

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 October 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	The Old Dairy Flats, Chapel Side, London, W2 4LG		
Proposal	Demolition of the existing hipped roof and construction of a roof extension, a rear extension involving the infill of an existing undercroft area at ground floor, the replacement of an existing link building (between the building fronting Chapel Side and Esca House to the rear) and an additional second floor storey, and the excavation of a basement under the main building, in association with the change of use of the ground and first to residential flats (Class C3). Replacement windows to the front and rear elevations, and the creation of a terrace and green roof on the rear extension roof at third floor level and a terrace at rear fourth floor level.		
Agent	Mr Daniel Frost		
On behalf of	Mr Kevin Beck		
Registered Number	22/00448/FULL	Date amended/ completed	7 February 2022
Date Application Received	24 January 2022		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant Conditional Permission, subject to a Grampian Conditions to secure the following:

1. Reinstatement of the footway on Chapel Side adjacent to the site
2. Lifetime Car Club Membership for all residential units is secured to minimise the impact of the proposed development and reduce car ownership of future occupiers

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the demolition of the existing hipped roof and construction of a roof extension, a rear extension involving the infill of an existing undercroft area at ground floor, the replacement of an existing link building (between the building fronting Chapel Side and Esca House to the rear) and an additional second floor storey, and the excavation of a basement under the main building, in association with the change of use of the ground and first to residential flats (Class C3). The proposal also includes replacement windows to the front and rear elevations, and the creation of a terrace and green roof on the rear extension roof at third floor level and a terrace at rear fourth floor level.

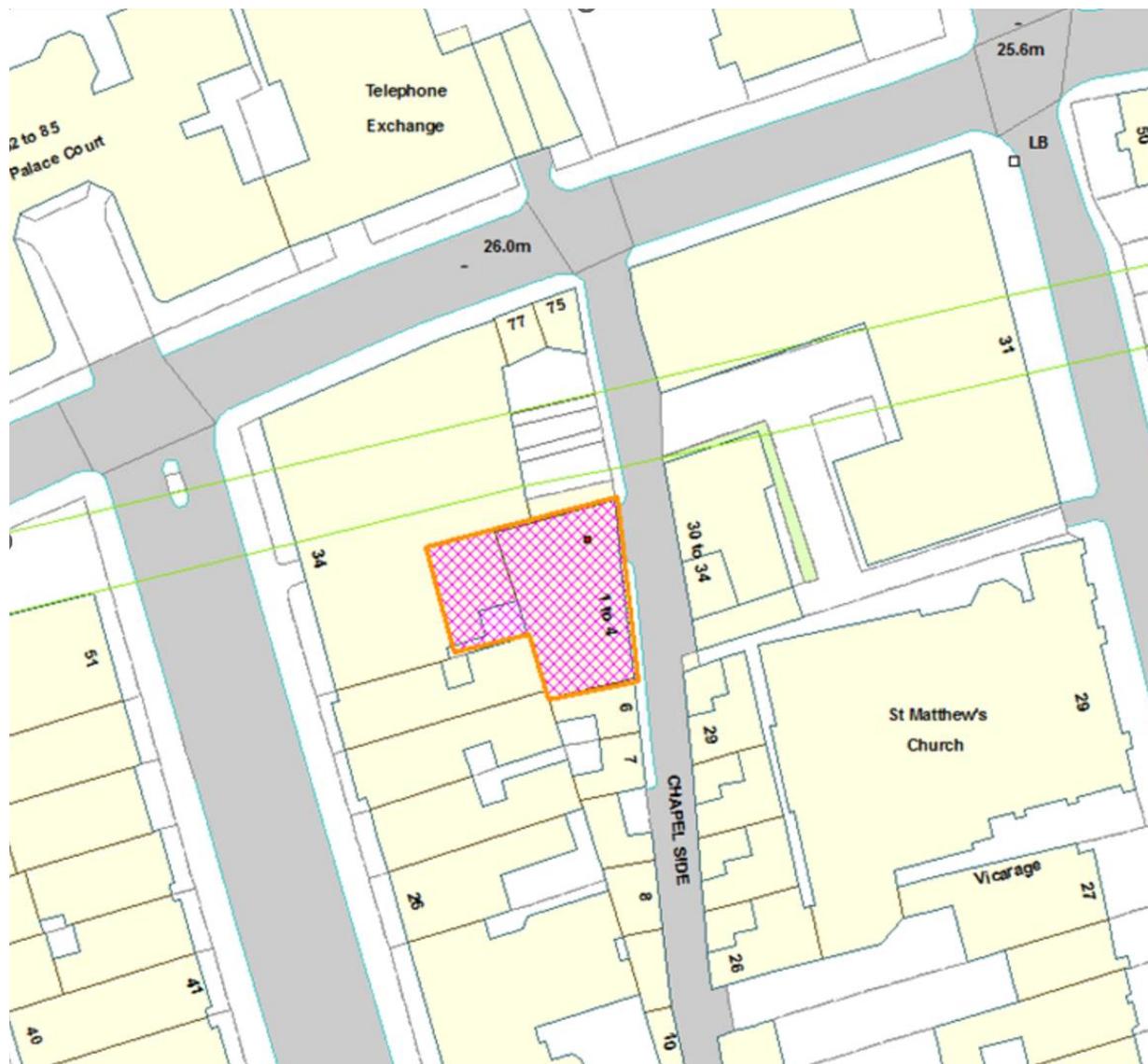
Objections have been received from 5 residents on the grounds of loss of daylight and sunlight and privacy to properties on the opposite side of Chapel Side and to the potential blocking of the pavement on Chapel Side by construction vehicles.

The key considerations in this case are:

- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Bayswater Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.

It is recognised that the proposal results in a reduction in daylight and sunlight which in some cases exceeds the BRE guidelines however these are not considered sufficient for the application to be unacceptable and outweigh the benefit of providing additional residential units. The proposals would impact on the building but are not considered harmful to the character and appearance of the property or detrimental to the character and appearance of Bayswater Conservation Area. The application is being recommended for conditional approval as set out on the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View and front and side elevation from Chapel Side near junction with Moscow Road



View of rear elevation from courtyard

5. CONSULTATIONS

5.1 Application Consultations

First Consultation

Bayswater Residents Association – any response to be reported verbally.

London Underground Limited - no comment.

Thames Water – Request that an informative is attached to any permission stating that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer and a condition is attached stating that no piling shall take place until a piling method statement has been submitted to and approved by the local planning authority in consultation with Thames Water.

Building Control - The submitted Structural Method Statement is compliant and accepted. The Site Investigation shows a London clay foundation soil. Ground water was encountered. Flood risk is minimal. The new basement construction will comprise typical RC retaining walls underpinning and RC ground bearing slabs. Waterproofing and heave shall be considered in the design. The works are done in sequence. Temporary supports are used during excavations. A movement monitoring is proposed. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be within acceptable limits. The scheme is justified structurally and the proposal is considered to be viable. From the preliminary structural information provided at this stage, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns, sufficient detailed structural analysis and design information to be submitted at later stages.

