

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	William Court , 6 Hall Road, London, NW8 9PA		
Proposal	Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.		
Agent	Matt Richards		
On behalf of	Mansley Limited		
Registered Number	16/08855/FULL	Date amended/ completed	14 September 2016
Date Application Received	14 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application site comprises a seven storey mansion block, arranged over lower ground to fifth floor levels. Part of the lower ground floor is in use as a Class B8 storage facility, operated by Fort Box Self Storage. The application relates to the rear of the site which consists of a redundant boiler room and the ground floor podium deck. The application site is not listed and does not lie within a conservation area, but is adjacent to the St John's Wood Conservation Area.

Planning permission is sought for the construction of 3 dwelling houses to the rear of the grounds of William Court, 6 Hall Road. The dwellings comprises 1 x 5 bed (House 1), 1 x 4bed (House 2) and 1 x 3bed (House 3). Each house is proposed to have an outside amenity area. House 1 is proposed to have its entrance from Hamilton Gardens to the north, accessed from a new opening in the rear boundary wall. Works are also proposed to landscape existing communal areas.

A significant number of objections and letters of support have been received to the application primarily on the grounds of land use, townscape and design and amenity concerns.

The key issues in the consideration of this application are:

- The impact of the proposals in land use terms;

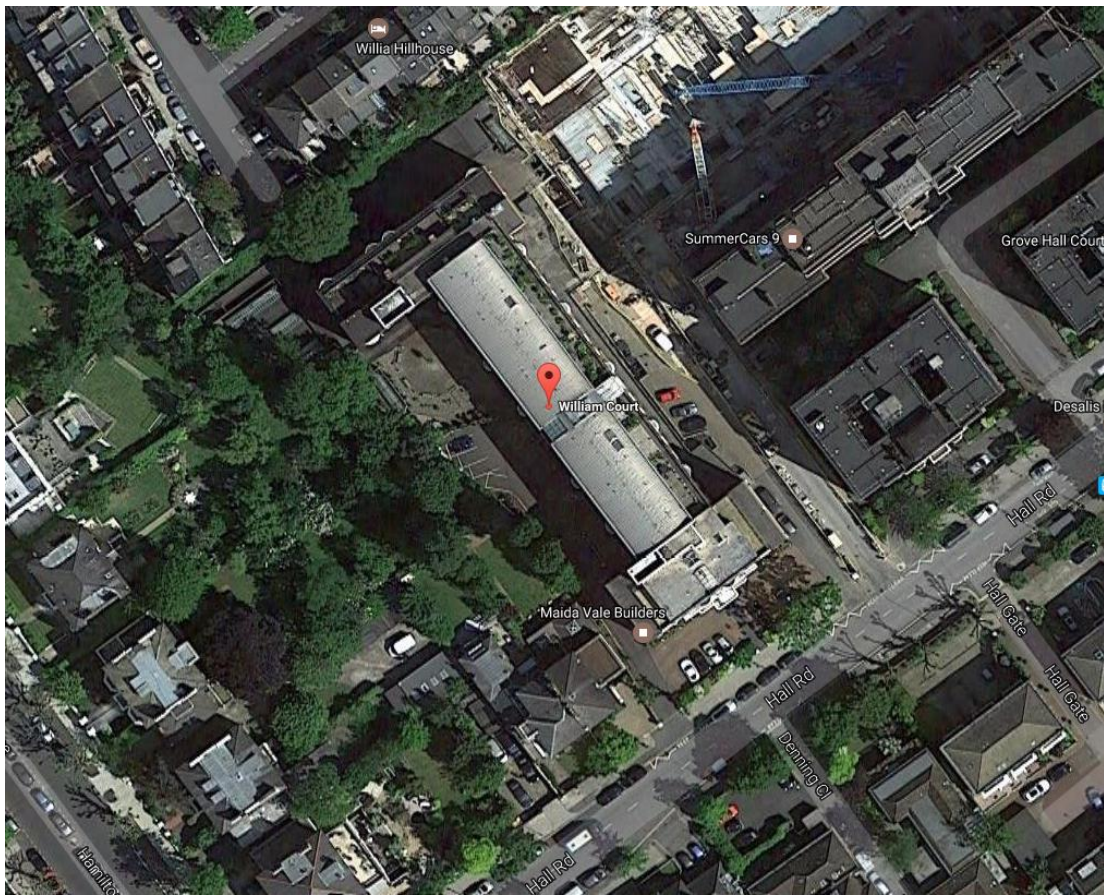
- The impact of the proposals upon the character and appearance of the area and the adjacent conservation area;
- The impact of the proposals upon the amenity of neighbouring residents.

The proposals are considered to be acceptable and accord with policies set out in the City Plan (adopted November 2016) and the UDP (adopted January 2007) and are therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



Top Photo – Aerial View

Bottom left – front of building, Bottom right – eastern elevation/ communal driveway

5. CONSULTATIONS

KAREN BUCK MP

Forwarded an objection on behalf of resident at top floor flat, 25 Hamilton Gardens.

COUNCILLOR HUG:

Supports letters of objection received by residents.

ST JOHN'S WOOD SOCIETY:

Objection on the grounds that the proposals represent an overdevelopment of the site; the proposals harm the space around William Court which a mansion block deserves; House 1 is not aesthetically pleasing in this part of St John's Wood; the houses, but notably House 1 (due to its bulk and height) will have a harmful impact on neighbouring amenity in terms of loss of light, sense of enclosure and overlooking; noise from proposed plant in the houses

HIGHWAYS PLANNING MANAGER:

Objection on the grounds of lack of car parking.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

ARBORICULTURAL OFFICER:

Objection on the grounds as to whether it is possible to retain T10, a protected tree, because of the inconsistencies in the tree location in relation to the structural proposals and the juxtaposition of T10, T1-T7 and House 1 will lead to increased pressure for pruning. If the case officer is minded to approve the application, conditions regarding tree protection and details of a landscaping scheme would be required.

CLEANSING MANAGER:

No objection subject to conditions.

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 398

Total No. of objections: 95

Total No. in support: 29

Ninety five objections have been received on the following grounds:

Land Use:

- overdevelopment of the site
- the area does not need any more housing;
- the proposals will not offer 'affordable housing';
- the housing is excessive in size;

Design:

- the modern design of the properties, notably House 1 are not in keeping with William Court or the surrounding properties;
- the proposed houses are harmful to the character and appearance of the adjacent St John's Wood Conservation Area;
- the proposals will harm the listed buildings of Hamilton Gardens;
- the proposals should be considered as part of the conservation area, despite the applicants assertion in the submission;
- the proposals impact upon the 'breathable' space around the mansion block;
- the infilling of 'gaps' is contrary to planning policy;
- harm in design terms from future roof top features associated with terraces;

Amenity:

- impact of proposals upon sunlight and daylight on the ground floor flats of William Court;
- the submitted sunlight and daylight assessment fails to assess the proposed terrace screening upon the sunlight and daylight on the ground floor flats of William Court;
- sense of enclosure to the ground floor flats of William Court from the proposed houses and the fencing for the proposed amenity spaces;
- lack of details of the fencing and how this will affect amenity;
- overlooking and loss of privacy to properties in William Court, Hamilton Gardens and Hamilton Terrace as a result of the proposed houses;
- creation of noise from communal amenity areas;
- impact of fire escape entrance to Hamilton Gardens upon the residents of William Court;
- noise from plant;
- objection is raised to the proposed communal terraces only being accessible by the ground floor flats of William Court rather than the other flats as well;

Highways:

- lack of carparking and therefore increase in demand on on-street parking especially in Hamilton Gardens as a result of the new entrance to William Court;
- increase in traffic in surrounding area;
- impact of House 1 entrance upon Hamilton Gardens;
- impact of fire escape entrance on Hamilton Gardens;
- increased refuse collection implications upon Hamilton Gardens, as a result of the new House 1 entrance;

Trees:

- impact upon trees in the rear of Hamilton Gardens properties;
- inadequate landscaping details.

Ecology:

- impact upon bats and natural wildlife;

Other:

- lack of consultation by the applicant;

- falsified statements in the applicants submission regarding level of consultation;
- falsified statements in the applicants submission regarding the level of support given to the proposals;
- many letters of support appear to be false and submitted on behalf of the applicant or from people who don't live in close proximity to the application site;
- dishonest behaviour from the applicant, including the rehoming of a William Court employee to a flat at ground floor level which will be the most affected property as a result of Houses 1 & 2;
- the application was submitted during the summer months to avoid time to respond;
- noise and disruption during the course of construction;
- impact of proposals upon property values;
- comments made on why such a contentious proposal has made it to a planning application;
- security.

29 letters of support have been received on the grounds that the proposal will:

- provide much needed houses; and
- that the development will sit well within the townscape, resulting in a modern and innovative scheme.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED APPLICATION

ST JOHN'S WOOD SOCIETY:

Although the revisions are welcomed, the original objections to the scheme are maintained.

HIGHWAYS PLANNING MANAGER

Objection on the grounds of lack of car parking.

ENVIRONMENTAL HEALTH:

No objection.

ARBORICULTURAL OFFICER:

Whilst some of the revised details have addressed initial concerns there are still objections on the following grounds:

- The juxtaposition of T10, T1-T7 and House 1 will lead to increased requests for pruning due to anxiety and shading.
- The impact of House 1 on Tree numbers T1-T3 & T7 is not mentioned in the Arboricultural Report and T3 is to be removed.
- The landscaping has not been designed to be sustainable and what is proposed are two dimensional roof coverings with little visual amenity.

However, should the case officer be minded to approve the application, conditions are suggested.

CLEANSING MANAGER:

No objection.

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 395

Total No. of objections: 67

Total No. of support: 1

Sixty seven letters of objection have been received stating that whilst some of the amendments such as the removal of the Hamilton Garden emergency exit is welcomed, the principle of the development is still unacceptable and the original objections are maintained.

One letter of support has been received on the grounds that the revisions overcame the residents' concerns.

6. BACKGROUND INFORMATION**6.1 The Application Site**

This application site is a seven storey mansion block, arranged over lower ground to fifth floor levels. Part of the lower ground floor is in use as a Class B8 storage facility, operated by Fort Box Self Storage. The application relates to the rear of the site which consists of a redundant boiler room and the ground floor concrete slab.

The application site is not listed and it does not lie within a conservation area. The site does however abut to the west and the north, the St John's Wood Conservation Area.

