

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	14 St Edmund's Close, London, NW8 7QS,		
Proposal	Demolition of existing 2 storey house and detached double garage and boundary wall to St Edmund's Close and construction of a new 3 storey plus basement single family dwellinghouse plus new boundary.		
Agent	Mr Jon Evans		
On behalf of	Mr Ian Green		
Registered Number	16/01970/FULL	Date amended/ completed	29 March 2016
Date Application Received	4 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application seeks permission for the demolition of the existing single family dwelling and associated double garage in connection with the construction of a new three storey single family dwelling with basement excavation. The buildings are not listed or located within a conservation area.

The latest application seeks to overcome an earlier refusal dated 7 March 2016 for a new dwelling which was refused on design grounds, and an appeal decision dated 17 September 2014, which was dismissed because of the proximity of the new house to No 3 Ormonde Court and its resultant sense of enclosure.

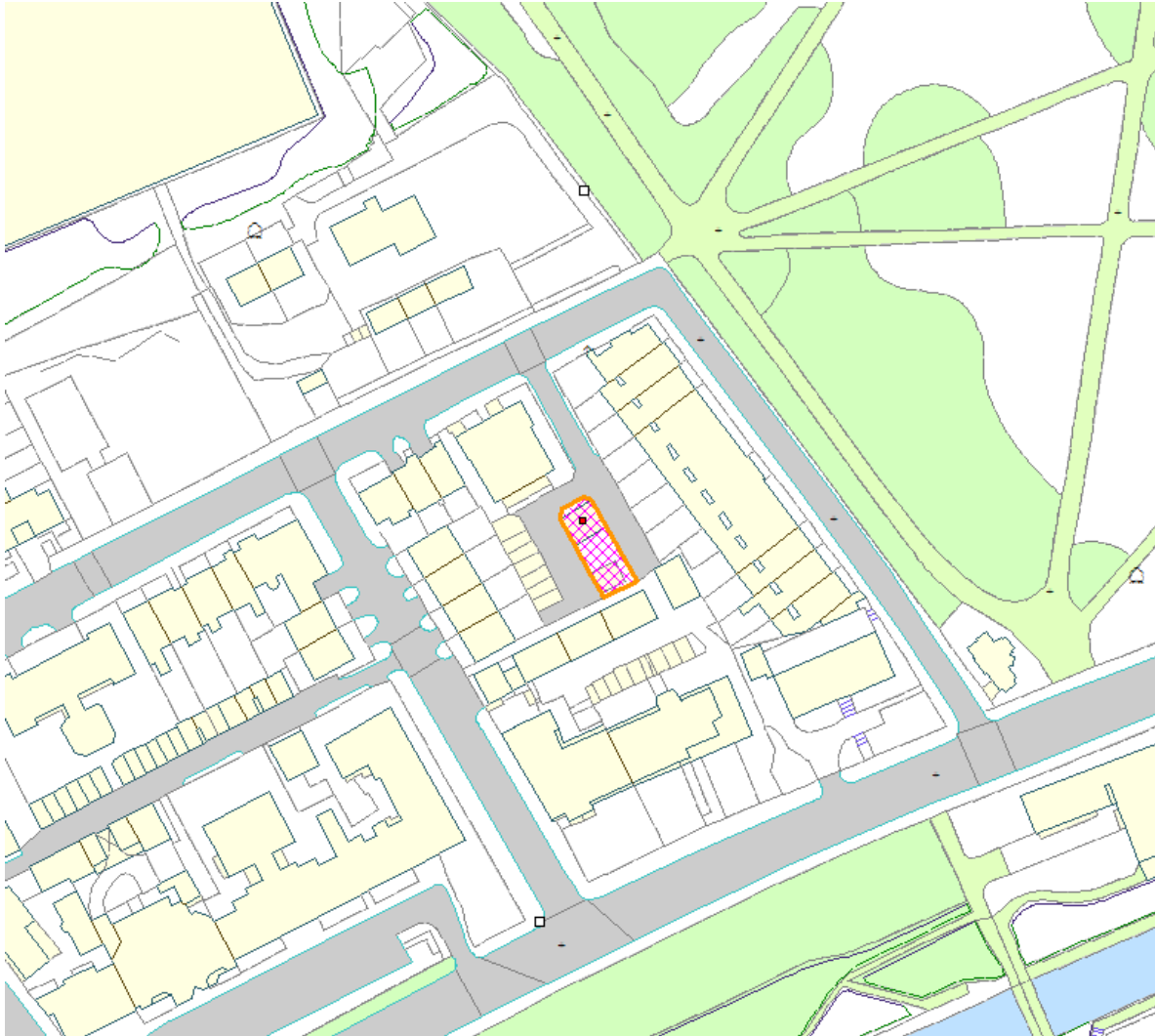
The key issues in this case are:

