

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	23B Grove End Road, London, NW8 9BP,		
Proposal	Demolition of the existing building and erection of replacement building comprising basement, ground and first floor levels for use as two dwellinghouses (Class C3).		
Agent	RPS CgMs		
On behalf of	Mr Meyonas		
Registered Number	16/05249/FULL	Date amended/ completed	27 July 2016
Date Application Received	3 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application seeks permission for the demolition of the existing building and erection of a replacement building comprising basement, ground and first floor levels. It is proposed to use the new building as two dwellinghouses (Class C3).

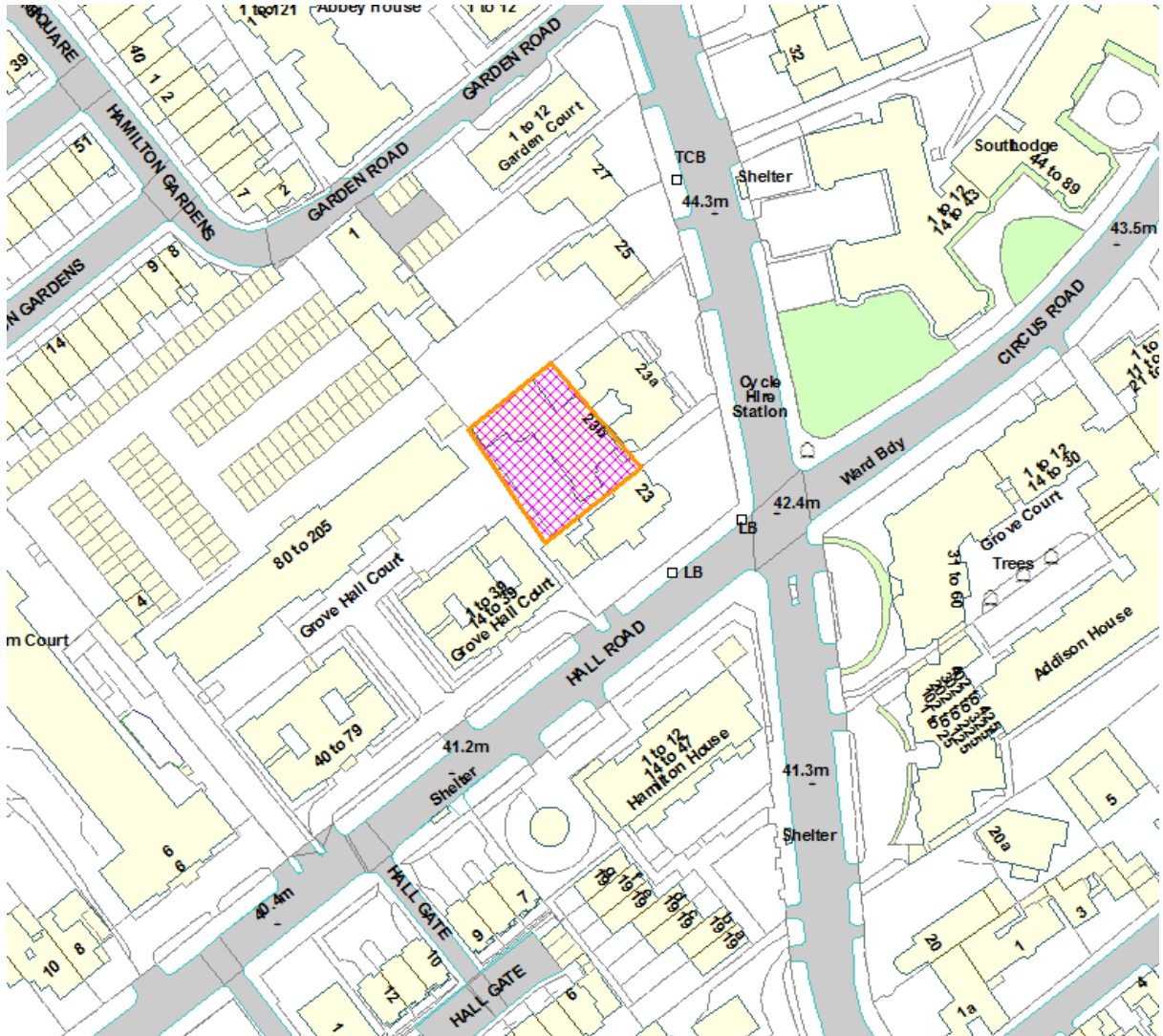
Permission has previously been granted in November 2010 and July 2014 for the demolition of the existing building, but on those occasions it was proposed to replace it with a new building with a basement floor to provide only one 7 bedroom dwellinghouse.

The key issues in this case are:

- The impact of the proposed development on the appearance of this part of the City and the adjacent St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The impact on trees on or adjoining the application site.

Following amendments to proposed development to increase soil depth over the basement and to address initial concerns expressed by the Arboricultural Manager, the scheme is now acceptable in land use, design, amenity, environment and transportation terms and, subject to the recommended conditions, it would accord with the relevant policies in the UDP and City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of 23A Grove End Road, with access road to 23B Grove End Road, which is behind No.23A, to left of photograph.



Existing north east elevation.



Existing south east elevation.



