

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	90 Hamilton Terrace, London, NW8 9UL		
Proposal	Excavation of additional basement area to create a swimming pool, construction of extensions at ground floor to rear and first floor to the side elevation; alterations to windows; replacement of existing terrace balustrade and landscaping and garden alterations.		
Agent	Michael Miller Associates		
On behalf of	Mr Shilen Thakrar		
Registered Number	17/02250/FULL	Date amended/ completed	14 July 2017
Date Application Received	13 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted building located on the north-east side of Hamilton Terrace, within the St John's Wood Conservation Area. Historically the building has been substantially altered and extended with a large full width extension to the rear and terrace above and basement beneath a section of the garden.

Planning permission is sought for the excavation of additional basement area to create a swimming pool, constructions of extensions at ground floor to rear and first floor to the side elevation; alterations to windows; replacement of existing terrace balustrade and landscaping and garden alterations. The proposals have been revised during the course of the application to refine the design and address the tree officers comments.

The St John's Wood Society and John Lyons charity raise objections on the grounds of the basement works and that the works do not comply with the City Council's basement policy.

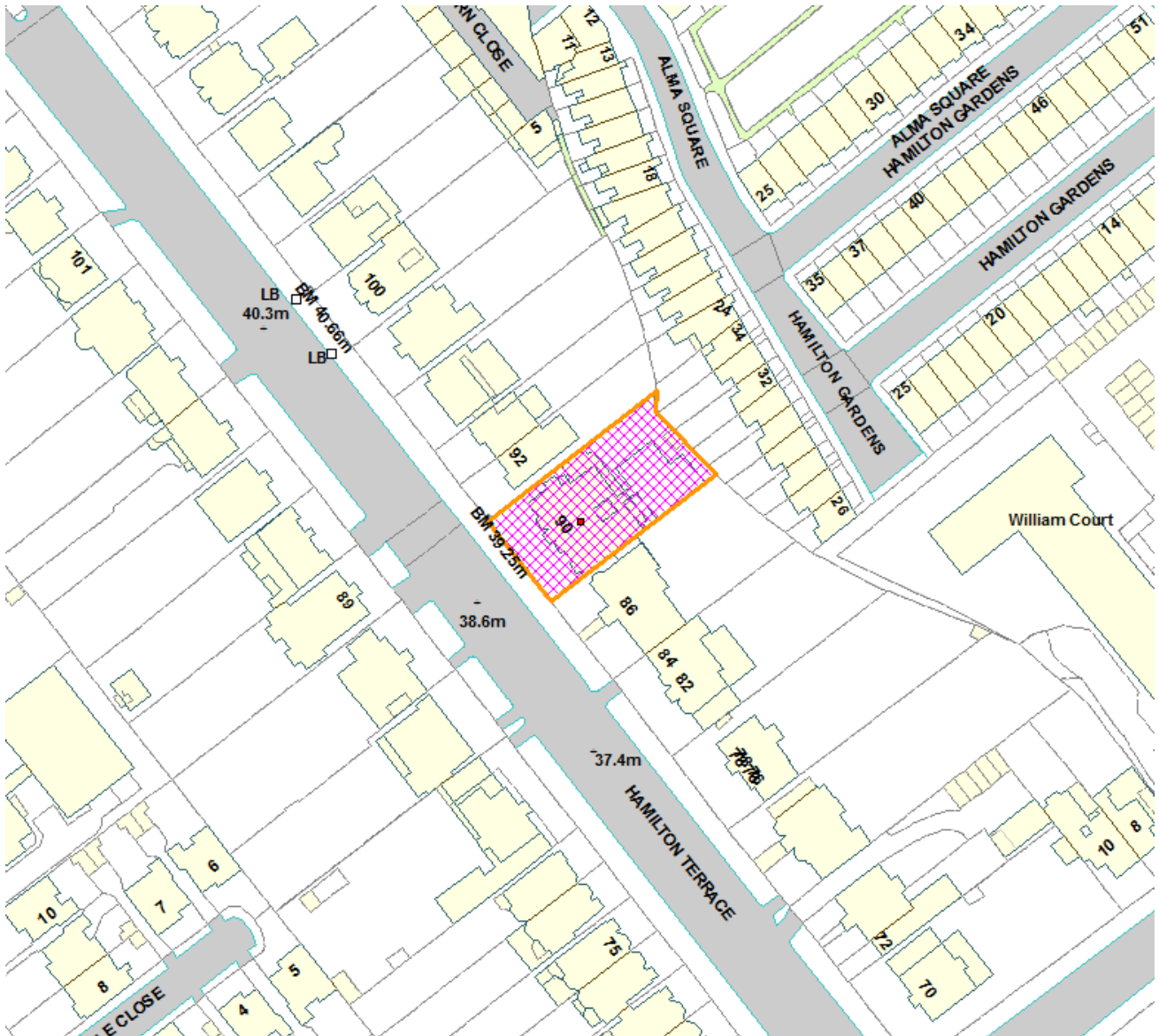
The key issues in the determination of this application are:

