

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	72 and 74 Hamilton Terrace, London, NW8 9UL,		
Proposal	Demolition of two-storey coach house (no.72) and building behind retained front façade and side returns (no.74) and construction of new five storey plus basement building to provide 7 residential units, with associated alterations. Demolition of two garage blocks to rear and construction of new 'U' shaped building of ground and basement to provide a single dwelling house.		
Agent	Mr Emilios Tsavellas		
On behalf of	Mr Benjamin Goldkorn		
Registered Number	18/01183/FULL	Date amended/ completed	9 February 2018
Date Application Received	9 February 2018		
Historic Building Grade	Unlisted. No.74 unlisted building of merit.		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for works of demolition and construction of new buildings including excavation to provide a basement to provide a 5-storey plus basement building to accommodate seven flats and basement car parking together with a single storey plus basement building within the rear curtilage to provide a single dwelling house.

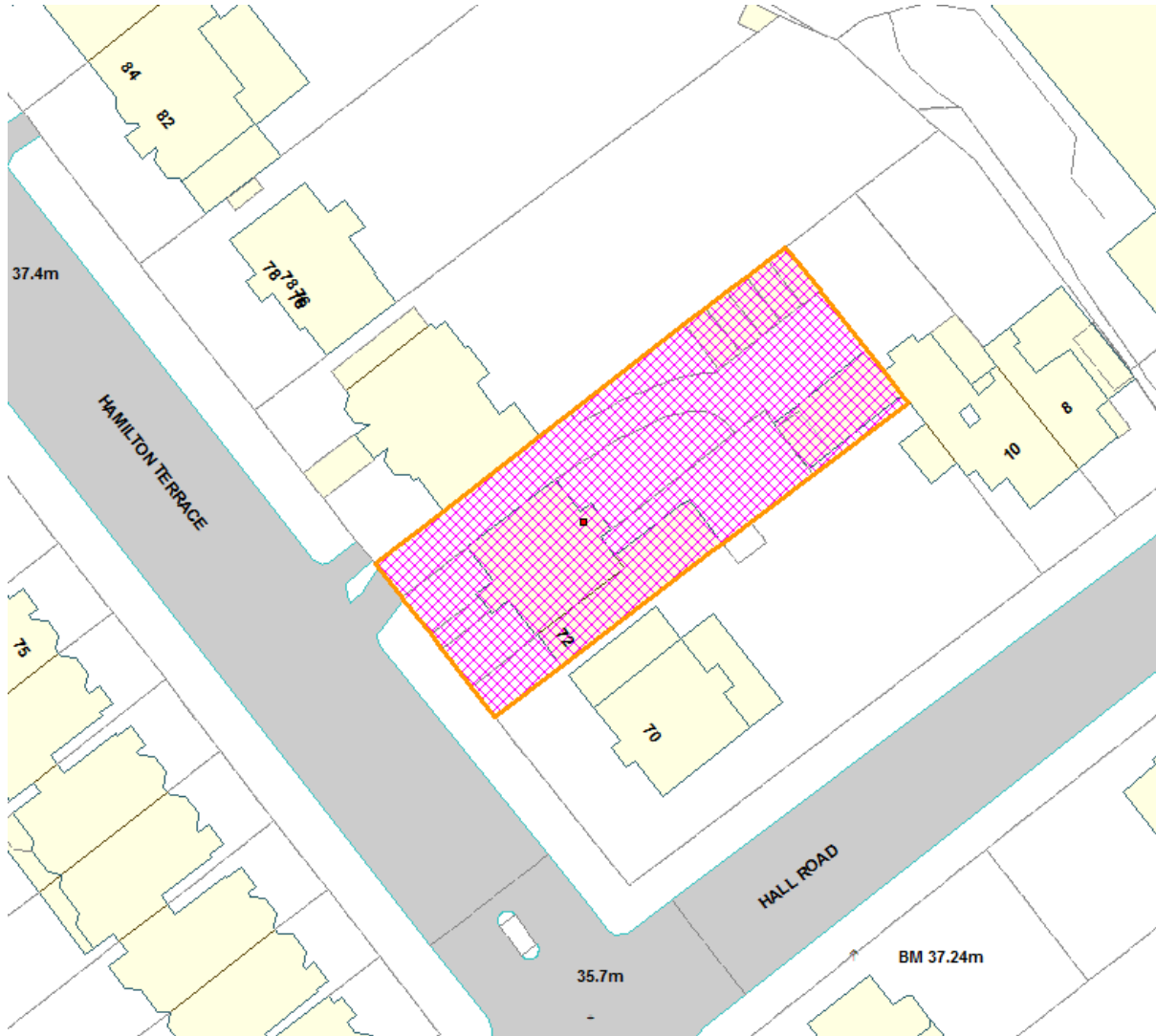
Two objections from neighbouring occupiers have been received on the grounds of the design of the rear dwelling house and on the grounds of the impact of the development on the amenity of adjoining occupiers.