6.2 Recent Relevant History

On 3rd December 2004, permission was granted for the change of use of former boiler house to use as one bedroom flat with associated alterations to front elevation. (04/07502/FULL). This permission has not been implemented.

Permission was granted on appeal following the refusal of 23 July 2008 (08/02659/FULL) for the use as self storage centre (Class B8), associated external alterations to the building and ancillary parking (hours of operation sought Monday to Friday 09.00 - 18.00 hours and Saturdays 10.00 - 14.00 hours).

As a point to note, planning permission was granted at the land to rear of Grove Hall Court (Hamilton Gardens) for the demolition of existing garages and associated structures and redevelopment to provide 11 residential units (10x4 bed terrace houses and 1x4 bed detached house) with basement car parking for 32 vehicles together with associated landscaping including all necessary enabling works in October 2013 (13/01972/FULL).

7. THE PROPOSAL

Planning permission is sought for the construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking. The dwellings comprises 1 x 5 bed (House 1), 1 x 4bed (House 2) and 1 x 3bed (House 3). House 1 to the northwest of the site incorporates a single storey wing to ground floor level with the main body of the building rising three floor levels. The building is a curved structure and the key focus of the elevations is the prominent brick bands with a lighter stone to the base of each band. House 2 and 3 are located to the north east of the site. House 2 is located to ground and lower ground floor level and sits in the location of a redundant structure. This property has lightwells to both the front and rear. This house is designed with a dark grey brick face. House 3 is single storey and to be built upon the podium deck. This house will have brickwork to follow that on the main William Court building.

The proposals were revised during the course of the application. The amendments consisted of fairly minor design alterations rather than significant alterations to the nature of the scheme.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential Use

Policy S14 of Westminster's City Plan and H3 of the UDP seek to maximise the amount of land or buildings in residential use. Policy H3 states that outside of the Central Activities Zone (CAZ), the City Council will seek to maximise the amount of land into housing. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized.

The introduction of residential houses to the rear of the site is acceptable in principle. The mix of units comprising 1 x 5 bed (House 1), 1 x 4bed (House 2) and 1 x 3bed (House 3) will comply with policies S15 and H5 of the UDP and the City Plan. The size of each unit (ranging between 145m² and 344m² – GIA) and all bedrooms proposed will comply with the Technical Housing Standards (2015). Objections have been received on the grounds that the units would be too large nor would they be affordable and this would be the only public benefit to allow such a development. As three units are proposed and the floor area of these does not exceed 1000m, it is not a policy requirement for affordable housing to be provided and therefore the application has to be assessed on its merits. There is an argument that the size of the units are large and therefore do not 'optimise' the use of the land. Given the make up of St John's Wood, with large semi detached/detached houses, it is not considered that the three units are unacceptable in this context, and refusal on these grounds could not be justified.

All of the houses have been designed to meet the Lifetimes Homes Standards as required by policy H8 of the UDP. The units will offer a good standard of accommodation and will provide external amenity space. This is welcomed and compliant with policy H10 of the UDP.

Objections have been received on the grounds that House 1 could in the future be turned into flats given its size. Should an application be submitted to the Council in the future this would be assessed on its merits, however as a point to note family dwellings in this location are protected by UDP policy.

The proposals are therefore considered acceptable in land use terms.

8.2 Townscape and Design

William Court is not included within a conservation area, though the St John's Wood Conservation Area flanks the site to the west and north sides. It was constructed in the mid 20th century replacing one of a series of villa buildings set in extremely large garden grounds which formerly lined this section of Hall Road.

The key issues are the implications for the setting of the mansion block and the surrounding townscape and St John's Wood Conservation Area from the proposed creation of three new houses to the site, and also the architectural quality of the three new houses. Objections to the proposals have been received on all of these grounds.

In terms of the implications for William Court and the surrounding area, policies DES 1 (A) (2), (4) and (5) in the UDP provide relevant advice, stating that new development should improve the quality of adjacent spaces around or between buildings, and should maintain the character, urban grain, scale and hierarchy of existing buildings and the spaces between them.

The main residential block of William Court sets in from all sides of its long principally N-S orientated site. To some extent this can be considered as a freestanding building to its plot, and it is recognised that freestanding buildings are a characteristic feature of St John's Wood. Notwithstanding that, the impression is lessened both by the sheer scale of the block, and crucially also that to the northern end of the site where the new houses are proposed the building is not principally surrounded by attractive landscaping but instead by a series of utilitarian structures (apparently original to its construction) which wrap around the building at lower ground floor level and present a grey asphalt roof cluttered by railings and rooflights which do little to provide a sense of an attractive setting for the main building. In addition, the building is seen against an area of more dense terraced housing to the north on Hamilton Gardens and Alma Square, and with a new terrace of houses having been recently completed to the rear of the adjacent site behind Grove Hall Court.

The principal public view of the new developments will be from looking south from Alma Square and Hamilton Gardens towards House 1 which will be readily visible but with its main upper floors set clearly apart from William Court and seen more as a continuation of the strong building line to the west side of Hamilton Gardens. A glimpsed view may also be possible between several buildings on Hamilton Terrace to the west, though the significant rear garden vegetation in place would limit any view further. An objection has specifically been made that the proposals will infill the 'gap' between properties when viewed from Hamilton Terrace that, in principle is contrary to policy. The view between properties from Hamilton Terrace does not constitute a 'gap' as referred to in policy. UDP policy DES 9 (F) reflects the importance of protecting the setting of adjacent

conservation areas, and it is not considered that the new buildings would harm that setting.

Overall, it is recognised that the three houses proposed will create a more dense development to the north side of the William Court site, however it is considered that they would sit comfortably in the setting of the main building and surrounding area, and the principle of siting three houses to the locations proposed is considered in line with the policies quoted above and acceptable in principle.

Architectural Approach

House 1 (north-west side):

This building incorporates a single storey wing to ground floor level with the main body of the building rising three floor levels. The main body draws some influence from architecture of the 1930's period from which William Court dates and adopts a form with curved corners and a footprint which tapers to the south end which helps visually integrate the building into William Court where prominent curved bay extensions are a distinctive feature of the side and rear elevation. The key focus of the elevations is the prominent brick bands dividing each floor level with the emphasis of these further made distinct by the use of a lighter stone to the base of each band. This use of brickwork as a main facing material with limited architectural elements picked out in a lighter colour will help to integrate House 1 with the townscape to Hamilton Gardens which are characterised by brick facing and limited use of render for key elements of their composition. This building sits down below the height of the adjacent houses on Hamilton Gardens helping give it a visually recessive appearance seen against this adjacent terrace. The window openings are recessed notably back from the main elevation line giving an impression of depth and modelling to the facades, and with the angled window reveals giving a good sense of rhythm and visual interest to the composition. The larger windows to the curved corner on the south elevation provides a principal focus to the composition on this distinctive corner and details of its design will be sought through condition. To its north-west corner and around on the north elevation the staircase rises internally, and is expressed externally by a distinctive 'hit and miss' arrangement of brickwork which will add some distinctive texture to the elevations without presenting large windows dominating the view north to Hamilton Gardens.

The smaller single storey wing partly abuts an architecturally undistinguished part of William Court the enclosure of which is not considered contentious in design terms. House 1 only marginally rises above the height of the existing northern boundary wall to Hamilton Gardens ensuring that there is a clear townscape gap between the main body of the new building and William Court. This single storey element is designed principally with a consistent rhythm of angled reveals to the window openings, with this rhythm carried up through the parapet and giving it some architectural interest to this part of the building visible in views from Hamilton Gardens.

Overall, though representing a prominent new building visible from the public realm, this building is considered a distinctive and attractive addition to this section of the St John's Wood townscape, and one which in terms of its height, form and architectural approach is considered in sympathy with both William Court and the adjacent terrace to Hamilton Gardens.

Houses 2 and 3 (eastern side):

The new building proposed as Houses 2 and 3 are designed in a similar architectural style to each other, though the materials do differ to reflect their differing relationships with William Court.

House 2 is located to lower ground floor level and sits in the location of a redundant structure, believed to have been a boiler store and which will be demolished to facilitate this part of the proposed development. This new house rises higher than the ground floor level external walkway adjacent, though only rises to the height of the balustrading flanking the railings and will not therefore appear a bulky new structure in this context. This house is designed with a darker grey brick facing which is considered appropriate for this low level location surrounded largely by the existing William Court building and the eastern side boundary wall.

House 3 is a single storey building. The height of this structure will rise only just higher than ground floor level to William Court, and seen in context with this large mansion block and the higher modern terrace to the east the scale of the development is considered relatively modest. Though immediately abutting William Court the element enclosed is architecturally undistinguished with only a window relieving the otherwise blank brickwork. This house will have brickwork to follow that on the main William Court building.

Both buildings incorporate a regular rhythm of window openings where glazing is set into angled reveals (the angles set to direct views away from William Court) similar to that found on the ground floor of House 1 and which again gives a good sense of depth and modelling to the elevations. Though the windows are slightly higher than those found to the main elevations of William Court the scale is generally comparable, and overall these two new houses will present a good sense of visual solidity. One window concern is the particularly large example proposed to the rear elevation of House 3 which would be highly prominent from buildings on Hamilton Gardens, though an amending condition seeks to secure a reduction in its scale.

Front window and lightwell railings have a distinctive and attractive balustrading adding some visual interest to the building, and the buildings will incorporate green roofs above, which along with the landscaping works proposed around the north side of the site will provide a greater sense of a landscaped setting for William Court than is currently presented by the asphalt roofs around these areas.

These two new buildings proposed are set into a relatively discreet part of the site, would not be readily visible from the public realm, and overall are a well-considered response to the site.

Conclusion:

Given the above, officers consider that given the character of this site and its surroundings, the installation of three new buildings around the north side of the building to the relatively modest scale proposed is considered acceptable, and also that the buildings represent an appropriate architectural quality for the site, with the more prominent building of House 1 in particular being styled to integrated more overtly with the architecture of William Court and with its townscape context generally. The development proposed is considered a high quality intervention into the site, and in line with policies DES 1, DES 4

and DES 9 in the UDP and S25 and S28 in the City Plan. The proposals are also considered to comply with the aims of the National Planning Policy Framework.

