

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 September 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Knightsbridge & Belgravia	
Subject of Report	1-4 Eaton Mews West, London, SW1W 9ET		
Proposal	Redevelopment of 1-4 Eaton Mews West including demolition behind a part retained facade and replacement building comprising ground and first floor with a new part mansard roof level, to provide six residential (Class C3) units, and provision of office (Class E(g)(i)) accommodation. Creation of rear gardens at ground floor level, installation of plant, and other associated works.		
Agent	Miss Eleanor Hulm		
On behalf of	Eaton Mews West Ltd		
Registered Number	24/00412/FULL	Date amended/ completed	22 January 2024
Date Application Received	22 January 2024		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		
Neighbourhood Plan	Belgravia		

1. RECOMMENDATION

<p>1. Grant Conditional Permission, subject to the completion of a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> a. Financial contribution of £40,590 towards the Council's carbon offset fund. (Index linked and payable on commencement of construction works.) b. Two houses (Nos. 01 and 06) not being eligible for on-street parking permits. <p>2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution, then:</p> <ul style="list-style-type: none"> a. The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Regeneration, Economy and Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not b. The Director of Town Planning and Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Regeneration, Economy
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and Planning is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

This application relates to the car repair garage at 1-4 Eaton Mews West. The existing building is not listed but it is surrounded by three grade II listed terraces on Elizabeth Street, Chester Row and South Eaton Place and it is located in the Belgravia Conservation Area. Along with the car repair garage, the site contains four two-bedroom flats.

Permission is sought for the demolition and redevelopment of the site behind a retained and modified two storey front façade, with a new mansard storey, to provide six houses and an office building. Five of the houses would have three bedrooms and one (without a mansard) would have two bedrooms. All the houses and the office building would have a rear garden.

The key considerations in this case are:

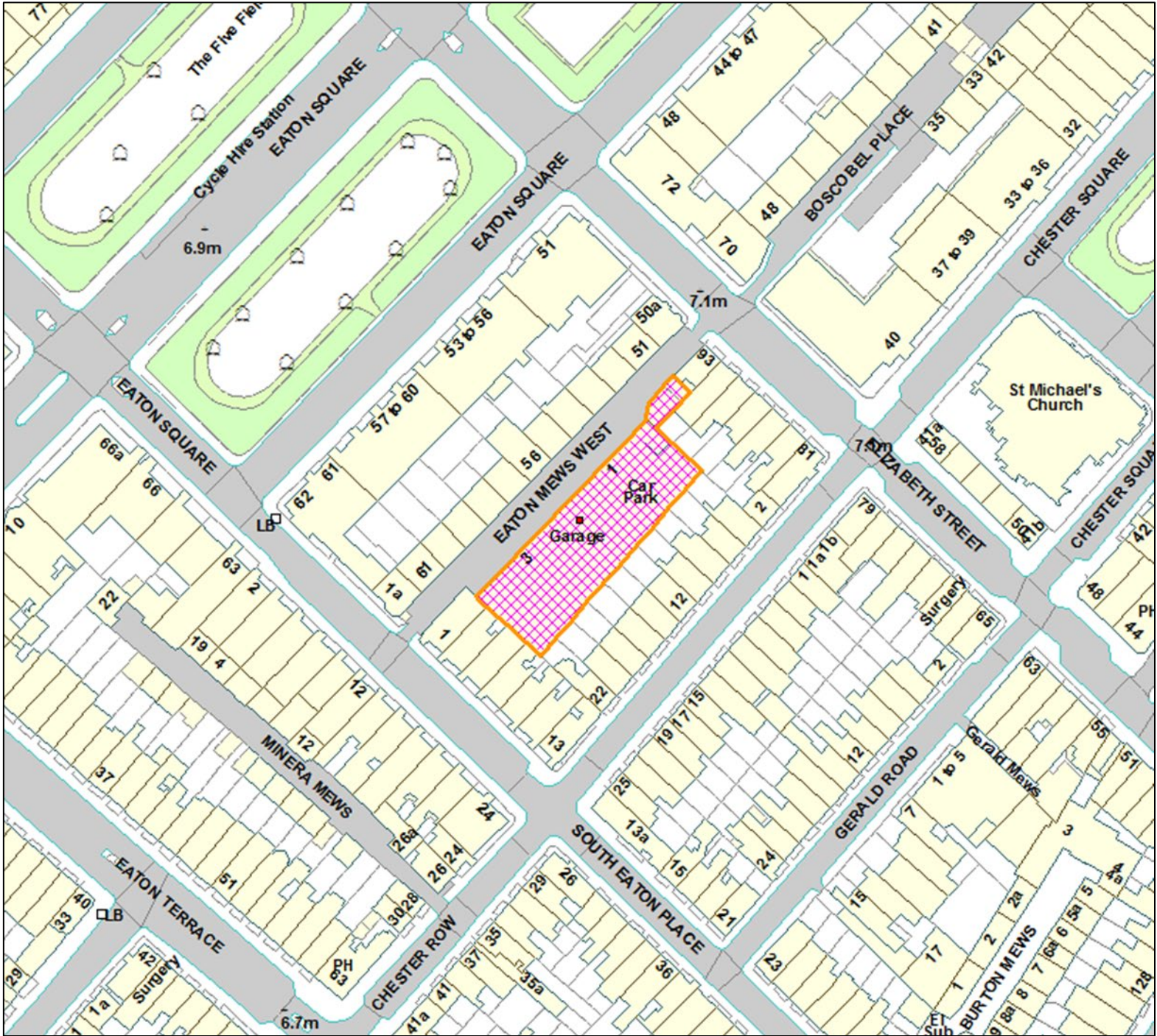
- The acceptability of the proposed office and residential units in land use terms, including the size and mix of the residential units.
- The impact of the proposed buildings on the character and appearance of the Belgravia Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed terraces surrounding the site.
- The impact on the amenity of neighbouring residential properties.
- The impact of the proposal on existing trees of amenity value surrounding the site.

The proposal has been revised during the course of the application. In particular, the originally proposed first floor level rear terraces have been omitted and replaced with green roofs, the originally proposed “nib” of the office building has been omitted, and the lift overrun of the office building has been reduced in size.

The proximity of the proposed House 01 to an oak tree of high amenity and townscape value in the Belgravia Conservation Area – located in the rear garden of the neighbouring No. 10 Chester Row – will likely result in pressure on the Council from its future occupiers to agree to the removal of or harsh surgery to this tree. Removal or harsh surgery to this tree would be harmful to the amenity and townscape in the surrounding area.

Taking a balanced view of the proposal, it is assessed as complying with the Belgravia Neighbourhood Plan, the City Plan and the London Plan for the reasons set out in this report. This application, as revised, is therefore recommended for approval subject to the conditions set out in the draft decision notice and the completion of a S106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS

Any response will be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM

Supports application.

THE BELGRAVIA SOCIETY

Any response will be reported verbally.

BELGRAVIA RESIDENTS ASSOCIATION

Any response will be reported verbally.

HEALTH AND SAFETY EXECUTIVE (FIRE SAFETY - PLANNING GATEWAY ONE)

No comment. Application does not relate to a relevant building.

ENVIRONMENT AGENCY

No specific advice on proposal. Groundwater Standing Advice should be followed due to existing use of site.

THAMES WATER

No objection. Requests informatives be attached to permission.

METROPOLITAN POLICE - DESIGNING OUT CRIME OFFICER

Raises concerns: dogleg when entering into Eaton Mews West from South Eaton Place is a concealed corner and allows anyone to hide there. Also, all windows and doors would need to be security rated and scheme as a whole will need to achieve Secure By Design Accreditation.

HISTORIC ENGLAND (ARCHAEOLOGY)

No further assessment or conditions necessary.

TREE SECTION

Concern that future occupiers of House 01 (and partly House 02) will find the relationship between their house and T1 (Oak tree in garden of 10 Chester Row) oppressive and will seek further pruning of the tree, or the tree's removal, that would be harmful to amenity and the character and appearance of the conservation area.

While the development (as amended) would encroach on the modified Root Protection Area of T1, this could be acceptable so long as adequate tree protection and details of foundations are secured through conditions. Details of bespoke landscaping (due to shade from and need to protect RPA of T1) and green roofs should also be secured by condition.

LEAD LOCAL FLOOD AUTHORITY

While parts of the proposed design are not in line with best practice, no objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING

Conditions recommend relating to cycle parking, the use of the office building and waste.