View from first floor window looking south west towards Grove Hall Court.

5. CONSULTATIONS

ST. JOHN'S WOOD SOCIETY

Support concerns of neighbours in terms of noise from mechanical plant. Arboricultural Manager must ensure that no trees of high visual amenity would be harmed. Concerned that proposal will cause light pollution to neighbours.

ARBORICULTURAL MANAGER

No objection following submission of revised arboricultural survey and plans showing further set back of basement at front and provision of 1.2m vertical soil depth above basement where it extends beneath part of front and rear garden. Reservations regarding structural pile details breaching soil volumes addressed through the submission of revised structural drawings supplied 25 November 2016.

BUILDING CONTROL

No objection.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNER/OCCUPIERS

No consulted: 16; No of responses: 2.

Two emails received raising objection on all or some of the following grounds:

- Mechanical plant in rear garden would affect visual and audible amenity of neighbours to the rear and should be removed.
- Was not consulted on application.
- Scaffolding during development should be alarmed

ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located to the rear of No.23A Grove End Road. The site is not within a conservation area, but is located close to the boundary of the St. John's Wood Conservation Area, which runs along Grove End Road. The existing buildings on the site and adjacent to it are not listed.

The existing building has a lawful use as a single dwellinghouse, which has incorporated workshop studio uses over time. At the time of the application site visit in July 2016 the site was vacant.

6.2 Recent Relevant History

14/02179/FULL

Demolition of existing building and erection of a seven bedroom two storey dwellinghouse with basement floor.

Application Permitted 25 July 2014

10/06540/FULL

Demolition of existing building and erection of a seven bedroom two storey dwellinghouse with basement floor.

Application Permitted 9 November 2010

08/11071/FULL

Extensions at basement, ground, first and roof level in connection with the use of the building as a five bedroom house.

Application Permitted 12 February 2009

7. THE PROPOSAL

The application involves the demolition of the existing building at 23B Grove End Road and its replacement with two 5 bedroom dwellings incorporating a single storey basement. There have been two permissions for the redevelopment of the site for residential listed in the site history above.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the replacement of the existing building with two new dwellinghouses of increased floorspace accords with Policy H3 of the UDP and Policies S14 and S15 in the City Plan.

In terms of the quality of accommodation that would be provided, the replacement dwellinghouses would provide total floor area that would exceed Government's Technical Housing Standards (March 2015). The bedrooms located at basement level would achieve daylight levels that satisfy the Building Research Establishment (BRE) guidelines of at least 1% Average Daylight Factor for bedrooms. Other parts of the basement accommodation would receive less daylight; however, these are ancillary accommodation to be used as games and media rooms which do not require access to high levels of natural light. Overall the proposed dwellinghouses, which would have a large amount of habitable floorspace at ground and first floor bedrooms would provide a good standard of accommodation in terms of the natural light it receives.

Both dwellinghouses would have a private garden to provide external amenity space and this is welcomed.

8.2 Townscape and Design

Demolition of the existing building has previously been accepted as part of the permissions for redevelopment of this site that were granted in November 2010 and July 2014. The building is of limited architectural quality and is located outside a conservation area. As such, the principle of the demolition and redevelopment of the site is acceptable in design terms.

In terms of the height, footprint and massing of the building proposed, these aspects remain much as they were in the previously approved schemes and it remains acceptable as part of this current application. The building is at present, and would remain as part of this scheme, a small scale domestic property surrounded by more substantial mansion blocks. As a result, the views of the site are largely limited to private views from the upper floor windows of surrounding buildings. The most significant change to the overall arrangement of the site is the conversion from a single large house to two separate houses, and whilst this involves a split in the landscaped rear garden area to incorporate a garden fence, the impact of this change is minor in design and townscape terms.

In detailed design terms the approach differs slightly from the previously approved schemes and the overall appearance is less unified as the architects have sought to distinguish between the now two separate dwellings. Both the previously approved building and the one now proposed have principally a hand made dark red brick finish to the elevations, although the scheme now proposed includes some areas of cedar cladding and lighter coloured brickwork to give a more layered approach to the design, rather than a wholly unified finish. The building is still a relatively large property (notwithstanding it comprising only two floors above ground) and the introduction of a differing cladding to break up the massing of elements of the elevations and slate cladding material to the roof is considered acceptable.

In terms of the proposed basement, it is located beneath the proposed building and in part under the front driveway and rear garden, incorporating a single lightwell serving each dwelling respectively. The basement has been assessed under the recently adopted basement development policy (Policy CM28.1) and the Supplementary Planning Document (SPD) 'Basement Development in Westminster (2014)'. The proposed basement would be a single storey, extends under an area of no greater than 50% of garden land, where required it would retain a margin of undeveloped land to the perimeter of the site, and it includes 1.2m of vertical soil depth above the basement where it extends beneath the rear garden and front drive. With regards to the rooflights serving the basement, their size and positioning adheres with requirements that they be discreetly incorporated into basement proposals, pursuant to part (B) (5) of Policy CM28.1 and as set out in the guidance in the SPD.