8.3 Residential Amenity

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

Objections have been received in relation to loss of light, increased sense of enclosure and loss of privacy from residents within William Court (notably those that live in Flats 13-16 on the ground floor), to the east in Grove Hall Court, to the north in Hamilton Gardens and Alma Square and to those in the west in Hamilton Terrace.

Sunlight and Daylight

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing 483 windows (for daylight) and 244 windows (for sunlight) of the affected residential properties in William Court; 19, 21, 23, 25 and 26 Hamilton Gardens, Grove Hall Court and two new units in the development site to the rear of Grove Hall Court. It should be noted that this assessment was recently updated to include an assessment of 26 Hamilton Gardens and to take into consideration the revisions made to the scheme during the course of the application.

In terms of daylight, the assessment states that of all the windows tested, three windows to William Court fall short of BRE targets for daylight. Two of these windows serve bathrooms (to flats 13 and 16 at ground floor level), and are not considered habitable rooms and have been discounted. The third window serves a kitchen area of an open plan kitchen dining room to Flat 16 (at ground floor level), which benefits from dual aspect, further served by a large bay window. The assessment concluded that the rooms will continue to receive good overall daylight levels.

In terms of sunlight to William Court, all but 2 windows will continue to meet the target values as set out by BRE guidelines. One of these windows serves a bathroom (again to Flat 16 at ground floor level), which is not a habitable room, whilst the other serves a kitchen area within the open plan kitchen dining room which benefits from dual aspect windows, also to Flat 16 at ground floor level. The assessment confirms that BRE guidance allows for a lesser requirement for sunlight, as such the shortfall is not considered to be so harmful as to warrant refusal.

A specific objection has been received from the owners of Flat 6a, which is at lower ground floor level on the eastern side of William Court. Given this property is at lower ground floor level, with high retaining walls in front of the windows and a significant distance from House 2 & 3, it is not considered that this property would be affected in terms of sunlight and daylight.

The revised daylight and sunlight assessment confirms the windows of neighbouring properties on Hamilton Gardens, and units 1 and 2 to the rear of Grove Hall Court comply with BRE guidelines for daylight and sunlight levels.

Sunlight and Daylight to Proposed Residential Units

In terms of the new residential units themselves, it is considered that the main principal habitable rooms will be sufficiently daylit and sunlit. The majority of bedrooms will also achieve good levels of daylight and sunlight and therefore, the analysis shows that the proposed development is broadly compliant with the BRE guide. The proposed amenity spaces will receive reasonable levels of sunlight on March 21, especially considering the nature of this dense, urban, infill site.

Sense of Enclosure

House 1:

Whilst the ground floor element of House 1 occupies the majority of the 'podium' space at this location, a large proportion of this bulk will be sited adjacent to the flank wall of Flat 16 William Court. A lightwell however is proposed to allow for natural light and ventilation to the bathroom and kitchen windows of this flat. Whilst the outlook from these windows will be compromised, given the rooms they serve, the harm is considered acceptable in this instance. The rear 'built brick' part of House 1 is set back from the corner edge of William Court by approximately 4m. However this leaves a strip of amenity space/ cycle storage area, to be used in association with House, measuring 9m x 2.5m. In order to protect against overlooking, this amenity space is enclosed with 1.8m high timber fencing. The exact details of this fencing are not yet confirmed. The timber screening will be positioned 1m away from the curved bedroom window of Flat 16. Whilst this is close, given the outlook this flat experiences across the concrete podium to the north, subject to conditions to secure the details/ colour of the fencing, this is not considered to unduly harm the outlook of this flat, or the other flats at this level; No's 13, 14 and 15.

House 2 & 3:

House 2 is to be constructed within the boundary walls of the existing boiler room. The proposals are similar in nature in terms of bulk, to those previously approved in 2004. The ground floor of this unit, will project marginally above the podium level. A narrow projecting rectangular roof skylight is proposed to the front of the property. The structure and roof light are not considered to result in any sense of enclosure to the neighbouring properties in William Court, or the adjacent new unit in the development to the north of Grove Hall Court.

House 3 is a single storey structure. The front elevation of this house does not project any further than the projecting side return of William Court, and therefore there is no issue of enclosure to the residents of William Court facing this part of the scheme. There are entrance railings to this house which will sit forward of the building line, however these are proposed to be simple black metal vertical railings and are acceptable. To the rear, House 3 projects some 9m beyond the rear building line of William Court. This is set back from the elevation by 3.2m of the nearest window which is a bedroom window of Flat 16 although this set back allows for a private amenity space which is enclosed by 1.8m fencing (details of which are to be conditioned) which will be directly on the building line. Whilst this additional bulk and massing of the building and fencing will be noticeable to flats 13, 14, 15 and 16 William Court, given its height of 4m and the outlook already

experienced across the podium deck, the proposals are considered to be acceptable in terms of enclosure.

Terrace enclosures:

It was originally proposed to create private amenity spaces on the podium level to serve flats 13-16 William Court and a communal terrace area for the remaining flats in William Court. In order to protect the privacy of the occupiers of flats 13-16 it was proposed to also install 1.8m high fencing along the full width of the podium, some 1m directly outside of their windows. This caused significant concern for the residents of these flats in terms of the creation of sense of enclosure and has since been removed from the proposals.

Privacy

Terraces/ Amenity Space:

The podium level is now to be landscaped only to improve the visual amenity for residents in William Court, rather than as formal amenity spaces. The annotations on the plans state that this is not accessible to residents, however objections to this element of the scheme have continued to be raised, as whilst the proposals do not include formal seating areas etc, it is argued that as the existing railings are being removed, this landscaped area will attract residents to use this area by virtue of it being improved and accessible. It is considered that the use of the podium by residents would result in overlooking to the residents of the ground floor flats and therefore a condition to prohibit its use is recommended. A resident's amenity garden is proposed above House 2. According to the applicant, prior to the work beginning on the development to the north of Grove Hall Court, this podium area was used as a communal terrace area with tables and chairs. As the proposals seek to reinstate this area and it will be significantly improved with landscaping, this is considered to be acceptable.

Amenity spaces/ terraces are proposed to House 1 (to the south and east elevations at ground floor and at roof level) and to House 3 (to the west elevation at ground floor level). The amenity spaces at ground floor level are all to be enclosed with 1.8m high fencing and screened from existing trees within the gardens of Hamilton Terrace and therefore there are no concerns with regards to overlooking. The roof terrace atop House 1 is some 12m away from nearest windows of William Court. There will be very oblique views into the rear bedroom windows of the northern corner flats, and to the western elevation of William Court the windows only appear to serve bathrooms and dual aspect kitchen/dining areas, again with very oblique views. To the north of the site is 26 Hamilton Gardens, which has two windows in the southern elevation (facing the application site) at second and third floor level. These windows are fairly small, appear to be obscured glazed and are more than 5m away. To the west of the terrace are the properties of Hamilton Terrace. These properties have extremely long gardens of over 40m and therefore there will be no detrimental overlooking to any of the windows within these properties. Whilst some of the residents in these properties have argued that overlooking to the garden areas could occur, gardens in this context are not considered to be private and residents of adjacent properties can already look into neighbouring gardens. It is therefore considered that the proposed amenity spaces would not result in any detrimental overlooking to neighbouring properties.

Overlooking from proposed windows of residential units:

The windows in House 1 at ground floor level will not result in any direct overlooking to neighbouring properties, given their siting behind the terrace enclosures and adjacent

trees. At first and second floor level, the windows have been designed to be angled within the window frame. There are also a number of 'blind windows' proposed in both the east and west elevations. Given their distance of 12m from the windows of William Court, over 5m to the nearest windows in Hamilton Gardens and over 40m away from the rear elevation windows of Hamilton Terrace properties, the proposals will not directly result in any overlooking to neighbouring properties.

House 2 is primarily set within the boundary walls of the old boiler room. All the windows of this property look out over the lightwells associated with this house and the communal drive way to the eastern side of William Court. There are therefore no concerns with regards to overlooking.

House 3 is a single storey structure with windows in the south elevation and the west/north elevation associated with the two bedrooms proposed. The southern windows are sited some 5m away from the nearest window in William Court (a living room window of Flat 11a). The windows proposed are at an oblique angle from the windows in William Court and given that they serve bedrooms as opposed to a more heavily used living area, will not result in any harmful overlooking. To the rear part of this house is the living area. The windows in the west elevation are obscured from view from the nearest flat in William Court, Flat 13 with the proposed 1.8m high screening and so offers no views into this property. As shown on the drawings, a large 'picture' window is proposed in the rear elevation. It is not considered that this window would result in overlooking to properties to the rear in Hamilton Gardens, notably No20, given the ground floor of the single storey structure will be set lower than the ground floor/garden level of this property, and at a distance of over 7m between the rear elevation of the application proposal and the rear elevation of 20 Hamilton Gardens which is separated by the existing grass verge and 1.8m boundary treatment. As discussed above, in townscape terms however, it is proposed that this window is amended to a smaller scale, which may alleviate concerns of residents in terms of overlooking.

Noise from proposed units/ terraces

There are a number of communal terraces in existence on the site. Whilst some of the amenity spaces are for private use, it is not considered that the use of these areas would result in significant levels of noise over and above what currently exists so as to warrant refusal.

The use of the podium deck as a communal terrace would result in noise concerns to the residents in William Court and to the properties to the rear in Hamilton Gardens, and therefore a condition is recommended to prohibit its use as a terrace/seating area.

House 3 is to be accessed from a new entrance created in the boundary wall of the site adjacent 26 Hamilton Gardens. It was originally proposed to also create an emergency exit from William Court adjacent 25 William Court, however this attracted objections from residents in Hamilton Gardens, Alma Square and from flats on the ground floor of William Court on the grounds of increased comings and goings and noise as residents within William Court would use this as a main entrance if approaching/ exiting their homes northwards. This element of the scheme has been removed however objections still remain to the new entrance proposed for House 3 on noise grounds and increased comings and goings. It is not considered that the residents of one house (albeit a 5

bedroom house) would create such a disturbance in terms of noise, deliveries etc so as to impact upon the amenity of neighbouring properties.

Odours from proposed refuse storage

Objections have been received on the grounds that the proposed houses have external refuse storage areas which may result in unacceptable odours. All the waste and refuse for William Court is ultimately stored outside and this does not appear to cause any issues. Waste is collected twice weekly and this is considered acceptable.