- * The impact of the development on the character and appearance of this part of the City.
- * The impact of the development on the amenity of neighbouring residents.
- * The impact of the construction works on neighbouring amenity.

Objections have been received to the proposals on the grounds of loss of amenity, design of the new house, the size of the basement and the likely impact of the building works. The application is recommended for approval as it is considered that, subject to conditions, the proposed new dwelling

complies with policies in our Unitary Development Plan (UDP) and City Plan: Strategic Policies.

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.
All rights reserved License Number LA

4. PHOTOGRAPHS



Views of the existing building from the south looking north / north west.



5. CONSULTATIONS

WARD COUNCILLORS:

No response to date.

ST JOHN'S WOOD SOCIETY

Raise objection on the following grounds: The proposed materials are alien to St Johns Wood; excessive basement covering entire site which will not allow the possibility to grow trees; basement under more than 50% of the garden is contrary to policy; light pollution created by excessive glazing; Sedum roof will be unsightly if not maintained; query where plant room exhaust will be vented and resultant noise impact.

ENVIRONMENT AGENCY

No comments.

CLEANSING

No objection subject to securing waste/recycling provision.

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

HIGHWAYS PLANNING MANAGER

Subject to conditions securing the retention of car parking and cycle parking, no objection raised.

THAMES WATER

No response.

ENVIRONMENTAL HEALTH

Any comments to be reported verbally.

ARBORICULTURAL SECTION

No objection subject to conditions requiring larger planters to courtyard and details of sedum roof.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 106

Total No. of replies: 6 Letters from 5 neighbouring residents (2 letters from one neighbour), raising objections on all or some of the following grounds:

Design:

*The loss of existing building and its replacement with a taller building will have a negative impact on the setting of the area.

Amenity:

* Loss of privacy to Ormonde Terrace

* Loss of daylight/sunlight to Ormonde Terrace (including gardens) and Danes Court

Transport

* Replacement garage cannot fit two cars.

* Safety concerns in relation to egress from the new garage.

Other Issues:

* Impact on trees.

* Impact on structure of Ormonde Terrace.

* Over development of site.

* Disruption of building work in area where lots of building work has taken place in recent years.

* Suggestions of how internal layout could be altered to avoid need to have third floor.

* Bin area should be accessible from road.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a detached two storey single family dwelling with separate garage building and courtyard in between. The buildings are unlisted and not located within a conservation area.

The site is directly bounded by roads on the north, east and west sides. To the south are the properties on Ormonde Court, which are separated from the site by a small alleyway. Beyond this, Danes Court, a large residential block is located to the north, a row of single storey garages to the rear of the properties on Wells Rise are to the west and the gardens of Ormonde Terrace are to the east.

6.2 Recent Relevant History

Application refused on 15 April 2014 for the '*demolition of existing property and associated double garage in connection with the construction of a new three storey single family dwelling with basement excavation, incorporating green roof and living green wall*' on the ground of the impact on the amenity of 3 Ormonde Court due to its bulk, height and proximity to windows in that property. An appeal against the refusal was dismissed on 17 September 2014. (RN 13/07471/FULL)

Application refused on 7 March 2016 for '*demolition of existing 2 storey house and detached double garage and boundary wall to St Edmund's Terrace and construction of a new 3 storey plus basement single family dwellinghouse plus new boundary*' on the grounds that the architectural form, detailed design and use of materials, the proposed new building would harm the appearance of this part of the City. (RN 15/04538/FULL)

A copy of the appeal decision and the 2016 refusal are included in the Background Papers

7. THE PROPOSAL

The proposal is for the demolition of the existing two storey single family dwellinghouse and detached double garage and boundary wall to St Edmund's Close and the construction of a new three storey plus basement single family dwellinghouse and new boundary. The proposals include a new courtyard at ground floor level, lightwells to the new basement level, sedum roofs and the installation of solar panels.