- The impact of the proposals upon the St John's Wood Conservation Area;

- The impact of the proposals upon the amenity of neighbouring properties;
- The impact of the proposals upon the existing trees in the application site garden.

The proposal is considered acceptable in conservation and design, amenity and tree terms and comply with policies as set out in the City Plan (adopted November 2016) and the Unitary Development Plan (adopted 2007) and accordingly is recommended for approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.

4. PHOTOGRAPHS

Rear Elevation – photo taken at garden level to show upper levels



Rear Elevation – Photo to show existing ground floor extension



5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY:

The Society objects to the proposed additional basement excavation as the completed basement would extend under well over 50% of the garden space when measured from the building's historic footprint. This is contrary to the council's basement policy. An objection is raised to the inadequate proposed soil depth which does not comply with policy. No objections to the elevations proposed in revision B. The society regrets that the opportunity has been missed to replace the windows on the ground floor beneath the proposed extension of the front elevation.

DISTRICT SURVEYORS:

No objection.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

ARBORICULTURAL OFFICER:

No objection to the loss of the hornbeam trees to the rear provide suitable replacement tree planting is secured by condition, which is also dependant on the removal of a proposed garden rooflight to allow for sufficient soil depth for replacement tree planting.

ADJOINING OWNERS/OCCUPIERS & OTHER REPRESENTATIONS:

Total No. Consulted; 22; Total No. Responses:1

One response from the John Lyons Charity stating the following:

"The scale of the basement development in conjunction with existing extended structures is excessive and does not give sufficient consideration to drainage and sustainable development. The design does not comply with minimum soil depth requirements on page 19 of Westminster's basement development guidelines".

ADVERTISEMENT AND SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located on the north-east side of Hamilton Terrace. The site is located within the St John's Wood Conservation Area. Historically the building has been substantially altered and extended with a large full width extension to the rear and terrace above and basement beneath a section of the garden.

6.2 Recent Relevant History

21 December 1999 (99/11009/FULL and 99/11010/CAC) - Planning permission and conservation area consent granted for 'Alterations including extension to rear ground floor and terrace above, new windows and demolition of swimming pool and enclosure and reinstatement of garden, all to existing dwelling house'.

1 May 2000 (00/02990/FULL) - Planning permission granted for 'Alterations during the course of construction of approved scheme dated 21/12/1999 namely enlargement of basement with new balustrade to escape stair and new outlet for boiler flue in rear garden'.

7. THE PROPOSAL

Planning permission is sought for the enlargement of the basement, an extension at ground floor level on the rear elevation, a side extension at first floor level and alterations to the fenestration.

The proposals have been received during the course of the application to refine the proposals from a design and conservation perspective and to take into consideration comments from the arboricultural officer. The proposals were not considered to require any further neighbour consultation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals to extend this single family dwelling house are considered acceptable in land use terms.

8.2 Townscape and Design

The existing rear elevation at lower ground floor level is formed of large panes of glass set within sliding doors. The existing fenestrations are to be replaced with white powder coated sliding units and the metal fascia's replaced with painted render. The proposed extension will sit centrally on the rear elevation at ground floor level; it will contain a staircase to the basement. The proposed extension is considered to be acceptable in design terms as, when considered in the context of the existing arrangement, is subservient to the host building, of a scale and design in keeping with this section of the building and is not visually detracting. The replacement of the fenestration is not contentious and the introduction of render is welcomed as it will soften the appearance of the contemporary addition and relate more comfortably with the upper levels.