The key issues in this case are:

- The principle of backland development at the site.
- The impact of the proposed demolition and development on the character and appearance of the building and St John's Wood Conservation Area.
- The impact of the proposal of the amenity of the neighbouring occupiers.

For the detailed reasons set out in this report, the proposed development is considered to accord with the relevant land use, design, amenity and environment policies in the Unitary Development Plan adopted in January 2007 and Westminster's City Plan adopted in November 2016. Therefore, subject to the recommended conditions set out in the draft decision letter appended to this report, it is recommended that permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

REAR OF NO. 72/74 HAMILTON TERRACE



VIEW TO THE EXISTING GARAGES TO THE REAR



5. CONSULTATIONS

THAMES WATER

No objection.

ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection, but would prefer the existing vehicular access widths to be maintained.
Request car lift and turntable strategy

CLEANSING

Objection; the current proposals for waste management are not in line with the council's waste storage requirements.

ENVIRONMENTAL HEALTH

Further information requested with respect to site investigation for contamination, remote rooms, plant.

ARBORICULTURAL SECTION

Any response to be reported verbally.

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 160

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two emails/letters received raising comments on all or some of the following grounds.

Land Use

- The use of the site will be intensified.

Design

- Poorly design outbuilding that does not connect with the surrounding area or wider context.

Residential Amenity

- The terrace at first floor and balcony at second floor will result in overlooking and loss of privacy as the building line will be set back further into the garden.
- The balconies will result in additional noise disturbance and will impact upon the enjoyment of the neighbouring gardens.
- There is concern on the size of the green roofs proposed and whether these will be used as additional amenity space.

- No information is provided in relation to the lighting of the communal garden/landscaped areas and therefore cannot determine if there will be an impact in term of lightspill to neighbouring properties.
- The daylight/sunlight report is not visible online, and therefore cannot determined if there will be overshadowing to neighbouring gardens.

Other

- The comments from Building Control are noted and the lack of research into the existence of groundwater should be addressed with further information for consideration. In the absence of sufficient information objection is raised to the potential impact of the basement on adjoining properties.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located within the St John's Wood Conservation Area and comprises of No. 74 Hamilton Terrace, a five storey detached property that is currently sub-divided into flats and No. 72 Hamilton Terrace which is a two-storey coach house constructed as a later extension to No. 74. The application site also includes two single storey outbuildings to the rear that are currently sets of garages.

The buildings on site are not listed, however No. 74 Hamilton Terrace is identified as an unlisted building of merit.

Recent Relevant History

There is no relevant planning history recorded in relation to No. 74 Hamilton Terrace, however prior to 2006, No. 72 Hamilton Terrace existed as a single storey addition to No. 74. Planning permission was granted in 2006 (RN: 06/03105/FULL) for the erection of a single storey extension at first floor level, this permission allowed for the creation of the two storey coach house as currently present on site.

7. THE PROPOSAL

The application proposes the complete demolition of the two storey coach house (No. 72 Hamilton Terrace), partial demolition of No. 74 Hamilton Terrace with the exception of the façade and side returns and the demolition of the detached garage blocks to the rear.