Waste Project Officer - Waste storage arrangements not in line with City Council requirements

Highways Planning Team - No objection subject to conditions requiring the provision of cycle parking and waste storage provision and a legal agreement requiring lifetime car club membership and works to reinstate the footway outside the property.

Environmental Health - The proposed Means of Escape not adequate and should be approved by Building Control and London Fire Brigade. Suggests Condition C51BB to ensure sound insulation adequate.

Arboricultural Section - Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28

Total No. of replies: 5

No. of objections: 4

No. in support: 1

1 letter of support on the grounds that the conversion of the garages will reduce flow of

cars and parking and enhance setting.

4 objections on one or all of the following grounds:

Amenity

- Loss of daylight and sunlight to Flats 30-33 Chapel Side,
- Incorrect assumption that not all windows analysed serve main living spaces
- Analysis has consolidated assessment for 30-33 Chapel Side with 34 Chapel Side
- 30-33 is single building containing a flat on each floor 3 of the 4 serving each flat serve primary living spaces
- 5 windows fail in 30-33 NSL

- Flat 33 (3rd floor) D and S assessment appendix number of windows on third floor don't add up to number there are W3, 4 and 5 serve living room and eating space. W2 serves home office

- Flat 31 (1st floor) reductions VSC 22% NSL 12% APSHH 13%

- Flat 32 (2nd floor) analysis in Appendix 2 of S&D report W5-8 average reduction of 28%, NSL reduction of 38% and APSH reduction of 23%. Removing window 5 (a bedroom) and assessing W6-8, the primary living space the average reductions are VSC 27%, NSL 34% and APSH 22%. One window serving a primary living space has an NSL reduction of >40% - beyond BRE guidelines. 5 fails for NSL reduction

SITE NOTICE:

Yes

Second consultation - following detailed design changes including 70 degree mansard introduced to side elevations and all chimneys retained and extended, 2nd floor rear extension roof lowered, privacy screen to 3rd floor rear terrace changed to timber slatted screen with planting, 3rd and 4th floor glazed doors amended and windows removed to 2nd floor north wall.

Bayswater Residents Association – any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28

Total No. of replies: 1

No. of objections: 1

1 objection on the following grounds:

Amenity

- Loss of light to rear windows and patio garden of 7 Chapel Side.
- Loss of sky outlook from 7 Chapel Side
- Loss of privacy to patio and kitchen and bathroom windows of No. 7 Chapel Side

Highways

- Street too small to accommodate more traffic as a result of more dwellings.

Other

- Construction vehicles blocking pavement space within street.
- Damage to pavement during construction.

Third consultation – following submission of revised Sunlight and Daylight Assessment

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28

Total No. of replies: 3

No. of objections: 3

No. in support: 0

3 objections on one or all of the following grounds:

Amenity

- Proposed changes do not reduce proposed height which still remains a concern.
- Revised assessment confirms Chapel Side will be worst effected by development.
- Loss of light is a result of the loss of the existing valley between two parts of roof as well as increase of height of roofline.
- Consider the Daylight Sunlight assessment understates impact on flat 32 Chapel Side

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. In this case engagement was carried out by the applicant with several neighbours and the local amenity society before the submission of the application and during its consideration.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

1-4 Chapel Side, also known as “The Old Dairy Flats”, is an unlisted building fronting Chapel Side located within the Bayswater Conservation Area. The property has authorised use for 4 residential flats. The site was previously part of a building complex which included ESCA House (34 Palace Court) and was connected to that building via a first floor link to the rear. The building is now in separate ownership. The building is within close proximity to the London Underground network.

The building is a substantial unlisted 4 storey brick building that positively contributes to the special architectural and historical interest of the Bayswater Conservation Area. Chapel Side is a historic mews street that pre-dates the development Palace Court by Edward Orme and Family in the late 19th century.

No. 1-4 Chapel Side is located on the west side of the mews directly adjacent to the London Underground tunnel and comprises of a brick faced buildings of four storeys, 9 bay wide with pitched and hipped slate roofs and large timber ground floor garage doors. A narrowing terrace of buildings of the same scale and form are identified at this site in the 1872 Ordnance Survey map, however the existing building is of a later date with the 1890 Ordnance Survey Map showing a larger structure across the site matching the form of the existing building.

Chapel Side is a narrow cobbled mews street, running north to south, gently curving leading to an acute dead end facing the front elevation of No. 11-12 Chapel Side, and enclosed by rear boundary walls of No. 17 St Petersburg Place and No. 22 Palace Court. The mews street appears to follow an historic lane and is shown on Moggs 1825 map before Glutche’s planned development of the Hyde Park Estate dated 1840.

7.2 Recent Relevant History

Planning permission was granted in January 2016 (RN: 15/05691/FULL) for the Demolition of Esca House, 34 Palace Court and demolition behind the retained facade of 1-4 Chapel Side and the sites redevelopment and change of use from office to provide up to 24 residential units over floors of basement, ground, first, second, third and fourth floor levels, including the accommodation of 18 car parking spaces, 24 cycle spaces and

plant at basement level. This redevelopment included the application site for this proposal. Work has not been implemented and therefore this permission is now expired.

Planning permission was granted in June 2018 (17/06677/FULL) for a variation of Condition 1 of the above permission to allow amendments to the drawings and other documents to reflect the proposed increase in the number of flats from 24 to 28 units, amendments to the arrangement of car parking spaces and detailed design changes. A condition was attached to that permission requiring that it was commenced no later than the date of the expiry of the original permission i.e. 19th January 2019 and has therefore also expired.

Planning permission was granted in April 2020 (RN: 19/10120/FULL) for the infill of existing ground floor undercroft area and extensions to rear in association with the change of use of the ground and first to residential flats (Class C3). This permission has not been implemented.

Prior approval was granted on 2nd July 2020 (RN: 20/04146/P3JPA) for a proposed change of Use of Esca House from Offices (Class B1) to 11 residential units (Class C3) at part ground floor and all first floor level, under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The change of ownership of part of the area of the site included in this application make this prior approval unlikely to be implemented.

8. THE PROPOSAL

The proposal involves the demolition of the existing hipped roof and construction of a roof extension, a rear extension involving the infill of an existing undercroft area at ground floor, the replacement of an existing link building (between the building fronting Chapel Side and Esca House to the rear) and an additional second floor storey, and the excavation of a basement under the main building, in association with the change of use of the ground and first to residential flats (Class C3) to provide a total of 8 flats (1x4bed, 1x3bed, 5x2bed and 1x1bed). The existing upper storeys already have authorised use as residential flats. The proposal also includes replacement windows to the front and rear elevations, and the creation of a terrace and green roof on the rear extension roof at third floor level and a terrace at fourth floor level.

The proposals has been amended during the course of application. These included detailed design changes including 70 degree hipped mansard introduced to side elevations, all chimneys to be retained and extended, 2nd floor rear extension roof lowered, privacy screen to 3rd floor rear terrace changed to timber slatted screen with planting, 3rd and 4th floor glazed doors amended and windows removed to 2nd floor north wall and an amended Sunlight and Daylight Report to make corrections and reflect design changes and additional information gathered about the layout of neighbouring flats. All these amendments have been subject to further consultation.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (residential)	334	1066	+732

Use (office)	218	0	-218
Total	516	1066	+515

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Office

The office use at ground and first floor level is not protected by any City Plan policies in this location and therefore is acceptable in land use terms.