The side extension on the south east elevation at first floor level will replicate the existing extension at this level on the north west elevation in terms of scale, footprint, detailed design and materials. The introduction will result in the building having a symmetrical appearance, which is considered to be in accordance with UDP policy DES 5. Nevertheless a condition requiring the render and roofing material to match the existing is recommended.

A number of fenestrations on the principal building are to be replaced; these primarily relate to unsympathetic alterations which have occurred and will result in more appropriately scaled and detailed fenestration. This approach is welcomed and is in accordance with the aims of DES 1 and DES 5. It is recommended the fenestration are constructed in timber. Additionally details of the railings to the windows on the front elevation are recommended by condition as the details are not shown on the plans.

In considering the basement extension in terms of design, Part B(5 and 6) of City Plan Policy CM28.1 is of particular relevance. The policy states basement development should protect heritage assets and protect the character and appearance of the existing building and gardens setting, ensuring skylights and means of escape are sensitively designed and discreetly located. The current basement is already served by an access staircase located within the garden and a rooflight set within the hard landscaping. It is proposed to replace these external manifestations with a new centrally located skylight, a skylight located against a wall to the staircase and a staircase against the side boundary wall. Whilst the scale of the new rooflight within the paving is overly large for the garden setting, as it will be appreciated against a heavily glazed rear elevation and will only be appreciated in very limited private views, in this context it is considered to be in accordance with CM28.1 and will have a limited impact on the character and appearance on the conservation area. The section drawings do show this rooflight to be raised and an amending condition is recommended requiring the skylight is flush with the paving level; this will reduce its visibility and allow it to integrate better into its setting. The access staircase is comparable to the existing arrangement and therefore is not contentious in design terms.

Within the garden it is also proposed to retain plant enclosures in the corner of the rear garden, adjacent to the rear boundary and beneath the established tree cover. Whilst plant should be located within the envelope of the building, given the concealed location to the rear of the site and hidden by replacement tree planting (discussed further within this report) and limited scale in the context of the garden, this location is not considered to be so harmful as to warrant an objection in design terms. Details of the appearance of the acoustic enclosure are recommended by condition as they do not appear to have been included as part of the application.

The works are considered to be in accordance with UDP and City Plan policies and will have a limited impact on the character and appearance of the conservation area.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Extensions and Alterations:

The proposed single storey rear extension at ground floor level is substantially set in from either side of the existing rear extension and is therefore a sufficient distance away from the adjacent properties on either side of the application site to cause any amenity concerns.

The first floor side extension measures 4.4m in width, measures the depth of the existing first floor at 10m and is 3.1m in height to the eaves and 5.2m to the ridge of the hipped roof which is exactly the same as the first floor side projection to the northern elevation of the property. The extension will occupy an area currently used as a terrace and will be set in

from the parapet of the ground floor side wing by 1.5m and will be set away from the side elevation of 86 Hamilton Terrace by some 3.6m. The extension will replace a door and a large incongruous side elevation window that overlooks second floor side elevation windows in 86 Hamilton Terrace. It should be noted that there are two windows at first floor window, however these are obscured by the existing glazed screening/boundary treatment which is to be retained. 86 Hamilton Terrace is divided into six flats and this second floor window appears to serve a kitchen and a bathroom. Permission has recently been granted under application 16/01636/FULL to convert 86 Hamilton Terrace to a single family dwelling and this window would serve an ensuite and treated accordingly according to the approved plans. One new window is proposed in the first floor side extension, and this is to serve a bathroom. Given the set backs proposed from the existing parapet and the distance to 86 Hamilton Terrace, it is not considered that the proposed first floor extension would result in any unacceptable levels of sense of enclosure. There are no loss of daylight or sunlight issues given the retained distances between the application site and the side elevation of 86 Hamilton Terrace.

The proposed ground floor extension does not result in the extension of the existing first floor terrace and this is welcomed.

Changes are proposed to the existing fenestration to the front and rear elevations and this raises no amenity concerns.

The basement raises no amenity issues given that it is fully subterranean (save for the proposed rooflights, dealt with elsewhere in the report).

