different periods and styles, which provides design and historic interest. The trees, undulating landscape setting and the generous spatial separation between the high density blocks are also fundamental to the character and significance of the conservation area and underpin Powell and Moya's 'humane modernism' principles. The dramatic riverside skyline when viewed from the Thames and its wide ranging visual impact and setting is also of high architectural interest and is inherent to the significance of the conservation area, as well as many carefully planned local vistas through the estate.

8.2.4 Demolition of Darwin House and Garages

The proposals involve the demolition of Darwin House, which is a four storey block fronting on to Grosvenor Road to the south and the construction of a replacement five storey block (Block B).

Darwin House does not form part of Powell and Moya's original estate design and was a later addition built by Westminster City Council in the 1980s, replacing All Saints Church which formerly occupied the site. Architecturally, the building is undistinguished and the adopted audit does not identify it as holding any merit. It is however noted that the designers of Darwin House clearly sought to respect the scale of the adjacent grade II listed 19th century buildings at 105-109 Grosvenor Road and its position further back from the front building line of these buildings enables uninterrupted views of the adjacent townhouses from both the east and west. Whilst Darwin House is not considered to hold any significant architectural merit in its own right, its scale, height and placement are respectful and subordinate to the setting of the adjacent listed terrace. The demolition of Darwin House is therefore not considered harmful to the character and appearance of the conservation area, providing the replacement building makes an equal or more positive contribution to the character and appearance of the conservation area, registered park and garden and the setting of the adjacent listed buildings.

The existing rows of single storey brick garages which form a U shape to the east of Darwin House, occupy an area which is largely paved and is low quality in terms of its public realm, effectively blocking pedestrian access from the north towards the river. This pocket of land which the garages occupy is not considered to contribute positively to the special interest of the landscape as a registered park and garden nor the character and appearance of this part of the conservation area. The removal of the unsightly garage structures represents an opportunity to enhance the visual amenity of the immediate area and to improve the quality and permeability of the public realm in this part of the conservation area. The principle of demolishing these garages is therefore supported in design terms subject to the quality and impact of the proposed replacement buildings and landscaping.

ITEM 1 - Appendix 1

8.2.5 Demolition of Balmoral Castle Public House

The Balmoral Castle Public House is identified in the adopted conservation area audit as an unlisted building of merit which makes a positive contribution to the character and appearance of the conservation area. The building has been vacant with scaffolding erected for many years and it is acknowledged that the building is in a poor state of repair. The management proposals set out on page 42 of the adopted conservation area audit state that the City Council should 'seek sympathetic reuse of [the] building and make reference to [the] audit in any future development', 'ensure redevelopment is subject to consultation with Design and Conservation for best conservation practice' and 'monitor condition of the building regularly to ensure it does not fall into further disrepair.' Notwithstanding these adopted management proposals, the building has not been maintained and permission is now sought to demolish it to allow for the construction of proposed Block A.

There is a strong presumption against demolition of this unlisted building of merit in the City Council's adopted policies. Policy 39 (L) of the City Plan 2019- 2040 outlines a presumption that unlisted buildings of merit will be conserved, unless it has been demonstrated that the relevant national tests have been met. Policy 39 (R) also states that 'Non-designated heritage assets (including local buildings of merit, archaeology and open spaces of interest within and outside conservation areas) will be conserved. When assessing proposals affecting non-designated heritage assets, a balanced judgement will be made regarding the scale of any harm or loss of the asset and the benefit of the proposed development.'

The building occupies an unusual wedge-shaped plot which is indicative of the former dock line and the previous urban street layout which was almost entirely swept away following the war. The building dates to c1855 and is three storeys in height with a stuccoed finish and Classical embellishments such as window pediments and bottle balustrades at first floor level. Whilst the building is attractive, it is not unique, and its architectural treatment is typical of public houses of this period. Its architectural interest as an undesignated heritage asset is therefore considered moderate.

However, whilst the post- 1947 residential buildings represent the predominant typology and style of the conservation area, Powell and Moya's retention of a small number of earlier buildings such as the Balmoral Castle Public House, contributes to a more diverse, contrasting and therefore interesting streetscape. This Victorian public house was evidently retained by the original architects to serve an important community and aesthetic function in the context of the new modern housing estate. The survival of earlier buildings such as this, as Historic England notes, enhances the interest of the post-war architecture by providing a 'visible overlaying' of the Victorian and post- war periods. In this context therefore, the pub makes a very important contribution to the significance of the designated conservation area and has high historic interest despite its moderate architectural interest. The diversity of high density residential buildings alongside community buildings such as public houses, schools and community halls, was also fundamental to Powell and Moya's masterplan and the integrity of the estate as a whole. The preservation of this mix of building typology is therefore of historic and architectural interest and inherent to the significance of the conservation area.

ITEM 1 - Appendix 1

Notwithstanding the poor condition of the building fabric, this public house is considered to make a vital contribution to the significance of the Churchill Gardens Conservation Area and is a highly significant and rare pre-war remnant of 'Old Pimlico' preserved by Powell and Moya in their estate masterplan. Whilst the long-term presence of scaffolding on the building has degraded the contribution made to the character and appearance of the conservation area to a degree, its historic interest in this context remains high. The poor condition of the building at present is therefore not attributed any weight in the City Council's assessment of harm, in compliance with paragraph 191 of the NPPF which states 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.' The poor state of repair of this important building is considered insufficient justification for the proposal to demolish it.

Historic England have raised concerns regarding the demolition of this building following the City Council's consultation. The Victorian Society have also objected to this aspect of the proposals and advise that the application to demolish the building should be refused. Both Historic England and the Victorian Society describe the significance of this building and its high degree of interest as a pre-war survival of Victorian Pimlico, which was preserved with intent by Powell and Moya and therefore contributes to one's understanding of the development of the estate as a whole and the significance of the estate as a designated conservation area.

It is acknowledged that the interest of the Balmoral Castle Public House is rare and unique only within its context of this iconic post-war housing estate rather than as an example of this building typology in more general terms. However, the loss of this particular public house in this specific context will degrade one's understanding and legibility of Powell and Moya's intentions set out in their masterplan and will therefore cause harm to the significance of the conservation area.

For the reasons set out above, the demolition of this important unlisted building of merit is considered harmful to the character and appearance of the conservation area. The comments received from Historic England and the objection received from the Victorian Society are considered entirely valid for the reasons set out above. Whilst the degree of harm caused by the complete demolition of this building will cause substantial harm to the non-designated heritage asset, the degree of harm caused to the significance of the designated heritage asset (the conservation area) is less than substantial. Paragraph 197 of the NPPF requires that when the significance of a non-designated heritage asset is affected by an application for development, 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. Given the vital contribution that this building makes to one's understanding of the original design intentions of the estate as a whole as set out above, the degree of harm caused is considered moderate on the less than substantial scale. The NPPF requires that harm to be weighed against the public benefits of the proposal.

8.2.6 **105- 109 Grosvenor Road**

105-109 Grosvenor Road is a group of five 19th century buildings which face towards the river on the north side of Grosvenor Road, immediately adjacent to the proposal site. The buildings are grade II listed and also fall within the Churchill Gardens Estate Conservation Area, making a positive contribution to its character and appearance.

ITEM 1 - Appendix 1

Nos. 106-109 are two bays in width and appear to retain their original slate clad mansard roof storeys, whilst the former rectory building to the now demolished church at no. 105 is wider at three bays and consists of three sheer storeys with a shallow roof set behind a parapet embellished with a decorative dentil cornice, retaining two apparently original chimney stacks which are prominent roofscape features. The eastern flank wall and chimney stack to no. 105 is currently exposed in local views westwards from Grosvenor Road, given the existing set back of Darwin House.

Overall, the significance of 106-109 Grosvenor Road is derived from their historic interest as good examples of early 19th century domestic architecture and their architectural interest as early- mid 19th century townhouse buildings that retain their original appearance and proportions. The group value of each building in the context of this short surviving terrace is high and together they retain a consistent, uniform appearance which is in keeping with the original design intentions and is reminiscent of the speculative development system. Whilst the significance of 105 Grosvenor Road is in part derived from its historic functional connection to the now lost church, its well preserved façade remains of architectural interest and its differential architectural treatment and scale compared to 106-109 contributes to the aesthetic interest of this group, representing a transition in scale from the townhouses at 106-109 towards the now demolished church at its eastern end. As a group, the retention of these buildings along with the unlisted King William IV Public House and 110 Grosvenor Road, is also of high historic interest in the context of the wider estate, forming part of Powell and Moya's original design aspirations to layer architecture of different periods and character in close proximity. These local views are identified as significant in the adopted conservation area audit. The group also therefore makes an important contribution to the significance of the designated conservation area.

However, it is acknowledged that the immediate setting of these listed buildings has been heavily compromised since the post-war period and makes a limited contribution to their significance. The houses historically formed part of a wider system of Georgian terraces, as evident on archival maps of the area, which were largely demolished during the war and post-war periods. Powell and Moya however chose to retain this group of buildings in their masterplan as well as the adjacent All Saints Church. However, the church to which the rectory at no. 105 was historically linked has been lost to allow for the development of Darwin House in the 1980s. Given that these buildings have been so dramatically severed from both their original Georgian context as well as Powell and Moya's intended context, the immediate setting of the group is not considered to make an important contribution to their significance.