8.4 Transportation/Parking

Car parking

Policy TRANS23: Off-Street Parking: Residential Development details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. Policy TRANS23 includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 87.8% (consisting of 241 Residents' and 46 Shared Use Bays, 207 and 45 of which were occupied respectively). Therefore, the Highways Planning Manager considers that the introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels.

Overnight the pressure on Residents' and Shared Use Bays increases still further, to 93.4%, although residents can also park free of charge on metered parking bays or single yellow line in the area. Even with these extra bays included the stress level is still 86.9% (306 bays in total occupied out of 352).

There are no new parking spaces to be created as part of the development. At lower ground floor level of the building on the western side of the building is a garage owned by the applicant. Officers are advised that this garage is not currently used by anyone for the parking of vehicles and it is proposed that House 1 could lease this garage if they wish, which will provide two carparking spaces. This would be welcomed and would comply with policy TRANS 23.

To the eastern side of the building are a number of parking spaces, and from the officers site visit, it appears that these are allocated to certain flats as a result of being leased by the occupiers. The applicant advises that two of these spaces could be leased to the future occupiers of Houses 2 and 3 if they so wished. Whilst again this would be welcomed, this potentially could result in the displacement of two cars which would have to be accommodated on the surrounding highway network.

Whether there is a shortfall of two spaces (associated with Houses 2 and 3 only) or four spaces (should House 1 not take a lease on the garage space), it is not considered that the creation of three residential properties would have such a harmful impact upon the demand for on-street parking so as to warrant refusal.

Cycle Parking

Two cycle parking spaces are shown for each house contained within secure storage facilities within the private garden areas of each house or internally within the building. FALP requires 1 space per residential unit of 1 bedroom or fewer and 2 spaces per unit of 2 bedrooms or more, so this is acceptable and their provision will be secured by condition.

New Entrance

As described above, the entrance to House 3 is proposed from Hamilton Gardens, adjacent No. 26 Hamilton Gardens. Objections to this element of the scheme have been received from Hamilton Gardens and Alma Square. The Highways Planning Manager has raised no concern with this element of the scheme. Although this means that any servicing/ deliveries to this property will be via Hamilton Gardens rather than from within the application site, it is not considered that these would be so significant so as to be harmful to the surrounding highway network.

8.5 Economic Considerations

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

8.6 Access

House 2 is fully accessible from the communal driveway. Houses 1 and 3 require entrance via stepped access from Hamilton Gardens and within the application site. Whilst it is regrettable that the house are not fully accessible, it is not considered that the application could be refused on this basis.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed within all three houses to provide comfort cooling/heating. This is to be externally vented. Environmental Health officers have assessed the acoustic report submitted with the application and consider that the proposals are unlikely to result in any harm to the amenity of neighbours in terms of noise and the proposals are therefore considered to comply with S31 of the City Plan and ENV7 of the UDP.

Refuse /Recycling

Site wide waste and recycling facilities are in existence at William Court. Refuse is transported to the ground floor from flats within the mansion block through refuse chutes locates adjacent the central stair core where they are then moved outside into a bin lift positioned in the eastern driveway/ parking area. This is collected twice weekly. It is proposed to formalise this area and 'smarten' this area up a dedicated enclosure (and associated landscaping discussed later) and this is welcomed.

It is proposed that each house has integrated waste/recycling facilities within the building. Further to that, House 1 will have its own dedicated external facility outside the house entrance. It will then be the residents responsibility to ensure that this is collected from Hamilton Gardens (which will be the main entrance to this property) in the general waste collection. House 2 and 3 will share the storage provision with the remaining flats in William Court.

The waste arrangements are considered acceptable.

Trees

During the course of the application, additional details were requested of the applicant in relation to trees to the rear of the site, on the boundary with Hamilton Gardens and the impact to trees in the rear gardens of Hamilton Terrace, to the west. Whilst some of the revised details have addressed initial concerns there are still objections raised by the arboricultural officer.

Within the rear of the site is a mature Tree of Heaven (T10). The arboricultural officer originally had concerns that the proposed steel framework required to construct the development showed this to be going through the trunk of that tree. The applicant has provided additional information in the tree report and structural method statement which now shows that the steel framework will not go through this trunk. Whilst the arboricultural officer is not fully happy in that the written statements apparently do not tally with the submitted structural drawings, it is recommended that a condition to secure protection methods of this tree are recommended, as this is not a reason for withholding permission.

The proposals will potentially impact on seven trees located in the rear gardens of properties 76-82 Hamilton Gardens. A Tree of Heaven (T3) is proposed to be removed and the others are proposed to be pruned to allow for scaffolding to be erected. As the trees are located within a conservation area they are protected. Westminster tree officers have not objected to the loss of the trees or the pruning of the trees. Should the trees be required to be removed/ pruned as a result of the development, the applicant will need to come to an arrangement with their respective owners and the relevant application made to the City Council for their approval.

Concerns are also raised that once House 1 is built, the shading provided from the Tree of Heaven to the rear of the site and the trees within Hamilton Terrace will be unacceptable to the occupiers of House 1 and there will be an increased demand for additional pruning of these trees. It is not considered reasonable to refuse the application on this basis and to predict the future, so again it is advised that should any of the trees be required to be pruned in the future, the applicant will need to come to an arrangement with their respective owners and the relevant application made to the City Council for their approval.

An ash tree in the rear of the site (T9) is proposed to be removed and there are no objections to the loss of this tree

Landscaping

Landscaping is proposed to the flat roof of House 2, the podium deck to the rear of William Court and to the communal driveway to the eastern side of William Court. This is all welcomed. In response to concerns raised by the City Council's arboricultural officer regarding soil depth for landscaping, the applicant's consultant has confirmed that for the species selected a 500mm soil layer is sufficient. The Council's arboricultural officer considers that the landscaping proposed offers little visual amenity for the neighbours. However, when compared to the appearance of the existing driveway and podium deck to the rear and west of William Court the landscaping is considered a significant improvement.

With regards to the proposed landscaping to the communal driveway, further details of this are to be secured by condition. The plans/ visuals indicate trees are proposed, so details of these species is considered necessary. It is recommended that a condition to secure the landscapes areas/ green roofs are provided is attached, as details of species/ shrubs have already been considered acceptable.

Biodiversity

An objection has been received on the grounds of potential impact to bats. Whilst a bat survey has not been submitted and therefore it is unclear if there are any bats in the area, the proposals do not require the removal of any significant trees or habitat. The proposals are therefore considered acceptable in this regard. An informative is however proposed should bats be found on the site.

8.8 London Plan

The application does not raise any significant strategic issues and is not referable to the Mayor due to the size and height of the development. Where relevant, considerations involving London Plan (2015) policies are dealt with in other sections of this report.

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 total estimated is £483,039.54 of which £48,055.70 corresponds to Mayoral CIL and £434,983.84 corresponds to Westminster CIL. This is to be clarified by the applicant with the Council's CIL officers should permission be granted.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Consultation Procedure and falsified information

Significant objections have been received on the grounds that little or no consultation was carried out with neighbours, yet the application documents suggested that this was well done but received a poor turn out at the consultation event.

Further to these complaints, the applicant carried out a second round of consultation which ultimately resulted in some of the revisions to the scheme. Whilst applicants are always advised to carry out consultation on contentious development proposals with local amenity societies, ward councillors and affected neighbours and the NPPF talks about its

importance, this is not a statutory requirement and whilst it is unfortunate that this application process got off to a bad start, is not a reason to withhold planning permission.

Time of Application Submission

A large number of objections have been received on the grounds that the application was submitted during the summer months when affected neighbours were likely to be on holiday and that the revisions to the scheme were submitted shortly before Christmas, when again residents were likely to be away and therefore comments could not be made within the timeframe given. The City Council cannot withhold permission on this basis.

Underhanded behaviour from the applicant

Many objectors claim that an employee of William Court Management was relocated from a lower ground floor flat (Flat 6a) to Flat 13 on the ground floor, adjacent the proposed House 3, which would be one of the most affected flats, so as to not raise an objection to the proposal. It is unclear whether this is true or not, however it should be noted that the owner of Flat 13 has objected to the proposals, and would not affect the assessment of the application. Again, this is not a reason to withhold planning permission.

Construction Impact

Concerns have been expressed by neighbours in William Court, Hamilton Terrace, Hamilton Gardens, Alma Square and within the surrounding area regarding the impact of construction works in terms of noise and general disturbance, including obstruction to traffic on Hall Road. A number of objections have been received on the grounds that the construction management plan submitted with the application is unrealistic and does not go far enough to limit the implications of the development upon the neighbours, notably those in William Court and Grove Hall Court.

Given the proposals are for three residential units a construction management was not required to be submitted. It is therefore not considered to be within the remit of planning legislation to require the development to be constructed in accordance with this construction management plan. The plan that has been submitted, is to demonstrate in principle that the development can be carried out with as minimal impact as possible. In this instance the applicant is not at liberty to enter into or comply with a Code of Code Practice adopted by the Council in July 2016. Planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the following paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works.

To seek to minimise disruption to neighbouring residents it is recommended that a condition is imposed to restrict the hours of building works to Monday to Friday 08.00-18.00 and Saturdays 08.00-13.00. No works are allowed on Saturday afternoon, Sundays or Bank Holidays.

Security

Concerns regarding security to existing William Court residents from the proposed residents of the new houses have been raised. It is considered that there are no additional implications upon security from residents of three new houses, who each have their own access rather than having to use the existing William Court access, over say a new

resident within one of the existing flats. Ultimately, this would be a management issue should any issues arise.

Safety

Originally proposed was a gas intake outside of Flat 6a at lower ground floor on the eastern side. This was objected to by the owners of this property, and this has now been relocated to outside of House 2. Some concerns are still raised with regards to the safety aspect of this gas intake. The positioning of a gas intake would be subject to stringent regulations from the appropriate gas provider and is therefore not a material planning consideration.

False letters of support submitted

Claims are made that the applicant has falsified letters of support to the proposals and uploaded these to the website. Some even claim that these 'letters of support' were done straight after an objection to the proposals were being made which required the progress of the application to be constantly monitored. Many claims have also been made that these are false and the 'supported' lives nowhere near the development site.

The City Council cannot reasonably be expected to corroborate each letter of support or objection and the application has to be considered on its merits and against City Council policy.

Loss of property values

Objections have been received on the grounds that their property values would be diminished as a result of the construction works and should the development get built and its impact upon William Court. Property values are not a material planning consideration in the determination of this application.