This latest application seeks to overcome the 7 March 2016 reason for refusal, and the 2014 appeal decision.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the provision of an enlarged replacement house on this site is acceptable and would accord with Policy H3 in the UDP and S14 in the City Plan. The proposed replacement house would provide a good standard of residential accommodation. In terms of daylight and sunlight, a lightwell courtyard delivers light to the basement level with windows and roof lights delivering light to the upper levels. Despite the objections received, it is not considered that the proposal represents overdevelopment of the site.

8.2 Townscape and Design

The existing house is a utilitarian brick built building dating from the 1930s. It is of no particular architectural value, and subject to a suitable replacement building its demolition is considered uncontentious.

The proposed replacement building is larger than the existing one, and occupies more of the site, however it is smaller than the scheme previously refused on 15th April 2014, principally by being cut away further from the adjoining building to the south on Ormonde Court.

The replacement building is three stories high, alike the majority of the surrounding buildings to the west on Wells Rise and south on Ormonde Court, with a larger residential block to the north and terraced housing to the east. Seen in this context the building is considered of an appropriate scale for the site.

Notwithstanding its contemporary styling, the use of brick to ground floor level with render to upper floors as principal facing materials, with reconstituted stone window surrounds and timber doors and windows will help integrate it into the wider surrounding St John's Wood townscape, and especially into the more immediate context where the surrounding buildings are in brick and/or render. Some subtle detailing is shown to the render which will add some interest, and further details of which are to be sought by condition. The contemporary styling is considered appropriate for this site surrounded by either relatively modern or heavily modernised (in the case of the terrace of buildings to Ormonde Terrace) buildings.

The three street facing elevations are designed with a well composed arrangement of windows with a visual impression of being punched into a building of solid massing. The south elevation has a more heavily glazed arrangement of windows, though this elevation is enlivened by the

large step in plan with the eastern half of the first and second floors being set back behind the front lightwell/courtyard, and with the stone clad projecting feature adding a further layer of interest and splitting the top floor window.

Though objectors including the St John's Wood Society have expressed concern about the projecting stone feature or 'stone monolith', it is considered to give a vertical accent to this south elevation adding further detail to an otherwise brick and render building, is integral to the design of the building as it forms the staircase wall projected through the south elevation and roof of the building, and has precedent for its use in earlier 20th century architecture. It also formed part of the scheme previously refused solely on amenity grounds on 15th April 2014.

It is considered that the sedum roof will add interest in views down onto this building from the number of surrounding higher properties. Though noting the concerns about its maintenance, given its benefits in terms of views and in terms of increased biodiversity a condition will require its retention.

Overall, the new building is considered of elegant contemporary design and is considered to be in accordance with Policy DES1 in the UDP and Policy S28 in the City Plan and has satisfactorily addressed the March 2016 design reason for refusal.

8.3 Residential Amenity

8.3.1 Sunlight and Daylight

Objections have been received on the grounds of loss of sunlight and daylight to properties and gardens on Ormonde Terrace, Ormonde Court and to flats within Danes Court.

A Sunlight and Daylight Report has been submitted with the application which assesses the impact of the proposal on Ormonde Court to the south of the site and Danes Court to the north. This report demonstrates that the BRE criteria regarding daylight, sunlight and overshadowing will be met by the proposal. Under these circumstances it is considered that refusing the application on these grounds would be unsustainable.

8.3.2 Sense of Enclosure

It is considered that the current proposal successfully addresses the amenity issues of the scheme refused in 2014, with the first floor building set back by 8.2m from northern elevation of No. 3 Ormonde Court compared with approximately 4.5 metres in the refused scheme. Given the staggered layout of the building, with the nearest element located 8.2m away it is not considered that the proposed building would have such a significant impact as to justify a refusal on the grounds of sense of enclosure. As such the proposal is considered to be in accordance with S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our UDP that we adopted in January 2007.