The proposed Block B building represents a significant increase in height and bulk compared to the existing Darwin House. Its building line is also set further forwards than Darwin House, roughly in line with the front building line of 105 Grosvenor Road. Verified views of the site demonstrate that the proposed development will have a significantly more dominant impact on views of the adjacent listed buildings than Darwin House, diverting attention away from the designated heritage assets towards the considerably bulkier and taller Block B which will serve to dominate the appearance of the streetscape on Grosvenor Road. In its position further forwards, Block B will obscure some views which are currently available towards the listed buildings when viewed from Grosvenor Road. Block B will no longer appear as subordinate to and respectful of the scale of the adjacent listed buildings and will serve to overwhelm the scale and proportions of the

ITEM 1 - Appendix 1

adjacent listed buildings, which is best demonstrated by verified views nos. 2, 4 5 and 6 in the applicant's submission.

The proposed development is therefore considered harmful to the setting of the listed buildings at 105-109 Grosvenor Road. The resulting increase in height and massing of Block B will have a significant visual impact on local views of the group when viewed from both directions on Grosvenor Road, which will also cause harm to the character and appearance of this part of the conservation area. This increase in scale immediately adjacent to the listed buildings will serve to dominate the appearance of these modest townhouses and this part of the streetscape significantly more so than Darwin House does at present. Given the limited contribution made by their setting to the significance of these listed buildings however, the degree of harm is considered minor on the less than substantial scale. The NPPF therefore requires that harm to be weighed against the public benefits of the proposal.

8.2.7 **Shelley House**

The proposal site is located immediately to the west of Shelley House, which was completed in 1951 and is one of Powell and Moya's original nine storey blocks that were constructed as part of the earliest phase of estate development. The building was listed grade II in 1998 along with the neighbouring contemporary blocks Chaucer House, Coleridge House and Keats House. Whilst all four blocks are grade II listed, the proposed development most directly affects Shelley House.

The building is constructed from a reinforced concrete frame clad in the yellow stock bricks which Powell and Moya had favoured throughout the estate. The four blocks are linear in their form, running north to south, with green space between, and incorporate projecting glazed stairwells with the long bands of fenestration creating a strong horizontal emphasis. The prominent roof level drums which house water tanks and lift machinery create a dramatic roofscape, the form of which contrasts with the rectilinear accent of the blocks.

The significance of this building is heavily derived from its historic interest as one of the original buildings that was constructed during the first phase of the development of the estate. The architectural interest of the building is also high, indicative of Powell and Moya's architectural style, employing the 'humane modernism' architectural language described above. The group value of the building in the context of the four original listed north to south blocks is also high and together the group retains a strong degree of uniformity which is appreciable from wide ranging views both within and outside of the conservation area. The significance of Shelley House and its group is reinforced by their large scale, distinctive roof level drums and their prominent position close to the Thames, from which these blocks are landmark buildings that form an important part of the panoramic views available from several long distance vantage points. The wider setting of the building is also therefore considered integral to its significance and that of the conservation area. The building and its group also form a prominent part of the townscape from many shorter local views from within the estate and from Grosvenor Road and have a dramatic impact on local vistas. The contribution of this building and its group to the character and appearance of the conservation is also therefore highly significant.

ITEM 1 - Appendix 1

The proposed development will cause harm to this significance. Block A is located parallel to Shelley House running in a north to south direction, designed to emulate the form of the original blocks. However, given the proximity to Shelley House, the new block will serve to obscure visibility and distract from this important landmark feature. The scale of existing development immediately to the west of Shelley House is significantly lower than Shelley House itself, which serves to reinforce its prominence within the townscape and within local views of significance. Whilst it is acknowledged that the proposed seven storey Block A is lower than nine storey Shelley House, its height and bulk remains considerable and the minor difference in height will have very limited appreciable impact on the degree of harm it causes to the setting of the listed building. The proposal to construct a new seven storey building in the existing gap to the west of Shelley House, will reduce the prominence of this listed building within the local and wider streetscape from many views and degrade its legibility as a landmark feature within the context of the conservation area.

Long views of significance are described in the adopted conservation area audit from Chelsea Bridge, from the south side of the Thames and from trains crossing the railway bridge. The proposed new block, which from this angle will appear directly in front of Shelley House, will disrupt the rhythm of the group and degrade the impact that Shelley House has within the context of this panorama. Given the high significance of these views and the role they play in understanding the group of listed blocks as a cohesive whole and their context within the wider estate, the impact on long distance views will also cause harm to the significance of the listed building, its group value and its contribution to the character, appearance and wider setting of the conservation area.

Overall therefore, the proposed development will harm the setting and significance of Shelley House as a landmark building within the context of the immediate estate and its wider context. Block A will obscure visibility of Shelley House from many angles both within and outside of the conservation area and serve to compete with its scale, thereby reducing its prominence and significance as a building of special architectural and historic interest, as well its contribution to the significance of the conservation area. For these reasons, it is therefore considered that the proposed development will cause a moderate degree of less than substantial harm to the significance of this listed building. The NPPF therefore requires that harm to be weighed against the public benefits of the proposal.

8.2.8 The Accumulator Tower, Pump House and Workshops

The accumulator tower, pump house and workshops formed part of an early phase of development in 1947-50 and were listed at grade II in 1998. The site formed the first district heating system in Britain and used waste heat from Battersea Power Station. The building forms part of a group consisting of Chaucer, Coleridge, Keats and Shelley House(s), which are located to the north and east of the accumulator tower and are also listed at grade II.

The 136ft accumulator tower itself remains a highly prominent feature within the local townscape and its significant visual impact remains available from many short and long public and private views, including from the south side of the river from which it projects prominently above the height of the surrounding towers, echoing the housing blocks' distinctive projecting roof level lift machinery and water tanks set within circular drums.

ITEM 1 - Appendix 1

The tower is identified in the adopted conservation area audit as a landmark building 'providing a unique and unusual feature visible from throughout the estate.' This listed building therefore makes a highly significant contribution to the character and appearance of the conservation area.

The significance of the accumulator tower, pump house and workshops is therefore derived from their historic significance as the first district heating system in Britain. They also form part of Powell and Moya's innovative masterplan, which is of high historic and architectural interest. The historic functional relationship between the accumulator tower site and Battersea Power Station is also of significance, and the visual connection between these two tall, prominent landmarks on each side of the river reinforces this connection. The significance of the tower is also derived from its architectural interest as a recognisable landmark feature; its large scale reinforces its visual prominence both within the estate and from longer views. Its distinctive appearance and its translucent form provides interest and contrast to the linear, solid blocks of housing, whilst also echoing the prominent roof level drums of the taller residential blocks. Its group value and relationship to the high rise residential blocks is also of significance. The pump house and workshops are also of architectural interest; the relevant list description quotes Ian Nairn who stated 'The best single building is the crisp and elegant boiler house at the bottom of the big polygonal tower ... the machines and their fine-drawn glass and steel cage which surrounds them are a perfect match.'

The proposed development will cause harm to this significance. Given the significantly lower scale of the buildings which surround the tower to the south and west, the tower currently dominates the immediate townscape and enjoys a wide open vista to the south, from which views of the tower are available. In contrast, the proposed blocks will partially obscure visibility of the tower and reduce its prominence by infilling the existing gap with a seven storey block immediately to its south west. The enlarged Block B (compared to existing Darwin House) will also further degrade the prominence of the tower when viewed from Grosvenor Road, by obscuring it from some vantage points. The tower currently projects above the roofline of Darwin House, forming part of its backdrop from Grosvenor Road which will be lost as a result of the enlarged Block B which will block views of the tower behind, harming its significance as a prominent landmark building.

As described above, the accumulator tower was designed to use waste heat from Battersea Power Station. The functional connection between these two highly prominent and iconic buildings is reinforced by the visual connection which can be appreciated from many viewpoints on Grosvenor Road, from which the two landscape buildings can be viewed in conjunction with each other. The visual connection between these two landmark buildings will be eroded from some viewpoints. The proposed development will therefore degrade this visual connection between the accumulator tower and Battersea Power Station and therefore legibility of their historic connection and significance. The proposed development will therefore cause harm to the significance and setting of the accumulator tower as well as its contribution to the significance of the conservation area. Given the prominence of this recognisable landmark feature and the scale and proximity of the proposed new blocks, the proposed development will cause a moderate degree of less than substantial harm. The NPPF therefore requires that harm to be weighed against the public benefits of the proposal.

8.2.9 Long Views and Conservation Area in its Wider Setting

ITEM 1 - Appendix 1

The appearance of the conservation area on the Thames skyline is also of high significance. The adopted conservation area audit identifies several long distance vistas as being of importance, including the view from Chelsea Bridge eastwards towards the estate from which the estate forms a significant landmark on the Thames. The tall blocks, and their value as a cohesive group, can be appreciated from this position and from the south side of the river, with the accumulator tower forming a prominent landmark in the centre of the estate. These long distance views of the conservation area from Chelsea Bridge, the railway bridge and the south side of the river are important in appreciating the estate's architectural significance as a coherent whole, where one can value the integrity of the overall design of the estate as a cumulative sum of several individual blocks, in a way that is not easily appreciable in shorter views. The canopies of the mature trees on Grosvenor Road add an attractive secondary layer below the blocks.