Adjoining occupiers have raised concerns with regards to the visual amenity of the proposed air conditioning enclosures in the gardens of each property. UDP policy DES 5 advises that any necessary equipment, such as plant, should be enclosed within the external envelope of the building, which is also recommended in the basement SPD. In this instance, the enclosures are positioned adjacent to the building façade at the rear of

the building. Given the discreet location of the site and its location outside of a Conservation Area, subject to details of materials for the enclosure, which are to be secured by condition, it is not considered permission could reasonably be withheld on these grounds.

Overall, the design approach remains similar to that previously approved, the materials are considered acceptable, and the application is acceptable in design terms and would accord with Policies DES1, DES4 and DES9 in the UDP and S28 and CM28.1 in the City Plan.

8.3 Residential Amenity

Policy ENV 13 in the UDP states that the Council will resist proposals that would result in a material loss of daylight or sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 in the City Plan aims to protect the amenity of residents from the effects of development.

The proposed building would occupy broadly the same footprint as the extant permission and the height would also be no greater than the extant permission. As such, there would be no material increase in enclosure relative to the existing situation and the previously approved schemes. Windows would be located to avoid overlooking to neighbouring windows and gardens. A condition is recommended to restrict future permitted development rights to prevent overlooking or enclosure occurring as a result of future alterations to the two dwellinghouses that form part of this development.

The application is accompanied by a daylight and sunlight report and this identifies, in terms of impacts upon surrounding properties, that there would be very little change in comparison to the consented scheme. Where changes are observed, these mainly show improvements in both the daylight and sunlight levels that would be experienced.

As per the previously approved extant scheme, three rooms at the rear within 'The Hall' (23A Grove End Road) would fall marginally short of Building Research Establishment (BRE) target levels with respect to daylight, although these serve non habitable rooms and are located beneath fire escape walkways, which likely make them particularly sensitive to daylight and sunlight changes. With regards to sunlight, all windows with south orientation show full compliance with BRE Guidelines. As such, the redevelopment is not considered to have adverse impacts on neighbouring amenity with regards to its scale and massing.

The proposed development would incorporate two air conditioning units in the newly created rear gardens within the site. The application is accompanied by an acoustic report that identifies these as likely to comply with Policies ENV6 and ENV7 in the City Plan and S32 in the City Plan. Environmental Health have reviewed this report and are content that the mechanical plant would be likely to comply with these policies subject to conditions to control future noise and vibration from the plant.

Objections from a resident adjoining the site in Grove Hall Court and another close adjoining resident have been received on grounds of likely noise disturbances as a result of the mechanical plant in its location within the garden area. The objections also identify

that the type of plant has not been specified, nor has the acoustic enclosure. These concerns are acknowledged and it is recommended that further details of the plant and the acoustic enclosures are secured by condition, along with a supplementary acoustic report to demonstrate that the particular equipment chosen by the applicant will comply with the noise policies in the UDP and City Plan. Subject to these conditions, it is considered that the concerns raised by neighbours on this ground have been addressed.

8.4 Transportation/Parking

The existing site has two car parking spaces. The proposal provides two spaces per unit, in individual car stackers for each unit. TRANS23 in the UDP requires 1.5 vehicles per residential unit of three bedrooms or more. Therefore the provision of a total of two spaces per unit exceeds the maximum set out in the policy. However, in practice the provision of parking in accordance with this standard must be assessed pragmatically, particularly as the standards seek 1.5 spaces for units of this size and not a round number. The parking proposed would be discreetly located within the envelope of the proposed building and would have no adverse impact on the appearance of the site or the operation of the local highway network given that access to the highway would be unchanged (i.e. using an existing crossover to the front of No.23A Grove End Road).

With regards to cycle parking and dedicated waste storage, dedicated areas for these are shown on the plans and these are to be secured by condition.

8.5 Access

Level access would be provided to the ground floor of both dwellings and this is sufficient step free access given that these would be private houses and not publically accessible buildings.

8.6 Economic Considerations

No economic considerations are applicable for a development of this size

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees and Landscaping

Part (B)(2) of Policy CM28.1 sets out that basement proposals must not result in the loss of trees of townscape, ecological or amenity value and where trees are affected, the applicant must provide an arboricultural report explaining particular steps to protect existing trees.

In this case the proposed development was initially the subject of objections from the Arboricultural Manager. Her concerns related to encroachment of the basement cinema room on the root protection area of the trees in neighbouring garden of No. 25 Grove End Road, which are protected by a Tree Preservation Order and as the scheme failed to provide sufficient vertical soil depth above the basement where it extends below part of front and rear gardens.

In response to these concerns further trial pit excavations were undertaken on site to establish the actual degree of rooting of the neighbouring trees below the application site. Following this exercise the applicant has updated the submitted arboricultural survey to reflect these results and has set back the proposed basement at the front of the site. In terms of soil depth, the scheme has been amended to provide 1.2m of soil depth over the basement where it projects beyond the building above ground level and this would ensure that there is adequate soil depth for landscaping, tree planting and sustainable drainage. Following these amendments the Arboricultural Manager does not raise objection and it is considered that subject to the recommended tree protection and landscaping conditions, the scheme complies with Policies ENV16 and ENV17 in the UDP and CM28.1 in the City Plan.