8.3.3 Privacy

Objections have been received on the grounds the proposal would cause a loss of privacy to adjacent properties.

In order to reduce overlooking, the proposed replacement dwelling is to have obscure glazing in the main eastern and northern elevations and the south facing windows closest to Ormonde Court. The main south facing windows are in a similar location to the existing windows and therefore it is not considered that these windows will give rise to any significant increase in

overlooking. The west facing windows overlook the garages, with the nearest residential windows being located beyond this, as such, it is not considered that these windows need to be obscured.

A condition is recommended requiring all the relevant windows to be installed with obscure glazing, subject to which the proposals are considered acceptable..

8.4 Transportation/Parking

The Highways Planning Manager does not object to the application. Although the loss of an off street car parking space is undesirable on transportation grounds, one parking space will be retained and is considered sufficient. Conditions have been recommended to ensure that the proposed garage is retained to provide car parking for the occupiers of the house as well as conditions to secure cycle storage and waste and recycling storage and to prevent garage doors opening over the highway.

An objection has been received from a neighbour on the grounds of safety access/egress from the garage and that two cars could not be accommodated. The Highway Manager has confirmed that access would be feasible to the garage. The house would only be required to provide one off street car parking space to be policy compliant.

The scheme is considered acceptable in highways terms and complies with Policies TRANS2, TRANS3, TRANS10 and TRANS23 in the UDP and Policy S41 in the City Plan

8.5 Economic Considerations

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

8.6 Access

Level access is being provided for the new house and the applicant has submitted a Lifetime Homes Statement, which is considered sufficient.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Excavation

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

An objection has been raised by the St Johns Wood Society that the proposed basement is contrary to policy. The proposals are however considered to be acceptable as set out below:

Part A:

With the exception of the Code of Construction Practice (any further update on this will be reported verbally), the proposal has met part A of the policy. The City Council's Building Control Officer has confirmed that the structural methodology and the study of the site specific grounds conditions are acceptable.

Part B:

The proposals include soft landscaping to the internal courtyard, planters and living roofs which are considered acceptable in this case subject to a suitable living roof specification, because the existing site has very limited existing soft landscaping with no trees, almost entirely made up of hardstanding. A condition is recommended in relation to noise to ensure that the basement plant room does not give rise to any noise issues.

Part C:

The site is an "island" site with no immediately adjoining buildings bounded by an access road to garages and a car parking area to the North and West, by St Edmunds Close to the east and by a pedestrian access way to Ormonde Court to the South. This to some extent limits the potential impact of the basement construction on the surrounding properties.

Apart from the existing house, the vast majority of the site is occupied by hardstanding which provides access to the two garages. According to historical records it appears that the garages were constructed sometime between 1950 and 1970 and therefore the access hardstanding is likely to have been in place for some time. Because of its function it is unlikely that this hardstanding would ever be bought into use as soft landscaping or for the planting of trees in its existing state.

Because of these unique circumstances which apply in the case of this particular site it is considered unreasonable for the proposal to meet parts C1 and C2 which state that the basement should not extend beyond more than 50% of the garden land, have a margin of underdeveloped land and provide a minimum of 1.2m of soil depth above the top of the basement. The basement is only 1 storey and therefore complies with part C3.

Basement Structure

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents, including those at several of the neighbouring properties in this instance, are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

A construction methodology statement has been provided as part of the application and whilst concerns have been raised by neighbours in respect of its accuracy, the City Council's Building Control Surveyors have raised no concerns regarding this statement. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

Basement Construction Impact:

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity.

A Construction Management Statement has been submitted however it does not meet all the requirements of the standard condition, specifically in terms of providing adequate details of the

locations for loading and unloading and the storage of plant and materials therefore it is recommended that the standard condition is added to any planning permission granted

A further condition is recommended to control the hours of construction works, particularly noisy works of excavation. This should go some way towards mitigating the concerns raised by neighbours.

8.7.2 Biodiversity

The main roofs of the property will contain green living roofs which together with the retention of a large planter to the north of the site and the addition of a courtyard area would have a beneficial impact on biodiversity subject to a suitable green roof. As recommended by the arboricultural officer, the details of the green roof will be required by condition. The arboricultural officer has also requested that the two planters in the courtyard area be increased in size to facilitate the planting of trees. It is not considered to be reasonable to add such a condition considering the practicalities of planting trees in such an enclosed courtyard location and considering the lack of trees on the site as existing.