WASTE PLANNING

No objection. Secure provision through conditions.

ECONOMY TEAM

No financial contribution or employment or skills plan required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 44

Total no. of replies: 7

No. of objections: 2

No. in support: 3

No. neither supporting or objecting: 2

While nearly half the responses were supportive, the supportive and neutral comments were caveated with a number of concerns. The grounds of objection and concerns raised are summarised as follows:

DESIGN

- Size and location of lift overrun too prominent/out of character with mews.
- Overall height of proposal too high.

AMENITY

- Loss of privacy, particularly from now removed roof terraces overlooking the properties to rear of site along Chester Row, but also from the windows at mansard level overlooking Chester Row and opposite side of mews.
- Loss of light/overshadowing of neighbouring properties, especially on opposite side of mews.

OTHER

- Construction vehicle disruption.
- Security and street lighting should be reconsidered to avoid disturbance from light but enhance security.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted

Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Dates	Attendance
Pop-up in-person events on site	19 & 20 June 2023	17 people
Website	Launched in September 2023	77 views up to 9 October 2023
Public Exhibitions at Parish Hall, St Peter's Church, SW1W 9AL	18 & 25 September 2023	9 people

In addition, letters were sent to local residents making them aware of the proposals and how to engage with the above-mentioned activities, and eight meetings were held with specific stakeholders including The Belgravia Society, Belgravia Neighbourhood Forum, Ward Councillors Hitchcock and Robathan, Belgravia Residents Association and four neighbouring residents on Elizabeth Street and South Eaton Place.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were:

- Loss of the existing garage as a local service.
- Size of proposed mansard on the mews buildings.
- Disruption during the construction phase of the development.

The applicant's Statement of Community Involvement identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- The mansard has been omitted from House 06 so as to reduce loss of light and sense of enclosure at properties on South Eaton Place.

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) (December 2023) and should be afforded full weight in accordance with paragraph 225 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 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Partial Review

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation closed on 9 May 2024 and the council is currently considering the responses received. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.3 Neighbourhood Planning

The Belgravia Neighbourhood Plan includes policies on a range of matters including design, heritage, late night activities, workspaces, play and open spaces, trees and greening and major developments.

It has been through independent examination and was supported by local residents in a referendum held on 22 February 2024. It was adopted on 7 March 2024. It therefore forms part of the development plan for Westminster for development within the Belgravia neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.4 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 (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application site is currently the Belgravia Garage, a car servicing and repair garage that takes up the whole south east side of Eaton Mews West. It comprises ground and first floor levels. The activities carried out at ground floor level consists of typical industry associated with a garage along with some ancillary office space. First floor level of the building includes more offices and storage space ancillary to the garage, but also four two-bedroom residential flats. These flats are accessed independently of the garage.

The site is bounded by Eaton Mews West and the rears of Eaton Square (to the north) and the rears of 81 to 93 Elizabeth Street (to the east), 2 to 22 (evens) Chester Row (to the south) and 1 to 13 (odds) South Eaton Place (to the west). All of the neighbouring properties are residential.

The site is located in the Belgravia Conservation Area. It is not listed, but the surrounding terraces along Elizabeth Street, Chester Row and South Eaton Place are all grade II listed, as are the arches at both ends of the mews.

The site is not located in a designated town centre or the Central Activities Zone.

There is an oak tree in the rear garden of No. 10 Chester Row whose crown overhangs the application site. This tree is protected by virtue of being located in a conservation area.

7.2 Recent Relevant History

None.

8. THE PROPOSAL

This application seeks planning permission for the redevelopment of the site, behind a retained and modified front façade, to provide six dwellinghouses and an office building. Five of the six proposed dwellinghouses would have 3-bedrooms and one (House 06) would have 2-bedrooms, all with their own rear gardens.

All the resulting new buildings would have a mansard storey, except for House 06 which has a flat green roof instead. The office building has a lift overrun projecting slightly out of the rear half of its roof.

Landscaping works (to create the rear gardens and green roofs) air source heat pumps and PV panels are also proposed.

The proposals have been revised from what was originally submitted to omit first floor level rear terraces and a single storey rear projection from the office building and to slightly reduce the size of the lift overrun.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Garage and ancillary facilities (Class B2)	1,565	0	-1,565
Residential (Class C3)	301	936	+635
Offices (Class E)	0	414	+414
Total	1,866	1,350	-516

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Existing Garage

The loss of a car servicing and repair garage at this location is not resisted by any City Plan or Belgravia Neighbourhood Plan policies and is therefore considered acceptable, so long as the proposed new use of the site is acceptable.

Proposed Office

As the application site is not located within the Central Activities Zone, an Opportunity Area or a Local or Secondary Centre, neither the City Plan (at Policy 13) nor the Belgravia Neighbourhood Plan (at Policies BEL3 or BEL10) offer any support for new offices in this location. Residential uses, including the provision of affordable homes, are the priority outside of these designated areas. However, given the existing lawful use of the site is predominantly industrial, including some ancillary office floorspace, it is not considered that the continuation of an employment generating use on the site can reasonably be resisted.

Residential Use

Policy 8 of the City Plan seeks to achieve over 20,685 new homes over the plan period by optimising site densities, delivering a higher number of homes on small sites, permitting appropriate upwards extensions and planning positively for tall buildings in certain locations. It also requires that no new homes exceed 200 square metres Gross Internal Area (GIA), except where it is necessary to protect a heritage asset.

Policy 10 of the City Plan sets out that residential developments will provide a mix of units in terms of size, type, and tenure to secure mixed and inclusive communities, and contribute towards meeting Westminster's housing needs for different groups. It also sets out that new build homes will be designed with growing families in mind and 25% of all new homes across Westminster will be family sized. It also sets out that where two-bedroom units are provided, the majority should be large enough to accommodate two double bedrooms.

Policy 12 of the City Plan requires that all new homes provide a well-designed, energy efficient and high-quality living environment, both internally and externally and that new homes be designed to a standard that ensures the safety, health and wellbeing

of its occupants. It also requires that all new homes will meet or exceed the Nationally Described Space Standards (NDSS) and that all new build homes provide at least 5 square metres of private external amenity space for each dwelling designed for one or two persons and, where practicable, a further one square metre for each additional person the dwelling is designed to accommodate.

The proposed six dwellinghouses would result in an uplift of two homes and 635 square metres of additional residential floorspace on the site, providing 936 sq m of residential floorspace in total. This contributes towards meeting the housing targets set out in Policy 8 of the City Plan.

Five of the proposed dwellinghouses would be 3-bedroom properties and one would be a 2-bedroom property, meaning 83% of the proposed new homes would be family sized and, therefore, exceeding the Council's requirement that 25% of new homes be family sized. However, the scale of development appropriate here lends itself to family sized, mews-type houses. Each of the proposed houses will have their own private garden and will not exceed 200 sq m in internal area. The proposed mix of units is, therefore, supported in this instance. All of the proposed houses would meet the NDSS and the two-bedroom house would have two double bedrooms.

The applicant has provided a natural light study in relation to the proposed new homes. This shows that none of the kitchen/living/dining rooms would meet the BRE Guidance for such spaces as they would only receive an average of between 50 and 80 lux, whereas the guidance expects an average of 200 lux for such spaces. The north facing bedrooms at first floor level would also not meet the guidance, achieving only 27 to 73 lux compared to an expected 100 lux and the second-floor bedrooms would only achieve a median illumination of 22 to 43 lux. The south facing bedrooms at first floor level do meet guidance with median illuminations of between 129 and 301 lux.

However, despite the majority of habitable rooms not meeting the BRE guidance, it is considered the houses have been designed to receive as much natural illumination as possible given the need for the development to be sympathetic to its location on a mews in a conservation area surrounded by listed buildings. Additionally, the proposed kitchen and living spaces are proposed to be located in the areas of the combined the kitchen/living/dining rooms that receive the most natural light (some parts of which do reach 200 lux for half the day).

Hence, overall, the inadequate daylight within these parts of the new dwellings is not considered to be so detrimental to the quality of accommodation in the new dwellings as to find them unacceptable. Furthermore, houses are an appropriate use in a mews and one can reasonably expect that, by virtue of their relationship with the larger houses on the surrounding principal streets, they would experience more overshadowing and less daylight than other forms of residential developments.