8.7.2 Structural and Construction Impact

The structural methodology submitted in relation to the basement excavation proposed has been assessed by Building Control who advise that the details submitted are sufficient to demonstrate that the method of excavation is appropriate for the ground conditions found in this location and would not present any significant structural risks to neighbouring buildings. Accordingly, the requirements of CM28.1 in respect of the structural impact of this part of the development have been met.

In terms of the amenity of the locality during construction, a Construction Management Plan (CMP) has been submitted detailing the vehicular arrangements during construction, which provides an overview of how the development might be undertaken. However, since summer 2016 and the adoption of the basement policy (CM28.1), the policy requirement for controlling the impact of basement construction is to require developments to comply with the City Council's Code of Construction Practice (CoCP). The CoCP, which is managed and monitored by the Environmental Inspectorate Team is now well established and it is therefore recommended that a condition is imposed requiring this development to be carried out in accordance with the CoCP, despite the application being submitted in June 2016 prior to adoption of the latest version of the CoCP. A further condition is recommended to control the hours of construction works, including the prevention of noisy basement excavation works on Saturdays.

One objection has been raised on grounds that the scaffolding should be alarmed. This is not a planning matter and therefore not a ground on which permission could be withheld.

8.7.3 Sustainability

Policy S28 of the City Plan requires applicants to demonstrate how their scheme incorporates elements of sustainable design through the submission of an Environmental Performance Statement. The submitted statement confirms the proposed building will achieve in excess of the 35% improvement upon baseline carbon dioxide emissions set out in 2013 Building regulation Part L through incorporating lean and green measures. For a development of this limited size, this satisfies the objectives of policy S28 of the City Plan.

8.8 London Plan

This application does not raise any 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 development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floorspace figures, the estimated CIL liability would be £114,950 for Westminster's CIL (£550 per square metre in the Residential Prime Area), and £10,450 for the Mayor's CIL (£50 per square metre in Zone 1). However, it should be noted that these amounts are provisional and may be subject to any relief of exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment. Where relevant, sustainability and biodiversity issues are addressed elsewhere in this report.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the St John's Wood Society dated 14 July 2016.
3. Emails from Building Control dated 21 June 2016 and 25 November 2016.
4. Memo from the Cleansing Manager dated 22 June 2016.
5. Memo from Environmental Health dated 30 June 2016.
6. Memo from the Highways Planning Manager dated 1 July 2016.
7. Memos from the Arboricultural Manager dated 18 July 2016, 29 July 2016 and 21 November 2016.
8. Email from the occupier of Flat 5 And 6, The Hall dated 8 July 2016.
9. Email from the occupier of 27 Grove Hall Court, Hall Road, dated 8 July 2016.

Selected relevant drawings

Existing and proposed plans, elevations and sections.

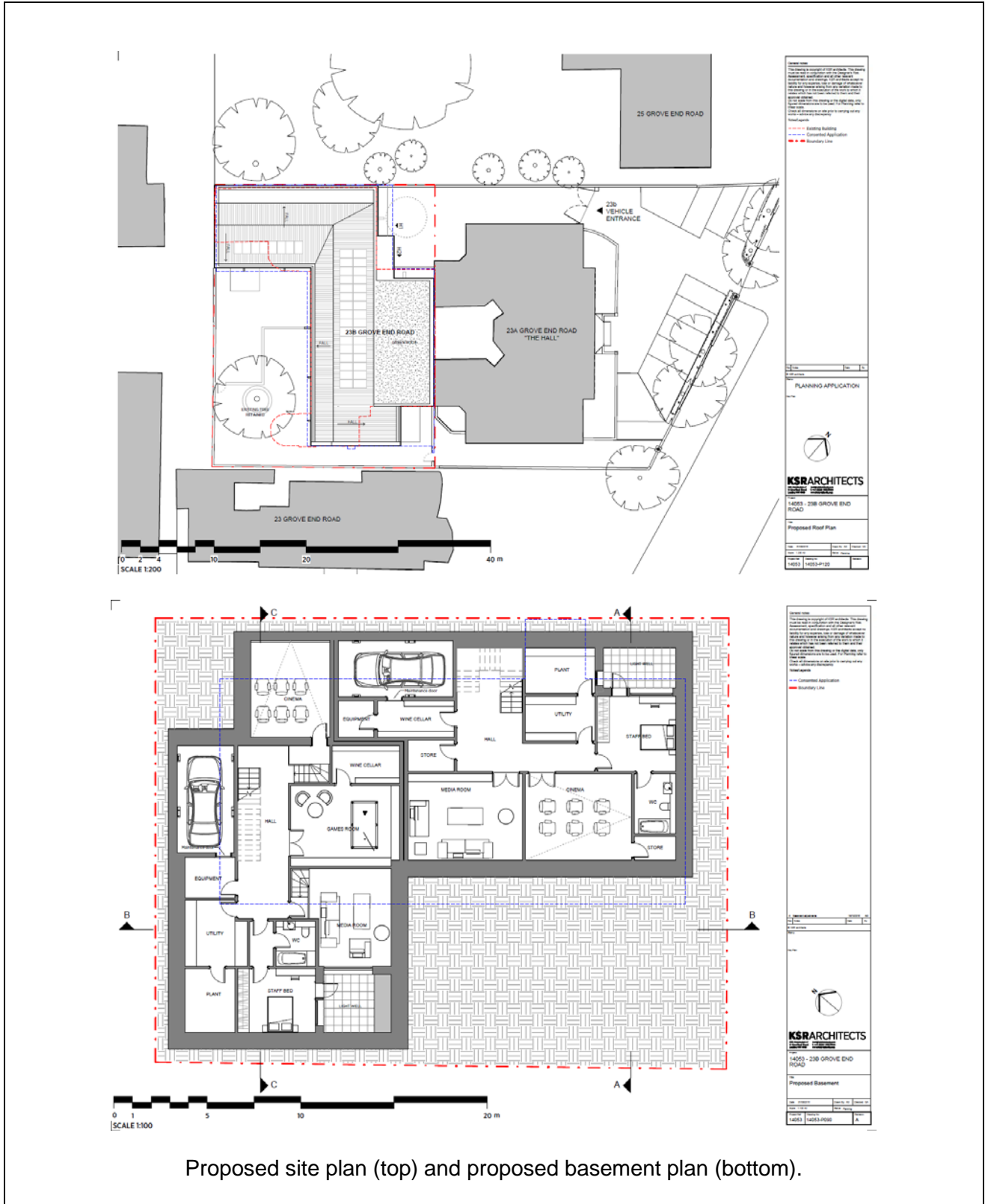
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.