No. 72-74 Hamilton Terrace will be rebuilt over basement and 5 uppers storeys to provide 7 residential units and a single storey dwelling will be constructed in place of the demolished garages to provide a single family dwelling. The table below demonstrates the existing and proposed gross internal floor area (GIA) and the net uplift in area.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
Use C3 Residential	984	1,943	995

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.2 Loss of garages

The applicant advises that the existing garages to the rear do not at present serve the existing flats and are in use as storage and a car repair workshop. There is no record of planning permission or a lawful development certificate in place for the car repair workshop. Policy COM1 of the UDP seeks to retain small scale industrial uses outside the special policy areas, where the use meets local service and employment needs of the residential community and has no adverse impact on residential amenity. In this instance, given the lack of planning permission or support for the retention of the use, and the priority given to residential use, the loss of the car repair garage is considered acceptable.

8.3 Residential

The proposed increase in residential floor space by 955m² and increased provision of family sized units (2 additional, increased percentage from 25% to 50%) is welcomed in accordance with policies H3 and H5 of the Unitary Development Plan and S14 and S15 of our City Plan.

Residential Unit Mix

Unit Size	Existing No.	Proposed No.
1 Bedroom	3	3
2 Bedroom	3	1
3+ Bedroom	2	4

Standard of Accommodation

The table below outlines and internal floor areas of the proposed residential units in ascending order.

Unit	Internal Floor Area (m ²)
1 (Studio)	38
2 (3 bed)	260
3 (1 bed)	50
4 (3 bed)	227
5 (3 bed)	206
6 (2 bed)	136
7 (1 bed)	84
8 (3 bed)	325

In terms of the quality of the accommodation provided, the proposed units within the development are well within the required floor standards set out by the Department of Communities and Local Government Technical Standards (2016).

Furthermore, the level of aspect is considered to be sufficient and all of the provided flats will have access to amenity space in the form of a communal garden. Overall the quality of accommodation is considered to be acceptable and would provide for a good quality living environment for future occupiers in accordance with policy ENV13 of our UDP and S29 of our City Plan.

This application does not meet the thresholds for the requirement to provide affordable housing, given that the increase in residential floor area is below 1000m² and there is no net increase in the number of residential units.

8.4 Townscape and Design

The application site is located on the east side of Hamilton Terrace, located near the junction with Hall Road. The site is currently occupied by a ground plus 2 storey building with lower ground floor and roof level and has been subdivided into flats (no74 Hamilton Terrace). To the east of the principle building is a 2 storey brick addition which extends beyond the rear elevation of the main building and is currently in use as a single unit (no.72 Hamilton Terrace). To the west of the building lies a driveway leading to the rear of the site which is occupied by 2no garage blocks located against the party wall boundaries. The building is located within the St John's Wood Conservation Area and has been identified as an Unlisted Building of Merit.

The application site formed part of the first phase of development of St John's Wood in the early-mid Victorian period, with buildings of this architectural style being prominent, and is considered to positively contribute to the conservation area. The contribution that this phase of development has had on the character and appearance of the St. John's Wood is recognised in the conservation area audit. The main building's detailed design, form, use, materials and setting all reflect this phase of the area's development, although it is recognised the building has undergone historic alterations. Nevertheless, the current building remains proportionate to it setting and is in keeping with the character and appearance of the area. As identified within the Applicant's supporting statement, the adjoining brick building has been identified as having a limited contribution to the character and appearance of the area, with the principle of demolition having previously been accepted.

All the buildings located within the immediate vicinity of the site are identified in the St John's Wood Conservation Area Audit as being unlisted buildings of merit. Thus in terms of heritage issues which arise from the current proposal, these include the impact on the character or appearance of the St John's Wood Conservation Area; and the impact on the unlisted buildings of merit identified.

Legislation and Policy

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that "In the exercise, with respect to any buildings or other land in a conservation area...