It must be noted that the oak tree in the rear garden of 10 Cheser Row, by virtue of its size and proximity to House 01, has a direct adverse effect on the daylight and sunlight that could be enjoyed at House 01. The above assessment is made considering when the oak tree is in leaf. The tree itself does not result an unacceptable quality of accommodation within the proposed houses. However, the daylight and sunlight assessments submitted by the applicant show the daylight within House 01 and sunlight

received to its garden would be noticeably improved by the tree's removal. This could put pressure on the Council to authorise removing the tree in the future. This is addressed in more detail later in report (Section 9.3 "Impact on Existing Trees").

Affordable Housing

Policy 9 of the City Plan sets out that at least 35% of all new homes across Westminster will be affordable. It requires that all residential proposals provide a minimum of 35% affordable housing on-site if they: 1. have a site area of 0.5 hectares or more; or 2. are proposing ten or more residential units; or 3. are proposing 1,000 sq m or more residential floorspace (for sale or rent).

This proposal would provide 936 sq m of residential floor space alongside 414 sq m of office floorspace. The proposal therefore falls just slightly below the trigger requiring the provision of affordable housing.

9.2 Environment & Sustainability

Sustainable Design

Policy 38 of the City Plan requires that development enable the extended lifetime of buildings and spaces and responds to the likely risks of and consequences of climate change by incorporating the principles of sustainable design.

Policy BEL14 of the Belgravia Neighbourhood Plan encourages major development to meet the highest environmental standards, including zero air emissions, as soon as possible and to respond to the principles in the Belgravia Sustainability Charter where relevant and feasible.

The size of the office floorspace proposed is not large enough to trigger part E of Policy 38, which would have required it to achieve BREEAM "Excellent" or an equivalent standard were it to have provide 500 sqm or more of non-domestic development.

Both the residential and office parts of the development will need to meet the water efficiency standards required by Policy 38 of the City Plan and Policy SI 5 the London Plan. This will be secured by a condition.

Overall, the proposal is considered to have incorporated the principles of sustainable design, with more detailed considerations of sustainability following sections of this report.

Energy Performance

Policy 36 of the City Plan sets out that all development should follow the principles of the Mayor of London's energy hierarchy and that major development should be net zero carbon. Where net zero is not achievable on site, then any shortfall should be addressed either off site or through a carbon offset payment secured through a legal agreement. It also requires that all major development include a cooling strategy.

The applicant has submitted an Energy Statement which sets out how the proposal will follow the Mayor of London's energy hierarchy. It is considered that this demonstrates that the proposal's energy efficiency and associated carbon emission reductions are acceptable.

The energy efficiency measures included in the proposal are mechanical ventilation and heat recovery systems, low energy lighting, enhanced building envelope performance, air source heat pumps and photovoltaic panels. These result in the carbon emission reductions set out in the following table:

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	1.4	13
Be Clean: Savings from heat network	0.0	0
Be Green: Savings from renewable energy	5.1	48
Cumulative on-site savings	6.5	61
Carbon shortfall	4.1	-
	Tonnes CO ₂	
Cumulative savings for offset Payment (annual carbon shortfall x 30 years)	123	
Cash-in-lieu contribution (at £330 per tonne for all electric scheme)	£40,590	

As the proposal will not achieve net zero carbon emissions on site, the applicant has agreed to pay the £40,590 carbon offset payment set out above, which will be secured through a S106 legal agreement. That the energy efficiency measures are installed as set out in the submitted Energy Statement will be secured by a condition on the grant of planning permission.

Cooling and Overheating

The applicant's Energy Strategy includes a Cooling and Overheating Strategy. This follows the London Plan's Cooling Hierarchy, prioritising passive measures and energy-efficient solutions to mitigate overheating risks and reduce reliance on active full cooling systems. The approach ensures that both commercial and residential areas are designed to adapt to rising temperatures while minimising energy consumption and carbon emissions. For a larger scheme it would be necessary to secure an updated Cooling Strategy as the development progresses, but this is not considered reasonable here given the size of the respective office and residential parts of the proposal and the

constraints on the proposal with respect to its location in the setting of listed buildings and in a conservation area. It is therefore considered that, on balance, the proposal would adequately minimise the risk of internal overheating in accordance with Policy 36 of the City Plan and Policy SI 4 of the London Plan.

Circular Economy

The existing structure, largely dating from 19th century, consists of a two-story steel frame, with solid masonry brick facade and pitched timber roof. The existing building and its subdivision with party walls cannot be retrofitted to deliver the proposed mix-used scheme. In this context, the proposal to demolish all existing structures behind a retained façade is considered compliant with Policies 37 and 38 of the City Plan and Policy SI 7 of the London Plan. It is recommended that all steel recovered from the site be reused, as well as other opportunities explored that ensure materials are recovered and reused. Currently the scheme falls slightly short of meeting GLAs minimum requirements for reused and recycled content. On balance this is not considered unacceptable given the existing condition of the building and the land use benefits of the proposal. A condition securing an updated Circular Economy Statement (CES) after RIBA stage 4 and compliance with that updated CES will be attached to the planning permission to secure compliance with the relevant policies.

Whole Lifecycle Carbon

The submitted Whole Lifecycle Carbon (WLC) Assessment complies with the RICS WLC methodology and covers an adequate level of detail, as required by the London Plan Guidance. That the development meets the WLC benchmarks set out in the submitted assessment will be secured by a condition on the planning permission.

Air Quality

Policy 32 requires that all major development in Westminster be at least Air Quality Neutral as evidenced by a supporting Air Quality Assessment.

The applicant has submitted an Air Quality Assessment that sets out that the proposed development will be air quality neutral in terms of building and transport emissions. This has been reviewed by the Council's Environmental Health Officer who raises no objection in this regard. Hence, the proposal is assessed as being air quality neutral and in accordance with Policy 32 of the City Plan.

Flood Risk & Sustainable Drainage

Policy 35 of the City Plan requires that all developments should be safe for their lifetime from the risk of flooding and that new development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk that should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

The applicant submitted a Surface Water Drainage Strategy in support of the application. This was reviewed by the Lead Local Flood Authority (LLFA) who asked for revisions that the applicant has subsequently provided. The revised Surface Water Drainage

Strategy sets out that oversized pipes under the rear gardens will provide the 60 cubic metres of surface water attenuation needed to limit the peak runoff rate in a 100-year storm event to 1.5 litres per second. The LLFA raise no objection to this strategy, subject to conditions securing certain additional details be provided and that the scheme is verified as being implemented prior to first use of the proposed development.

While the proposal does not trigger the need for a site-specific Flood Risk Assessment – as the site is not one hectare or greater or located in Flood Zones 2 or 3 or a Surface Water Flood Risk Hotspot – the applicant has submitted one anyway. The LLFA have reviewed this and request additional details related to flood resilience be secured by a condition.

Subject to these conditions, it is assessed that the proposal would be safe from flooding and not unacceptably increase the risk of flooding elsewhere, in accordance with Policy 35 of the City Plan.

Land Contamination

Policy 33 of the City Plan requires that applicants carry out contaminated land assessments and take appropriate remediation measures for development on or near a site which is potentially contaminated.

The historic (and existing) use of the site as a car repair garage is a potential source of contamination. The applicant has submitted a Contamination Assessment Report which sets out that the soil samples assessed so far indicate that contamination is below the adopted screening value and are not considered to represent an unacceptable risk to future receptors.

This Contamination Assessment Report has been reviewed by the Council's Environmental Health Officers who find that it satisfies the necessary desk study and site investigations required in relation to land contamination. Environmental Health Officers request a condition be attached to the grant of planning permission securing details of a remediation strategy and validation report be submitted at the appropriate stages of the development.

The Environment Agency also commented on this application due to potential land contamination resulting from the site's historic use as a car repair garage. They offered no specific comment on the merits of the proposal but provided their standing advice in relation to groundwater contamination, which will be attached as an informative.

Subject to the above-mentioned condition and informative, the proposal would not adversely impact the health and wellbeing of existing and future residents, workers or visitors in Westminster due to land contamination, in accordance with Policy 33 of the City Plan.

9.3 Biodiversity & Greening

Impact on Existing Trees

The proximity of the proposed House 01 to the oak tree T1 in rear garden of 10 Chester Row means that there is likely to be pressure from the future occupiers of House 01 for harmful pruning, or even removal, of T1. This tree is of high amenity and townscape value, and removal or harsh tree surgery would be contrary to Policies 34 and 38 of the City Plan and Policy BEL12 of the Belgravia Neighbourhood Plan, which seek to protect trees of amenity, ecological and historic value and trees that contribute to the character and appearance of the townscape. The relationship between the house and tree is therefore unacceptable.