8.7.3 Sustainability

An Environmental Performance Statement has been submitted with the application which demonstrates that the project has been designed to achieve the minimum equivalent of Code 4 level of sustainability. This will be achieved through the use of sustainable materials, and boiler, installation of Photovoltaic panels on the roof, the reduction of hardstanding on the site compared with the existing situation and the use of a water harvesting system. The Photovoltaic panels and rainwater harvesting are to be secured by condition.

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. The applicant is being advised by way of an informative that the proposed new house is liable for CIL, unless the applicant is wishing to claim a self-build exemption for the new home.

8.11 Environmental Impact Assessment

The development does not require an Environmental Impact Assessment.

8.12 Conclusion

It is considered that this latest planning application has satisfactorily addressed the previous reason for refusal in terms of its detailed design, and the house has been adequately pulled back

away from the sensitive boundary with No 3 Ormonde Court, to overcome the appeal decision. It is acceptable that the proposed new basement covers the whole of this site, but as set out in the report, there are considered special circumstances why it is acceptable in this case.

9. BACKGROUND PAPERS

1. Application form
2. Appeal Decision dated 17 September 2014 and visual
3. Refusal dated 7 March 2016 and visual
4. Response from St Johns Wood Society dated 29 April 2016
5. Response from Highways Planning dated 13 April 2016
6. Response from Building Control, dated 13 April 2016
7. Response from Environment Agency, dated 5 April 2016
8. Response from Cleansing Manager dated 15 April 2016
9. Response from Arboricultural Officer dated 19 April 2016
10. Letter from occupier of 54 Ormonde Terrace, London, dated 23 April 2016
11. Two letters from occupier of 2 Ormonde court, St Johns Wood, dated 11 April 2016
12. Letter from occupier of 15 Danes Court, 1-3 St. Edmund's Terrace, dated 13 April 2016
13. Letter from occupier of 33 Ormonde Terrace, London, dated 14 April 2016
14. Letter from occupier of 2 Ormonde Court, St Edmund's Close, dated 11 April 2016
15. Letter from occupier of 39 Ormonde Terrace, London, dated 14 April 2016

Selected relevant drawings

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

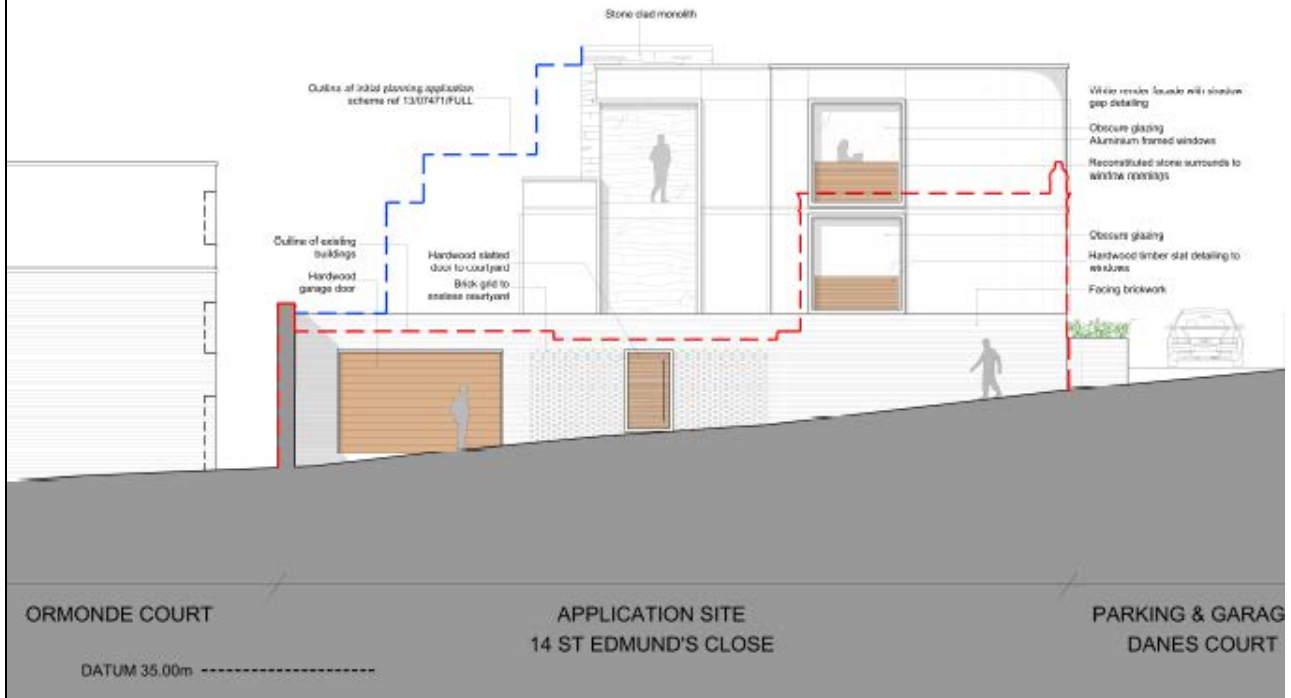
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk .
--