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special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise of the St John’s Wood Conservation Area Conservation Area. UDP Policy DES 1 establishes principles of urban design and conservation, ensuring the highest quality of new development. With regards to architectural quality it states that development should be of the highest standards, use high quality materials appropriate to its setting and maintain the character, scale and hierarchy of existing buildings. UDP Policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster’s townscape. The policy sets out considerations whereby new infill development must have regard to the prevailing character and quality of the surrounding townscape.

UDP policy DES 5 seeks to ensure the highest standards of design in alterations and extensions to existing buildings. It specifically notes that permission will be granted for development where it is confined to the rear of the building, does not visually dominate the existing building, is in scale and of a design which reflects the host building and the materials reflect the host building and its setting.

Furthermore, with regards to Conservation Areas, UDP policy DES 9(B) states that development proposal involving the demolition of an unlisted building may be permitted if the design quality of the proposed development is considered to result in an enhancement of the Conservation Area’s overall character or appearance.

St John’s Wood Conservation Area and the significance of the affected heritage assets
A detailed heritage appraisal has been submitted with the application and this has assisted with the assessment of the contribution that the application site makes to the conservation Area. The St John’s Wood Conservation Area represents the first example of ‘suburban’ residential development in Inner London, having been built up in the 1820s and 1830s. Hamilton Terrace forms part of the original pattern with large detached and semidetached villas, in a regular composition and architectural styles, combined to create an informal and picturesque townscape. Most are set within generous gardens, with open gaps providing glimpses between buildings to trees and greenery beyond.

The application site is an Italianate-style villa, typical of those along Hamilton Terrace. The accompanying heritage statement details the developments of the building, showing the original plan form in 1880 and lightweight additions to the side elevation and the erection of a glass canopy (which still exists on the neighbouring building) in 1894. Of particular relevance is the erection of the side extension, which is now no72, in the 1950s and the insertion of the access road and garages first shown on the 1966 OS map. Further alterations and extensions have taken place, most notably to the rear at lower levels and at roof level including side dormers. The building has also been converted into flats and therefore a degree of alteration internally has also occurred.

Proposed Development

The application proposes the demolition of no.72 Hamilton Terrace and the partial demolition of no74 Hamilton Terrace with the front and side elevations being retained. The replacement building will be centrally located within the plot, be of a comparable height with the existing building and have side and rear extensions at lower ground, ground and first floor levels. It is proposed to excavate a basement level beneath the building and part of the rear garden. The building will be rendered on all elevations and have a slate covered roof. On the front elevation, it is proposed to reinstate the canopy covering the walkway.

The garages to the rear are to be demolished and replaced with a dwelling occupying an excavated basement level and one level above ground. The building has a U-plan with the rear boundary of the site forming the rear elevation of the building, consequently the building faces in on itself as there is only glazing on the internal side elevations. The building is to be clad in timber with hand laid bricks to the rear elevations and have a green roof. A lightwell is located adjacent to the central section and a second lightwell is located against the front elevation.

Assessment

In accordance with DES 9(B)(2) the partial demolition of no74 Hamilton Terrace is considered to be acceptable in this instance as the design quality of the replacement areas of the building is considered to enhance the conservation area's character and appearance. The proposed form and scale of the building is reflective of the buildings original footprint, with the demolition of no.72 restoring the appearance of the front elevation. The proposed side and rear extensions are considered to be of an appropriate scale and form and are in keeping with the architectural style of the building and those in the immediate setting. The roof form is to be reinstatement in a comparable form and mass with the existing, save for the fenestration detailing particularly on the rear elevation. Consequently the scale, form and mass of the proposed building are considered to be acceptable, preserving the character and appearance of the conservation area.

The detailed design of the building is in keeping with the architectural style of the principle building with the architectural detailing, hierarchy and fenestration style being reflective of the buildings in the immediate setting. During the course of the application the hierarchy on the rear elevation has been reinforced by the reduction in scale of the fenestration on the upper levels; proportionally the relationship is now considered to be appropriate. The application does not contain details of the materiality of the fenestration and therefore these are requested by condition. Additionally details of the materials are requested by condition to ensure they are appropriate to maintain the character and appearance of the conservation area. The introduction of sedum roofs on the flat roof section, which is a welcomed feature; this should be secured by condition.