Alternative arrangements that would lessen the likelihood of future pressure to excessively prune or remove T1 (e.g. rearranging the residential and office elements within the development or laterally integrating Houses 01 and 02 into two maisonettes so that no individual house is especially affected by the tree) have been suggested to the applicant, but they have not openly explored these alternatives. This harm cannot be adequately mitigated using conditions or through a legal agreement and so this would form a reason for refusing this application were it not for the benefits of the scheme being considered to outweigh this harm. The Planning Balance section of this report (Section 9.11) sets out how this has been weighed.

Parts of the proposed buildings, services to and from the buildings and ASHPs, SuDS measures and landscaping will encroach on the modified Root Protection Area of T1. The applicant has revised the proposal to minimise these impacts, including by removing a “nib” of the office building that was originally proposed, and subject to conditions securing the satisfactory details of foundations, utilities and tree protection measures, the impact on the tree resulting from the proposed encroachment would, on balance, be acceptable.

Landscaping and Urban Greening

The proposed gardens to the rear of the site will be landscaped. Due to both shading from T1 and the need to not adversely affect the RPA of T1, particular care will need to be taken with respect to landscaping these gardens. The details of the landscaping will be secured by conditions.

The proposal also includes green roofs at first floor, second floor and roof levels. Insufficient details of these roofs have been provided as yet, but these details, as well as details of their maintenance, can be secured by conditions on the grant of planning permission. It appears that mains water irrigation is intended for the green roofs, which is not sustainable, and it is recommended that irrigation measures are secured by condition.

Considering the indicative landscaping and green roofs, the proposal should achieve an Urban Greening Factor of 0.4, which would be in accordance with the London Plan for a development that is predominantly residential.

Hence it is assessed that the proposal will contribute to the greening of Westminster in accordance with Policy 34 of the City Plan and Policy BEL 12 of the Belgravia Neighbourhood Plan.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 66 of the LBCA 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.”*

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.”*

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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

Policy 38 of the City Plan sets out that development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods.

Policy 39 requires development preserves or enhances the character and appearance of conservation areas and, when in the setting of a listed building, takes opportunities to enhance or better reveal the significance of listed buildings.

Policy 40 sets out that development will 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 BEL3 of the Belgravia Neighbourhood Plan sets out that The Mews (of which Eaton Mews West is one) are a residential character area in Belgravia and that proposals must demonstrate that they will retain and enhance the character of the area, including through the retention or reinstatement of historical and/or architectural features and by being of a scale and massing that responds to their setting.

Policy BEL 14 requires that major development demonstrably and positively respond to both the principles of the Belgravia Design Codes and the character of the area in which it is located or which it is adjacent to.

Townscape, Design & Heritage Assessment

1-4 Eaton Mews West are unlisted buildings of merit within the Belgravia Conservation Area. The buildings, which date from the mid-nineteenth century, are typical mews buildings from that period, comprising two storeys, with modest architectural details. The far eastern end of the site includes single storey elements which adjoin the rear of buildings along Elizabeth Street. The run of buildings, which occupy the south side of the mews, have been extended rearward with a shed structure that accommodates the commercial functions of the garage. The buildings are undesignated heritage assets which make an important contribution to the character and appearance of the Belgravia Conservation Area.

The existing mews buildings, whilst moderately altered with new openings, maintain a large extent of their traditional mews character. The extent of demolition is limited to the modern shed structure to the rear, the existing pitched roofs and parts of the street facing façade which have been previously altered. The loss of the shed is welcome, and whilst the loss of the traditional pitched roofs is undesirable, this is required to facilitate the proposed roof extensions. The extent of demolition to the facade is also not opposed as the proposed works would reinforce the character of the mews.

Roof level extensions are considered under Policy 40 of the City Plan, which states that roof extensions will be supported in principle where they do not impact adversely on heritage assets and should, where part of a terrace or group already characterised by roof additions or alterations, be of appropriate design which follows an established form and would help to unify the architectural character of the existing terrace or group. However, para. 40.11 of the City Plan explains that where a terrace retains a uniform roofline with no roof extensions, such as the application site, the addition of one roof extension or multiple roof extensions of different designs can cause harm to the appearance of the roofscape. However, we will consider applications which would take a coordinated approach, adding roof extensions of consistent design to a complete the terrace with a uniform roofline.

Unlike the north side of the mews (Nos. 50a-61 Eaton Mews West), the south side forming most of the application site exhibits a harmonious roof line, which would generally not be suitable for isolated roof extensions. However, the proposals seek a coordinated approach across the terrace (omitting House 06 at the far western end), proposing traditional mansard roof extensions along the majority of the terrace, which would maintain a largely consistent roof line. In light of this, it is considered that the proposals can be supported, particularly given their appropriate design. PV panels are proposed of the rear of the roof, details of which will be conditioned to ensure their projection from the roof plan is modest.

A lift forms part of the proposal towards the eastern end of the mews (serving the office building), which initially resulted in an unsightly overrun. Following officer concerns the lift overrun has been reduced by half. Whilst some adverse visual impact remains, this is modest and outweighed by the benefits of a providing a fully accessible office building.

Overall, the proposals are considered to maintain and enhance the existing buildings' mews aesthetic with the retention of much of the buildings' characterful facades and introduction of suitably designed and detailed ground floor fenestration. The roof

extensions are well considered and provide a consistency which maintain the uniformity of the mews. There is a modest visual impact caused by the lift overrun to the office building, however this low level of less than substantial harm to the conservation area is considered adequately balanced by the benefits of improved accessibility the lift will provide to the office building.

Fire Safety

The applicant has submitted a Fire Safety Statement and Fire Safety Strategy prepared by a suitable qualified assessor in accordance with Policy D12 of the London Plan.

Designing Out Crime

The Metropolitan Police's Designing Out Crime Officers have reviewed the proposal and raised concern with the dogleg that exists when entering Eaton Mews West from South Eaton Place as it is a concealed corner that someone could hide behind. Their concerns are noted, however this is not a reason to withhold planning permission as this dogleg already exists and any mitigation for this is outside of the applicant's control as the dogleg exists due to the building at No. 1 South Eaton Place.

Neighbours have also raised that the proposal represents an opportunity to improve the security of the mews, e.g. with more lighting. The existing street lamp in the mews will remain unchanged by the proposal and it is not considered the proposal will increase the opportunity for crime such that it can be required to provide measures to improve the security outside of the development site itself.

The Met Police also raised concerns about the security rating of the proposed windows and doors in the buildings, however these can be addressed by a condition securing the development achieves Secure By Design accreditation, which will be applied to the planning permission.

Archaeology

As the site is located in the Tier 3 Pimlico Archaeological Priority Area (APA), the applicant has submitted an Archaeological Desk-Based Assessment to support this application, in accordance with Policy 39 of the City Plan. This has been reviewed by Historic England's Greater London Archaeological Advisory Service who advise that no further archaeological requirements are necessary.

9.5 Neighbouring Residential Amenity

Policy 7 of the City Plan requires that all development be neighbourly, including by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Policy 33 of the City Plan requires that development prevents adverse effects of noise and vibration and improve the noise environment in compliance with the Council's Noise Thresholds. It also requires that developments minimise their demolition and

construction impacts by complying with Westminster's Code of Construction Practice (CoCP).

Policy 38 of the City Plan requires that development places people at the heart of design and ensuring a good standard of amenity for new and existing occupiers.

Daylight & Sunlight

The BRE Guide 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2022) are accepted as appropriate guidelines against which the impacts of development on daylight and sunlight at neighbouring properties can be assessed. The applicant has submitted a Daylight, Sunlight and Overshadowing Report that assesses the proposal's impacts on daylight and sunlight at nearby properties using this BRE guidance.

The guidance sets out two metrics to assess how developments impact the daylight at nearby properties: Vertical Sky Component (VSC) and No-Sky Line (NSL). VSC is a measure of the direct skylight reaching a point from an overcast sky. It is the ratio of the illuminance at a point on a given vertical plane to the illuminance at a point on a horizontal plane due to an unobstructed sky. The guidelines state that if the VSC at the centre of a window is less than 27% and it is less than 0.8 times its former value as a result of a development (i.e. the proportional reduction is greater than 20%) then the reduction in skylight will be noticeable and potentially adverse. NSL is a measure of the distribution of daylight within a room. It maps out the region within a room where light can penetrate directly from the sky. The guidelines state that if the area of a room that receives direct skylight (as measured by the NSL) is reduced to 0.8 times its former value (i.e. the proportional reduction in area should not be greater than 20%) as a result of a development, then the reduction in light will be noticeable to the occupiers and potentially adverse.