Residential Use

The principle of providing additional residential accommodation on the site is acceptable and accords with Policy 8A of the City Plan which aims to deliver housing by 1. optimising site densities, including those in Housing Renewal Areas; 2. delivering a higher number of homes on small sites; 3. permitting appropriate upwards extensions.

Policy 8B states that no new homes in Westminster will exceed 200 sqm Gross Internal Area (GIA), except where it is necessary to protect a heritage asset. None of the proposed 8 flats will exceed 200sqm GIA. Although there are some large flats proposed including a 200sqm flat, this is a 3 double bed duplex unit. The minimum nationally described space standard for a unit this size is 124sqm and it is not considered that these flats are excessive in size or prevent the optimising of the site.

Two of the eight proposed units are family sized (3 bed or more). Policy 10B aims for 25% of all new homes within Westminster to be family sized and therefore the proposed development would be in line with this aim.

The size and layout of the accommodation would be compliant with the minimum standards set out in the Government's Technical Housing Standards and Policy 3.5 of the London Plan. As such, the residential accommodation proposed would be of a good standard. The proposal would therefore also meet Policy 12A and 12C of the City Plan.

Four of the eight flats are provided with amenity space. It is accepted that it would not be practical to provide amenity space to all flats because the proposal involves the re-use of an existing building and because of the close proximity of neighbouring properties. For each flat which does not have amenity space additional space of the minimum standards is provided internally in accordance with 12E of the City Plan. It is also noted that none of the four existing residential flats has any external amenity space.

The daylight and sunlight assessment in relation to the internal levels for the proposed units show that 25 out of the 27 proposed rooms meet the BRE's recommended levels for ADF for their room including all living rooms. The two rooms that fall below this level are the two bedrooms on the lower ground floor. These bedrooms achieve 0.6% and 0.8% ADF, which is below the 1% target. The assessment concluded that given the tight urban context of the site these are good levels and should be considered acceptable. When considering the daylight and sunlight internally to the new proposal, the tests have

altered since the application was submitted, as a result of the recent changes to the BRE guidelines. The applicants Sunlight and Daylight consultant has submitted additional comments relating to these changes and stated that overall the new tests are similar in structure to the previous tests with recommended levels set for bedrooms, living rooms and kitchens, with similar proportional increases in the level of recommended daylight per room type as the previous version of the Guidelines. They have concluded that they would expect the results to be similar to those provided in their original assessment. The unit which has bedrooms which fail within the basement level is split over two levels, and is dual aspect at ground floor level. It is considered that the unit will receive suitable levels of light and ventilation over the two floors.

Environmental Health has also commented that there is no natural light to the basement living area however, as aforementioned, the basement is part of a maisonette which also occupies the ground floor where the main living area is located. It appears that the area in question is designed more as a “snug” or TV room type space and the quality of the unit overall is considered acceptable. All the units are generally considered to have good levels of natural light and ventilation and outlook.

Affordable Housing

The proposal involves a total of 1066sqm of residential floorspace however there exists 334sqm of residential floorspace in the part of the existing building not proposed to be demolished. The site area is less than 0.5 hectares and less than 10 units are proposed (8 are proposed). As the site does not result in an uplift of 1000sqm or more of residential floorspace, is under 0.5 hectares and less than 10 units are proposed, affordable housing is not required in this instance.

9.2 Environment & Sustainability

Sustainable Design

Policy 38D of the City Plan 2019-2040 states that "development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including: 1. use of high-quality durable materials and detail; 2. providing flexible, high quality floorspace; 3. optimising resource and water efficiency; 4. enabling the incorporation of, or connection to, future services or facilities; and 5. minimising the need for plant and machinery".

Policy 38E states that applicants will demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards, in the case of residential conversions and extensions of 500 sq m (GIA) of residential floorspace or above, or five or more dwellings will aim to achieve “Excellent” in BREEAM domestic refurbishment or equivalent standard. The proposal involves over 500sqm (GIA) additional residential floorspace and the applicant has submitted a BREEAM Domestic Refurbishment Pre-Assessment Estimator Report with the application. This report states that the proposal will achieve a score of 73.42% thus surpassing the 70% minimum to achieve BREEAM “Excellent”. This will be secured by condition.

Energy Performance

Policy 36 of the City Plan states that the council will promote zero carbon development and expects "all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change". It goes on to state "all development proposals should follow the principles of the Mayor of London's energy hierarchy. Developments should be designed in accordance with the Mayor of London's heating hierarchy".

The applicant has submitted a Sustainability Statement with the application which concludes that energy efficient measures of the building will go beyond Building Regulations Part L1b 2013 through an energy efficient fabric first approach which is to be designed to be highly insulated, using materials with a high Green Guide rating with sustainably sourced timber and recycled aggregates where possible.

The application is not a major development and therefore is not required to demonstrate that it will need to achieve net zero carbon.

Circular Economy

Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste. The applicant has stated in their Sustainability Statement that a Site Waste Management Plan will be prepared and incorporate non-hazardous waste, demolition and excavation waste and that the contractor will reduce waste during the construction phase of the development via the hierarchy of reduce, reuse ((prioritising on-site reuse of demolition materials, followed by offsite reuse), Recycle (prioritising on-site recycling, then off-site recycling), Resource recovery (for energy generation processes – fuels, heat and power) and disposal as last resort. This is considered acceptable for a development of this scale.

Air Quality

The site is not within an air quality focus area and is not a major development therefore Policy 32 of the City Plan does not require the submission of an air quality assessment or the demonstration of achieving air quality neutral/ positive however the applicant has stated that control measures will be implemented on site to prevent air and dust pollution during construction. An informative is recommended to promote the use of the Considerate Constructors Scheme.

Flood Risk & Sustainable Drainage

The site is not located within a Surface Water flood Risk Hotspot or within Flood Zones 2 or 3. The development would not result in any increase in hardstanding however there will be a small increase in soft landscaping within the rear courtyard area and due to the use of a green roof. Because of the low risk of flooding on the site this is considered to comply with Policy 35.

Light Pollution

It is not considered that the design of the proposal would result in a significant increase in light spill to neighbouring properties. The applicant has stated in their sustainability

statement that internal and external lighting will be designed to minimise light pollution and that external lighting will be automatically switched off between 23.00 and 07.00 except for safety or security lighting. Given the residential nature of the proposals, it is not considered that such timing could be reasonably imposed or enforced by way of adding a condition. Regardless, the proposal is considered to comply with Policy 33B.

Odour

The proposal involves only domestic, residential cooking equipment with no commercial uses and therefore it is not considered that any significant odour will be produced by the development.

Land Contamination

A pre-commencement condition requiring that the applicant carries out a detailed site investigation to find out if the building or land are contaminated with dangerous material, is recommended. While this has not been suggested by Environmental Sciences on this application, it was required on a previous application. Given that the proposals are for excavation works, the condition has been recommended. The applicant has agreed to this condition.