One neighbour comment has been received regarding the single dwelling located to the rear of the application site. The comment raises concerns that the building is poorly designed and has no connection with its surroundings or wider context. UDP policy DES 4 relates to infill developments and states that the insertion of a dwelling should have regard to the prevailing character and quality of the townscape. Hamilton Terrace and the wider area of St John's Wood is generally characterised by larger buildings set within generous plots. Typically there is little or no development within the rear gardens and if

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so they are of a small scale and subordinate to the principle building and garden setting. The existing arrangement at the application site is notably different from the typical character of the area; the rear garden is largely hard landscaped with 2no garage blocks to the rear therefore making the rear of the site already developed. In this unique context the principle of erecting a building on the existing developed footprint is considered to be acceptable.

The building has been designed so as to have a limited impact on the perceived garden setting. The building will be appreciated as a single storey structure due to the subterranean level and therefore will be no higher than the existing garage blocks and the existing boundary walls. The building does not encroach further into the garden than the existing garages and whilst the built form will extend along the rear boundary, this too will not rise higher than the rear boundary wall. The material palette includes timber cladding and stock brickwork therefore reflecting the existing boundary treatments and materials typically found on garden buildings. The layout of the building has been designed as such so that the fenestration faces inwards and design details have been proposed to obscure the glazing from any private views, therefore the appreciation of the building as a dwelling will be limited from any buildings in the immediate area.

Furthermore the building will have a green roof and therefore when overlooked is considered to be an enhancement on the existing hard landscaped area. Consequently the proposed building is considered to be acceptable in design and heritage terms, being an enhancement on the existing situation and having a limited impact on the character and appearance of the conservation area.

In considering the basement excavation in terms of design, Part B(5) of City Plan Policy CM28.1 is of particular relevance. The policy states basement development should protect the character and appearance of the existing building and garden setting, ensuring lightwells and means of escape are sensitively designed and discreetly located. Furthermore, the City Council's SPG 'Basement Development in Westminster' provides advice and guidance on the siting and detailed design of the necessary manifestations.

The principle of excavating a basement beneath the footprint of the building is not contentious in design terms. The external manifestations include a lightwell to the rear of the principle building, 2no lightwells in association with the single dwelling and an access staircase from the basement level which will be covered. The number, scale and positioning of the lightwells are considered to be in accordance with policy and guidance; they are principally located against elevations and have been designed as part of the landscaping scheme, therefore they are considered to have a limited impact on the garden setting and the character and appearance of the wider conservation area.

In conclusion, having had regard to the duties imposed by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered to be acceptable in design and heritage terms and would have no adverse impact on the character and appearance of the St John's Wood Conservation Area or on the setting of the undesignated heritage assets. The proposal is considered to comply with UDP policies DES 1, DES 4, DES 5 and DES 9 as well as S25 and S28 of the City Plan and Chapter 12 of the NPPF.

8.5 Residential Amenity

Sunlight and Daylight

The application is supported by a daylight and sunlight report that demonstrates that the proposal will not result in a detrimental reduction in levels of daylight/sunlight to surrounding properties in line with the BRE Guidance.

The report identifies the neighbouring residential properties that will potentially be affected, and therefore analysed, as being No. 76 and No. 70 Hamilton Terrace. The assessment concludes that all windows in No. 76 Hamilton Terrace will retain a Vertical Sky Component (VSC) of above 27%, which is BRE compliant. In terms of No. 70 Hamilton Terrace, none of the windows will see a reduction in daylight of more than 20% VSC.

Sense of Enclosure

The proposed rear dwelling is no higher than the existing rear garage blocks, it is not considered that it will result in an increased sense of enclosure to the residential block to the rear, or either of the adjoining properties.

In terms of the rebuilt rear of the host building, the rear building line will project further than existing and the side elements will sit closer to the boundary with the neighbouring properties. However, the rear projection of the building is set in from the boundaries and therefore is a sufficient distance away to prevent any increased sense of enclosure to the windows in the rear of the adjoining properties.