However, at the height proposed, the proposed development will breach the tree canopy height and interrupt the rhythm and significance of the existing skyline when viewed from Chelsea Bridge and the south side of the river as well as from the recognised view that is achieved from trains leaving and arriving at Victoria railway station as they travel across the railway bridge. The insertion of a new block in the position proposed for Block A in particular, will disrupt the rhythm of the existing skyline, creating an incongruous and jarring addition between the existing north to south blocks, which will undermine Powell and Moya's original design aspirations. The development will also erode the prominence of the accumulator tower when viewed from the south side of the river, partially blocking it from view.

Furthermore, the generosity of space between the high-density blocks was evidently a deliberate and inherent aspect of Powell and Moya's masterplan, which sought to retain space between blocks to establish a sense of openness. Pevsner noted that 'the generosity of space [is] still persuasive'. As the adopted conservation area audit identifies, the estate design breaks from traditional street patterns by building upwards in order to maximise the sense of openness and sunlight to the residents by facing east to west. In this respect, the gaps between existing blocks are of significance and will be undermined by the proposal to insert another block within an original gap. However, it is acknowledged that at low level, the landscape character of this gap has been seriously harmed by the development of the 23 garages which occupy the site. The proposal site is not, in this respect, a high quality area of green space which contributes positively to the character and appearance of the conservation area. Notwithstanding this, the original design aspirations remain legible at a high level and the long distance views of the rhythmic layout of the conservation area remain highly significant.

For the reasons set out above, these long distance views are considered to be of high significance. The insertion of new blocks at the height and bulk proposed is considered harmful to the significance of the conservation area and one's ability to understand the overall design integrity and ambition of the estate's architects, which is best appreciated from long distance views. The proposed development is therefore considered harmful to the wider setting and significance of the designated conservation area.

8.2.10 Landscape to the Churchill Gardens Estate

ITEM 1 - Appendix 1

The landscape to the Churchill Gardens Estate was added to the Register of Parks and Gardens at grade II in 2020. The supporting list description clearly sets out the reasons for its significance, namely:

1. Historic interest as a 'scheme which pioneered the use of high density mixed development within a carefully planned urban landscape',
2. Design interest as a 'series of informal gardens set within a formalised plan, blending traditional and modern materials' and as an integral example of the work of pre-eminent architects Powell and Moya in an early phase of their career.
3. Group value with the eight listed buildings which form part of the estate scheme.

However, in the area that the proposal site occupies, the significance of the landscape has been harmed by the development of the garages and Darwin House. Except for the mature trees on Grosvenor Road, the proposal site, which is largely tarmacked and of low design merit, is considered to make a negative contribution to the registered park and garden and is not considered to contribute to its significance. The trees on Grosvenor Road do however contribute to the significance of the landscape as a registered park and garden and are to be retained as part of the development.

The proposed development involves landscaping works in the gap formed between Block A, Block B and Maitland House, as well as the creation of a new community garden fronting on to Grosvenor Road to the south east of the proposal site. Overall, the proposed development represents a significant increase in soft landscaping, trees, and low level planting. The proposal to re-establish an area of greenery between the built forms is in keeping with the original design ambitions of Powell and Moya and will enhance the significance of the landscape as a grade II registered park and garden. The enhanced pedestrian permeability throughout this part of the estate will also have a positive impact on the significance of the landscape and its users.

8.2.11 Design and Heritage Benefits of Proposed Development

Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. Whilst the proposed development represents wide ranging public benefits that are set out elsewhere in this report as part of the overall planning balance, the following section identified only those benefits that relate to urban design and heritage.

The proposed development offers some notable public realm improvements. As set out above, the demolition of the existing garages, which have a negative impact on the appearance of the conservation area and inhibit permeability through the estate, is supported and represents an opportunity to enhance the significance of the designated conservation area. The removal of existing tarmac throughout the proposal site and the use of higher quality paving materials is supported and will improve accessibility throughout the site. The proposal to landscape the area between the two new blocks and Chaucer House, with the addition of new trees and planting, represents a significant improvement to the visual amenity of this part of the area and wider public benefits for the users of this space. The proposed piazza is designed to encourage users to meet

ITEM 1 - Appendix 1

outdoors and represents a new area for residents to congregate, offering important public benefits for its users. North to south pedestrian permeability will also be improved significantly, allowing a step free access route between Grosvenor Road and Churchill Gardens Road and more flexible movement through the proposal site towards the Thames, enhancing the connection between the two streets. The provision of high quality external furniture such as seating, details of which can be secured via condition, will also help enhance the visual amenity of the area as well as encourage users to congregate within the space. Overall, the visual amenity of the public realm will be improved and will be significantly more accessible than at present.

The proposed development also represents some improvements to the public realm fronting on to Grosvenor Road. A community garden is proposed in the south east corner of the site, in an area which is currently grassed behind a low level railing and in front of a brick wall which has a deadening visual impact from the street, blocking views northwards into the conservation area from street level. The proposal to remove this wall and to reintegrate this area into the landscape proposals, with some views northwards up to the estate between the new buildings reinstated, is a design benefit of the proposal which is supported in principle.

For the reasons set out in the previous section, the proposed development will also enhance the significance of the proposal site as a registered park and garden by reinstating a communal landscaped area between blocks, which is a heritage benefit. It is acknowledged that the design of the new blocks does offer some mitigation measures. For example, the blocks are to be faced in brickwork which will relate to the palette of the existing Powell and Moya blocks and will reflect the linear, north to south form of the existing high rise blocks that are most visible from the river. The horizontal emphasis of the proposed building design, with expressed vertical stairwells, is also reflective of the blocks dating from the first phase of development. The external expression of vertical communal circulation space is a characteristic feature of the original blocks, as well as the recession of balconies into the 'carved mass' of the building. The repetition and stacking of balconies are also reminiscent of Powell and Moya's design motifs. Overall, whilst the height, bulk and location of the new buildings will cause harm to the designated and undesignated heritage assets identified above, the overall design expression of the proposed buildings is considered appropriate to their context.

8.2.12 Townscape and Design Conclusion

In conclusion, the proposed development will disrupt the generous spatial integrity which was inherent to the original masterplan, interrupt the uniformity and rhythm of the existing group of high rise blocks which run north to south towards the Thames, obscure and dominate the appearance of many important views within and towards the conservation area and undermine Powell and Moya's original design ambitions to layer old pre-war buildings alongside modern development. All of these existing features are considered to contribute to the significance of the conservation area. The proposed development is therefore considered to cause a moderate degree of less than substantial harm to the significance of the conservation area and is contrary to policies 38, 39 and 40 of the City Plan 2019- 2040.

ITEM 1 - Appendix 1

The proposed development will also result in the demolition of the Balmoral Castle Public House, which will cause substantial harm to this undesignated heritage asset, but in the context of the impact on the wider conservation area, the degree of harm to the designated heritage asset would equate to less than substantial albeit at a moderate degree given the significance of this important building within the context of the estate. The demolition of the Balmoral Castle Public House is contrary to Policy 39 (K), (L) and (R) of the City Plan 2019- 2040. Policy 39 (L) and (R) require a balanced judgement to be made regarding the scale of any harm or loss of the asset and the benefits of the proposed development.

In addition, the proposed development will cause less than substantial harm to the setting of grade II listed buildings at 105-109 Grosvenor Road, Shelley House, and the Accumulator Tower, which is contrary to Policy 39 (G) and (I) of the City Plan 2019- 2040.

The proposed development will enhance the significance of the landscape as a registered park and garden, which is compliant with DES 12 of the UDP. In this respect, the proposed development is compliant with Policies 39 (Q) and 43 of the City Plan 2019- 2040.

The design of the proposed replacement buildings, in terms of their orientation, overall architectural composition and choice of facing materials does provide some mitigation to the heritage impacts identified, reflecting aspects of the conservation area's character and appearance.

The proposed improvements to the local public realm as set out above offer significant public benefits in compliance with Policy 43, but these improvements are considered insufficient in isolation to outweigh the harm identified above. Therefore the wider public benefits of the proposed development, in conjunction with the urban design and heritage benefits identified above, will need to outweigh the harm caused to the affected heritage assets for this proposal to comply with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Objections have been received from local residents, particularly those living adjacent in Shelley House and Grosvenor Road, that the proposed development would have an unacceptable impact on their amenity in terms of loss of light, increased sense of enclosure, overshadowing, loss of privacy and overlooking.

City Plan, Policy 7 (Managing development for Westminster's people) part A states: "Developments will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking".

The NPPF states at paragraph 123 c) :

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would

ITEM 1 - Appendix 1

otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

8.3.1 Daylight and Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment 'Site layout planning for daylight and sunlight: a guide to good practice' (as revised 2011) (BRE Guidelines), albeit recognising that these Guidelines should be applied flexibly.

Two methods of measurement are recommended to measure daylight impacts in the BRE Guidelines: (1) Vertical Sky Component (VSC); and (2) Daylight Distribution (DD). VSC assesses the quantum of skylight falling on a vertical window and DD (also referred to as No Sky Line or NSL) measures the distribution of direct skylight in a room space.

VSC is calculated from the centre of a window on the outward face and measures the amount of light available on a vertical wall or window following the introduction of visible barriers, such as buildings. The BRE Guidelines suggests that if the VSC is greater than 27%, enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. Should the VSC with development be both less than 27% and less than 0.8 times its former value, occupants of the existing building are likely to notice a reduction in the amount of skylight they receive. The Guidelines say: "the area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time". This form of assessment does not take account of window size, room use, room size, window number or dual aspect rooms.