Noise from plant:

Plant is proposed in two areas, one in an area located at rear garden area consisting of a condenser unit and the second consisting of ducting terminations of fan units serving the basement accommodation (the fan being located internally) with atmosphere side ducting to a louvre below the external stairs on the west side of the site. Environmental Health officers have assessed the acoustic report submitted with the application (and amended at their request) and have no objections to the plant proposals subject to the standard noise conditions.

For the reasons set out above, the proposals are considered to comply with S29 of the City Plan and ENV 6, ENV 7 and ENV 13 of the UDP.

8.4 Transportation/Parking

The proposals raise no highways or transportation issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals do not alter the access requirements to the residential dwelling.

8.7 Other UDP/Westminster Policy Considerations

Basement Excavation:

Policy CM28.1 relates to all basement development in the City. An objection from St John's Wood Society and on behalf of an adjacent land owner has been received on the grounds that the basement is excessive and doesn't comply with policy and that the basement raises structural and drainage concerns.

The applicant has submitted a detailed structural methodology statement which has been assessed by the City Council's District Surveyors who consider this to be acceptable. The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice in order to minimise the impact of any development upon the amenity of neighbouring properties. The site lies outside of a flooding 'hotspot' and is therefore not considered to increase flood risk. The proposals are considered to comply with Part A of the policy.

The proposals will result in the loss of or harm to the Hornbeam Trees in the rear garden, however for the reasons set out below there are no objection to this subject to replacement tree planting. The site is not within a flooding/ surface water hot spot and therefore raises no flooding issues. An objector has raised a comment that the drawings do not show any drainage information. It should be noted that on the structural drawings, this is annotated. These initial details have been reviewed by the City Council's District Surveyors who raise no objection to the proposals. In any event drainage matters are dealt with by Thames Water and an informative advising the applicant to contact Thames Water is attached. As discussed above, the proposed basement works incorporate lightwells/ rooflights to the rear elevations. These are considered to be well designed and discreet and are considered to protect the character and appearance of the existing building. The proposals are therefore considered to comply with Part B of the policy.

Regarding Part C of the policy and as set out in the drawings, and despite an objection received on these grounds, the proposed basement is of a single storey, will not extend beneath more than 50% of the garden land. The applicant has confirmed the total area of basement excavation, including the existing basement excavated in 2000 amounts to 312m². The total garden land area is 805m² (site area of 1046m² – original house (not including extensions) of 241m²). The total area to be occupied by any basement excavation is therefore less than 50% and therefore policy compliant.

As a result of revisions there is now a minimum depth of 1m soil depth and 200mm for drainage accommodated above the new basement. In response to the objectors concerns that there is not a soil depth of 1.2m above the existing basement, where the proposed rooflight is to be sited, this is not required by the policy. The proposals comply with Part C of the policy.

Part D of the policy is not relevant.

Trees:

There are a row of hornbeam trees to the rear of the application site, adjacent to the rear edge of the proposed basement excavation. These appear to have been in situ since the renovations works in 2000. As originally proposed, the applicant's arboricultural officer considered that these hornbeams could be retained, despite the excavation works

proposed in such close proximity to the trees. The proposals have been revised during the course of the application upon the advice of the City Council's arboricultural officer, who considered that the hornbeams wouldn't survive the works, but in any event, subject to replacement tree planting did not have an objection to the removal of the trees. Also originally proposed was a rooflight in the far end of the garden, to serve the basement below. This has been omitted from the scheme, as detailed above for design reasons and because it wouldn't allow for sufficient soil depth for replacement planting. The revised proposals have now addressed the comments raised and subject to conditions, the proposals are acceptable in terms of trees and landscaping.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Where relevant Environmental Impact issues have been addressed elsewhere in this report.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society, dated 7 August and 5 September 2017
3. Response from Building Control - Development Planning, dated 25 July 2017
4. Response from Arboricultural Officer dated 21 and 30 September 2017.
5. Response from Environmental Health dated 8 August 2017
6. Letter from John Lyons Charity dated 18 August 2017

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

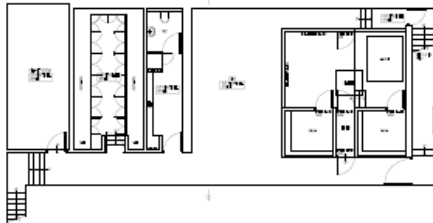
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

Item No.