Environment & Sustainability Summary

For a development of this size and nature (i.e. extensions to an existing building rather than substantial demolition and rebuild on site) it is considered that the proposal meets the City Council's environmental and sustainability policies subject to the recommended conditions securing necessary benefits.

9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. The site currently provides no garden or green features with the areas not occupied by buildings covered by hardstanding. The proposal involves some areas of planting within a rear courtyard and incorporates a green roof to the rear extension. It is considered that the proposal therefore complies with this policy.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 72 of the LBCA Act 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."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have

a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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

The relevant policies concerning the proposals are 38, 39, 40 in the adopted City Plan April 2021.

Detailed Design and Impact on Heritage Assets

The buildings in this historic mews vary greatly in height from two to four storeys, plot widths and scale, there are some surviving small scale early to mid 19th century mews properties, historically used as a stables for the surrounding principal buildings but now converted into single family dwelling houses. However, the mews properties on the east side have been rebuilt with large mansard roofs. The opposing site no. 30-34 Chapel Side is a large residential block comprising of 3 storeys plus mansard roof and both sites were formally part of the Aylesbury Dairy as indicated on historical maps.

The proposal seeks the retention of the building, demolition of the pitched, hipped roofs, erection of a mansard roof, replacement of the rear infill and erection of a new 3 storey infill extension and alterations to the fenestration to the front, side and rear in association with the creation of new residential units. The proposal would add bulk and height to this 4 storey building, however the scale and height of the mansard are appropriate and in proportion with this substantial building. The increased height of the building would impact private views from upper floor residents in the opposing block, but the site is surrounded by significantly taller buildings facing Moscow Road and Palace Court.

The narrow width of the mews and height of the building limits any views of the existing or proposed roof immediately outside the site. The increase in height would be seen in public views mainly from the junction with Moscow Road and longer townscape views from the very south of Chapel Side. The north elevation has been revised to ensure the chimney stack are extended whilst this would increase the height of the existing flank brick wall, this would not harm townscape views from Moscow Road, whereby an imposing 4 storey brick wall of 77 Moscow Road is in the foreground view of 1-4 Chapel Side. Furthermore, the north elevation is seen in context with the large and imposing flank wall of 30-33 Chapel Side. When viewed from the south, the site is seen against the larger and imposing Telephone Exchange building on Moscow Road and therefore in this setting the mansard roof and increase height of the building would not have a harmful impact on this townscape view.

The design complements the fenestration of the lower floors and the extension of the existing chimney stacks retains the integrity of these important skyline features to the building and townscape. The proposed rear infill is largely concealed by the building and

development proposals at Esca House Palace Court. There would be views of the new second floor from upper floor windows, however this element of the proposal is subordinate in scale and the erection of a planted green screen would help to provide visual interest in an otherwise simple and subdued rear appearance. The infilling of the partially open ground floor is not contentious and is granted under a separate planning permission. The replacement windows and design of the fenestration are similar with improvements to the ground floor windows with integral timber panels to the 2020 permission.

Therefore, the proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021) with limited impact to the character and appearance of the building and no significant harm to the character and appearance of the Bayswater Conservation Area, a designated heritage asset. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

Objections have been received on amenity grounds, specifically due to the loss of daylight and sunlight to flats 30-33 Chapel Side situated on the opposite side of Chapel Side to the development and loss of light to rear windows and patio garden of 7 Chapel Side and loss of privacy to the patio and kitchen and bathroom windows of No. 7 Chapel Side which is located to the South, two properties down from the development on the same side of the road.

Daylight & Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight'. The applicant has submitted a Daylight and Sunlight Report with their application which addresses the amenity impact in this regard using the methodology set out in the BRE guidelines. Since that assessment was completed a new addition of the BRE guidance has been published.

However, when considering the daylight and sunlight impacts of the proposals on the neighbouring residential rooms the new guidelines do not alter the recommended tests or the recommended values and the current analysis would not alter.

A number of objections have been received to the proposal on the grounds of loss of sunlight and daylight. These specifically relate to the impact on 31, 32 and 33 Chapel Side and in particular where the submitted Sunlight and Daylight Report shows the proposal fails to meet BRE guidelines and the impact on sunlight on 29 Chapel Side.

An amended Sunlight and Daylight Report has been submitted during the course of

consideration to make corrections and reflect the impact of a number of design changes and additional information gathered about the layout of neighbouring flats. These amendments have been subject to further consultation. Three responses were made to that re-consultation, all maintaining their objections on sunlight and daylight grounds particularly as the revised assessment confirms Chapel Side will be worst effected by development and showing concern that no reduction in height to the proposal has been proposed.

Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at 75-77 Moscow Road, 29 Chapel Side, 24 Palace Court, 28 Palace Court, 30 Palace Court, 32 Palace Court, 34 Palace Court and 31-34 Chapel Side.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends 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 daylight and sunlight report demonstrates that there will be no material impact upon the daylight or sunlight received by residential windows in 75-77 Moscow Road, 29 Chapel Side, 24 Palace Court, 28 Palace Court, 30 Palace Court.

Residential windows in properties immediately surrounding the site will experience some losses in daylight and or sunlight beyond BRE guidelines. The impact to each effected property in addition to any other properties objections were made regarding is discussed below:

32 Palace Court

Prior approval of the change of use of from Office (Class E) to five self-contained flats (Class C3) was granted for this property in May 2022. In terms of daylight, all windows analysed retain at least 80% of their existing VSC. Of the seven rooms analysed, six retail at least 80% of their existing NSL. One bedroom retains 74% of its existing level. It is considered that this reduction beyond the 20% is acceptable considering the window serving the room experiences only a 7% reduction in VSC and the room is a bedroom which the BRE guidelines state is less sensitive to losses than other habitable rooms. The property meets the BRE guidelines in terms of the impact on sunlight levels. It is

considered that the daylight and sunlight impact to this property is acceptable.

34 Palace Court

Prior approval was granted for the change of use of part ground floor and all first floor level from offices to 11 residential units in August 2020. 34 Palace Court was historically linked with the site that is the subject of this application both in terms of its ownership and its planning history. The red line/site boundary on site location plans for the recent applications for the two properties is not consistent and is shown to overlap in a number of instances. Therefore, during the course of considering this application, land registry records were obtained to ascertain the current boundary between the properties.

The proposed plans for the above prior approval at 34 Palace Court show a number of additional windows facing into the site that is subject to this application. The creation of these windows would have required the demolition of the existing first floor link building within the current application site for their implementation. The Land Registry records for the site show that this link building is now in the separate ownership of the applicant of this application currently under consideration and not that of the owners of 34 Palace Court, therefore the part of the prior approval potentially effecting the current application, i.e. the creation of these windows cannot be implemented and therefore they are not considered as part of the amenity impact of the proposed development.

There is an existing single window at first floor of 34 Palace Court which faces onto the site. This currently serves an office in the building but is shown to serve a bedroom in the 2020 prior approval application. This window is shown to retain 70% of its existing daylight in VSC terms, below the 80% recommended and the bedroom retains 66% of its existing NSL. Due to the change in ownership within the site the window becomes the party wall between the properties which limits the protection it can be afforded. In any case in its current use as an office it is given less protection than a residential unit, and if the prior approval was part implemented, the fact that a bedroom is considered less sensitive to losses of light than other habitable rooms means that the impact on this window is considered to be within acceptable limits. The window meets the BRE guidelines when considering sunlight.