Loss of views

Objections have been received on the grounds that the view of the open space surrounding William Court will be lost. Whilst the issue of visual amenity is an important one, and addressed above, 'views' cannot be protected and this is not a reason for refusal.

Overdevelopment

The matter of 'too much development' again is not a reason for refusal. Each application is to be assessed on its own merits and against local and national policy.

Setting a Precedent

Whilst a significant concern to many, the matter of a development setting a precedent is not a material planning consideration and each application has to be assessed on its own merits.

Profit from Development

The City Council cannot refuse to assess an application on behalf of a developer or refuse an application because a developer may receive a profit on the proposals. Each application has to be assessed on its merits.

9. BACKGROUND PAPERS

Original Application:

1. Application form
2. Letter from Karen Buck MP on behalf of occupier of Top Floor Flat, 25 Hamilton Gardens dated 11 October 2016.
3. Email from Councillor Hug dated 16 October 2016.
4. Response from St John's Wood Society dated 25 October 2016.
5. Response from Building Control dated 27 September 2016.
6. Response from Environmental Health dated 19 October 2016.
7. Response from Highways Planning Manager dated 14 November 2016.
8. Response from Arboricultural Officer dated 17 November 2016
9. Response from Waste Manager dated 21 December 2016.

Letters of objection:

10. Letter from occupiers of 14 Hamilton Gardens dated 26 September 2016
11. Letter from occupier of 31 Alma Square dated 26 September 2016.
12. Letter from occupier of 35 Alma Square dated 26 September 2016.
13. Letter from occupier of 42 Alma Square dated 29 September 2016.
14. Letter from occupier of unnumbered flat 6 Hall Road dated 30 September 2016.
15. Letter from occupier of 82 William Court, 6 Hall Road dated 30 September 2016.
16. Letter from occupier of 36 Alma Square dated 1 October 2016.
17. Letter from occupier of 62 William Court, 6 Hall Road dated 1 October 2016.
18. Letters from occupier of Flat 5, 46 Hamilton Gardens dated 1 October 2016 and 9 October 2016.
19. Letter from occupier of Penthouse Flat, 36 Alma Square dated 1 October 2016.
20. Letter from occupier of 23 Hamilton Gardens dated 2 October 2016.
21. Letter from occupier of 2 William Court, 6 Hall Road dated 4 October 2016.
22. Letter from owners of 22 Hamilton Gardens dated 5 October 2016
23. Letter from occupier of 50 William Court, 6 Hall Road dated 7 October 2016.
24. Letters from occupier of Top Floor Flat, 25 Hamilton Gardens dated 7 October 2016.
25. Letters from occupier of 14 William Court, 6 Hall Road dated 7 October 2016, 17 October 2016, 3 November 2016, 5 November 2016, 11 November 2016 and 21 November 2016.
26. Letter from occupier of 74 William Court, 6 Hall Road dated 7 October 2016.
27. Letter from occupier of 75 William Court, 6 Hall Road dated 8 October 2016.
28. Letter from occupier of 60 Grove Hall Court dated 8 October 2016.
29. Letter from occupier of 41 William Court, 6 Hall Road dated 9 October 2016.
30. Letter from occupier of 23 Hamilton Gardens dated 10 October 2016.
31. Letter from occupier of 17 Hamilton Gardens dated 10 October 2016 and 12 November 2016.
32. Letters from occupier of 5 William Court, 6 Hall Road dated 10 October 2016.
33. Letter from occupier of 78 Hamilton Terrace dated 10 October 2016.
34. Letter from occupier of 32 Hamilton Gardens dated 10 October 2016.
35. Letters from occupier of 28 Hamilton Gardens dated 10 October 2016 and 16 October 2016.
36. Letters from owner of 16 William Court, 6 Hall Road dated 10 October 2016 and 12 December 2016.
37. Letter from owner of 26 Hamilton Gardens dated 11 October 2016.
38. Letter from occupier of 42 Hamilton Gardens dated 11 October 2016.
39. Letter from occupier of 157 Grove Hall Court dated 11 October 2016.
40. Letter from occupier of 27 Hamilton Gardens dated 12 October 2016.

41. Letter from owners/occupiers of 20 Hamilton Gardens dated 13 October 2016, 16 October 2016, 9 November 2016 and 11 November 2016.
42. Letter from occupier of 147 Grove Hall Court dated 13 October 2016.
43. Letter from occupier of 15 William Court, 6 Hall Road dated 13 October 2016.
44. Letter from occupier of 52 William Court, 6 Hall Road dated 14 October 2016.
45. Letter from owner of ground floor flat William Court, 6 Hall Road dated 14 October 2016.
46. Letter from occupier of 27 Hamilton Gardens dated 14 October 2016.
47. Letters from occupier of 21 Hamilton Gardens dated 14 October 2016.
48. Letters from occupier of 197 Grove Hall Court dated 15 October 2016.
49. Letter from occupier of 7 William Court, 6 Hall Road dated 16 October 2016.
50. Letter from occupier of 193 Grove Hall Court dated 16 October 2016.
51. Letter from owner of 19 Hamilton Gardens dated 16 October 2016.
52. Letters from occupier of 82 Hamilton Terrace dated 16 October 2016.
53. Letters from occupier of 80 Hamilton Terrace dated 16 October 2016.
54. Letters from occupier of 84 Hamilton Terrace dated 16 October 2016.
55. Letter from occupier of Flat 2, 77 Hamilton Terrace dated 16 October 2016.
56. Letter from occupier of a flat in Grove Hall Court dated 17 October 2016.
57. Letter from occupier of 37 Alma Square dated 17 October 2016.
58. Letter from occupier of Garden Flat, 37 Alma Square dated 17 October 2016.
59. Letter from owner of 10 William Court, 6 Hall Road dated 17 October 2016.
60. Letter from owner of 6a William Court, 6 Hall Road dated 17 October 2016.
61. Letter from occupier of 20a Alma Square dated 18 October 2016.
62. Letter from occupier of 13 Hall Gate dated 18 October 2016.
63. Letter from occupier of 105 William Court, 6 Hall Road dated 18 October 2016.
64. Letter from occupier of 10 Hall Road dated 25 October 2016.
65. Letter from occupier of 11 William Court, 6 Hall Road dated 27 October 2016.
66. Letters from occupier of 10 Bark Place dated 3 November 2016.
67. Letter from occupier of 105 William Court, 6 Hall Road dated 4 November 2016.
68. Letters from occupier 48 Avenue Close dated 6 November 2016.
69. Letter from occupier of 188 Grove Hall Court dated 6 November 2016.
70. Letters from the occupier of Flat 1, 190 Randolph Avenue dated 6 November 2016 and 7 November 2016.
71. Letter from occupier of 188 Grove Hall Court dated 6 November 2016
72. Letters from occupier of 77 Hamilton Terrace dated 7 November 2016.
73. Letter from occupier of 28 Finchley Road dated 7 November 2016.
74. Letter from occupier of 75 Hamilton Terrace dated 7 November 2016.
75. Letters from occupier of 58 Avenue Close dated 7 November 2016.
76. Letters from occupier of 62 Loudoun Road dated 7 November 2016.
77. Letters from occupier of Flat 1, 189 Sutherland Avenue dated 7 November 2016.
78. Letter from occupier of 20 Langford Place dated 7 November 2016.
79. Letter from occupier of 110 Grove Hall Court dated 8 November 2016.
80. Letters from occupiers of 7 Dunrobin Court, 389 Finchley Road dated 8 November 2016.
81. Letter from occupier of 20 Oakington Road dated 8 November 2016.
82. Letters from occupier of Flat 8 Circus Lodge, Circus Road dated 9 November 2016.
83. Letter from occupier of 13 William Court, 6 Hall Road dated 9 November 2016.
84. Letter from family relative of William Court, 6 Hall Road resident dated 9 November 2016.
85. Letters from occupier of 46 Eyre Court, Finchley Road dated 10 November 2016.
86. Letter from occupier of 136 Osier Crescent dated 11 November 2016.
87. Letter from occupier of Flat 8, 45 Marlborough Place dated 11 November 2016.
88. Letters from occupier of 9 Clive Court, 75 Maida Vale dated 11 November 2016.

89. Letter from anonymous person in William Court, 6 Hall Road dated 29 November 2016.
90. Letter from occupier of 34 William Court, 6 Hall Road dated 6 December 2016.

Letters of Support

91. Letter from unknown address dated 6 October 2016.
92. Letter from unknown address dated 7 October 2016.
93. Letter from occupier 9 Alma Square dated 7 October 2016.
94. Letter from unknown address dated 7 October 2016.
95. Letter from occupier of 32 William Court, 6 Hall Road dated 9 October 2016.
96. Letter from occupier of 54 Springfield Road dated 2 November 2016.
97. Letter from care of 67 George Street dated 2 November 2016.
98. Letter from occupier of 84 Century Court dated 2 November 2016.
99. Letter from occupier of 7 The Lane, Marlborough Place dated 3 November 2016.
100. Letter from occupier of 9 Cavendish Avenue dated 3 November 2016.
101. Letter from occupier of 61 Avenue Road dated 3 November 2016.
102. Letter from occupier of 66 Elsworthy Road date 3 November 2016.
103. Letter from occupier of 5 Templar Court, 43 St John's Wood Road dated 3 November 2016.
104. Letter from occupier of 70 Elsworthy Road dated 3 November 2016.
105. Letter from occupier of 11 Elm Tree Road dated 4 November 2016.
106. Letter from occupier of 49 Hamilton Terrace dated 4 November 2016.
107. Letter from occupier of 72 Grove End Road dated 6 November 2016.
108. Letter from occupier of 5 Evesham House, Abbey Road dated 7 November 2016.
109. Letter from occupier of 71a Brondesbury Road dated 7 November 2016.
110. Letter from occupier of 54 Carlton Hill dated 8 November 2016.
111. Letter from occupier of Flat 26, 17 Hall Road dated 10 November 2016.
112. Letter from occupier of Flat 53 Wellington Court dated 11 November 2016.
113. Letter from occupier of 98 Hamilton Terrace dated 14 November 2016.
114. Letter form occupier of 96 Hamilton Terrace dated 14 November 2016.
115. Letter from occupier of 7 Denning Close dated 21 November 2016.
116. Letter from occupier of 4b Abercorn Place dated 23 November 2016.
117. Letter from occupier of 18 Cavendish Avenue dated 24 November 2016.
118. Letter from occupier of 35 Blomfield Road dated 25 November 2016.
119. Letter from occupier of 27 Grove Hall Court dated 28 November 2016.