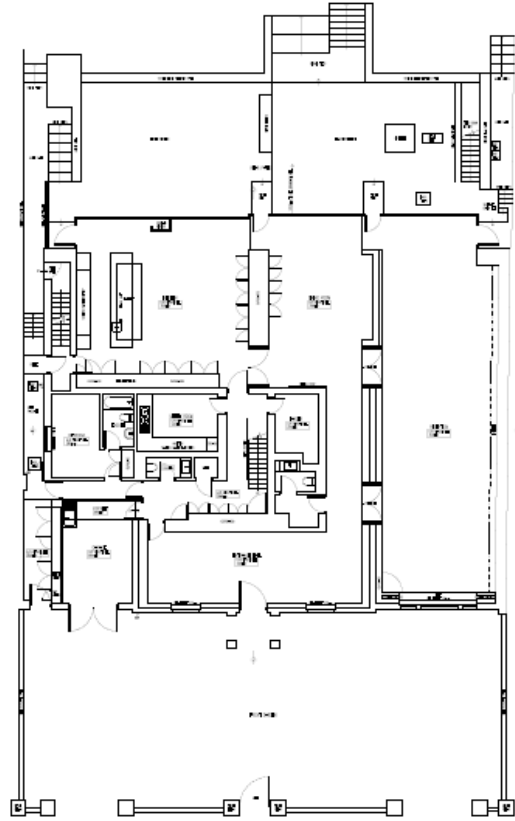
6

10. KEY DRAWINGS

Existing Basement and Ground Floor Plans

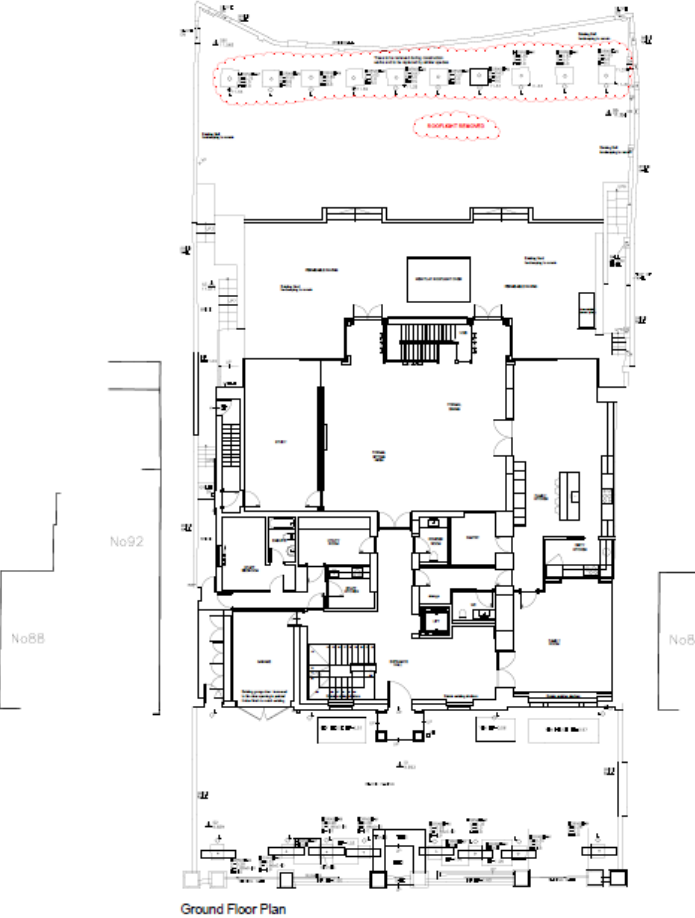
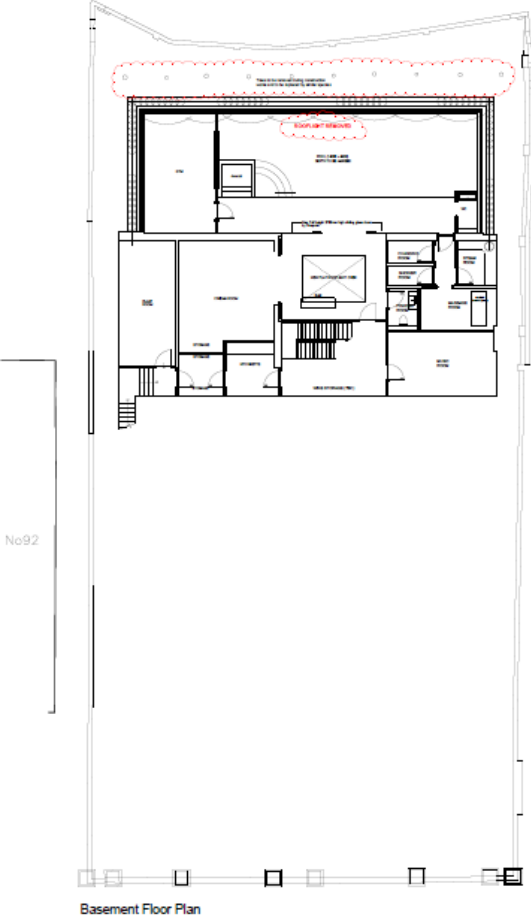