10. KEY DRAWINGS



VISUAL IMAGE 01

14 St Edmunds Close London NW8 7DS	Proposed 3D visual image 01	MDC
Scale: 1:50	Date: 26/01/2021	Author: [Name]
Scale: 1:50	Date: 26/01/2021	Checker: [Name]
Scale: 1:50	Date: 26/01/2021	Project: 7670 / 60



DRAFT DECISION LETTER

- Address:** 14 St Edmund's Close, London, NW8 7QS,
- Proposal:** Demolition of existing 2 storey house and detached double garage and boundary wall to St Edmund's Close and construction of a new 3 storey plus basement single family dwellinghouse plus new boundary.
- Plan Nos:** Site Location Plan; 7670/01; 7670/02; 7670/03; 7670/04; 7670/05; 7670/06; 7670/22; 7670/50A; 7670/51A; 7670/52; 7670/53A; 7670/54A; 7670/55; 7670/56; 5670/57; 5670/58; 5670/60; 7670/61; 5670/62; 5670/63; PS01A; PS02A; Arboricultural Report; Environmental Performance Statement; Architectural Design Statement; Design and Access Statement; Lifetime Homes Statement; Construction Management Statement; Energy Statement.
- Case Officer:** Richard Langston **Direct Tel. No.** 020 7641 7923

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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.
- You must carry out basement excavation work only:
- * between 08.00 and 18.00 Monday to Friday; and
 - * not at all on Saturdays, Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours. (C11BA)
- Reason:
To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)
- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, stone, reconstituted stone, brick and render, 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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

Sedum roof

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: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 5 The timber slat details shown to the windows on the elevation drawings shall be fixed in place prior to the occupation of the building and retained in-situ thereafter

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of elevation and detailed section drawings showing the detailing of the joints in the render as shown to the elevation drawings. 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 drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 Aside from detailing secured under condition 6 of this decision letter, the render shall be smooth render

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 The glass that you put in the windows in the north elevation at first and second floor level, the east elevation at first and second floor level serving bedrooms and the windows serving the stairwell/landing on the southern elevation at first and second floor must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 9 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 10 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or carry out any other alterations without our permission. This is despite the provisions of Classes A, B, and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 11 **Pre Commencement Condition.** Notwithstanding the submitted Construction Management Statement, development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and

facilities for public viewing, where appropriate);

(v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and

(vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 13 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 15 The provision for the storage of waste and recyclable material, as shown on drawing numbered 7670/50A, is to be made permanently available and used for no other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 16 You must apply to us for approval of details of the living /green roof. This should include a detailed cross section through the roof, a pieces list and maintenance plan. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details

Reason:

To 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: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 17 (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: Strategic Policies adopted November 2013, 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.

- 18 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.

- a) Photovoltaic panels
- b) rainwater harvesting

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: Strategic Policies adopted November 2013. (R44AC)

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: Strategic Policies adopted November 2013, 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 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.

- 3 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. (150AA)

- 4 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.
- 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 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.