Privacy

There are currently windows on the flank elevations between the application site and the adjoining properties. The proposal includes the removal of these, which is considered to be an improvement on the existing situation.

The proposed rebuilt property in place of No.72/74 Hamilton Terrace includes the introduction of terraces at ground and first floor levels. An objection has been received from an adjoining occupier that these terraces will result in additional loss of privacy to the adjoining garden. However it is not considered that this will result in a loss of privacy to the adjoining occupiers of No. 70 and No. 76 Hamilton Terrace given the distance and relationship between the application site and these properties. Furthermore, the terrace are set in from the boundaries with both adjoining occupiers. The applicant advises that they will introduce planting and screening to the proposed terraces, a condition is recommended to secure the details of these privacy measures.

An objection is raised on the grounds that the green roofs should not be used as additional amenity space. A condition is recommended to control this. In relation to the dwelling to the rear of the site, the property will wholly face inwards onto a courtyard, and therefore there will be no windows on the external elevations which prevents any potential overlooking or loss of privacy to both the flats in the host building and the adjoining occupiers. It is also proposed to restrict this property's permitted development rights in the interest of protecting amenities and character and appearance of the conservation area in the future.

Noise

The application has been supported by an acoustic report outlining the required design level criteria for the proposed plant. The acoustic report does not provide the manufactures specification of the plant so conditions are therefore recommended to secure a supplementary acoustic report to demonstrate that the plant complies with the City Council's design noise level criteria in accordance with policy ENV6 of our UDP and S32 of our City Plan.

8.6 Transportation/Parking

The proposal makes provision for off-street car parking in the form of a basement car park. The carpark is proposed to be access from Hamilton Terrace utilising an existing vehicular access, which is proposed to be widened. An internal car lift would provide access from street level down to the basement car park. The Highways Planning Manager is satisfied with the use of a car lift and waiting on street in the unlikely event that the lift is already in operation, however he is not supportive of the widening of the existing vehicular access in this location. The applicant has therefore removed the widening of the access from the proposals. As such, conditions are proposed to secure the submission of a detailed strategy (for operation and maintenance) for the car lift.

In addition, two additional car parking spaces are proposed at site level. One to the rear of the site for the dwelling house, would be provided with a turntable to enable access and egress to the site in a forward direction. A detailed strategy (for operation and maintenance) or the car turntable is to be required by condition. The second space is retained in its existing location within the front curtilage of the site.

The car parking provision of 9 spaces for 8 dwellings is considered to be acceptable and meets policy TRANS23 of our UDP.

Provision for cycle parking for 14 cycles is also proposed within the basement. in accordance with the London Plan requirements.

In relation to the storage of waste and recyclable materials, the current proposals for waste management are not in line with the council's waste storage requirements. The proposals do not include storage provisions for bulky waste, the bin storage capacities, the entrance to the waste store within the basement is too narrow and under counter waste storage compartments are required within each flat. A condition is recommended to require the submission of a waste management strategy to overcome the issues raised.

8.7 Economic Considerations

No economic considerations are applicable for a development of this size.

8.8 Access

8.9 Other UDP/Westminster Policy Considerations

Basement:

The proposed basement development appears from the information available to be compliant with the City Plan policy on basement development (Policy CM28.1).

Single Storey

The policy requires that basements must not be more than a single storey below the original floor level and the policy’s supporting text states that this is a floor to ceiling height of 2.7m. In this instance, the proposed basement level excavation is to a depth of 3.9m with a floor to ceiling height of 3m. The applicant advises that the additional depth is required to allow for vehicular access to the basement to allow for its use as car parking. Given that the basement allows for the development to meet the required car parking standards, and that whilst deeper than usually allowed, will only result in a single additional storey and the level of excavation is considered to be acceptable in this instance.

Undeveloped Garden Land

The policy requires the basement developments to residential buildings not to extend beneath more than 50% of the garden land of the original. The proposals will not result in the development of more than 50% of the existing garden land. This is demonstrated within the table below.