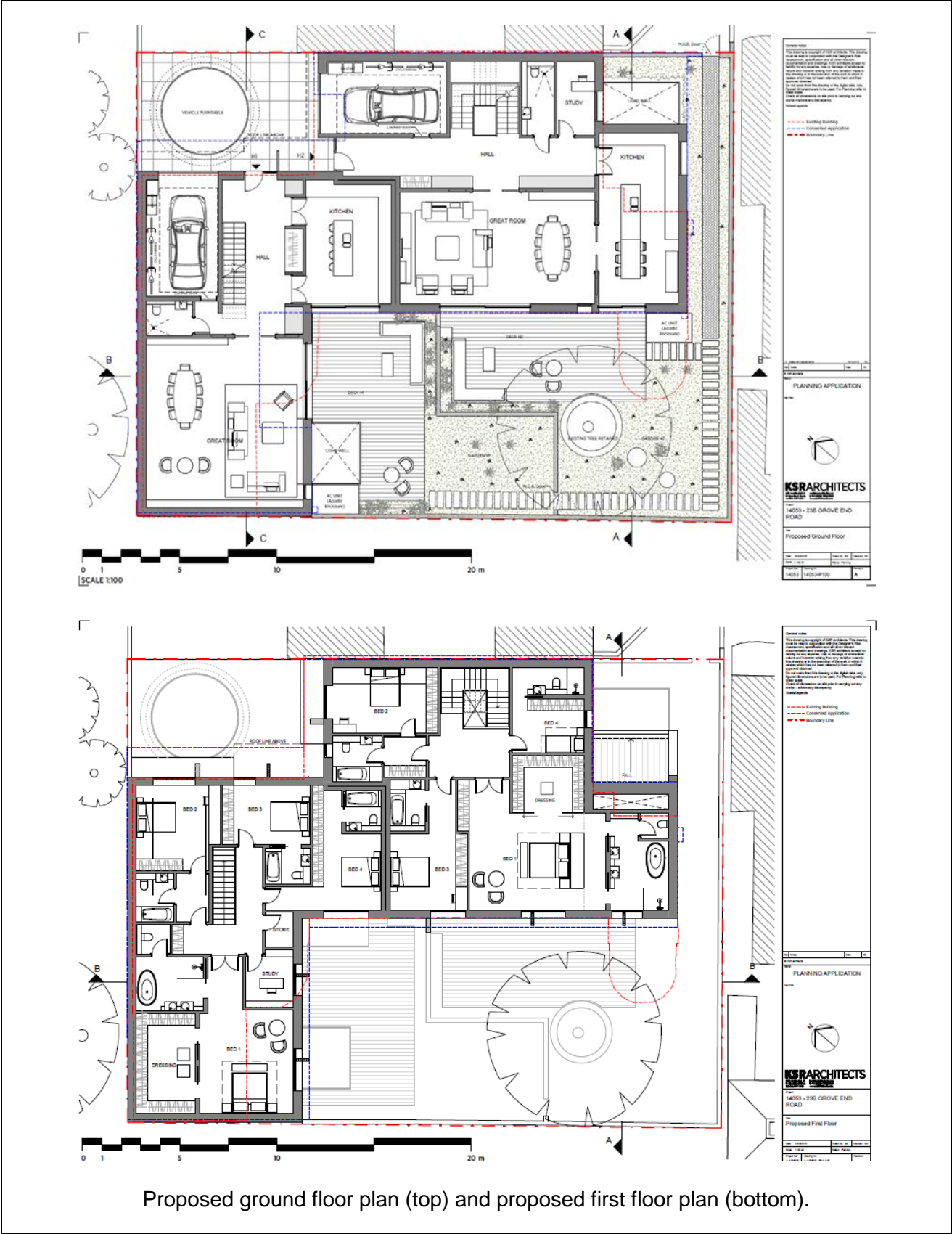
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