The guidelines use Annual Probable Sunlight Hours (APSH) to assess the impacts of development on sunlight received at nearby properties. They state that the APSH received at a given window should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss resulting from a development is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period (i.e. the proportional reductions should not be greater than 20%), else it may have an adverse effect on the occupiers of that dwelling.

The applicant's report demonstrates that 27 of the 36 properties surrounding the site would not be affected by the proposal in a way that would breach the parameters set out in the BRE guidance. Hence, these properties will not be adversely affected by the proposed development in terms of loss of daylight or sunlight.

54, 55, 57, 58, 59 and 60 Eaton Mews West

Nos. 54, 55, 57, 58, 59 and 60 Eaton Mews West (opposite the site) would be affected by the proposal in ways that breach the BRE guidance in terms of daylight. Nos. 57, 58, 59 and 60 Eaton Mews would meet the guidance in terms of VSC. So, it is only the NSL at each of the properties and VSC at Nos. 54 & 55 that breaches the BRE guidance.

Nos. 54 & 55 have decorative overhangs above their affected windows that limits the daylight they could receive in any scenario. Hence, these VSC breaches are considered acceptable.

The NSL in eight rooms over these six properties would experience relative changes of between 27-47% so would fall short of the guidance in terms of their headline figure. However, six of these rooms are deep main living rooms (between 5.5m-8.4m) so are especially sensitive to larger relative changes due to their depth. The guidance forgives larger losses in rooms deeper than 5 metres. Also, four of these deep living rooms are dual aspect with rear windows from which daylight will be unaffected. The remaining two rooms are either in use as a study or bedroom. While this loss is regrettable, these rooms are not considered so important that their relative reduction in NSL is considered unacceptable.

All these properties would meet guidance in respect of year-round sunlight. The ground floor rooms at each of Nos. 59 and 60 would breach guidance in terms of winter sunlight. However, these already receive little winter sunlight and so the absolute loss of 1% of APSH in the winter is not considered to be unacceptably harmful to the occupiers of those dwellings.

It is also noted that the applicant carried out a mirror-image analysis on the effect of the proposal on the existing mews houses compared to if the mews was mirrored. This is suggested by the guidance in scenarios where a proposal seeks to match the height and massing of properties on the opposite side of a street. When compared to the mirror image scenario, the proposal showed compliance with the acceptable losses set out in the guidance. Hence, officers are satisfied the effects of the proposal would not be unacceptable compared to if the mews were to be mirrored.

91 Elizabeth Street

Two windows at No. 91 Elizabeth Street (to the northeast of the site) would breach the BRE guidance in respect of VSC. One of these is to a ground floor dining room and suffers a proportional reduction of 24.7% and the other serves a lower ground floor kitchen and has an absolute reduction in VSC from 5% to 3%. However, this second window is affected by a balcony above it, the absence of which would result in the proposal reducing the VSC at this window from 25% to 19%. All rooms in No. 91 Elizabeth Street accord with guidance in respect of NSL. Taken as a whole, and given the dense built form in this area, these breaches of guidance in terms of daylight are considered acceptable.

In terms of sunlight, only the lower ground floor kitchen would have a loss of sunlight that breaches guidance, with its APSH dropping from 9% to 4%. As sunlight isn't so important for kitchens, as set out in the guidance, this reduction from an already low level is considered acceptable.

10 Chester Row

All windows at No. 10 Chester Row (to the south of the site) meet the VSC criteria. Just one room falls short of the NSL criteria. It is at lower ground floor level and understood to be a playroom. It would suffer relative reduction of 25% of the NSL from its rear window.

As this is a lower ground floor room it is more susceptible to loss of daylight and this relative loss of NSL is not considered to be so harmful to the occupiers of that property as to be unacceptable. As all south facing windows in No. 10 Chester Row face away from the site, no sunlight analysis is needed here.

1 South Eaton Place

All windows at No 1 South Eaton Place (to the west of the site) meet the VSC criteria. A single ground floor room understood to be a kitchen would not meet the NSL criteria and would experience a relative change of 29%. As this is understood to be a galley kitchen. In the context of the dense built form of the area and that the rest of the property suffers no other breaches of the BRE guidance (including in respect of sunlight too) this breach is considered acceptable.

Overshadowing of Neighbouring Amenity Spaces

The applicant's report demonstrates that no neighbouring amenity spaces would be overshadowed by the proposal in such a way that would breach the BRE guidance. 87 Elizabeth Street, 6 Chester Row, 8 Chester Row and 14 Chester Row would have areas of their amenity spaces that might receive slightly more sunlight as a result of the proposed development compared to the existing arrangement.

Privacy

Many of the representations received in respect of this application were concerned about (or objected to the application on the grounds of) loss of privacy and overlooking of the rear windows of the houses along Chester Row and also the front windows of the mews houses opposite the application site on Eaton Mews West.

The proposal originally included rear terraces to the six houses at first floor level, on the roofs of their ground floor rear projections. The applicant has since removed these terraces from the proposal as these would have allowed for an unneighbourly degree of overlooking to the rears of the neighbouring houses along Chester Row. These roofs are now proposed to be green roofs and a condition will secure that they are not used for terraces or balconies.

Compared to the existing arrangement, where there are no rear facing windows on the site and no second floor level windows at all, the proposal would result in more overlooking of the rears of the houses along Chester Row, front of the houses opposite on Eaton Mews West, and – to a much lesser degree – rears of South Eaton Place and Elizabeth Street. However, this overlooking is not considered to be unneighbourly.

Noise & Vibration

The proposal includes air source heat pumps in the rear gardens of the houses and other plant and equipment for the office building. The applicant has provided an Environmental Noise Survey that concludes that the development would meet the Council's Noise Thresholds. The Council's Environmental Health Officer has reviewed this report and agrees with its conclusions. As the details of the proposed plant and equipment have not been provided yet, it is necessary to secure that a supplementary

acoustic report is provide before the plant and equipment is installed. This will be secured by a condition, as will compliance with the Council's noise and vibration thresholds. Subject to these conditions the proposal would not adversely impact neighbouring amenity int terms of noise or vibration.

9.6 Transportation, Accessibility & Servicing

Policy 24 of the City Plan sets out that the Council will support a sustainable pattern of development which maximises trips made by sustainable modes, creates safer streets for all, reduces traffic, improves air quality.

Policy 25 of the City Plan requires that development promotes sustainable transport by prioritising walking and cycling.

Policy 27 of the City Plan requires developments to adhere to parking standards set out in the London Plan.

Policy 29 of the City Plan requires that servicing, collection and delivery needs should be fully met within a development and, if that is not achievable, then they must be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity.

Policy 37 of the City Plan requires all new development provides appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use.

Servicing and Waste & Recycling Storage

While the proposed development does not include provision for off-street servicing, the proposed mix of offices and houses is assessed as likely to have a lesser servicing requirement than the existing garage use. The bin store for the office is to be located at ground floor level and open directly on to the mews which will enable ease of collection and is welcomed.

The submitted plans show appropriate facilities for the storage of separate waste streams that are in line with the Council's waste storage requirements. That this waste storage is installed in accordance with what is shown on the plans will be secured by a condition on the grant of planning permission.

Cycling & Cycle Storage

The submitted plans show cycle parking for the office and each of the houses that is in accordance with the London Plan standards. That this is installed in accordance with these plans will be secured by a condition on the grant of planning permission.

Car Parking

The proposal includes no on-site parking, which accords with the London Plan parking standards that requires all development at this location to be car-free. The Council's Planning Obligations and Affordable Housing SPD (February 2024) clarifies

implementation of Policy 27 of the City Plan and sets out that the lack of on-site car parking should not result in significant increases in demand for on-street parking in the vicinity of the development (whether from visitors or residents) that might cause harmful and adverse impacts around the development. It goes on to set out that this will be achieved in residential development by the Council seeking to prevent future residents from being eligible for on-street parking permits.