Revised Application:

120. Letter from St John's Wood Society dated 18 January 2016.
121. Response from Building Control dated 21 December 2016.
122. Response from Arboricultural Officer dated 2 February 2016.
123. Response from Environmental Health dated 12 January 2016.
124. Email response from Highways Planning Manager dated 30 January 2016.

Letters of Objection:

125. Letter from occupier of 14 Hamilton Gardens dated 20 December 2016.
126. Letters from occupier of Top Floor Flat, 25 Hamilton Gardens dated 24 December 2016 and 27 December 2016..
127. Letter from occupier of 36 Alma Square dated 26 December 2016.
128. Letters from occupier of 25 Hamilton Gardens dated 27 December 2016.
129. Letters from owner of 16 William Court, 6 Hall Road dated 28 December 2016 and 3 January 2017.
130. Letter from occupier of 34 Hamilton Gardens dated 3 January 2017.
131. Letter from owner of 22 Hamilton Gardens dated 3 January 2017.

132. Letters from occupier of 28 Hamilton Gardens dated 3 January 2017.
 133. Letter from occupier of 41 William Court, 6 Hall Road dated 4 January 2017.
 134. Letters from owner of 8 Hall Road dated 4 January 2017.
 135. Letter from occupier of 15 William Court, 6 Hall Road dated 4 January 2017.
 136. Letter from owners of 26 Hamilton Gardens dated 4 January 2017.
 137. Letter from occupier of 17 Hamilton Gardens dated 5 January 2017.
 138. Letter from 105 William Court, 6 Hall Road dated 6 January 2017.
 139. Letter from occupier of 74 William Court, 6 Hall Road dated 8 January 2017.
 140. Letter from occupier of 16 Hamilton Gardens dated 9 January 2017.
 141. Letters from occupier of Flat 8, 45 Marlborough Place dated 9 January 2017.
 142. Letter from occupier of 50 William Court, 6 Hall Road dated 9 January 2017.
 143. Letters from occupier of 58 Avenue Close dated 9 January 2017.
 144. Letter from occupier of ground floor flat, William Court, 6 Hall Road dated 10 January 2017.
 145. Letters from occupier of 188 Grove Hall Court dated 10 January 2017.
 146. Letter from occupier of 28 Finchley Road dated 10 January 2017.
 147. Letter from occupier of 110 Grove Hall Court dated 10 January 2017.
 148. Letters from occupier of Flat 1, 189 Sutherland Avenue dated 10 January 2017.
 149. Letters from occupier of 62 Loudoun Road dated 10 January 2017.
 150. Letters from Flat 1, 190 Randolph Avenue dated 10 January and 12 January 2017.
 151. Letter from occupier of 14 William Court, 6 Hall Road dated 11 January and 13 January 2017.
 152. Letter from occupier of Flat 5, 46 Hamilton Gardens dated 12 January 2017.
 153. Letter from occupier of 23 Hamilton Gardens dated 12 January 2017.
 154. Letter from occupier of 11 William Court, 6 Hall Road dated 12 January 2017.
 155. Letter from occupier of 34 William Court, 6 Hall Road dated 12 January 2017.
 156. Letter from occupier of 20 Langford Place dated 12 January 2017.
 157. Letters from occupier of 48 Avenue Close dated 12 January 2017.
 158. Letter from owner of 55 William Court, 6 Hall Road dated 12 January 2017.
 159. Letters from occupier Flat 8 Circus Lodge, Circus Road dated 13 January 2017.
 160. Letters from occupier of Flat 46 Eyre Court, Finchley Road dated 13 January 2017.
 161. Letters from occupier of 82 Hamilton Terrace dated 13 January 2017.
 162. Letter from owner of 19 Hamilton Gardens dated 13 January 2017.
 163. Letter from occupier of 75 William Court, 6 Hall Road dated 13 January 2017.
 164. Letter from occupier of 33 William Court, 6 Hall Road dated 13 January 2017.
 165. Letter from occupier of 78 Hamilton Terrace dated 13 January 2017.
 166. Letter from occupier of 13 William Court, 6 Hall Road dated 13 January 2017.
 167. Letters from occupier of 20 Hamilton Gardens dated 13 January 2017 and 26 January 2017.
 168. Letter from occupier of 24 Hamilton Gardens dated 14 January 2017.
 169. Letters from occupier of 21 Hamilton Gardens dated 23 January 2017.
 170. Letters from occupier of 84 Hamilton Terrace dated 24 January 2017.
- Letter of Support:**
171. Letter from occupier of 46 Hamilton House dated 3 January 2017.