31-33 Chapel Side

This property is located on the opposite side of Chapel Side to the east of the site. The property is made up of 3 flats, a flat on the first floor (31 Chapel Side), a flat on the second floor (32 Chapel Side) and a flat on the third floor (33 Chapel Side). Each flat is dealt with individually below.

31 Chapel Side – first floor

Two of the windows facing the development serve a living room one of which would be slightly below the BRE guidelines in terms of retained VSC (77%) however the other window would retain 81% and the room would achieve 87% of its existing NSL therefore the impact is considered to be acceptable. The living room would also meet the BRE guidelines for impact on sunlight. The other two windows serving bedrooms, would also marginally fail in terms of VSC (77%) and NSL (one at 75% retained and the other at 78% retained) however bedrooms are regarded as less important than other habitable rooms in the BRE guidelines and it is not considered this small infringement on the BRE requirements would be unacceptable.

32 Chapel Side – second floor

Three of the windows facing the development serve a living room and a fourth window serves a bedroom. The windows would retain between 71% and 76% of their existing VSC and would also fall below the BRE guidelines in terms of the NSL calculations. However the VCS retention levels are not significantly below the BRE guidelines and the windows would still experience relatively good levels of light for an urban environment (between 16.17 and 17.82%). While the loss of light in excess of the BRE guidelines is regrettable, due to the retained light levels, and the minor infringement above what is recommended by the BRE, they are considered acceptable in a compact urban street such as this. The flat meets the BRE Guidelines target value for sunlight.

33 Chapel Side – third floor

This flat meets the BRE Guidelines for daylight in both VSC and NSL terms and the BRE target values for sunlight.

34 Chapel Side

All windows in this property meets the BRE guidelines with regards to VSC. Four of the 8 windows meet BRE recommendations for annual sunlight. The remaining four windows retain 76% and 79% of their existing levels. In terms of winter sunlight five windows meet the recommended levels and three retain between 67% and 75% of their existing levels. The BRE guidelines state that sunlight is of most importance to main living space which the applicants sunlight and daylight report suggest face away from the development in the case of No. 34. On balance it is not considered that the loss of sunlight to this property is at a level which would justify refusal on this ground.

7 Chapel Side

An objection has been received on the grounds of loss of light to rear windows and patio garden of 7 Chapel Side which is located to the South, two properties down from the development on the same side of the road. The windows in the front and rear of the property do not face onto the development and will not be affected by it. There is a side return to this property which faces onto the development behind a large tree. Given the steep angle to the development these are unlikely to experience any significant reduction to their daylight. The applicants sunlight/daylight consultant has analysed the impact to two indicative windows on the ground and first floor of that return which shows that any daylight reductions are likely to be small.

29 Chapel Side

An objection has been received regarding the impact of the additional storey on daylight to this property. The submitted Daylight and Sunlight Assessment demonstrates that the proposal would meet the target values as set out in the BRE Guidelines for daylight (in terms of VSC and daylight distribution) and sunlight (in terms of APSH) in relation to this property.

Sense of Enclosure

It is recognised that the roof extension will result in an increase in enclosure to the flats on the opposite side of Chapel Side (31-33 Chapel Side). The proposal involves a 1m height increase at the building line at street level and a 0.8 metre increase in the height of the ridge level however the replacement of the existing shallow pitched roof structure which includes a valley in between the two pitched roof sections with a taller and steeper

sloped mansard extension which spans across the full width of the street elevation would add additional bulk closer to the street frontage. However, it is not considered that this increase would result in an unacceptable increase in enclosure and would not be sufficient to justify refusal of the application.

For the reasons discussed above in relation to the sunlight and daylight impact on that property, it is not considered that the increase in sense of enclosure on the rear window of 34 Palace Court would be unacceptable.

Privacy

An objection has been received regarding loss of privacy to patio and kitchen and bathroom windows of No. 7 Chapel Side. The proposal only includes three windows on the flank elevation facing towards No.7. One at third floor level, involves a minor relocation of an existing window serving a bathroom, one at second floor level which serves an en-suite and one at fourth floor level serving a dressing room. Because of the size and use of these windows it is not considered that these will reduce in a significant increase in overlooking to No.7. The only other windows on this side elevation are to the rear extension which is set back set back and would not afford views to this property.

The windows to the side (southern) elevation of the rear extension would look out along the gap between the rear of properties fronting Chapel Side and Palace Court meaning that they do not afford direct views into the windows of the nearest properties. The windows of the nearest property they look directly onto are over 17 metres away (side windows to an outrigger extension of No. 28 Palace Court. They would look over a skylight to the rear of 32 Palace Court but not provide direct views. The windows are not considered to result in any significant increase in overlooking.

A terrace proposed at rear third floor level would include a 1.8metres slatted screen with planting on the outside to the South and West elevations. This together with its distance from neighbouring windows ensures that it would not result in any significant overlooking from the terrace itself or the French doors of the rear extension serving it or result in any significant increased sense of enclosure.

The fourth floor terrace would be set between a chimney at the north elevation and a blank flank wall of the building to the south. It would overlook only the roof of 34 Palace Court to the west. Therefore, neither the terrace or the French doors serving it raise any loss of privacy issues.

The new windows on the north elevation would be over 17 metres from the nearest residential windows (75-77 Moscow Road) and are not considered to result in any significant increase in overlooking.

The additional windows of the roof extension to the front elevation are within the existing fenestrated elevation and in the case of the additional windows at mansard level would be slightly set back from the building line. It is not considered that they would result in a significant increase in overlooking.

The windows to the rear elevation would all be within an existing fenestrated elevation (except for the French doors of the rear extension serving the terrace) and mostly face

directly onto the rear of 34 Palace Court and not the rear residential windows of the properties fronting Palace Court. It is therefore not considered that they would result in any significant increase in overlooking.

The proposal is therefore considered to comply with Policies 7(A) and 33.

Noise

The proposal does not involve any mechanical plant. Environmental Health have no objection to the proposal on noise or vibration grounds but have suggested a condition ensure sound insulation is adequate.

Due to the limited size of the terraces, it is not considered that they would result in an unacceptable level of noise disturbance to surrounding properties.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Officer has stated that should planning permission be granted the footway in front of the building on Chapel Side should be reinstated, to remove the dropped kerb, to match the existing adjoining footway. This will provide pedestrians with space and add some protection to the building façade from vehicles. This is considered to improve the environment for pedestrians and other highway users, consistent with Policies 25, 28 and 43 and it is recommended that a “Grampian” condition is used to secure this as part of the development.

Servicing and Waste & Recycling Storage

The City Council’s waste project officer has stated that the waste and recycling storage provision is not in line with the City Councils policy. It is recommended that a condition requiring details of revised waste and recycling storage details in accordance with Policy 37B is approved prior to occupation of the development is attached to any planning permission.