The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. For the NSL assessment the 'working plane' means a horizontal 'desktop' plane 0.85m in height for residential properties. The NSL divides those areas of the working plane which can receive direct sky light from those which cannot. If a significant area of the working plane receives no direct sky light, then the distribution of daylight in the room will be poor and supplementary electric lighting may be required. The BRE Guidelines state that if the area of a room that does receive direct sky light is reduced by more than 20% of its former value, then this would be noticeable to its occupants. The measurement and plotting of NSL requires the knowledge of the internal room layouts and dimensions.

For daylight to be compliant with the BRE Guidelines both the VSC and NSL tests have to be met. If either or both of the VSC and NSL tests are not met the daylighting is likely to be significantly affected.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly and that in special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified.

The application is accompanied by two Daylight and Sunlight reports prepared by Rapley's. The first considers the impact of the proposals on the existing residential occupiers and the other the level of light that will be received to the proposed accommodation.

ITEM 1 - Appendix 1

8.3.2 Daylight Assessment

The existing properties tested for daylight include:

- 105 Grosvenor Road; a three storey residential dwelling located west of the proposed development site;
- 106, 107, 108, 109 & 110a Grosvenor Road; a four storey residential house located west of the proposed development site;
- 111 Grosvenor Road; a three storey residential building containing a house located west of the proposed development site;
- Accumulator Tower; a non-residential building containing an energy plant located east of the proposed development site;
- Anson House; a ten storey residential building containing flats and communal areas located North west in relation to the development site;
- Chaucer House, a nine storey residential building containing flats and communal areas located north of the proposed development site;
- Maitland House; a four storey residential building containing flats and communal areas located north west of the proposed development site; and
- Shelley House; a nine storey residential building containing flats and communal areas located east of the proposed development site.

In total, 793 windows and 597 rooms have been tested.

Vertical Sky Component

In terms of the Vertical Sky Component (VSC) results, of the 793 windows tested, 719 meet the BRE recommendations, leaving only 74 falling short. This is an initial pass rate of around 90%. The windows that fall short of the BRE guidelines are within the falling properties:

- Shelley House;
- Maitland House; and
- 105 Grosvenor Road

Shelley House

Of the 555 windows tested at this property, 489 (around 88%) achieve satisfactory results and good levels of daylight should continue to be received to these windows following the construction of the proposed development. This means that 66 (around 11%) windows fall short of the BRE recommendations for the VSC test.

Of these 66 windows, 49 are secondary windows that serve rooms with other windows that would be considered to be the main window to the room.

This leaves 17 windows falling short of their recommendations. All of these windows achieve a marginal result of no less than 0.70 their former value, against a target of 0.8. Given the urban location, it is considered that these results are acceptable.

105 Grosvenor Road

The VSC results for this property are satisfactory, with the exception of 4 windows.

ITEM 1 - Appendix 1

The report identifies that of these 4 windows, 2 serve non-habitable rooms (bathrooms), 1 is a secondary window that serves a room with another window, and the other is 1 of 5 windows to a conservatory.

The occupier of this property objects and highlights that the report inaccurately labels one of the windows as a non-habitable room/ bathroom (3rd floor flank elevation) when in fact it serves a bedroom. On review of the report's window identification drawings, it would appear that this bedroom window is also a secondary window and the bedroom is served by another window in the rear elevation.

All other windows including the properties principal windows are not affected. Overall, the impact on this property is considered minor.

Maitland House

The VSC results for this property are satisfactory, with the exception of 2 windows. The results for both of these windows are marginal (before/after ratios of 0.78 - against the BRE target of 0.8). Given the urban location of the proposed development, it is considered that these results are acceptable.

Daylight Distribution

The results for the Daylight Distribution test demonstrate that of the 597 rooms tested that only 5 fall short of their targets (when ignoring commercial rooms), this gives a compliance rate of around 99%. The report finds that these 5 windows all serve non-habitable rooms or are rooms within a non-residential building.

8.3.3 Sunlight

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 (winter PSH). 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 results of the Annual Probable Sunlight Hours test (APSH) demonstrate that of the 665 windows tested for sunlight 5 fall short of their requirements, giving a compliance rate of around 99%.

It should be noted that this test only applies to living rooms (or conservatories or places with a specific need for sunlight). The 5 affected windows all do not serve living rooms and therefore can be removed from further consideration

8.3.4 Overshadowing to gardens and open spaces

ITEM 1 - Appendix 1

Of the 9 neighbouring amenity spaces tested 7 meet the BRE requirements, leaving 2 falling short. These are located at 105 & 108 Grosvenor Road. Both of these spaces fall short of their targets as their sunlight availability before the development is low. Therefore, the small impact the development has on these gardens creates a larger than normal comparative impact.

The garden at 105 would lose 0.83m² of sunlight as a result of the development and 108 would lose a marginal 0.05m². It is considered that this light loss is so small that it would unlikely be noticeable or fundamentally change the way in which the space is presently used.

8.3.5 Daylight and Sunlight Conclusions

It is apparent from the data within the submitted daylight and sunlight report and as summarised above, the development will have a minor impact, with some losses demonstrated particularly to Shelly House, Maitland House, and 105 Grosvenor Road. The BRE notes that their guidelines should be applied flexibly and having regard to the context of the site. While the losses to surrounding properties are regrettable, they are considered acceptable, given the urban context, current very low level of development on the site and the considerable regeneration and housing benefits that this scheme will deliver.

8.3.6 Light to Proposed Accommodation

The application is also accompanied by a Daylight and Sunlight report that assesses the level of light that will be received to the proposed accommodation. The report assesses 104 residential windows within the development.

The report assesses the habitable rooms of the proposed development for daylight and notes that of the assessed rooms 68% achieve or are very close to achieving the advised BRE standard, which is a good standard.

The report notes a low level of compliance for direct sunlight, but the retention of the substantial mature trees on the site naturally limits the results in this regard. The overall results are considered in the context of the amenity space that is provided for each flat through the provision of substantial private balconies.

It is also noted that the development proposals achieve passivehaus standard. In order to achieve this there is a need to strike a balance between the direct light received and the need to restrict overheating. The balconies themselves and overhanging walkways are an integral part of the passivehaus design, as they restrict the direct sunlight that results in overheating.

It is considered, having regard to the overall standard of accommodation that the levels of light received are acceptable.

8.3.7 Sense of enclosure

Objections have been received, primarily from residents in Shelley House, that

ITEM 1 - Appendix 1

proposed Block A would adversely affect residents in terms of an increased sense of enclosure.

The orientation of Block A runs parallel to that of Shelley House to the east and is to be seven storeys in height with a flat roof, which is approximately 7m lower in height than nine storey Shelley House.

The proposed separation distance between Block A and Shelley House would measure approximately 38m. This is a shorter separation distance compared to the distance between the other taller flats elsewhere in the estate. Shelley House residents currently enjoy an open outlook looking westwards. Block A will be positioned directly in front of the west elevation of Shelley House and its impact in terms of increased sense of enclosure, is likely to be greater than anywhere elsewhere on the Estate. As such, it is considered that the proposals are unneighbourly given the distance between Block A and Shelley House.

Given the bulk and height of Block A and its proximity to Shelly House, the proposals are likely to result in an increased sense of enclosure to residents of Shelley House which is regrettable. This is weighed in the overall balance with the considerable regeneration and housing benefits that this scheme will deliver.

8.3.8 Privacy

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

8.3.9 Amenity of proposed units/ Noise

City Plan, Policy 33 (Local Environmental Impacts) requires developments to prevent adverse effects on noise and vibration and improve the noise environment in compliance with the Council's Noise Thresholds.

This application is accompanied by a Noise Impact Assessment, prepared by RPS. A baseline noise survey was conducted on site in order to capture the noise climate from the surrounding road traffic and any other surrounding noise sources. The report identifies that the dominant noise source in the vicinity of the development site during the daytime and night-time period is considered to be the road traffic on Grosvenor Road and operation noise related to the operation of the Pimlico District Heating Unit (PDHU) facility to the east of the Site.

The report further identifies that the existing nearest noise sensitive receptors are the residential dwellings to the west of the site on Grosvenor Road and Shelley House to the east. The report also identifies that the proposed residential dwellings of the development are also considered as noise sensitive receptors for the purpose of this assessment.

ITEM 1 - Appendix 1

The report concludes that internal and external sound levels will meet the relevant guideline's values. With regard to the noise generated by the PDHU facility, which operates 24/7, it is not possible to mitigate the plant noise emissions at the various sources. Through the provision of appropriate façade design to control internal noise levels within the proposed development, it is considered that the noise of the plant will be adequately mitigated. The application is further accompanied by a Plant Noise Assessment Report, prepared by Ramboll, which assessed the noise generating from the PDHU.

Environmental Sciences has reviewed the Noise Assessment and has no objection subject to conditions to protect the development from external noise.

8.4 **Transportation/Parking**

The proposal includes 10 car parking spaces. This includes 4 replacement on-street estate car parking spaces and 6 accessible wheelchair parking spaces. A designated ambulance drop off space is also proposed.

Objections have been received from local residents on grounds that the proposals would increase on-street parking pressures in an area where residents say there is already a 2 year waiting list for residents to obtain parking permits. They also consider that the development, if allowed, should be secured as car free so that residents cannot apply for a parking permit. Ward Cllrs Begum and Talukder raise similar concerns and advise that Intermediate Block B should be truly car-free (without the ability to apply for parking permits).

The Highways Planning Manager has also raised an objection to the proposed development due to the lack of proposed parking for the new residential units.