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

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

10. KEY DRAWINGS

Visuals of Houses 1-3 in context of William Court



As Proposed Axonometric View 1 - REVISED SCHEME

Visuals of House 1 from podium deck of William Court and Hamilton Garden



House 1
Proposed William Court Podium View



House 1
Proposed View from Hamilton Gardens

Visuals of Houses 2 & 3

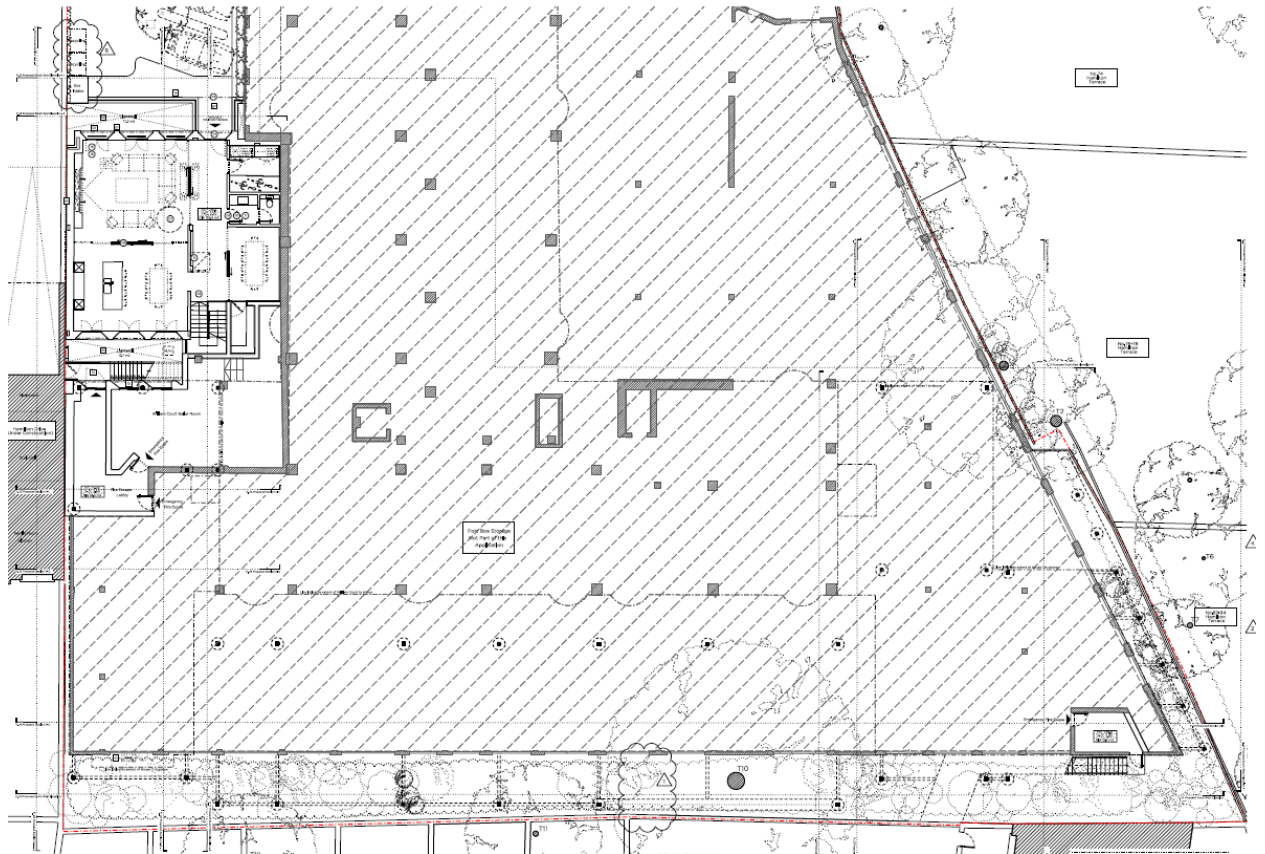


1 Houses 2&3
Proposed View from Vehicle Approach

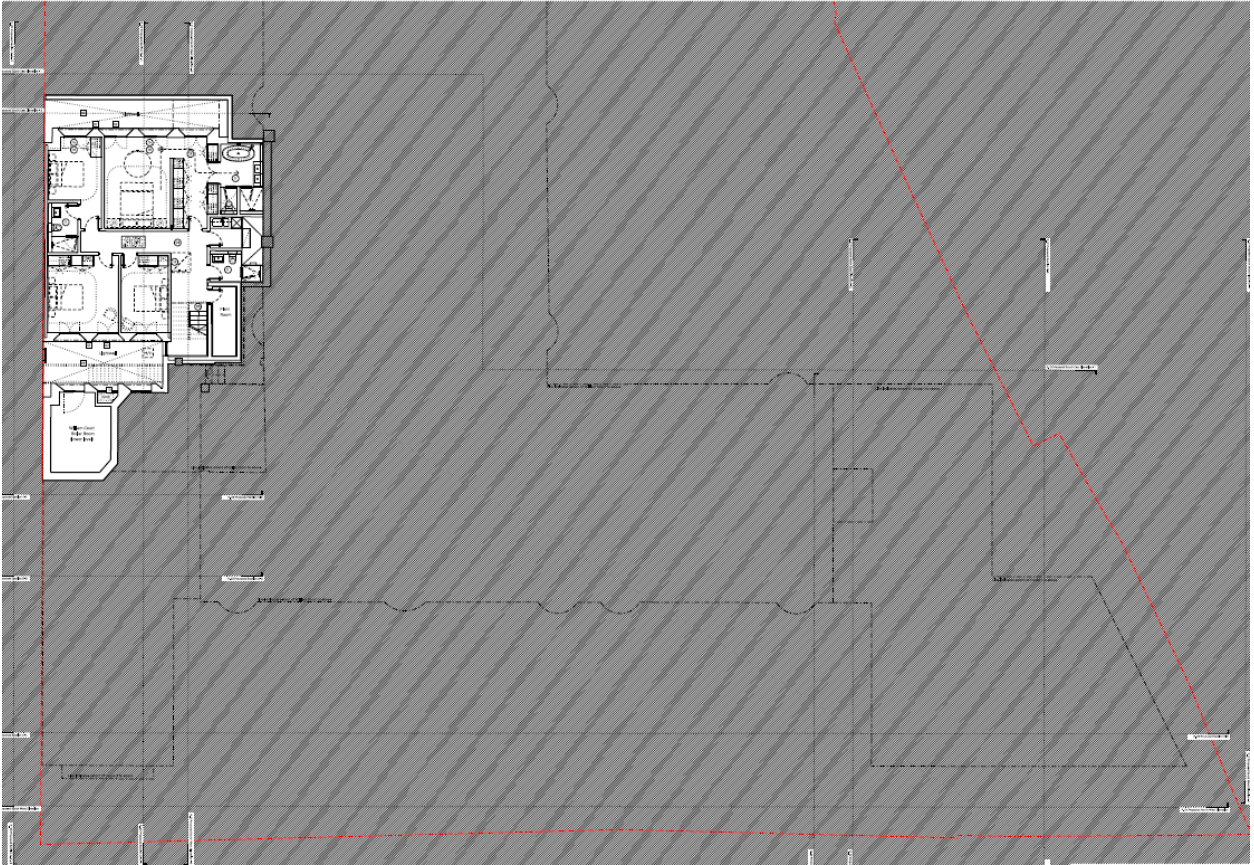


2 Houses 2&3
Proposed Sectional Axonometric View

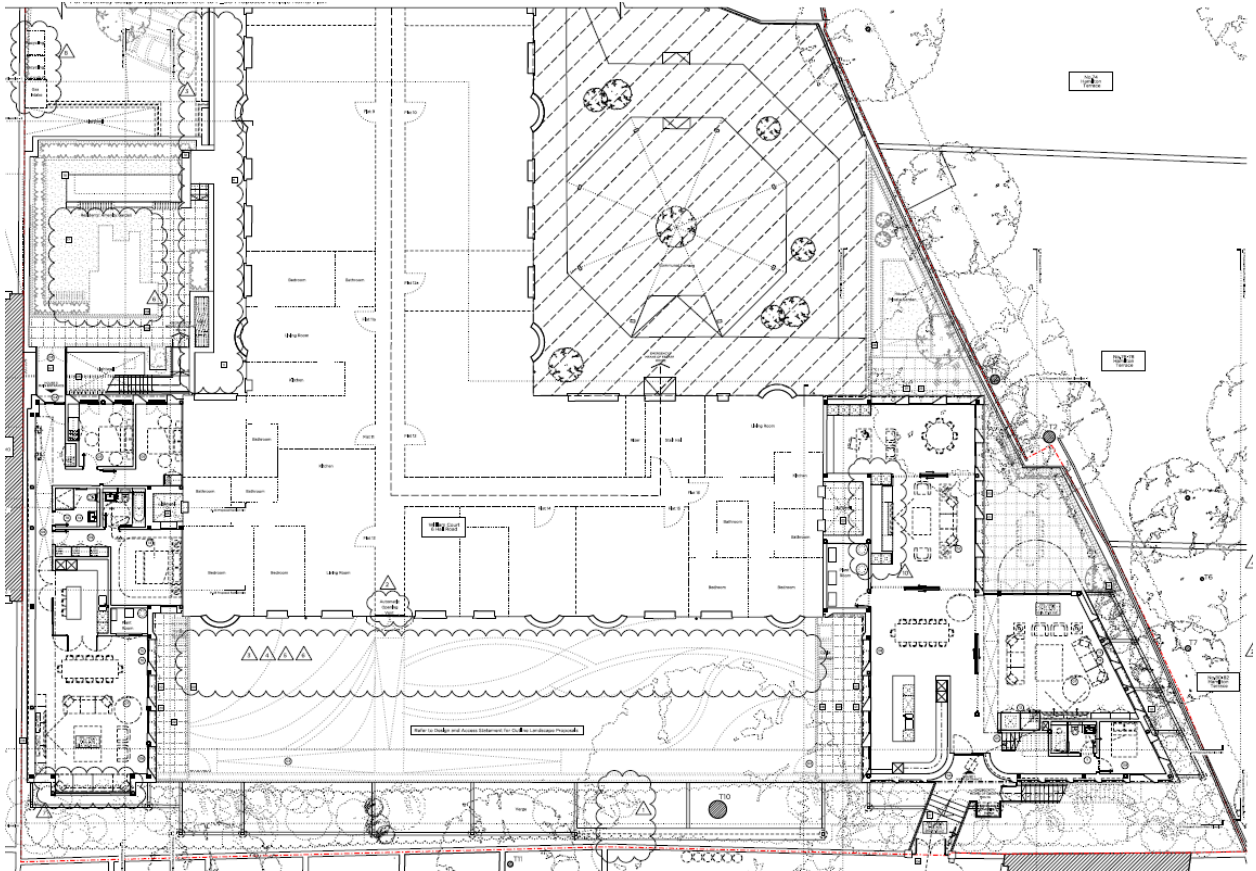
Drawing to show ground floor of House 2 to the eastern side of William Court



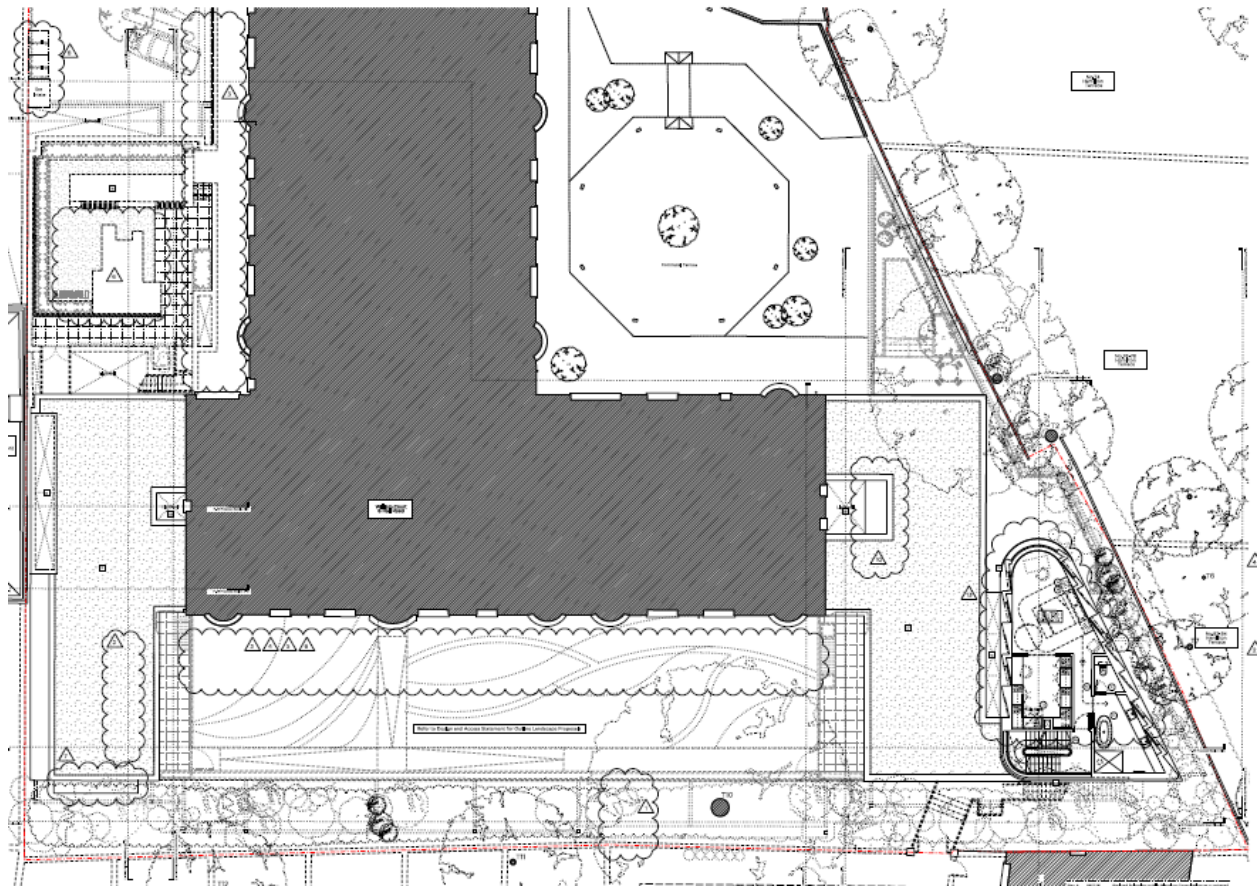
Drawing to show lower ground floor of House 2 to the eastern side of William Court