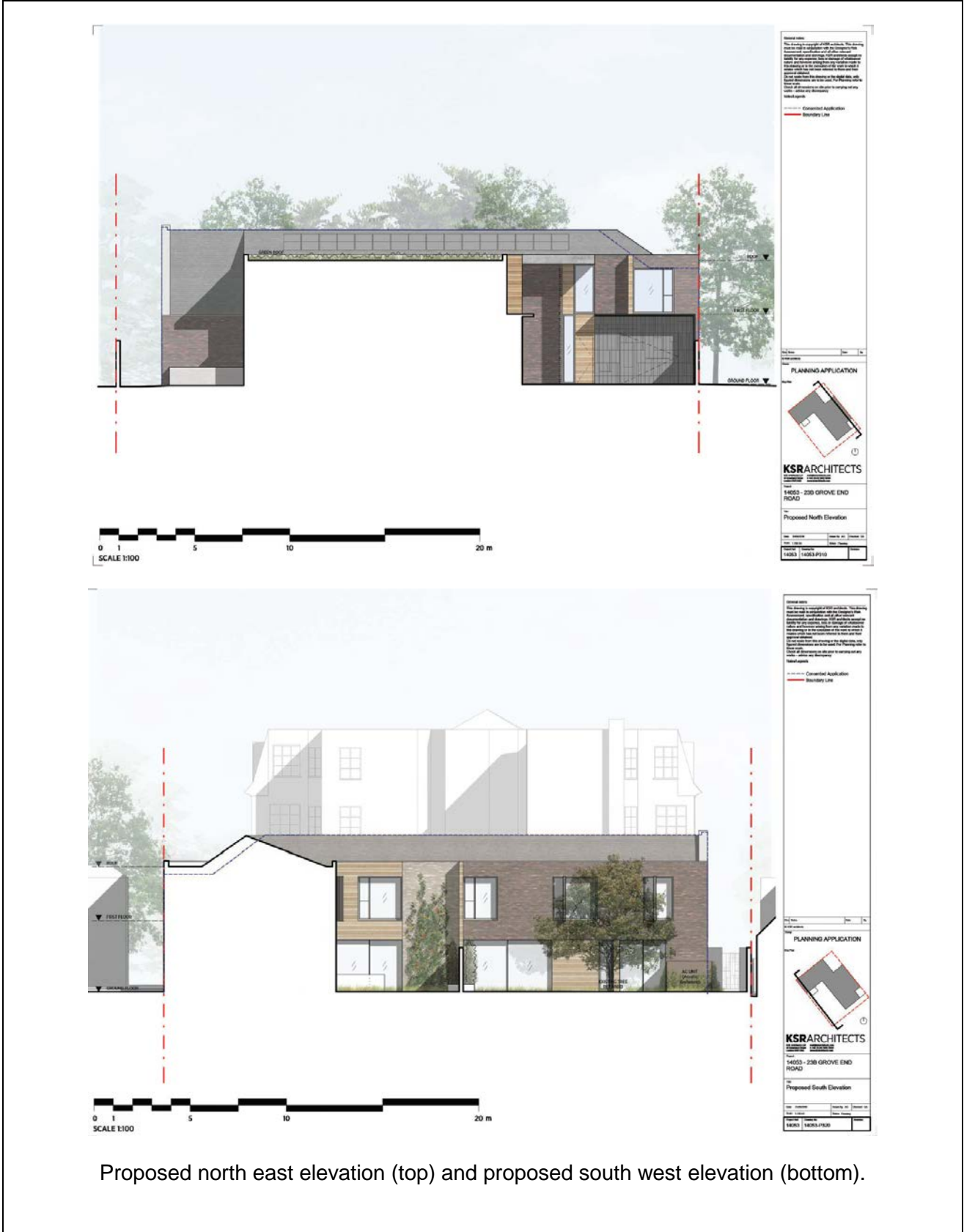
10. KEY DRAWINGS



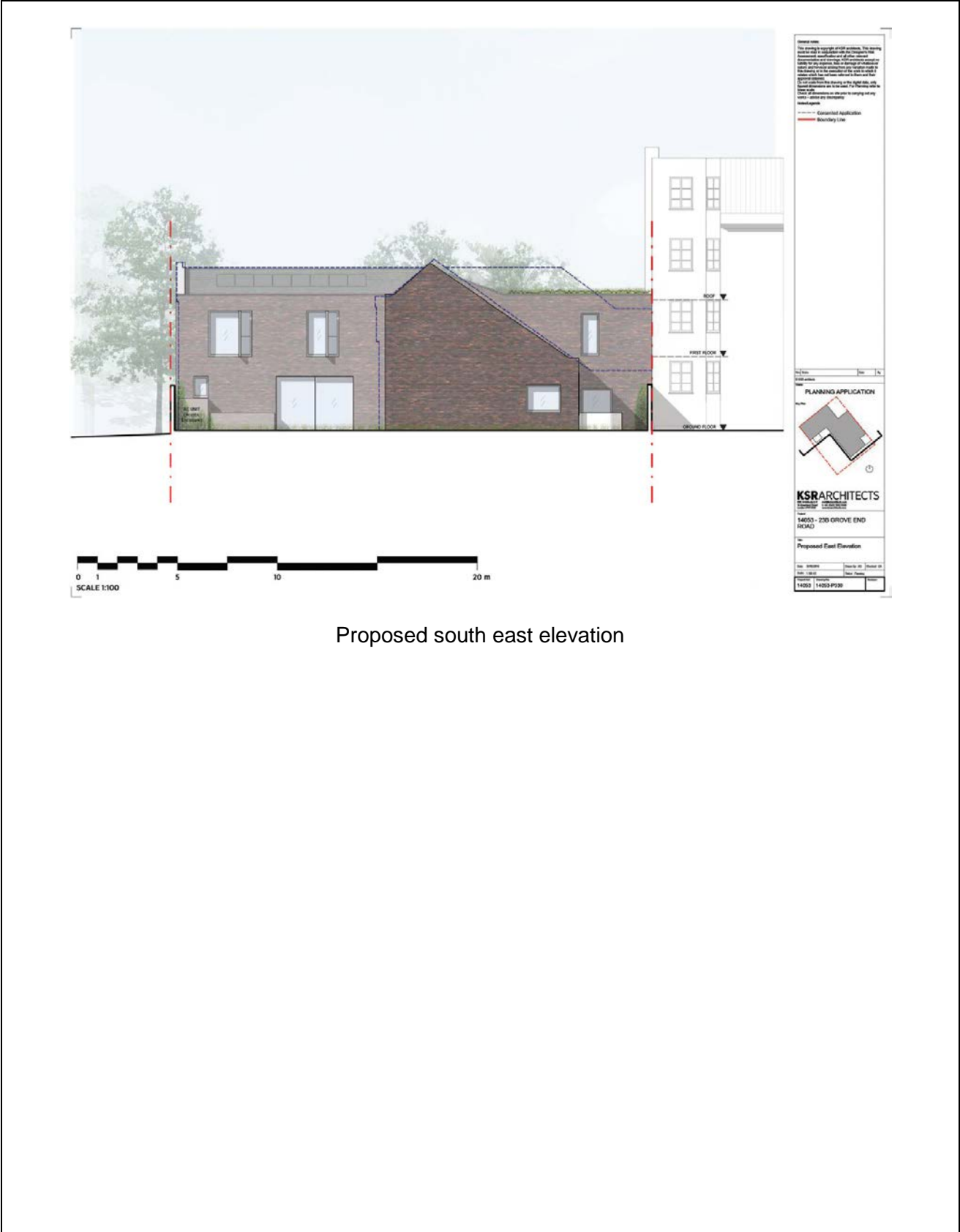
Proposed site plan (top) and proposed basement plan (bottom).



Proposed ground floor plan (top) and proposed first floor plan (bottom).



Proposed north east elevation (top) and proposed south west elevation (bottom).



DISCLAIMER