As there are four existing residential units on the site that can all presently apply for on-street parking permits, it is assessed that only two of the resulting six houses need to be ineligible for on-street parking permits for the proposal to not worsen the existing on-street parking pressures unacceptably. The applicant has agreed to this, and it will be secured through a legal agreement.

Potential Other Highways Impacts

As the proposed offices would fall into Class E of the Use Classes Order 1987 (as amended) and Class E contains such a broad range of uses that would have substantially different impacts on the surrounding highways in terms of their intensity of comings and goings, servicing requirements and cycle parking requirements and that the effect of these various uses on the surrounding highways that have not been evidenced as a part of this application, it is necessary in highways terms to secure by a condition on the grant of planning permission that the proposed offices are only ever used as offices and not any of the other uses within Class E.

9.7 Economy including Employment & Skills

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

The proposed office floorspace proposed is expected to generate 26 jobs. This represents an increase of 6 jobs compared to the existing garage use. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

While the proposal would be major development, and so Policy 18 of the City Plan anticipates financial contributions for employment, education and skills could be required, the Planning Obligations and Affordable Housing SPD sets the trigger for these contributions at 50 or more residential units or a net uplift of 1000 square metres or more of commercial floorspace, neither of which apply to this proposal. Hence, no employment, education and skills are required here.

9.8 Other Considerations

None.

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

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement, as set out in the officer recommendation in Section 1:

- Carbon offset contribution of £40,590.
- Two houses (Nos. 01 and 06) being ineligible for parking permits.

The estimated Westminster CIL and Mayoral CIL payment is £0 as the floor area of the building to be demolished is greater than the total new build floorspace proposed. Note that this figure is an estimate based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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 condition to secure the applicant's adherence to the:

- Code of Construction Practice (CoCP).
- Contaminated land remediation strategy.
- Tree protection plans and measures.
- Updates to the Whole Lifecycle Carbon Assessment through each relevant stage of the development.

The applicant has agreed to the imposition of the conditions.

9.11 Assessment of Planning Balance

As set out within Section 9.3 of this report, the proposal is likely to put pressure on the Council to agree to the future removal of or harsh surgery to an Oak tree in the rear garden of 10 Chester Row that is of high amenity and townscape value in the Belgravia Conservation Area. This aspect of the development, taken in isolation, is unacceptable and contrary to Policies 34 and 38 of the City Plan and Policy BEL 12 of the Belgravia Neighbourhood Plan. Officers consider that alternative arrangements within the development would lessen the likelihood of future pressure to excessively prune or remove the tree.

However, the application, as presented here, comes with the benefit of providing five family sized homes and a net uplift of two homes compared to the existing arrangement. Officers consider that, while the applicant has not fully explored alternative arrangements to our satisfaction, this benefit of the proposal must be acknowledged.

Hence, it is considered that, on balance, the benefits of five family sized homes on the site outweighs the future harm to this tree. Hence, the development as a whole can be viewed favourably.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable.

Accordingly, the proposed development would be consistent with the relevant policies in the Belgravia Neighbourhood Plan, the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission be granted, subject the conditions set out in the draft decision notice and completion of a Section 106 legal agreement.

(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: MAX LEONARDO BY EMAIL AT mleonardo@westminster.gov.uk