Basement Floor Plan

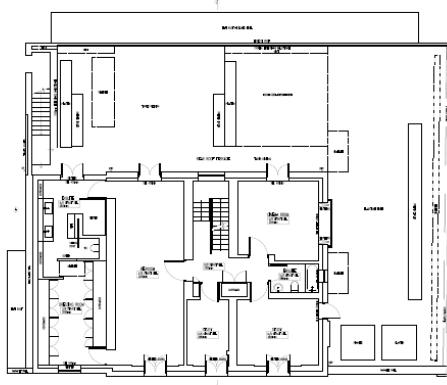


Ground Floor Plan

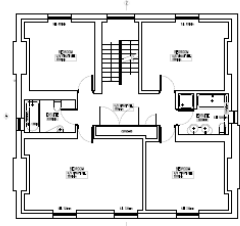
Proposed Basement and Ground Floor Plans



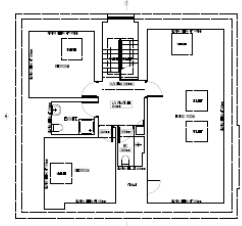
Existing Upper Floors



First Floor Plan

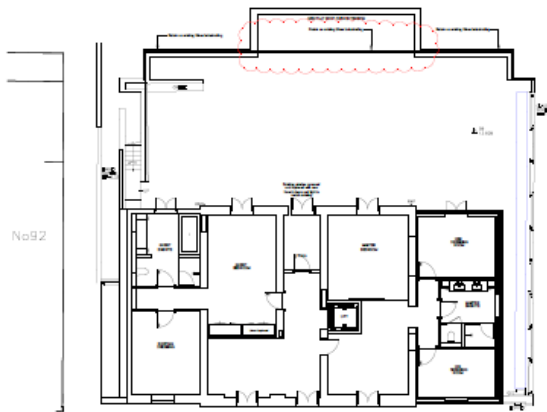


Second Floor Plan



Third Floor Plan

Proposed Upper Floors



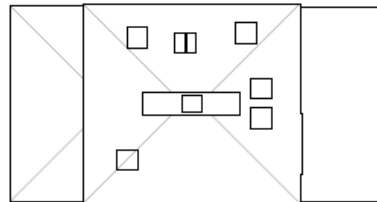
First Floor Plan



Second Floor Plan



Third Floor Plan

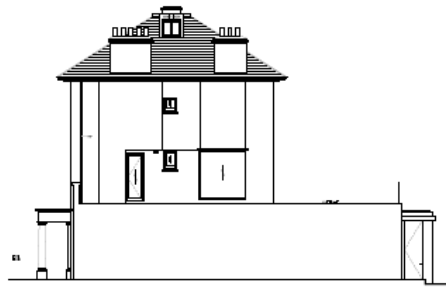


Roof Plan

Existing Elevations and Sections



South West Elevation



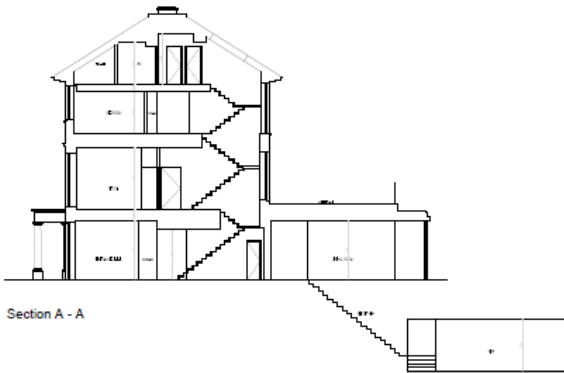
South East Elevation



North East Elevation

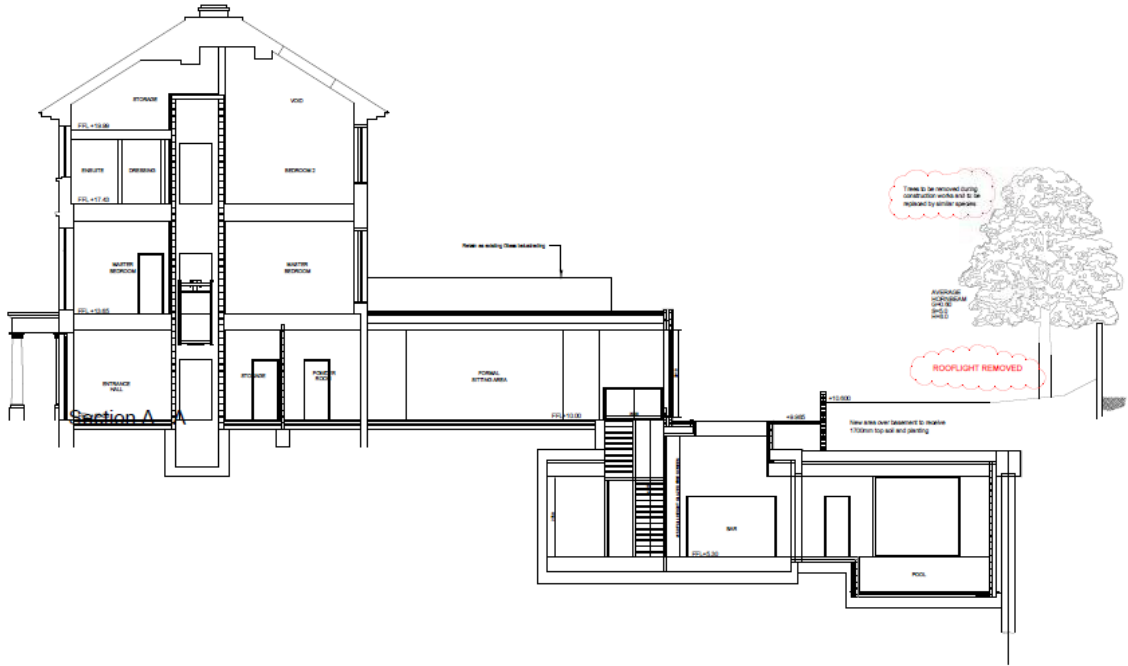


North West Elevation



Section A - A

Proposed Sections



DRAFT DECISION LETTER

Address: 90 Hamilton Terrace, London, NW8 9UL,

Proposal: Excavation of additional basement area to create a swimming pool, constructions of extensions at ground floor to rear and first floor to the side elevation; alterations to windows; replacement of existing terrace balustrade and landscaping and garden alterations.

Plan Nos: 110 A; 111 A; 112 A; 300 B; 301 D; 302 C; 303 D; 304 D; Design and Access Statement; Acoustic Report Rev A dated 20 July 2017.

For information only: Appendix A; Structural Methodology Statement dated June 2017; Ground Movement Assessment dated August 2017; Flood Risk Assessment dated May 2017.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an

approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of samples of the render and roofing materials you will use for the first floor side extension. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:
1) acoustic enclosures;
2) details of railings to windows on front elevation.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- 1) skylight (closest to proposed rear extension) to sit flush with paving.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping

equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;

(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 You must put install the acoustic enclosures as approved under Condition 5, before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning

permission.

- 11 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 12 You must plant new trees to replace those which are shown to be removed on drawing 301 D. The replacement trees must be planted in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution

applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 8 Conditions 8, 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 10 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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

Item No.

6