8.4.1 **Loss of Car Parking**

It is acknowledged that the existing site has existing car parking. The applicant indicates there are 23 existing garages and 6 on-street estate car parking spaces. The applicant states that the existing garages are not used for car parking but up to 18 garages are in use by local residents, which demonstrates a demand for car parking in the local area. The evidence of the council's most recent night time parking survey indicates that parking in the area is above stress levels.

The City Plan 2019-2040 states that development should be predominantly car free, but does also seek to ensure that parking stress is not exacerbated above stress levels. It states that in stress areas, mitigation measures will be expected to off-set the impact of increased parking stress. It notes that as a minimum, lifetime car club membership should be provided.

The Highways Planning Manager has confirmed that this is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and assist in not increasing on-street parking stress further. This should be secured by a unilateral undertaking, to ensure that it is provided for each of the flats. Many objections have requested that should permission be granted, the development should be 'car free', to ensure occupiers cannot apply for a parking permit. While this would address the

ITEM 1 - Appendix 1

shortfall in parking, this is not set out within adopted or emerging local policies.

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

8.4.2 **Cycle Parking**

80 cycle parking spaces are proposed which is compliant with London Plan requirements and is secured by condition.

8.4.3 **Walkway/ Pedestrian Link to Grosvenor Road**

The proposal creates a new pedestrian link through the site from Churchill Gardens Road to Grosvenor Road. This link is welcomed as it improves the quality of the pedestrian and street environment. To ensure the benefit of this new link, a Walkways Agreement is to be secured by unilateral undertaking to ensure a through route is retained and is accessible to all.

8.4.4 **Servicing**

The largest regular service vehicle expected to be associated with a residential development in this location is the refuse collection vehicle. It is accepted that the internal access road is sufficient to accommodate servicing of the new residential development, including refuse collection. Further, the site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity allow loading and unloading to occur.

8.5 **Economic Considerations**

Westminster Economy Team have indicated that the scheme triggers a financial contribution of £6954 to the Westminster Employment Service.

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

8.6 **Access**

Level access is provided to the building entrances. The scheme also provides six wheelchair apartments which have been designed to be compliant with Part M4 (3) "wheelchair accessible units". The remainder of the units will be M4 (2) "accessible and adaptable dwellings". Given the nature of the proposal, the six M4 (3) units will be wholly located within Block A, where the demand for such units is likely to be greater. The scheme also proposes 6 disabled parking spaces.

ITEM 1 - Appendix 1

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse /Recycling

The provision for the storage of waste and recyclable materials for the development is acceptable and is to be secured by condition.

8.7.2 Trees

There are a number of trees on the Churchill Gardens site which are affected by the development. The trees are owned and managed by Westminster and are protected by virtue of their location within the Churchill Gardens conservation area.

The most significant trees directly affected by the development are T12, one lime, and T13 and T14, two London planes, all located on the southern boundary with Grosvenor Road. T4, T6 and T7, three sycamores, are located internally within Churchill Gardens and are also directly affected.

There is a risk of harm to trees and in particular to the two mature London plane trees. However, the Arboricultural Impact Assessment proposes thorough tree protection measures and it is considered that this risk can be mitigated subject to appropriate conditions.

The proposed development involves landscaping works in the gap formed between Block A, Block B and Maitland House, as well as the creation of a new community garden fronting on to Grosvenor Road to the south east of the proposal site. Overall, the proposed development represents a significant increase in soft landscaping, trees and low level planting.

It is recommended that landscaping details are secured by condition. Tree species should be chosen to maximise canopy cover. A variety of species would be welcomed. The existing tree stock on Churchill Gardens includes a very broad range of species. The development presents an opportunity to select high amenity tree species, which are perhaps less commonly planted. There may be opportunities to incorporate additional trees, for example to the south of block B, on the Grosvenor Road frontage.

8.7.3 Biodiversity

The application is supported by way of an Ecological Appraisal report. The Balmoral Castle Public House and Darwin House are identified as having moderate and low potential to support roosting bats, and the scattered trees on the site have the potential to be used by bats for commuting and foraging.

A pre-commencement condition is therefore recommended that no development shall take place until a Bat Survey has been carried out and submitted to the council for approval in consultation with Natural England.

8.7.4 Sustainability

ITEM 1 - Appendix 1

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

The scheme is compliant with the London Plan's zero carbon requirement, which relies on carbon offsetting. However, the ambition on the scheme was far higher and it aimed to achieve Net Zero Carbon on-site including all energy uses and without relying on offsets. The scheme achieved a great result but fell a bit short of this best practice target. The level achieved was possible as the scheme is exemplar in many respects:

- i. Energy efficiency: the scheme is targeting Passivhaus with exemplar levels of insulation and airtightness, triple glazed windows, and heat recovery ventilation throughout.
- ii. No use of fossil fuel on site and low carbon heat: the flats will be heated by individual exhaust air source heat pumps.
- iii. Renewable energy generation: Blocks A and B are predicted to generate over the year an amount of electricity equivalent to respectively 77% and 81% of their total annual energy use. This is very close to the figure of 100% required to achieve Net Zero Carbon on site and currently represent very best practice across London.
- iv. Demand flexibility: each flat will have an individual hot water tank and should be able to benefit from lower, flexible electricity tariffs, helping to manage electricity demand and reduce energy costs for the residents.

Despite the above measures taken to ensure the most sustainable, energy efficient building is provided, the remaining regulated carbon emissions associated with the site's residential element are therefore offset through a carbon offsetting contribution to the value of £21,090. This is based on the recommendations of the Greater London Authority of a carbon offset fund of £95/tonne for a period of 30 years. This is to be secured via Unilateral Undertaking.

Refurbishment of Darwin House

Objections have been received on the grounds that it would be more sustainable to refurbish Darwin House rather than demolish and replace it with a new building.

The applicant advises that refurbishment of Darwin House would be difficult and if they were to refurbish Darwin House instead of building new community supported homes, they would only be able to deliver 14 homes to modern standards within the current building, as opposed to 34 new homes in the replacement building.

The applicant states that refurbishment of Darwin House would require Darwin residents to move twice instead of once, which would be disruptive, particularly for those with health care needs.

The applicant also advises that it would be difficult to bring the building up to new environmental standards, and the council must consider energy use and sustainability

ITEM 1 - Appendix 1

over the full lifetime of the building, and create homes that are made to last.

For these reasons, the applicant has decided to propose a new building, rather than refurbish the current one.

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**

The site is located outside of an area with an adopted Neighbourhood Plan.

8.10 **London Plan**

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

8.11 **National Policy/Guidance Considerations**

The City Plan 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 following conditions:

- i. Method Statement of measures to protect trees on and close to the site;
- ii. Phasing plans;
- iii. Contaminated land;
- iv. Bat survey;
- v. City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development

The applicant has agreed to the imposition of these conditions.

ITEM 1 - Appendix 1

8.12 Planning Obligations

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

- a) provision of the 52 x residential units as Community Supported Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;
- b) provision of car club membership for 25 years for each residential flat;
- c) walkways agreement to secure access through the site;
- d) a contribution of ££21,090 (index linked) to the Carbon Off-set fund;
- e) a financial contribution of £6954 to the Westminster Employment Service (index linked and payable on commencement of development) and;
- f) the cost of monitoring the agreement.

8.13 Environmental Impact Assessment

The proposals do not meet the threshold and criteria to constitute EIA development.

8.14 Other Issues

8.14.1 Construction impact

Concerns have been raised in relation to disturbance as a result of construction. Given the scale of the proposed development, it will inevitably have an impact on the surrounding environment, however this is not a ground for refusing planning permission. In order to mitigate the construction impacts the Council has adopted its Code of Construction Practice, which requires developments of this nature to submit details of how the construction phase of the development will be managed. This is to be secured by condition. It is also recommended that the applicant is advised of the Considerate Contractors scheme by way of an informative, which also seeks to ensure that developments are undertaken in a way as to reduce their impact and to work with surrounding occupiers. Subject to this condition and informative, the proposals are considered acceptable.

8.14.2 Statement of Community Involvement

The Applicant advises that they have undertaken extensive pre-application engagement with the local community. WCC undertook a 'Listening and Initial Engagement' exercise in July 2019 which involved talking to key stakeholders in the community with an interest in the project. This included engagement with the Resident's Association, Darwin House residents and the residents of Shelley House. The Applicant held two drop-in sessions on the design of the proposals at their early stages, providing the residents an opportunity to share their aspirations for the proposal. An additional series of drop in sessions were ran between September and October 2019 at the request of the Community.

A formal public consultation event was held in February 2020. An invitation to the event was sent to approximately 1,800 residents across the estate and surrounding area. Invitations were also sent to local schools, businesses and lease holders who did not live

ITEM 1 - Appendix 1

on the estate. A public consultation event was held over three days at varying times to ensure it was accessible to as many people as possible.

In light of the Covid-19 Global Pandemic, a further and final consultation stage on the application was held electronically. The consultation exercise included four different ways for people to give feedback on the proposal. This included post, email, phone and through an online feedback form. Key stakeholders were offered a virtual meeting and a dedicated website was created which displayed the proposals. All residents across the estate were sent a leaflet outlining the consultation process and ways in which they could provide feedback on the proposal.