Cycling & Cycle Storage

Long stay cycle parking helps support sustainable travel options by residents. Long stay cycle parking for developments must be met within the development site itself and must be secure, accessible and weather proof. The London Plan Policy T5 requires 1.5 space per 1 bedroom unit and 2 spaces for all other dwellings. The proposal would therefore require 15.5 (1x4bed, 1x3bed, 5x2bed and 1x1bed) cycle parking spaces. 18 spaces are proposed, which includes provision for short stay cycle parking. This would meet the London Plan policy and City Plan policy 25(C) & (D) relating to walking and cycling. This will be secured by condition.

Parking

The proposal removes the existing off-street car parking. Policy 27E of the City Plan supports the reduction of car parking. Policy 27 supports residential development without

car parking provision. However it is noted that increased residential units in the area will increase demand for on-street spaces. The Highways Planning Manager has requested that Lifetime Car Club Membership for all residential units is secured to minimise the impact of the proposed development and reduce car ownership of future occupiers. It is noted the applicant has confirmed their commitment to providing car club membership. It is therefore recommended that this is recommended by a "Grampian" condition.

9.7 Economy including Employment & Skills

It is recognised that the proposal will create jobs during the construction period. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Basement

The application involves the creation of a single storey basement level. City Plan Policy 45 relates to basement developments.

Part A. 1-4

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the of the appearance of the existing building, garden setting and the surrounding area.

The applicant has provided a Structural Methodology Statement relating to the basement prepared by an appropriately qualified structural engineer.

This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is compliant and accepted. The Site Investigation shows a London clay foundation soil and ground water was encountered. Flood risk for the site is minimal. The new basement construction will comprise typical RC retaining walls underpinning and RC ground bearing slabs. Waterproofing and heave shall be considered in the design. The works are done in sequence with temporary supports used during excavations. Movement monitoring is proposed and a movement assessment anticipates the structural impact and movements on the adjacent buildings to be within acceptable limits. The scheme is justified structurally and the proposal is considered to be viable. From the preliminary structural information provided at this stage, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns, sufficient detailed structural analysis and design information to be submitted at later stages. The site is not within a surface flooding hotspot.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development

during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Objections have been received on the grounds of construction vehicles blocking pavement space within street and damage to pavement during construction. The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an agreed Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agreed with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

Part B 1-5

These parts of the policy relate to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

Apart from a small rear courtyard/lightwell, the entire proposed basement excavation would be under the footprint of the original building meaning that there would be no requirement for soil depth above the basement or any margin of undeveloped land and the basement would meet the requirement that it does not extend underneath 50% of garden land. The proposed basement is only one storey and has a 2.75m floor to ceiling height.

The basement would not extend under the highway.

The basement is considered to be acceptable and compliant with City Plan Policy 45.

Fire

Environmental Health have commented that the proposed Means of Escape are not adequate and should be approved by Building Control and London Fire Brigade.

The building is less than 7-storeys and less than 18m in height, as such it is not a 'relevant building' for the purposes of requiring a Gateway One Fire Statement. The development is also not of a scale to require a London Plan Fire Statement. The development will need to gain suitable building regulations approval for the works, which will include suitable measures for fire safety. An informative is recommended in this regard. The applicant has however confirmed that a fire strategy document has been commissioned, which will demonstrate that the design will meet the functional

requirements of the relevant Building Regulations. As part of this report, the applicant states that they will address the proposed design of escape past the kitchen in each apartment. It is noted that current guidance permits escape past an open kitchen, where the size of the apartment is restricted in area. Where the proposed apartment layouts exceed these dimensions, it is proposed that a CFD (Computational Fluid Dynamic) assessment will be carried out in order to demonstrate that the conditions within the larger proposed apartments, are equivalent, if not better than a compliant apartment layout. It is understood that this is a common fire engineered approach, which has been accepted on a large number of projects in London.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

As discussed in the Transportation, Accessibility & Servicing section above, it is recommended that Grampian conditions to secure the reinstatement of the footway on Chapel Side adjacent to the site and Lifetime Car Club Membership for all residential units is secured to minimise the impact of the proposed development and reduce car ownership of future occupiers are recommended. These conditions have been agreed with the applicant.

The estimated CIL payment is £292,875 (made up of £40997 GLA payment and £251,879 WCC payment).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, to secure appropriate arrangements to secure the reinstatement of the footway on Chapel Side, and requiring a detailed site investigation to find out if the building or land is contaminated. The applicant has agreed to the imposition of the conditions.

10. Conclusion

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021) with limited impact to the character and appearance of the building and no significant harm to the character and appearance of the Bayswater Conservation Area a designated heritage asset. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the

Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal would result in a net increase of four flats of which two would be family sized. Although the proposal would have amenity impacts in terms of loss of sunlight and daylight to a number of neighbouring properties these are not on balance considered to be so significant as to warrant a recommendation for refusal.