The drawings are prepared on behalf of the client. The drawings are not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in the drawings or for any consequences arising from their use. The drawings are not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in the drawings or for any consequences arising from their use.

--- Proposed Application
--- Boundary Line

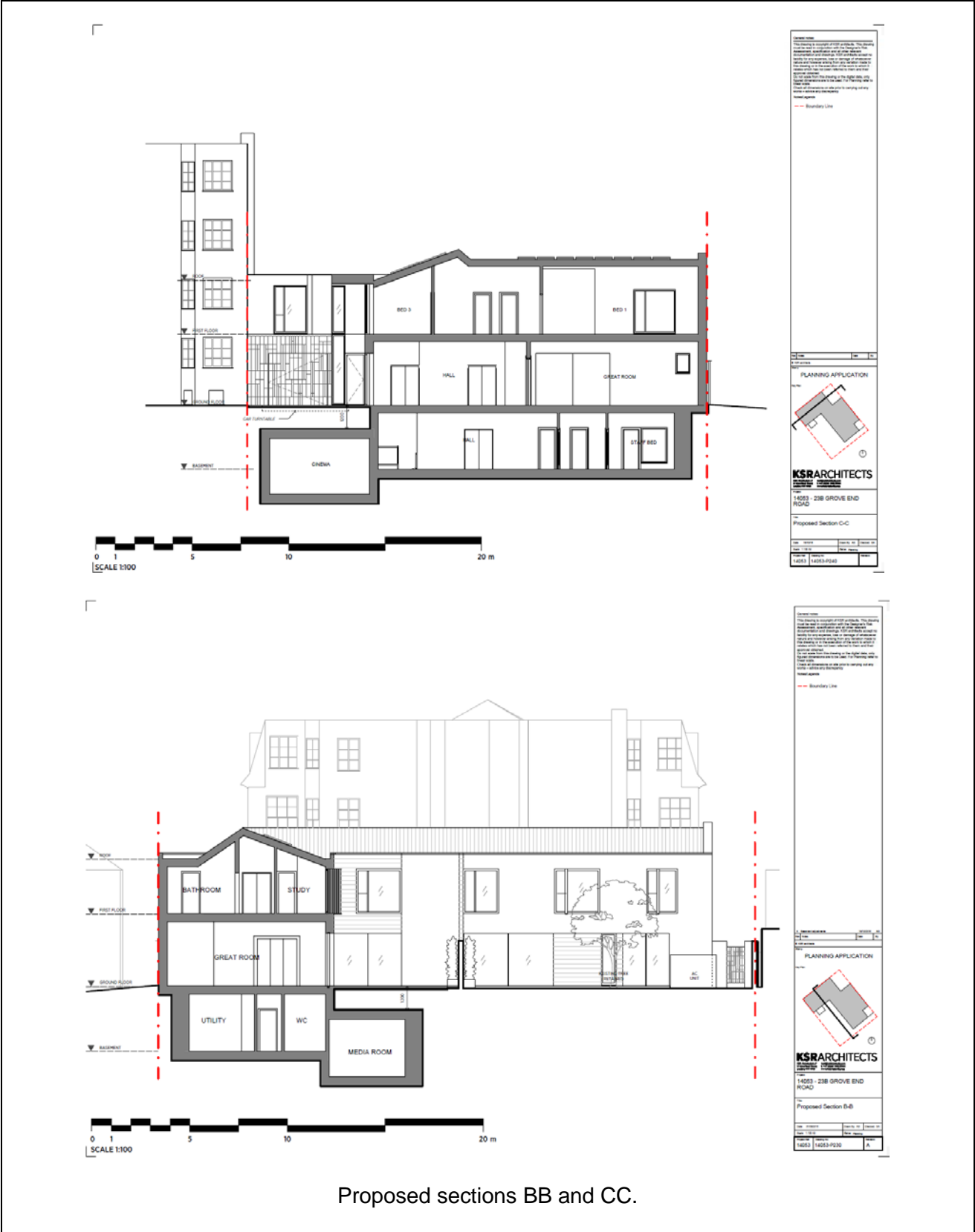
Site Name: []
Plot Name: []
Scale: 1:100