This application is also accompanied by a Statement of Community Involvement, which details all the engagement with the local residents undertaken by Westminster City Council prior to the submission of this application. The Statement of Community Involvement demonstrates that over the year the Applicant has spoken to over 500 residents in person and online. Following the consultation event, the Applicant team have collected more than 150 formal comments on the proposal which have fed into the design development of the Scheme. Notwithstanding the Covid-19 Pandemic, the adaptable nature of the consultation exercise undertaken by the Applicant team, has ensured that the team have consulted everyone who has wished to be participate despite the social distancing that has been put in place. Through effective engagement throughout the development process, at the final round of engagement 50% felt positively towards of the Site's redevelopment, 28% were opposed and 22% left neutral feedback.

8.14.3 Air Quality

Objections have been raised in relation to air quality. The application is supported by way of an Air Quality Assessment that considers the air quality impacts from the construction phase and once the proposed development is operational. The council's Environmental Sciences officer has reviewed the Air Quality Assessment and raise no objection.

8.14.4 Contaminated Land

A contaminated land assessment is recommended to be secured by condition.

8.14.5 Flood Risk

The application is supported with a Flood Risk Assessment (FRA). The site is located within Flood Zone 3 but within an area which benefits from flood defences. The site is also located within a Rapid Inundation Flood Zone, which represents that flooding would occur in the first hour in the unlikely event that the Thames flood defences were breached. The Environment Agency has been consulted and raises no objection to the proposals on flood risk grounds.

8.14.6 Archaeology

The application is supported with an Archaeological Desk Based Assessment Report. Historic England (Greater London Archaeology Advisory Service) advise that the

ITEM 1 - Appendix 1

development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

8.14.7 Wind

London Plan Policy D8 (Public Realm) states that to provide suitable areas of public realm, development proposals should ensure microclimatic considerations, including wind are taken into account.

The application is supported with a Pedestrian Level Wind Microclimate Assessment. The report identifies that the meteorological data for the site indicates prevailing winds from the south-west quadrant throughout the year with secondary winds from the north-east direction which are more prevalent during the spring months. With regard to a baseline scenario, the report further identifies that wind conditions would range from suitable for sitting to strolling use during the windiest season. During summer season, wind conditions would generally be one category calmer and thus a larger area of the site would fulfil the sitting use criteria.

The report concludes that within the proposed Development, the wind conditions would remain largely similar to the baseline scenario as the scheme of the proposed development massing is similar to the immediate surrounding buildings, which would offer shelter from the prevailing wind direction. Wind conditions on thoroughfares at entrances and bus stops would be suitable for the intended use during the widest season. During the summer season, the report identifies that the amenity spaces including the shared communal areas at ground and balconies would have wind conditions ranging from sitting to standing use, which are generally suitable for mixed-use amenity spaces. The report concludes that no instances of strong winds exceeding the 15m/s for more than 2.2 hours per year threshold would be expected within the Proposed Development. As such, the proposal is considered to comply with the London Plan policy requirement.

9. Conclusion - Planning Balance

The residential redevelopment of this site will meet the objectives of national, regional, and local planning policies that seek to intensify the use of land and optimise the delivery of new homes. The new development will generate a number of public benefits as a result.

It has been identified in section 8.2 of this report that the proposals will result in less than substantial harm to various designated heritage assets, as well as harming undesignated heritage assets, in and around the development site.

It has also been identified in section 8.3 that the proposals are likely to harm the amenity of residents in Shelley House and result in an increased sense of enclosure given the bulk and height of Block A and its proximity to Shelley House. There will also be a loss of light to some properties.

ITEM 1 - Appendix 1

However, there are significant public benefits that should be attached weight in the determination of the proposals.

These can be summarised as follows:

- The proposals optimise a previously developed site through the delivery of high quality residential accommodation;
- Replaces current sub-standard Community Support Housing accommodation within the existing Darwin House with high quality accommodation which achieves HAPPI standards – this represents a substantial increase in affordable housing floorspace;
- The new intermediate affordable housing is of a high quality, which is both a national and local strategic priority and contributes to the local authority's housing need, specifically the Council's affordable housing needs;
- Delivers additional Community Supported Affordable Housing and Intermediate Affordable Housing (21 homes);
- All accommodation to be delivered is affordable housing (100%);
- Delivers new highly energy efficient buildings which achieve Passivhaus principles and are close to net zero carbon;
- Provides a new Public Open Space for existing and proposed residents that is extensively landscaped as well as a pedestrian route through the site.

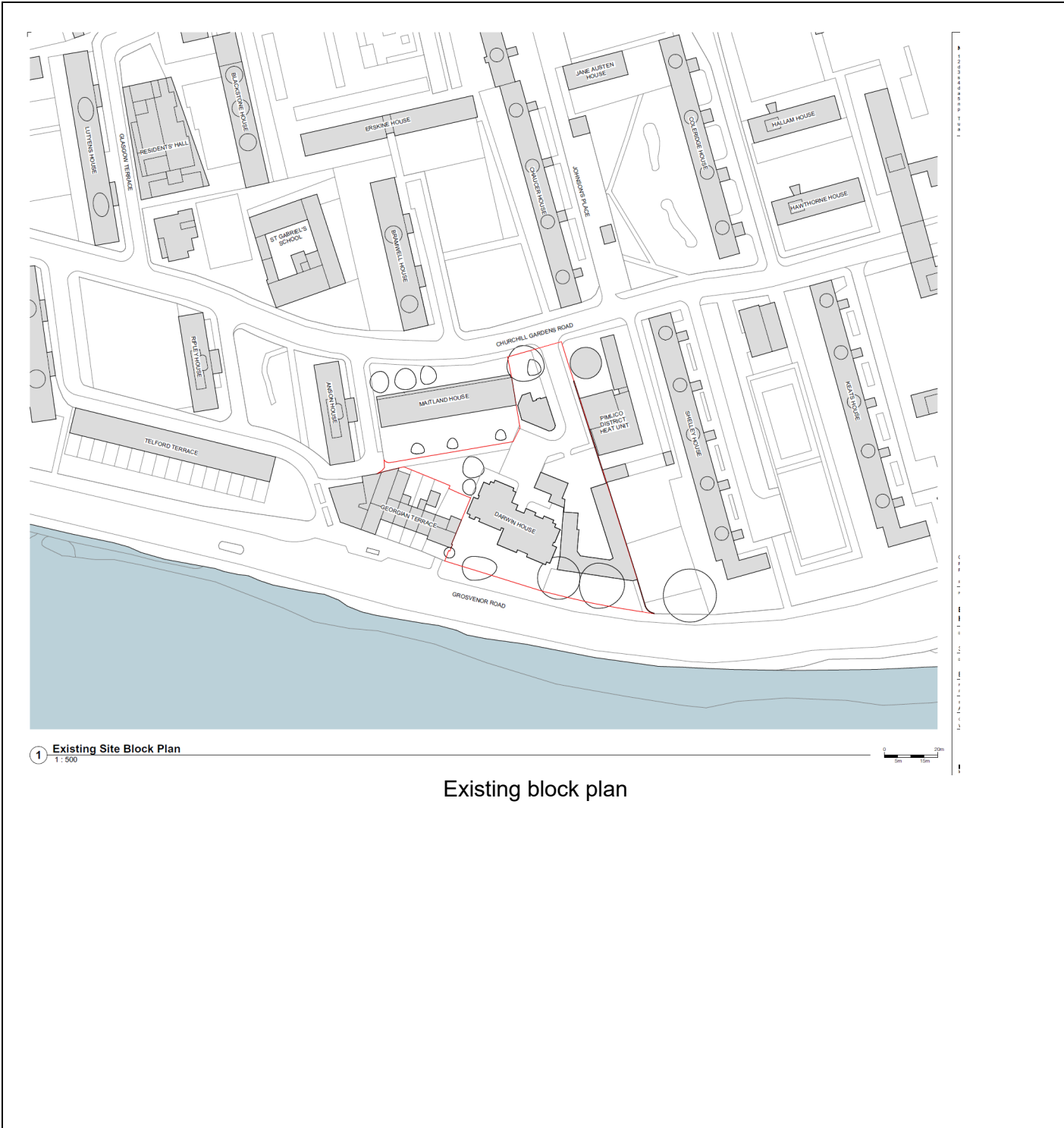
The proposed development conflicts with policies in the development plan relating to impact on residential amenity and townscape and design. The proposed development does, however, comply with policies which seeks to optimise housing delivery and to optimise the delivery of new affordable homes. In taking an overall view, and for the reasons set out in this report, officers consider that, on balance, the proposed development is in accordance with the Development Plan read as a whole. There are also other significant public benefits arising from the proposed development that are material considerations, namely the delivery of Community Supported Affordable Housing, the provision of 100% on-site affordable housing and public realm improvements. The proposed development would also meet the policy objectives of the NPPF that seek to significantly boost the supply of homes, address the needs of groups with specific housing requirements and the provision of affordable housing on site.