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

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

11. KEY DRAWINGS



Existing photograph from junction of Chapel Side and Moscow Road



CGI showing proposal from junction of Chapel Side and Moscow Road



Existing photograph from Moscow Road



CGI from Moscow Road



Existing photograph from Chapel Side



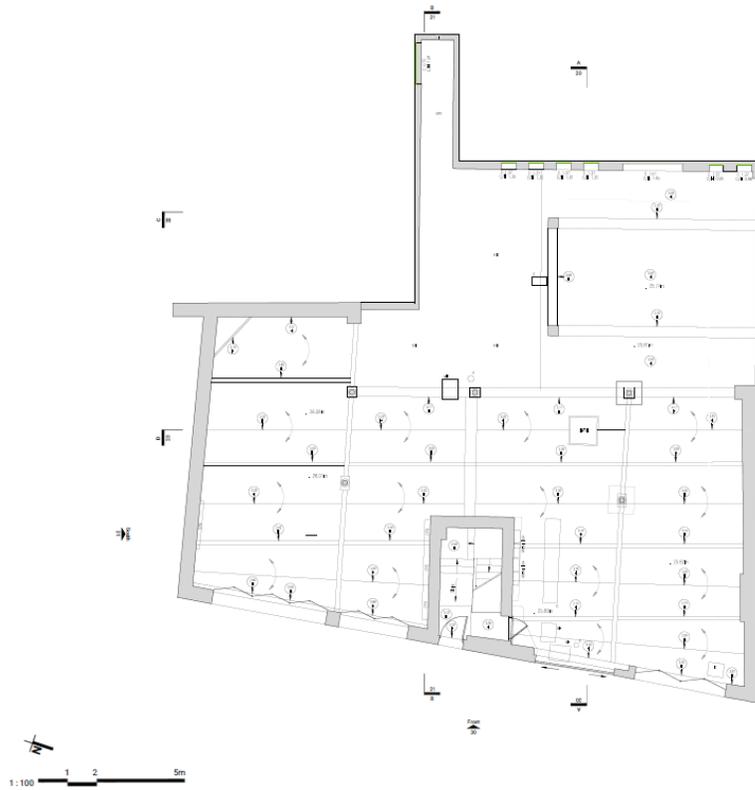
CGI as proposed from Chapel Side



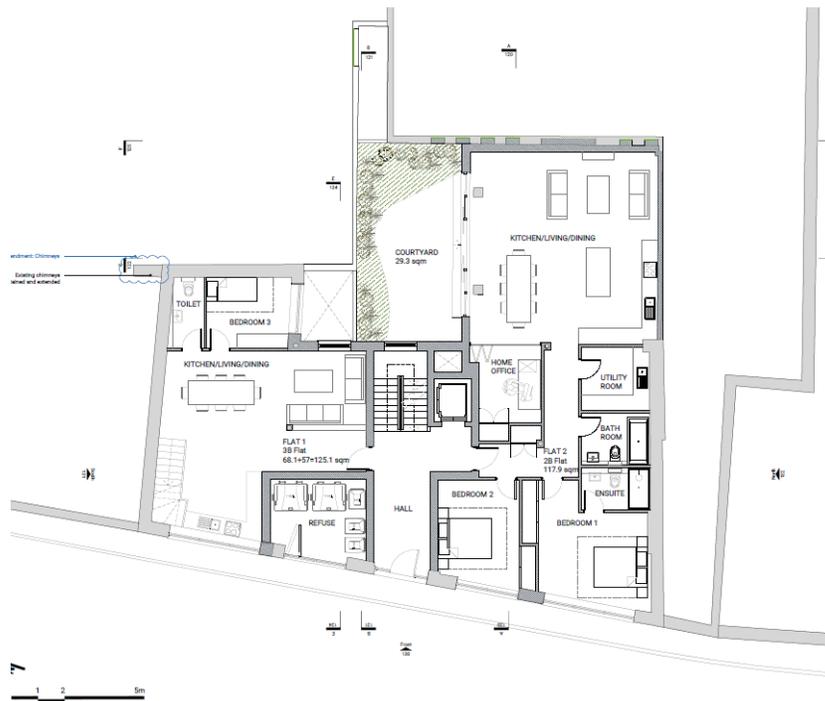
Existing front elevation



Proposed front elevation



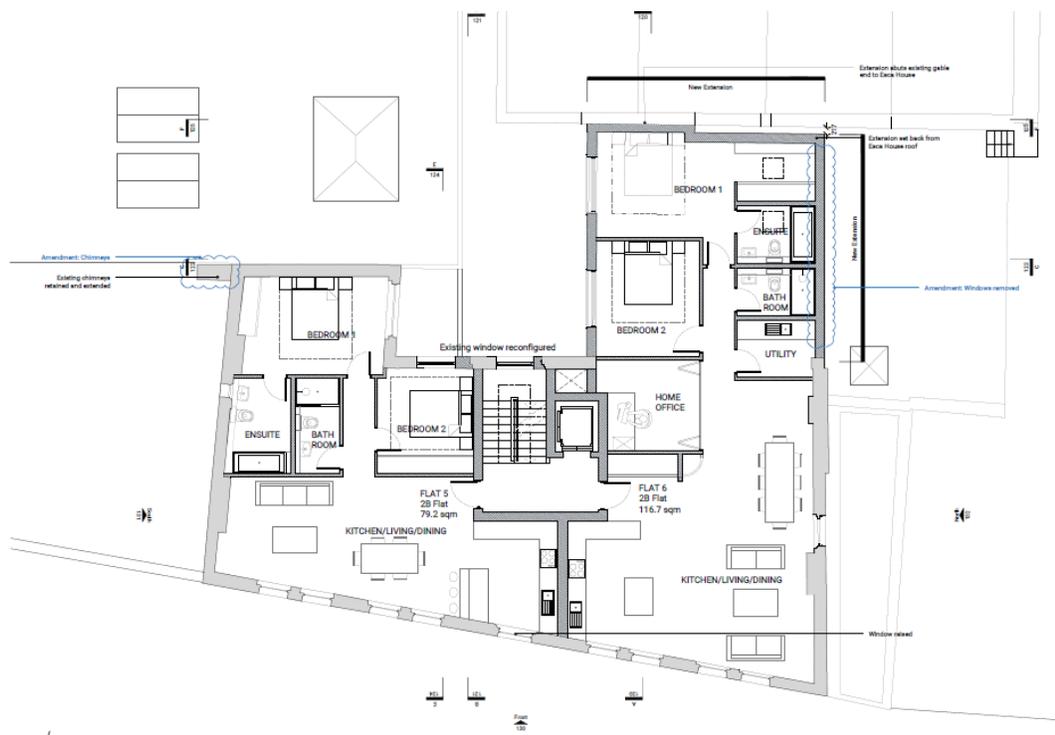
Existing Ground floor



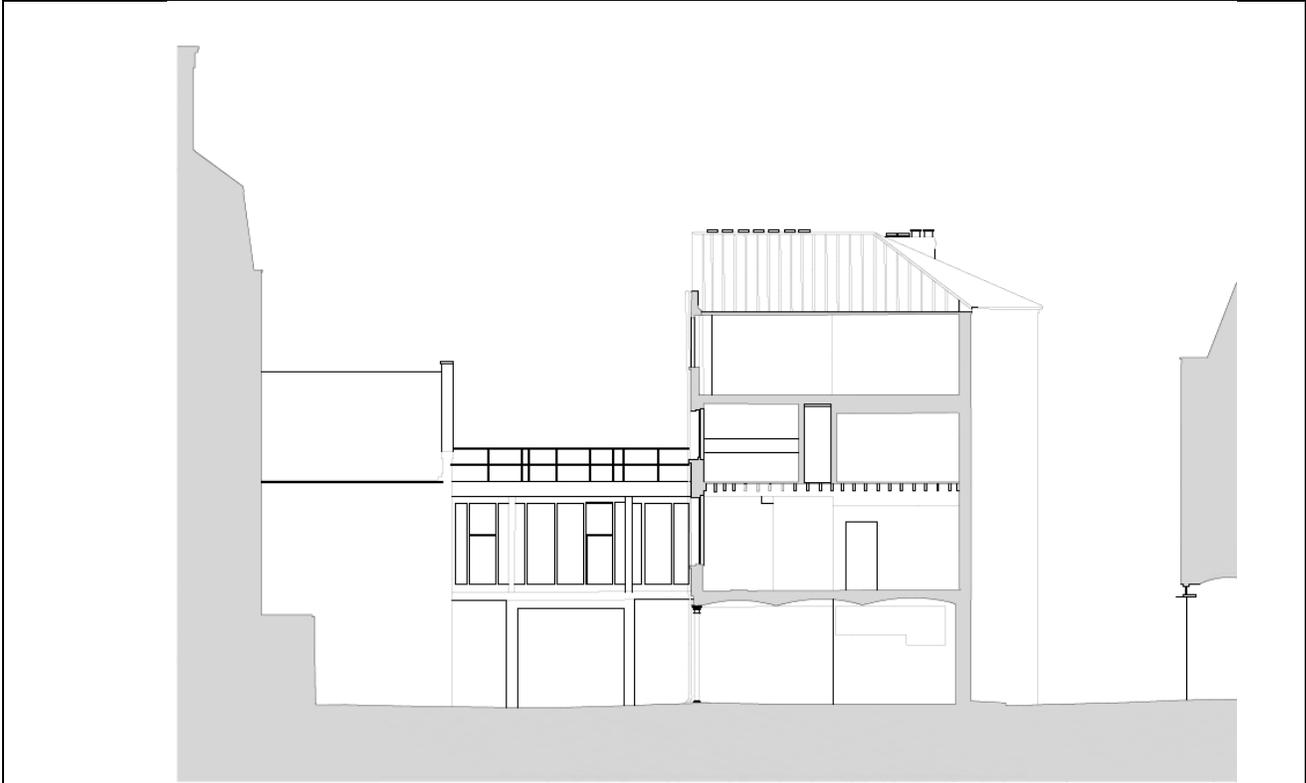
Proposed Ground floor



Existing second floor plan

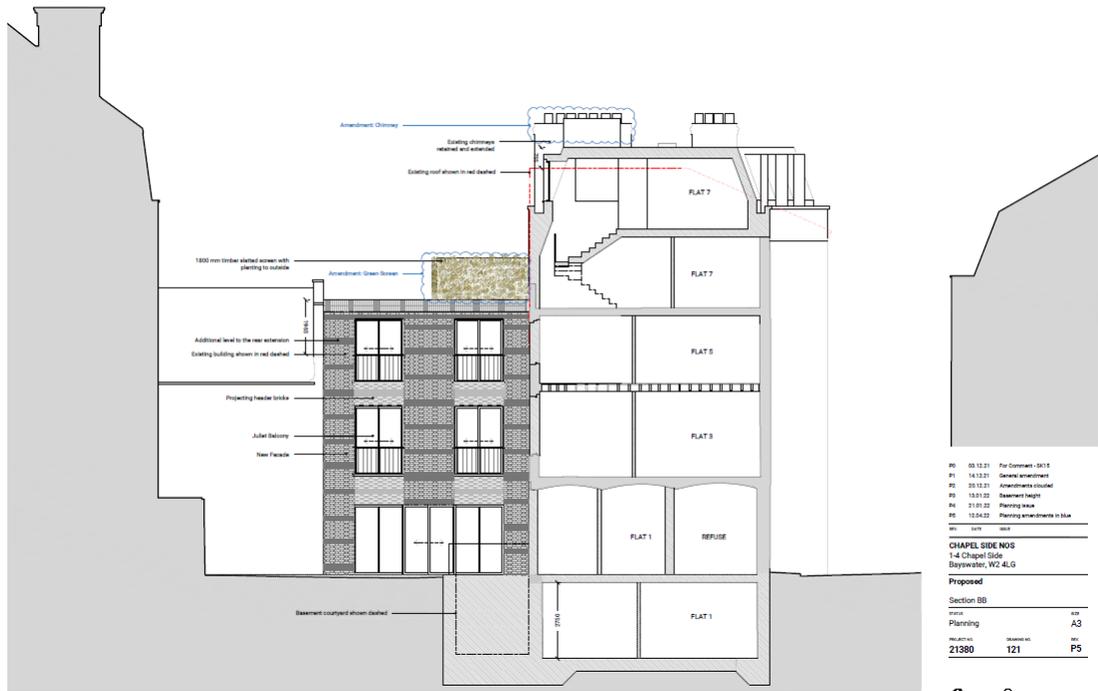


Proposed second floor plan



1:100 1 2 5m

Existing Section BB



1:100 1 2 5m

Proposed Section BB

RD	05.12.21	For Comment - 3015
PI	14.12.21	General amendment
PS	03.03.21	Amendments included
PS	10.01.22	Revised height
PA	21.01.22	Planning issue
PS	12.04.22	Planning amendments in blue
DR	04/23	Issue
CHAPEL SIDE NOS		
1-4 Chapel Side		
Bayswater, W2 4LG		
Proposed		
Section BB		
Discipline	Arch	
Planning	AS	
Project No.	21380	Revision No.
	121	Rev
		PS

frost.

DRAFT DECISION LETTER

Address: The Old Dairy Flats, Chapel Side, London, W2 4LG

Proposal: Demolition of the existing hipped roof and construction of a roof extension, a rear extension involving the infill of an existing undercroft area at ground floor, the replacement of an existing link building (between the building fronting Chapel Side and Esca House to the rear) and an additional second floor storey, and the excavation of a basement under the main building, in association with the change of use of the ground and first to residential flats (Class C3). Replacement windows to the front and rear elevations, and the creation of a terrace and green roof on the rear extension roof at third floor level and a terrace at rear fourth floor level.

Plan Nos: 01P1; 05P1; 10P0; 11P0; 12P0; 13.1P0; 14P0; 20P0; 21P0; 22P0; 23P0; 30P0; 31P0; 32P0; 50P0; 51P0; 52P0; 53P0; 105P0; 109P4; 110P7; 111P4; 112P5; 113P6; 114P4; 115P5; 120P3; 121P5; 122P4; 124P4; 125P3; 130P7; 131P5; 132P4; BREEAM Report; Daylight and Sunlight Report dated 30th June 2022; Sustainability Statement; Design and Access Statement; Structural Report (for information only)

Case Officer: Richard Langston

Direct Tel. No. 07866036470

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of

the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

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

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater 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 annotated with materials and finished appearance with a scale range between 1:1 to 1:50 of the following parts of the development, all new typical;
- Vertical sliding timber sash windows
 - The ground floor windows and integral infill panel
 - Main front entrance
 - Rear doors
 - Rear terrace screening

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in

Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 Details of the planting and screen to the rear third floor terrace shall be submitted to and approved by the City Council prior to the use of the terrace and be carried out in accordance with the approved details. The planting shall be retained, unless otherwise agreed in writing by the City Council as local planning authority.

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)