Area of Existing Garden Land	Area of Basement Development	Retained Garden Land	% of Developed Garden Land
813m ²	397m ²	416m ²	48.8%

Margin of undeveloped land

The policy requires that a margin of undeveloped land proportionate to the scape of the development and affected garden is maintained around the entire site boundary. The proposals include a margin around the entire basement which is considered consistent with the basement policy. Furthermore, the site will include soft landscaping to the rear and a permeable surface area of 232m² which will allow for sufficient drainage and will reduce the risk of surface water flooding. The provision of a green roof to the rear dwelling provides further drainage.

Building Control have assessed the proposed basement, the accompanying structural method statement, the method of construction, underpinning and safeguarding of the neighbouring site and confirmed that these are acceptable. They have confirmed that the proposal to safeguard adjacent properties during construction is considered acceptable and that the proposal would not increase the likelihood of flooding in the local area and it should not have significant effects on the structural stability of neighbouring building.

The applicants have submitted the required Appendix A to indicate their compliance with the Code of Construction Practice which is to be secured by condition. The proposed basement is compliant with all other relevant elements of the policy and considered acceptable.

Sustainability:

The applicant has provided a detailed report exploring the energy and sustainability of the proposals which include the aspirations to have a 35.9% improvement in carbon dioxide emissions over the Target Emission Rate and a renewable energy deployment

meeting 23% of the CO2 emissions associated with the development's regulated energy demand.

The measures that are included in the Sustainability statement to maximise energy efficiency of the development are welcomed and would ensure that the development accords with Policy ENV 17 of the UDP and S40 of the City Plan.

The lime tree, yew tree and false acacia trees within the site are protected by a Tree Preservation Order (TPO). Other trees are protected by virtue of being located within a conservation area. The applicant has submitted a tree report in support of this application. This indicates that four trees are proposed for removal to facilitate the proposed development; three false acacia trees and one apple tree. All other trees are shown to be retained and protected. The views of the City Council's tree officer are awaited and will be reported verbally.

8.10 London Plan

The application does not raise any strategic issues.

8.11 National Policy/Guidance Considerations

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

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application. The development is CIL liable due to more than 100m² of additional residential floor space being created. Based on the applicant's floor space figures the CIL liability is expected to be £49,750 in respect of the Mayor's CIL and £547,250 in respect of Westminster's CIL; albeit it should be noted that this is before consideration of any exemptions that may apply.

8.13 Environmental Impact Assessment

The development is of insufficient scale to require an Environmental Impact Assessment.

9. BACKGROUND PAPERS

1. Application form
2. Response from Thames Water, dated 20th February 2018
3. Response from Highways Planning dated 3 April 2018
4. Response from Environmental Health, dated 26 February 2018
5. Response from Building Control, dated 9 April 2018
6. Response from Projects Officer (Waste), dated 2nd March 2018
7. Letter from occupier of 6 Hall Road, London, dated 22 February 2018
8. Letter from occupier of 70 Hamilton Terrace, dated 24th March 2018
9. Email from Savills (on behalf of applicant) dated 27th March 2018.

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

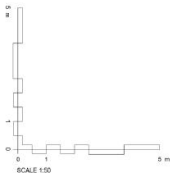
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10. KEY DRAWINGS

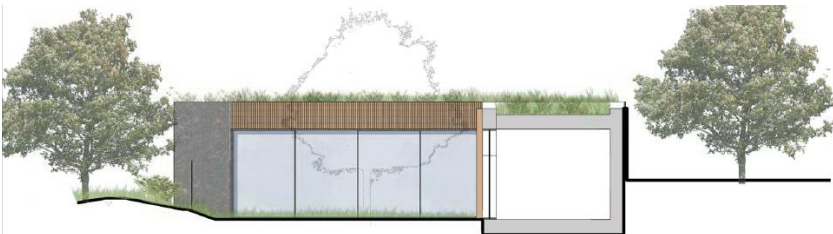
PROPOSED REAR DWELLING



South West Elevation_Rear House



KSRARCHITECTS
 72-74 HAMILTON TERRACE
 Proposed Courtyard Elevations - Rear Building
 6001 P210