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

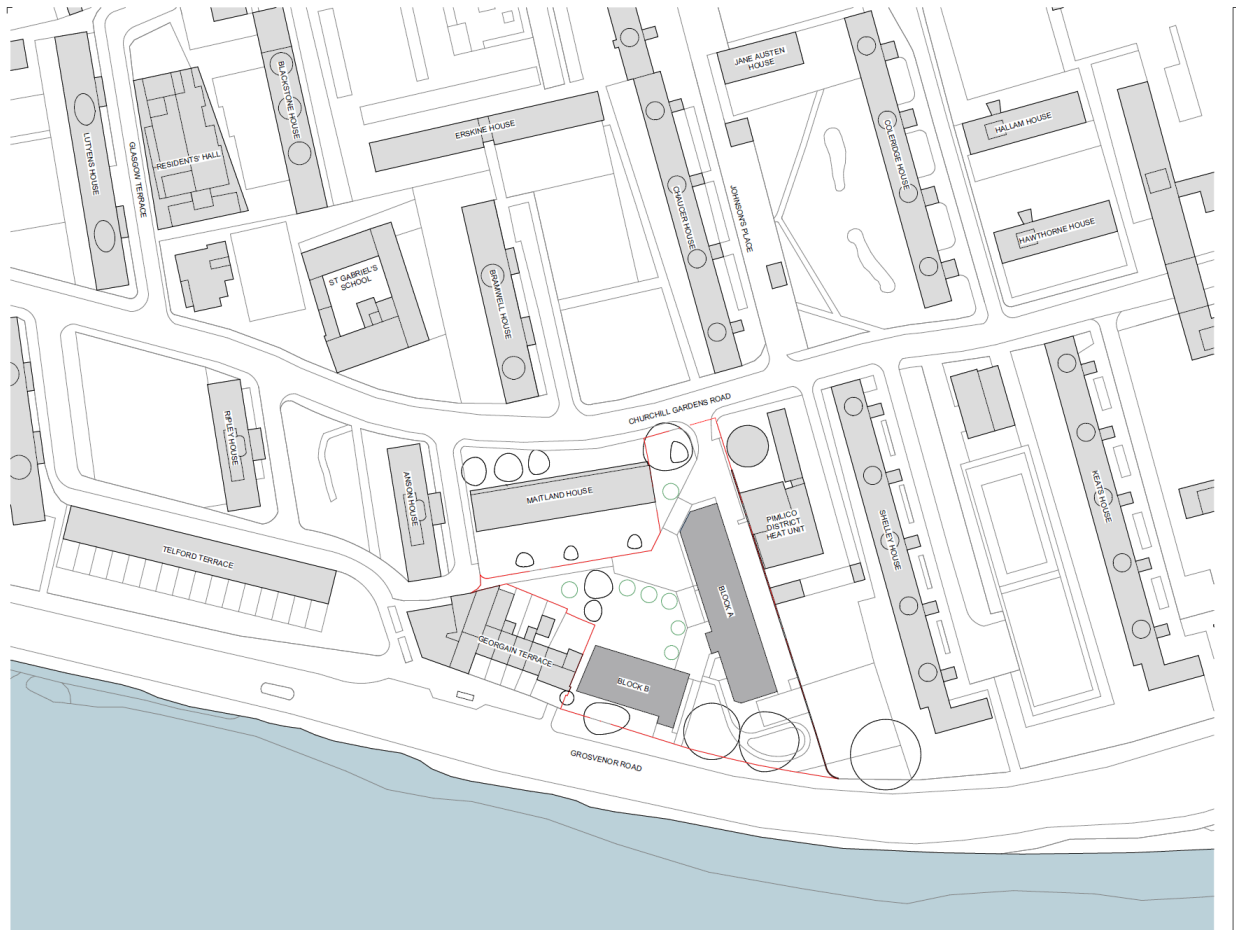
ITEM 1 - Appendix 1

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK

9. KEY DRAWINGS



ITEM 1 - Appendix 1



1 Proposed Site Block Plan
1:500

Proposed block plan

ITEM 1 - Appendix 1

1



① Grosvenor Road Elevation - Existing
1:1250



② Grosvenor Road Elevation - Proposed
1:1250

Existing and proposed Grosvenor Road elevations

Churchill Gardens Road

Maitland House

Accumulator Tower

PDHU

Riverside Garden

Georgian Terrace Houses

Grosvenor Road

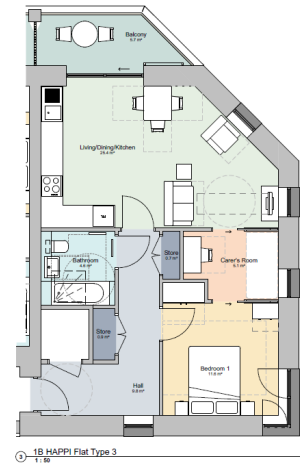
Shelley House

1 Proposed Ground Floor Plan

1:200

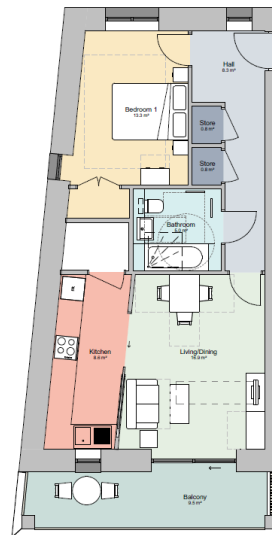
Proposed ground floor plan

ITEM 1 - Appendix 1

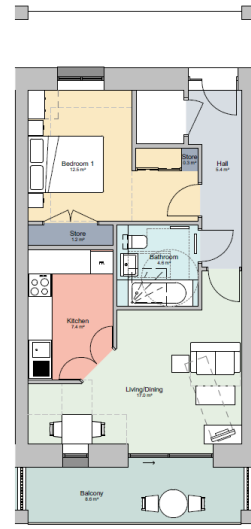


Block A - Community Supported Housing Flat Type Layouts

ITEM 1 - Appendix 1



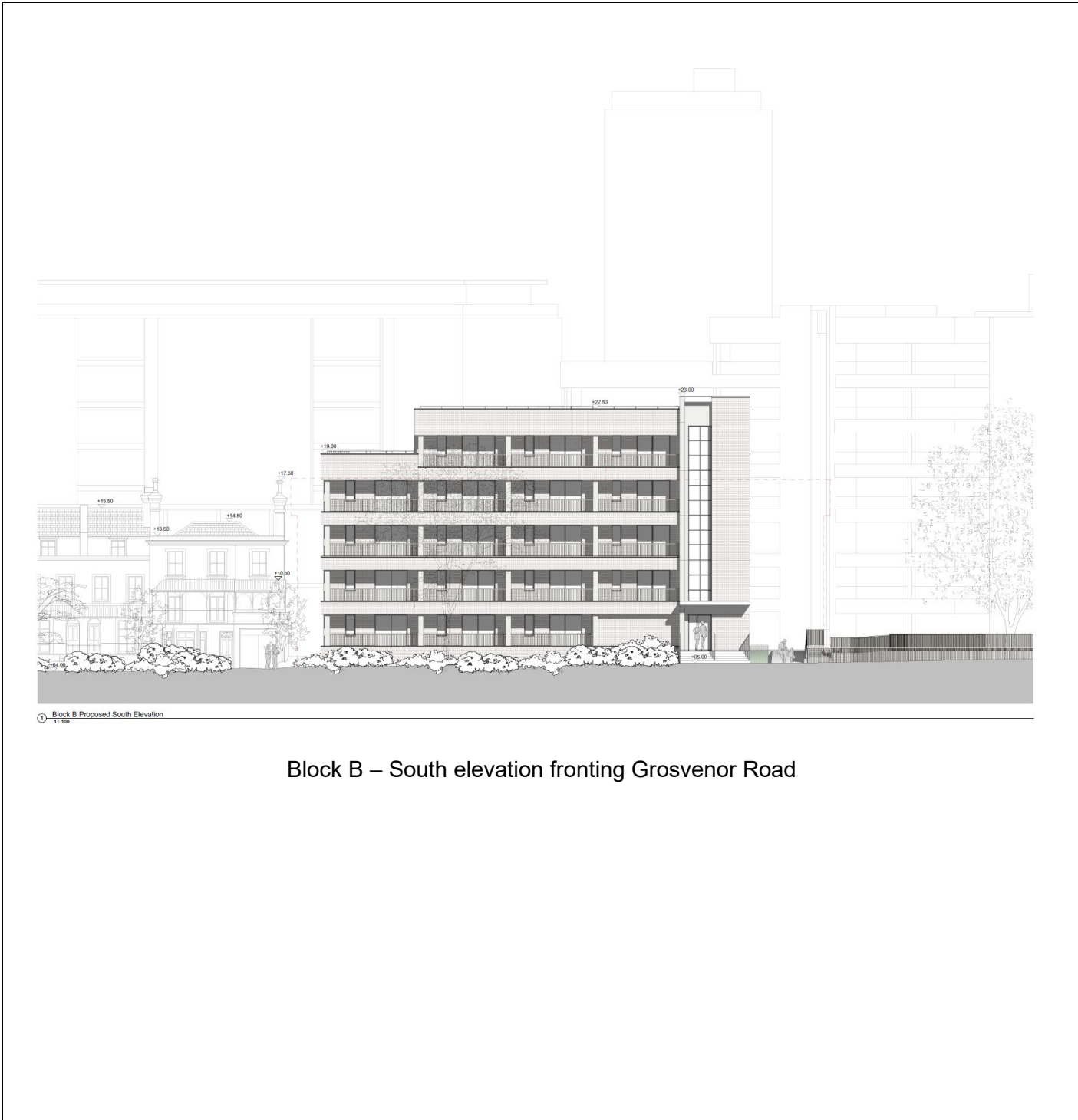
① 1B2P - Flat Type 4
1:1.50



① 1B2P - Flat Type 5
1:1.50

Block A – Intermediate Housing Flat Type Layouts

ITEM 1 - Appendix 1



Block B – South elevation fronting Grosvenor Road

ITEM 1 - Appendix 1



Block A – Proposed west elevation

ITEM 1 - Appendix 1



Perspective looking south west from Churchill Gardens Road

ITEM 1 - Appendix 1



Perspective view of Block A looking south west from 7th floor balcony of Shelley House

ITEM 1 - Appendix 1



Perspective view of central courtyard

ITEM 1 - Appendix 1



Perspective view of Block B Intermediate homes from Grosvenor Road

ITEM 1 - Appendix 1

DRAFT DECISION LETTER

Address: Darwin House, 104 Grosvenor Road, London, SW1V 3LH

Proposal: Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.