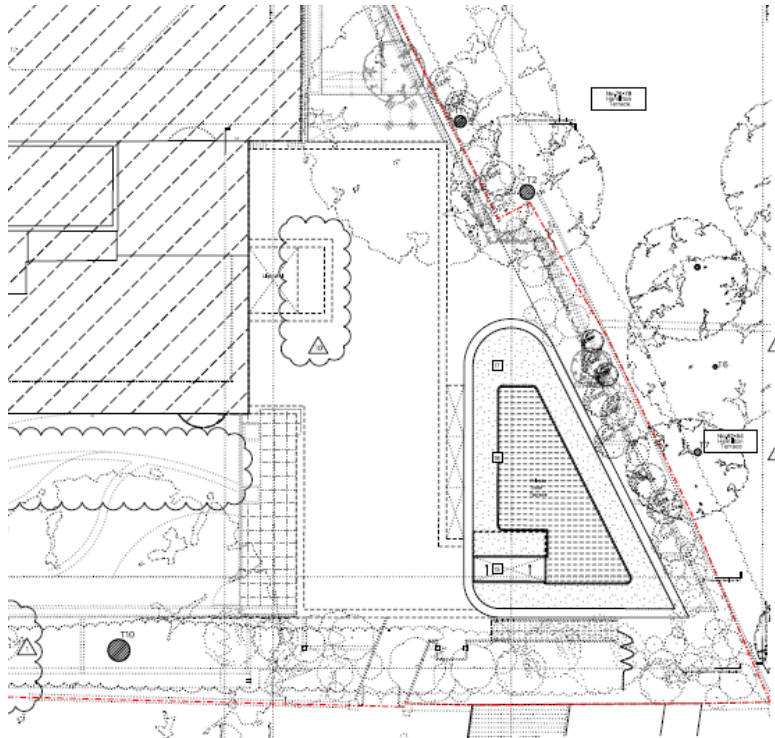
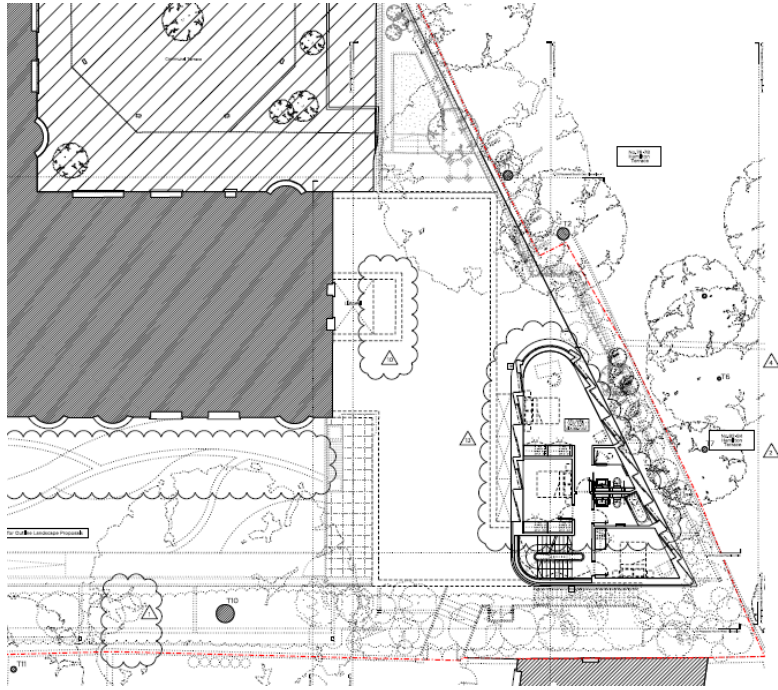
**Drawing to show podium deck level –Ground Floor of House 1, Ground Floor of House 3 7
Roof of House 2 and landscaping proposals to rear of William Court**



Drawing to show First floor plan of House 1 and roof of House 3



Extract Drawing to show Second floor and roof plan of House 1



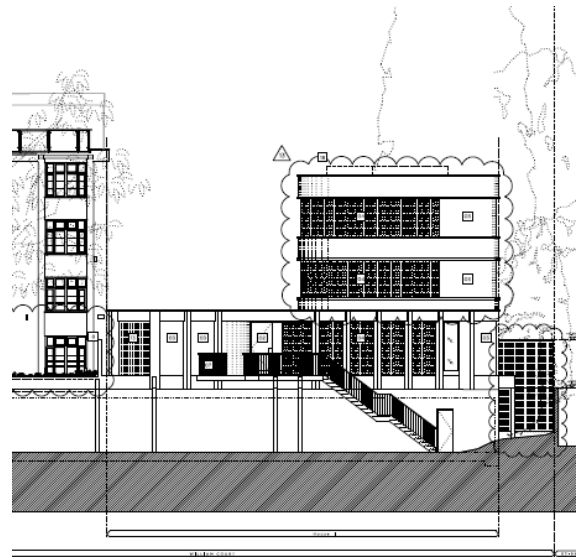
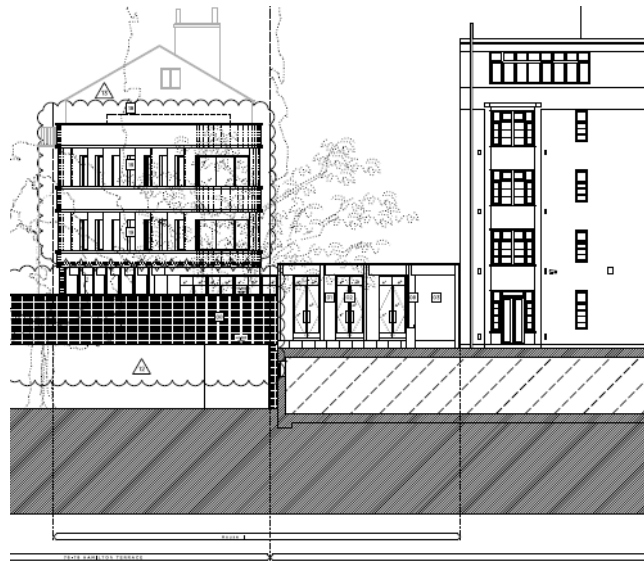
Section (east-west) through Houses 1 & 3 in relation to William Court (centre), Hamilton Terraces (to the right) and new development at rear of Grove Hall Court (left)



Section through Houses 2 & 3 showing William Court in the rear and Hamilton Garden properties to the right



Elevations drawing of House 1 (Top left – west elevation, Top Right-east elevation, Bottom Left- South Elevation, Bottom Right – North elevation)



DRAFT DECISION LETTER

Address: William Court , 6 Hall Road, London, NW8 9PA

Proposal: Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.

Plan Nos: P00; D_02A; D_03A; D_04A; D_08A; D_10A; D_11A; D_12A; D_13; D_20A; D_21A; D_22A; P_01A; P_02A; P_03A; P_04A; P_05A; P_06A; P_07A; P_08A; P_10A; P_11A; P_12A; P_13A; P_20A; P_21A; P_22A; P_30; Design and Access Statement dated December 2016; Planning Statement; Daylight and Sunlight Assessment amended 30 January 2017; Arboricultural Impact Assessment dated 13 December 2016; Landscaping information dated 14 December 2016; Sustainability Statement dated 10 August 2016; Noise Impact Assessment dated 8 August 2016; For information only: Construction Management Plan dated December 2016; Structural Engineer's Study dated December 2016.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing and framing to glazing and including the 'Bolou boarding', 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 (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 5 You must apply to us for approval of a sample panel of brickwork to be erected on site for each type of new brick proposed to be used, and submit a photograph of each erected panel, and which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. The brickwork shall not be painted, rendered or otherwise overclad. (C27DB)

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 6 You must provide the green roofs to main roof level on houses 1, 2 and 3 (in the locations shown on drawings P-07A, P-02A and P-05A) and to the podium deck before you start to use any part of the development, as set out in your application. 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)

- 7 The external brick facings to each of the three new buildings shall be formed in complete bricks and not brick slips

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:-

The window to the north-west elevation of house 3 subdivided into two window openings separated by a brick pier and together of reduced size as compared to the opening shown on P-10A

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 9 You must apply to us for approval of a detailed elevation drawing, and also a detailed plan/section drawing (as appropriate) for each of the following areas:-

- 1) Curved corner to the southern end of first and second floor levels on House 1
- 2) Example bay (showing all detailing) of the east and the west elevation at ground to second floor levels of House 1
- 3) Example bay (showing all detailing) of the south elevation of House 2
- 4) Example bay (showing all detailing) of the south elevation of House 3

The drawings must also be annotated detailing the use of facing materials. 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 (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 10 You must not erect any extensions or alter the appearance of the building, including the installation of new windows and doors, without our permission. This is despite the provisions of Classes A, B, C and D of Part 1 of Schedule 2 to the Town and Country Planning General

Permitted Development Order 1995 (or any order that may replace it). (C21HA)

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 11 You must apply to us for approval of an elevation drawing showing the louvred doors to the boiler/plant room at ground floor level of House 1, including annotation of materials and colour of finish. 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 this drawing. (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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 12 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or flat roofs adjacent. (C26NA)

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 13 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 14 The new external railings, and the deck to the new entrance bridge from Hamilton Gardens, shall be formed in black painted metal

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 15 You must apply to us for approval of a detailed elevation of the balustrade to main roof level of House 1, including confirmation of its materials. 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 this drawing. (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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 16 You must apply to us for approval of an existing and a proposed elevation drawing showing the area of boundary wall to Hamilton Gardens where the new entrance to House 1 is proposed. 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 (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 17 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P_02A, P_03A, P_04A, P_08A. You must clearly mark them and make them available at all times to everyone using the ****. (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)

- 18 You must apply to us for approval of detailed drawings and specifications (including colour) of the following parts of the development - privacy screening/fencing to Houses 1 and 3. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To 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)

- 19 You must not use the roof of the building of House 3 and the podium deck for sitting out or for any other purpose. You can however use the roof and podium deck 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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 20 You must install the privacy screen/fencing associated with House 1 and 3 prior to the use of the approved amenity areas.

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)

- 21 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.

- 22 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a

point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 24 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

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 (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.

- 25 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.

- 26 The design and structure of the development shall be of such a standard that it will protect

residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 27 You must apply to us for approval of detailed drawings of a planting scheme of the proposed trees to the communal driveway which includes the number, size, species and position of the trees. 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 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 2 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

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)

- 28 **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)

- 29 The lightwells to House 1 and 3 must remain open and be retained as lightwells at all times.

Reason:

To protect the 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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 3 Condition 28 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;
 - * 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.

- 4 The tree removal and tree pruning work recommended in the tree report is not always necessary to carry out the construction work although some are close to the building and pile locations. Therefore, it is not approved as part of this planning consent and if you wish to prune or remove any trees you must submit a Section 211 notification for works to trees within a conservation area (as described in the tree report) or obtain consent to work on a protected tree (if included in a Tree Preservation Order).
- 5 The trees within the rear gardens of Hamilton Terraces are within a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922.
- 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 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 8 The 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.

- 9 Our Environmental Health officers advise that, although it is not possible to be certain from your submitted plans, the scheme may not provide sufficient natural light into and a reasonable view from the main habitable rooms. You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view. The dwelling may therefore be considered for action under the Housing Act 2004 by our Residential Environmental Health team. In those circumstances, that team would have the power to require works to improve natural light and the view to the affected rooms (which may require planning permission) or alternatively, where this is not practicable, to prohibit the use of those rooms. For further advice, please contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
Website www.westminster.gov.uk
Email res@westminster.gov.uk
Tel : 020 7641 3003 Fax : 020 7641 8504

- 10 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

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.