PLANNING APPLICATION

Site: []

KSRARCHITECTS
14003 - 230 GROVE END ROAD
Proposed East Elevation

Site: 14003
Drawn by: []
Date: 12/10/18
14003 - 14003 P130



DRAFT DECISION LETTER

Address: 23B Grove End Road, London, NW8 9BP,

Proposal: Demolition of the existing building and erection of replacement building comprising basement, ground and first floor levels for use as two dwellinghouses (Class C3).

Reference: 16/05249/FULL

Plan Nos: 14053-P001, 14053-P090 Rev.A, 14053-P100 Rev.A, 14053-P110 Rev.A, 14053-P120, 14053-P210, 14053-P230 Rev.A, 14053-P240, 14053-P310, 14053-P320, 14053-P330, 14053-P340, 14053-X100, 14053-X110, 14053-X120, 14053-X210, 14053-X310, Supporting Planning Statement by RPS CgMs dated 3rd June 2016, Design and Access Statement by KSR Architects dated June 2016, Transport Statement prepared by WYG dated May 2016, Plant Noise Assessment by CSG Acoustics dated 20th May 2016, Construction Management Statement prepared by WYG dated 01.11.16 (for information only - see Condition 16 and Informative 2), Internal Sunlight & Daylight Assessment by GIA dated 07.10.16, External Sunlight & Daylight Assessment by GIA dated 16 May 2016, Sustainability & Energy Statement by Integration dated 20 May 2016, Arboricultural Impact Assessment Report & Outline Method Statement prepared by Landscape Trees dated 31.10.16. Structural Method Statement Version 7 by Built Engineers Ltd (for information only - see Informative 11), , ,

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- 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 piling, excavation and demolition 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 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 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. This must include materials for the two air conditioning acoustic enclosures and boundary treatments. 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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 (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 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:

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.

- 5 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.

- 6 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 4 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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 (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.

- 7 You must apply to us for approval of detailed drawings of the following parts of the development:

- (a) The north west elevation as seen from No.25 Grove End Road.
- (b) The mechanical plant enclosures within the rear gardens.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 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 two dwellinghouses. (C22BA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 14053-P100 rev A. You must clearly mark them and make them available at all times to everyone using the dwellinghouses. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 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, 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)

- 11 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 13 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 14 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the supervision schedule. You must apply to us for our approval of the details of such supervision including:

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

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

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

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 15 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in policies S38 and CM28.1 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 16 Prior to the commencement of any demolition or construction on site the applicant shall provide 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. (C11CA)

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)

- 17 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application: - The living green 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 (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 18 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions 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 (as amended) (or any order that may replace it). (C21EB)

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)

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 16 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). You are urged therefore to give this your early attention.
- 3 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.
- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. , , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 6 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)

- 7 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 8 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:, , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 9 Condition 13 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- the order of work on the site, including demolition, site clearance and building work;
 - who will be responsible for protecting the trees on the site;
 - how trees will be protected during hard and soft landscaping and during the construction of the vehicle turntable;

- plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - how you will deal with accidents and emergencies involving trees;
 - planned tree surgery;
 - how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - how you will remove existing surfacing, and how any soil stripping will be carried out;
 - how any temporary surfaces will be laid and removed;
 - the surfacing of any temporary access for construction traffic;
 - the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - the place for any bonfires (if necessary);
 - any planned raising or lowering of existing ground levels; and
 - how any roots cut during the work will be treated.
- 10 Some of the trees on and adjacent to are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 2922
- 11 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.
- 12 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.

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.