Reference: 20/06899/COFUL

Plan Nos:

- 3640-LB-ZZ-ZZ-DR A-101000 Existing Site Location Plan
- 3640-LB-ZZ-ZZ-DR-A-101001 Existing Site Block Plan
- 3640-LB-XX-XX-DR-A-104000 Existing Site Elevations - 1 of 2
- 3640-LB-XX-XX-DR-A-104001 Existing Site Elevations - 2 of 2
- 3640-LB-ZZ-ZZ-DR-A-110000 Proposed Site Location Plan
- 3640-LB-ZZ-ZZ-DR-A-110001 Proposed Site Block Plan
- 3640-LB-ZZ-00-DR-A-120000 Ground Floor Plan
- 3640-LB-ZZ-00-DR-A-120001 First Floor Plan
- 3640-LB-ZZ-00-DR-A-120002 Second Floor Plan
- 3640-LB-ZZ-00-DR-A-120003 Third Floor Plan
- 3640-LB-ZZ-00-DR-A-120004 Fourth Floor Plan
- 3640-LB-ZZ-00-DR-A-120005 Fifth Floor Plan
- 3640-LB-ZZ-00-DR-A-120006 Sixth Floor Plan
- 3640-LB-ZZ-00-DR-A-120007 Roof Plan
- 3640-LB-ZA-ZZ-DR-A-130000 Block A Proposed East Elevation
- 3640-LB-ZA-ZZ-DR-A-130001 Block A Proposed North & South Elevation
- 3640-LB-ZA-ZZ-DR-A-130002 Block A Proposed West Elevation
- 3640-LB-ZA-ZZ-DR-A-130003 Block A Proposed North Elevation
- 3640-LB-ZA-ZZ-DR-A-130004 Block A Proposed West & East Elevation
- 3640-LB-ZA-ZZ-DR-A-130005 Block A Proposed South Elevation
- 3640-LB-ZA-ZZ-DR-A-130006 Grosvenor Road Street Elevation - Existing & Proposed
- 3640-LB-ZA-ZZ-DR-A-140000 Block A Proposed Section 1
- 3640-LB-ZA-ZZ-DR-A-140001 Block A Proposed Section 2 & 3
- 3640-LB-ZA-ZZ-DR-A-140002 Block B Proposed Section 1
- 3640-LB-ZA-ZZ-DR-A-140003 Block B Proposed 2 & 3
- 3640-LB-ZZ-ZZ-DR-A-158000 Site Demolition Plan
- 3640-LB-ZA-ZZ-DR-A-300000 Block A Flat Layouts
- 3640-LB-ZB-ZZ-DR-A-300001 Block B Flat Layouts
- 3640-LB-ZZ-00-DO-A-412001 P2 Refuse Strategy

Planning Statement, prepared by Montagu Evans LLP;
Design and Access Statement incl. Crime Prevention Statement, prepared by Levitt Bernstein;
Heritage, Townscape and Visual Impact Assessment, prepared by Montagu Evans LLP
Daylight and Sunlight Assessment (proposed accommodation), prepared by

ITEM 1 - Appendix 1

Rapleys;
Flood Risk Assessment, prepared by RPS;
Foul and Surface Water Drainage Assessment prepared by RPS;
Energy Assessment, prepared by Etude;
Overheating Assessment, prepared by RPS;
Air Quality Assessment, prepared by RPS;
Air Quality Neutral Assessment, prepared by RPS;
Noise Impact Assessment, prepared by RPS;
Transport Statement, prepared by RPS;
Arboriculture Impact and Method Statement, prepared by RPS;
Statement of Community Involvement, prepared by Westminster City Council;
Pedestrian Level Wind Microclimate Report, prepared by RWDI;
Tree Survey, prepared by RPS;
Preliminary Ecological Appraisal, prepared by RPS;
UXO Survey Assessment, prepared by RPS;
Utilities Survey, prepared by RPS;
Archaeological Desk Based Assessment, prepared by RPS; and
Sunlight Daylight Assessment (adjoining properties), prepared by Rapleys.

Case Officer: David Dorward

Direct Tel. No. 020 7641
07866038730

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

ITEM 1 - Appendix 1

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 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate 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 not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies. (C26OA)

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate 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 apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades (including courtyard facing elevations and structures) of Block A and Block B to indicate the following:
- 1) windows;
 - 2) external doors;
 - 3) cills and reveals;
 - 4) interfaces with windows;
 - 5) entrance canopies
 - 6) interfaces with architectural metalwork;
 - 7) ventilation and other services terminations at façade;
 - 8) railings and balustrades;

ITEM 1 - Appendix 1

- 9) integral external lighting;
- 10) PV panels,

Reason:

To make sure that the appearance of the buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate 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 apply to us for approval of samples of the hard landscaping materials you will use, including 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 improve the appearance of the development and its contribution to the character and appearance of the Churchill Gardens Conservation Area and the Churchill Gardens landscape as a grade II Registered Park and Garden. This is as set out in Policies 38, 39, 40 and 43 of the City Plan 2019 - 2040 (April 2021).

- 8 You must apply to us for approval of details (1:20 and 1:10) of the following parts of the development:
 - 1. External seating
 - 2. Bollards
 - 3. Public realm lighting
 - 4. Gates
 - 5. Railings and boundary treatments
 - 6. External steps and wallsYou must not start any work on these parts of the development until we have approved what you have sent us.
You must then carry out the work according to these details. (C26DB)

Reason:

To improve the appearance of the development and its contribution to the character and appearance of the Churchill Gardens Conservation Area and the Churchill Gardens landscape as a grade II Registered Park and Garden. This is as set out in Policies 38, 39, 40 and 43 of the City Plan 2019 - 2040 (April 2021).

- 9 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 buildings is suitable and that they contribute to the character and appearance of this part of the Churchill Gardens Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

ITEM 1 - Appendix 1

- 10 **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)

- 11 **Pre Commencement Condition.** Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved phasing plans.

Reason:

In the interests of proper planning, for the purposes of CIL and to ensure that the planning benefits of the scheme are delivered in accordance with the approved development.

- 12 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)

- 13 You must provide each car parking space shown on the approved drawings prior to occupation of the development and thereafter permanently retain them. Each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

ITEM 1 - Appendix 1

- 14 Prior to occupation of the development electric vehicle charge points (EVCPs) shall be installed for a minimum of 6 of the car parking spaces. These charging points shall not be removed unless authorised by the City Council as local planning authority and maintained in working order for the lifetime of the development.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with Policy 26 of the City Plan 2019 - 2040 (April 2021). (R22BC)

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 3640-LB-ZZ-00-DO-A-412001 P2 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the buildings. (C14FC)

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)

- 16 **Pre Commencement Condition:** Notwithstanding the submitted details, 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.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 17 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing).
If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

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

ITEM 1 - Appendix 1

- 18 You must apply to us for approval of detail of any foundations or surfacing within tree root protection areas. The details must include existing and proposed section drawings and must demonstrate the surfacing and foundations will not cause any harm to tree roots. You must start any work on the relevant parts of the development until we have approved what you have sent us. You must then construct the foundations and surfacing according to the approved details.

Reason:

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

- 19 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18BB)

- 20 (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

ITEM 1 - Appendix 1

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)

- 21 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)

ITEM 1 - Appendix 1

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)

- 22 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49AB)

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 20 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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. (R51AC)

- 24 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 22 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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. (R51AC)

- 25 No demolition or development shall take place until a stage 1 written scheme of

ITEM 1 - Appendix 1

investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a, competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. Where appropriate, details of a programme for delivering related positive public benefits.

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 26 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , Photovoltaic panels, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

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

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 28 **Pre Commencement Condition.** You must apply to us for approval of details of the action you will take to protect bats in the area around the development. You must not

ITEM 1 - Appendix 1

start any work until we have approved in writing what you have sent us (after consulting Natural England). You must carry out these measures according to the approved details before you start to use the building. (C43EA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

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 **HIGHWAYS LICENSING:**, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.
CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control
- 3 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.
It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability

ITEM 1 - Appendix 1

Discrimination Acts.

- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 5 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 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).
- 7 When you apply to us for approval under condition C31CC you must include:
 - o Specific details of the type of ground protection to be used in each area/at each stage of the development,
 - o Details of the site set up including the site compounds, materials storage and welfare areas.,
 - o Provision within the arboricultural supervision schedule to send a written report to the Council's arboricultural officer within 5 days of each site visit.
- 8 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.
When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).
British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

ITEM 1 - Appendix 1

- 9 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. , , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 10 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained. , Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following: , * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; , * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase; , * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained; , * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary; , * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 11 Conditions 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)
- 12 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation

ITEM 1 - Appendix 1

measures installed are in operation, e.g. windows kept closed and mechanical ventilation utilised.

- 13 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 14 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.**
- 15 Thames water note the following: There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes> , The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other, structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

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