11. KEY DRAWINGS



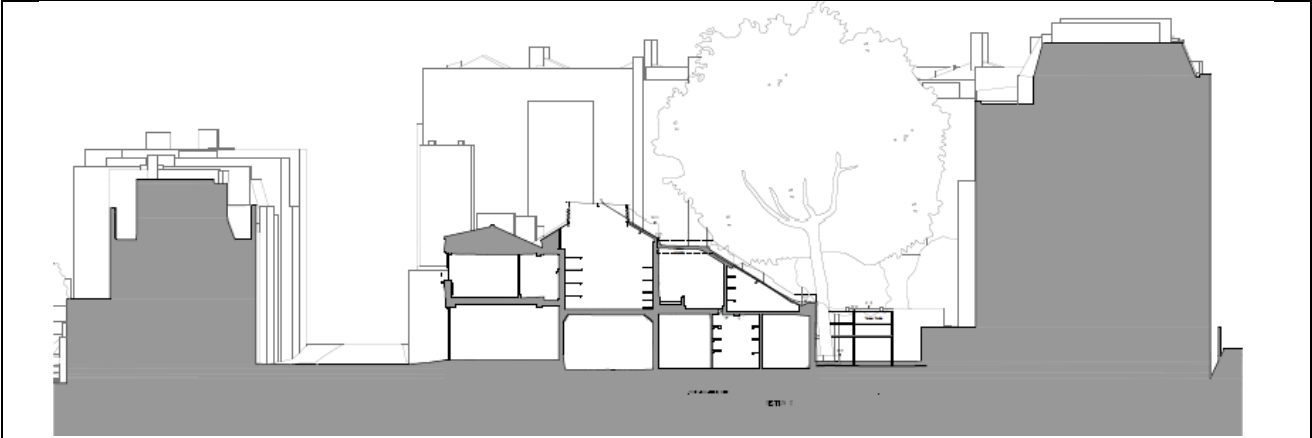
CGIs of Proposal



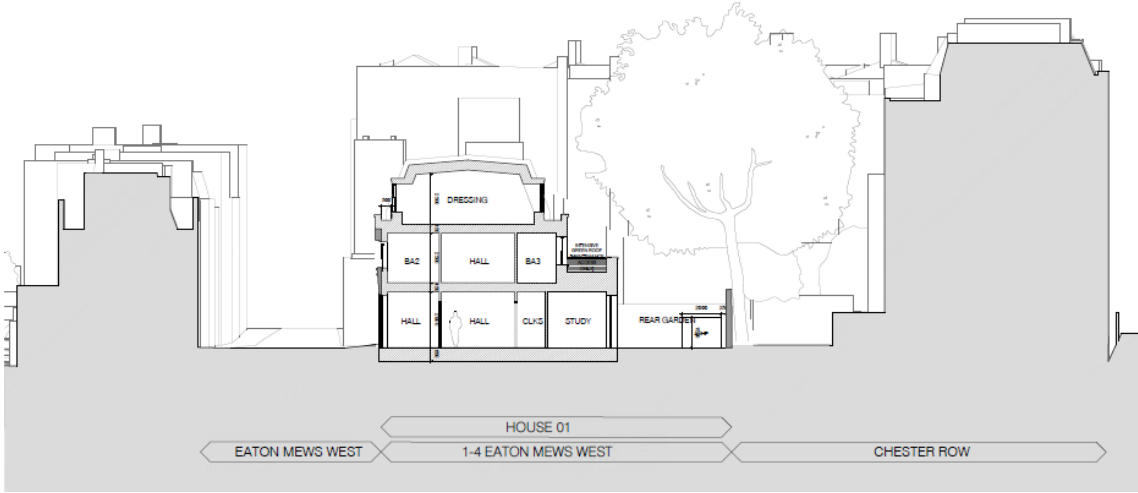
Existing Front Elevation



Proposed Front Elevation



Existing Section



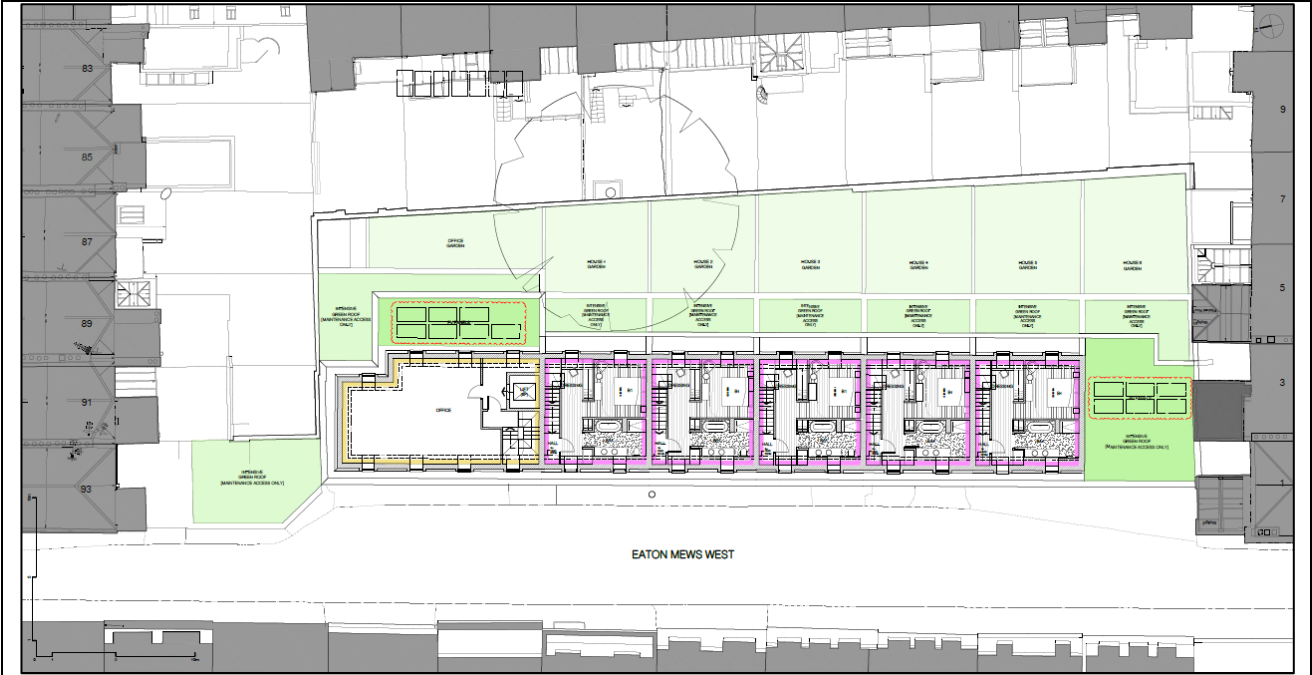
Proposed Section



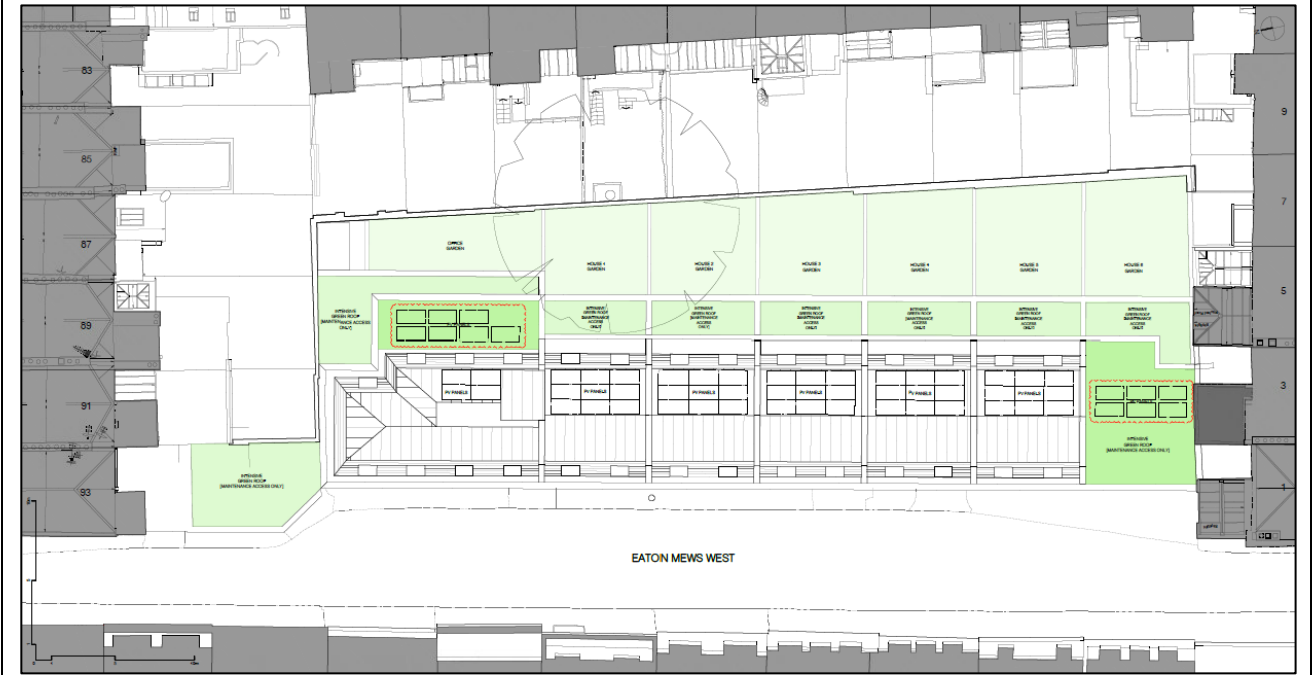
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Roof Plan

DRAFT DECISION LETTER

- Address:** 1-4 Eaton Mews West, London, SW1W 9ET
- Proposal:** Redevelopment of 1-4 Eaton Mews West including demolition behind a part retained facade and replacement building comprising ground and first floor with a new part mansard roof level, to provide six residential (Class C3) units, and provision of office (Class E(g)(i)) accommodation. Creation of rear gardens at ground floor level, installation of plant, and other associated works.
- Reference:** 24/00412/FULL
- Plan Nos:** Existing:
PL0001; PL0100 Rev A; PL0101 Rev A; PL0102 Rev A; PL0200 Rev A; PL0201 Rev A; PL0202 Rev A; PL0203 Rev A; PL0300 Rev A; PL0301 Rev A; PL0302 Rev A; PL0303 Rev A
- Demolition:
PL0500; PL0501; PL0502; PL0600; PL0601; PL0700; PL0701; PL0702; PL0703.
- Proposed:
PL0002 Rev A; PL1100 Rev B; PL1101 Rev C; PL1102 Rev D; PL1103 Rev D;
PL1200 Rev B; PL1201 Rev C; PL1302; PL1303 Rev B; MC0392 DR P02 (Surface Water Drainage Strategy); AIA/MF T0002 (Tree Constraints Plan, revision dated 14.06.2024).
- Other Documents:
Energy and Sustainability Statement Revision 06 prepared by Hoare Lea and dated 24 May 2024.

Case Officer: Max Leonardo

Direct Tel. No. 07817095744

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)

Reason:

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

3 **Pre Commencement Condition.**

Prior to the commencement of any:

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

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

Reason:

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

4 **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 phase 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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)

5 Pre Commencement Condition.

You must apply to us for approval of the design, depth, size, and location and means of installation of foundations. You must also apply to us for our approval of the positions and method to be used to dig trenches, pipelines or ducts for services or drains.

You must not start any demolition, site clearance or building work for these items, and you must not take any equipment, machinery or materials for these items onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that trees on and adjacent to the site are adequately protected. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

6 Pre Commencement Condition.

You must apply to us for approval of a method statement and tree protection plan explaining the measures you will take to protect the trees on the site and adjacent to it. You must ensure that the details you submit to satisfy the tree protection conditions are site specific and are prepared in conjunction with construction management proposals, as adequate protection of trees on/adjacent to the site will rely heavily on an appropriate means of construction.

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 make sure that trees on and adjacent to the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

7 Pre Commencement Condition.

You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

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

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

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

Reason:

To make sure that trees on and adjacent to the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

8 **Pre-Commencement Condition.** You must apply to us for approval of an updated version of the Whole Life Carbon Assessment hereby approved at each of the following stages of development:

- (a) Prior to commencement of any work on site including all works of deconstruction and demolition.
- (b) Prior to commencement of any construction works.
- (c) Within 3 months of first occupation of the development.

Where the updated assessment submitted pursuant to (a) or (b) above identifies that changes to the design, procurement or delivery of the approved development will result in an increase in embodied carbon (A1-A5) above 688kgCO₂e/m² and/or Whole Life Carbon (A1-C4) above 1085kgCO₂e/m², which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be minimised.

You must not commence any work on site and/or construction works (as appropriate pursuant parts (a) and (b) above) until we have approved the updated assessment you have sent us. You must then carry out works, as permitted by the relevant part of the condition, in accordance with the updated version of the Whole Life Carbon assessment that we have approved.

The post construction assessment submitted for our approval pursuant to (c) shall demonstrate how the development has been completed in accordance with the updated benchmarks identified in the updated assessment submitted pursuant to part (b).
(C17AB)

Reason:

To ensure the development minimises carbon emissions throughout its whole life cycle in accordance with Policy SI2 in the London Plan 2021, Policy 38 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Whole Life-Cycle Carbon Assessments' (March 2022).