- 8 Pre Commencement Condition. You must not start work on the site until we have approved in writing appropriate arrangements to secure the following: the footway on Chapel Side to be reinstated. In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must not occupy the building for residential use until we have approved appropriate arrangements to secure the following:

- Mitigation of the impact of the development on on-street residents car parking in the vicinity of the application site.

You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, in accordance with Policy 27 of the City Plan (2019-2040).

- 10 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

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

make them available at all times to everyone using the building. (C14ED)

Reason:

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

12 **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)

13 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

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)

14 You must provide, maintain and retain the following bio-diversity/sustainability feature before you start to use any part of the development, as set out in your application.

-Green roof to at rear third floor level.

You must not remove this feature

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)

15 You must not use the roof of the building, accept for where terraces are shown on the approved

drawings 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)

- 16 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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

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

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

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

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 17 No piling shall take place until a piling method statement has been submitted to and approved by the local planning authority in consultation with Thames Water.

Reason:

As requested by Thames Water.

- 18 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. 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:

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)

- 19 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

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)

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 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 4 Under condition 8, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the reinstatement of the footway as set out in the email dated 16 April 2020. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition
- 5 Under Condition 9 we are likely to accept a legal agreement under Section 106 of the Town and County Planning Act to secure an undertaking to provide one car club membership for each residential unit within the development for a period of not less than 25 years from the date of first occupation. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.
- 6 You are advised that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.
- 7 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.

- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 9 You are advised that the arrangements for means of escape shown on your drawings do not appear to be adequate as occupiers of the bedrooms would need to escape via areas of high risk. The means of escape should be approved by Building control and/or the London Fire Brigade.
- 10 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.
- 11 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.
- 12 You are advised that the installation of any external plant would require a separate application for planning permission.