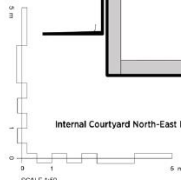
Internal Courtyard North-West Elevation_Rear House



Internal Courtyard South-East Elevation_Rear House



Internal Courtyard North-East Elevation_Rear House



KSRARCHITECTS
 72-74 HAMILTON TERRACE
 Proposed Courtyard Elevations - Rear Building
 6001 P210

DRAFT DECISION LETTER

Address: 72 Hamilton Terrace, London, NW8 9UL,

Proposal: Demolition of No. 72 Hamilton Terrace and partial demolition of No. 74 Hamilton Terrace in association with construction of replacement five storey building including basement level to provide seven residential units. Demolition of garages to the rear and construction of single storey building with the excavation of basement level to provide one residential unit. Associated alterations.

Reference: 18/01183/FULL

Plan Nos: Demolition: X330; X331; X332; X333; X334; X335.
Existing: X090; X100; X110; X120; X130; X211; X212; X313; X314.
Proposed: P001; P010; P080; P090 rev C; P100 rev B; P110; P211; P212; P213; P214; P310; P311; P312; P328; P329; P330.
Desk Study & Basement Impact Assessment (Scoping & Screening); Ground Investigation & Basement Impact Assessment Report; Energy and Sustainability Statement; Design and Access Statement; Daylight Sunlight Report; Flood Risk Assessment; Structural Methodology Statement; Arboricultural Impact Assessment Report; Transport Statement; Heritage Statement; Landscape Proposals; Planning Statement; Acoustic Report.

Case Officer: Victoria Croft

Direct Tel. No. 020 7641 6204

Recommended Conditions and Reason(s)

- 1 The development hereby permitted will 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 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 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)

- 4 You must apply to us for approval of details of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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)

- 5 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 elevations and sections of the following parts of the development - new external windows and doors. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these details. (C26DB)

Reason:

To 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 not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

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 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application., , Green roofs, , You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 9 You must apply to us for approval of detailed elevations and sections of the following parts of the development - entrance canopy. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these details. (C26DB)

Reason:

To 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)

- 10 You must apply to us for approval of detailed elevations of the following parts of the development - the balustrading and balconies. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these details. (C26DB)

Reason:

To 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)

- 11 **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, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18BA)

- 12 (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 5 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 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., , (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 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.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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.

- 13 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.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order 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.

- 15 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 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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.

- 16 You must not use any of the roofs of the extensions or the rear dwelling as a terrace unless otherwise indicated on the approved plans.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 17 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)

- 18 You must apply to us for approval of detailed drawings of the proposed planting and screens to the rear terraces. You must not start work until we have approved what you have sent us. You must then carry out the work according to these details , , You must not use the terraces until the screening/planters have been installed and they must be thereafter maintained.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 19 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , - photovoltaics, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 20 You must apply for approval of a strategy for the car lift and turntable. You must not start work until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 21 You must not use the sedum roofs for sitting out or for any other purpose.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 22 You must not carry out any enlargement, improvement or alteration to the single dwelling hereby permitted without out permission. This is despite the provisions of Classes A, B and C of Schedule 2 of the Town and Country Planning General Permitted Development Order (England) 2015 (or any other order that may replace it).

Reason:

To protect the appearance of the property and the character of the area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R21DC)

- 23 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the St John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 24 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme :- removal of car waiting area and retention of existing vehicular access width. 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:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

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 With reference to condition 17 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention
- 3 You are advise to review the internal arrangement of the bedroom in unit 3., , The Housing Health and Safety Rating System Operating Guidance (Housing Act 2004) states the following: , Over 65% of fires start in the kitchen., The design and construction [of a dwelling] should help contain and limit the spread of fire., There should be adequate, appropriate and safe means of escape in case of fire from all parts of the dwelling
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 5 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)
- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 7 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.

- 8 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: , <http://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.**
- 9 In respect of condition 20, the strategy should give further details of how the car lift and turntable will operate and be maintained, including a light system to indicate to approaching drivers when the lift is free to enter and when it is not.

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.