- 9 Prior to the commencement of any construction works and following completion of RIBA Stage 4, a detailed Circular Economy Statement including a site waste management plan (or updated version of the approved Circular Economy Statement that reaffirms the approved strategy or demonstrates improvements to it), shall be submitted to us and approved by us in writing. The Circular Economy Statement must be prepared in accordance with the GLA Circular Economy Guidance and demonstrate that the development has been designed to meet the relevant targets set out in the guidance, including at least 20% or more reused or recycled content within the whole building. The end-of-life strategy included in the statement shall include the approach to storing detailed building information relating to the structure and materials of the new building elements (and of the interventions to distinguish the historic from the new fabric). The development shall be carried out in accordance with the details we approve and shall be operated and managed throughout its life cycle in accordance with the approved details.

Reason:

To ensure the development is resource efficient and maintains products and materials at their highest use for as long as possible in accordance with Policy SI7 in the London Plan 2021, Policy 37 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Circular Economy Statements' (March 2022).

- 10 You must not alter the ground levels within the root protection area of any of the trees shown to be retained on Tree Constraints Plan ref. AIA/MF T0002 (revision dated 14.06.2024).

If you want to change any levels, including trenching, soil stripping, excavation to install hard and soft landscaping, structures and SuDs features, you must apply to us for our approval of details, and you must not alter levels until we have approved what you have sent us.

Reason:

To make sure that trees on and adjacent to the site are adequately protected. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

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

- 12 You must apply to us for approval of detailed drawings of the following parts of the development:
- All windows (elevations and sections at a scale of 1:10).
 - All doors (elevations and sections at a scale of 1:20).
 - All PV panels (showing framing and profile to the roof).

You must not install these parts of the development until we have approved in writing 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 Belgravia Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 13 All outside rainwater and soil pipes shall be made of metal.

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

- 14 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 12 months 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 the same size and species, (or alternative sizes and species which we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Belgravia Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 15 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs on the buildings to include construction method, layout,

species and maintenance regime.

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

Reason:

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

- 16 You must carry out the development in accordance with the approved Energy and Sustainability Statement (Revision 06, prepared by Hoare Lea and dated 24 May 2024) and the development shall achieve regulated carbon dioxide emission savings of not less than 61% for emissions beyond the Target Emissions Rate of Part L of Building Regulations 2021. Prior to the first occupation of the development, you must complete and make operational the energy efficiency and sustainability measures set out in the Energy and Sustainability Statement. Thereafter you must retain them for the lifetime of the development.

Reason:

To ensure the development minimises operational carbon emissions and achieves the highest levels of sustainable design and construction in accordance with Policy SI2 in the London Plan 2021, Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

- 17 You must not occupy any part of the development until you have applied to us and received our approval for details of the maintenance and management of the sustainable drainage measures. The details of the sustainable drainage measures must include:
- a timetable for their implementation;
 - details of their drainage structures and maintenance requirements; and,
 - a management and maintenance plan for the lifetime of the development, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the measures throughout their lifetime.

You must install the sustainable drainage measures before occupying any part of the development and thereafter management and maintain them in accordance with the details we approved.

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

- 18 Notwithstanding the submitted Flood Risk Assessment, before you begin any above ground works on the replacement building(s) you must apply to us and receive our approval for the following additional flood risk details:
- A finalised drainage layouts showing all pipe connections, location of all SuDS

features and invert / cover levels

b. A plan showing direction of exceedance flows.

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 19 You must not occupy any part of the development until you have applied to us and received our approval for: a detailed verification report (appended with substantiating evidence demonstrating the approved construction details and specifications of the sustainable drainage measures have been implemented in accordance with the approved details), an exceedance plan showing the 1% AEP plus appropriate climate change, finalised drainage layouts showing pipe connections, location of all sustainable drainage measures and invert / cover levels. The verification report shall include photographs of excavations and soil profiles/horizons and any installation of any surface water structure and control mechanism.

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

- 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 Environmental Supplementary Planning Document (February 2022), 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)

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 Environmental Supplementary Planning Document (February 2022). (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 Environmental Supplementary Planning Document (February 2022). (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 Environmental Supplementary Planning Document (February 2022), 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 A The residential units hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per person per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

B The office accommodation hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy S15 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

- 25 Before you begin any above ground works on the replacement building you must apply to us and receive our approval for details of full 'Secured by Design' Accreditation. The details shall demonstrate consultation with the Metropolitan Police Designing Out Crime Officers and that the building, or each part of it, can achieve accreditation. You must then carry out the development in accordance with the approved details.

Before you occupy any part of the development you must have obtained a 'Secured by Design' accreditation for the building, or the relevant part of it, and thereafter you must retain the relevant features.

Reason:

To reduce the chances of crime as set out in Policy 38 of the City Plan 2019-2040 (April 2021).

- 26 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)

- 27 You must provide the separate stores for waste and recycling shown on drawing no. PL1100 Rev B prior to occupying 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 office or residential units (as appropriate).

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)

- 28 You cannot use the office floorspace approve here for any use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it) other than as offices (E(c) or E(g)(i) of Class E).

Reason:

We cannot grant planning permission for unrestricted Class E use because trips generated by and servicing of other uses within Class E would have an adverse impact on the local highway network and would not meet Policies 24 and 29 of the City Plan 2019 - 2040 (April 2021).

- 29 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building - or enlarge those shown on the plans - without our written permission. This is despite the provisions of Class A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it).

Reason:

To protect the appearance of the building and the environment of people in neighbouring properties in accordance with Policies 7, 38, 39 and 40 of the City Plan 2019-2040 (April 2021).

- 30 You must not use any roof of the approved buildings for sitting out or as a roof terrace or balcony.

Reason:

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

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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - i. Carbon offset payment.
 - ii. Restriction of on-street parking permits for two of the resulting homes.
- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

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

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

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

- 4 Condition 4 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 5 Notwithstanding the tree surgery shown in tree report reference Arboricultural Impact Assessment & Method Statement Report AIA/MF/080revA/24 dated 17 June 2024, you must apply to us for approval of a detailed specification of any proposed surgery to off-site trees under the terms of section 211 of the Town and Country Planning Act 1990 (as amended).
- 6 In relation to the assessment required pursuant to part (c) of Condition 8, the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk). To support the results provided in the template, the following minimum evidence requirements should also be submitted:
- (a) site energy (including fuel) use record,
 - (b) contractor confirmation of as-built material quantities and specifications,
 - (c) record of material delivery including distance travelled and transportation mode (including materials for temporary works),
 - (d) waste transportation record including waste quantity, distance travelled, and transportation mode (including materials for temporary works) broken down into material categories used in the assessment,
 - (e) a list of product-specific environmental product declarations for the products that have been installed.
- The data collected must demonstrate compliance with the Whole Life Carbon Assessment approved at application stage, as updated pursuant to parts (a) and (b) of the condition, and will provide an evidence base that informs future industrywide benchmarks or performance ratings for building typologies. In addition to submitting this information to the Council pursuant to the requirements of part (c) of the condition, where the original application was referable to the Mayor of London you should also submit the post-construction assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the requirements of the Mayor's guidance. (I17AB)
- 7 In Condition 8 the reference to deconstruction means works to strip out and remove fabric from the existing building as identified within the Circular Economy statement dated 9 July 2024 that was submitted with the application. (I17BA)
- 8 The pre-demolition audit and Circular Economy Statement required by Condition 9 must accord with the guidance set out in the London Plan Guidance 'Circular Economy Statements' (2022). The demolition audit should follow best practice and include how the value of existing building elements or materials can be recovered, the amount of demolition waste (cross-reference the Recycling and Waste reporting table - refer to section 4.9 for further details), a schedule of practical and realistic providers who can act as brokers for each of the reclaimed items, and

- target reuse and reclamation rates. The Circular Economy Statement should include a Pioneering Bill of Materials which includes reused and recycled content by volume and mass. For reused and recycled content calculations should be submitted as accompanying supporting evidence. , , In addition to submitting the information required by parts (a) and (b) of the condition to the Council, where the original application was referable to the Mayor of London you should also submit the details to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the requirements of the Mayor's guidance. (I16AB)
- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 10 You should design the green roofs so that they are not reliant on mains water for irrigation.
- 11 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)
- 12 The term 'clearly mark' in condition 27 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 13 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.**
- 14 Groundwater Standing Advice, The Environment Agency recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly

referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The verification plan for remediation of land contamination should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with the Environment Agency's guidance Verification of Remediation of Land Contamination.

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.