

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>7 Clifton Hill, London, City Of Westminster, NW8 0QE</b>		
<b>Proposal</b>	Variation to Condition 1 of planning permission and listed building consent dated 20.11.2012 (Ref: 12/03398/FULL & Ref: 12/03399/LBC) for the excavation beneath dwellinghouse and part of rear garden to provide additional residential accommodation, associated internal and external alterations, and retention of bin store in front garden; NAMELY, for a new plant room to sub-basement level including new vent to rear garden and a deepening of the swimming pool, and for new windows and doors to rear lower ground floor level and new windows to rear ground and first floor levels		
<b>Agent</b>	Mr Ben Shaw		
<b>On behalf of</b>	Mr Ben Shaw		
<b>Registered Number</b>	16/09298/FULL, and 16/09299/LBC	<b>Date amended/ completed</b>	10 October 2016
<b>Date Application Received</b>	28 September 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

No. 7 Clifton Hill is a Grade II listed detached villa building which is located within the St John's Wood Conservation Area. The building comprises the original floor levels of lower ground, ground and first floor levels. Since its construction wings have been added to the main building to both east and west sides, and the site now also includes new accommodation both underneath the front garden related to applications approved on 18th July 2011, and also underneath the house and the rear garden related to applications approved on 20th November 2012.

The basement accommodation underneath the rear garden has not been constructed fully in accordance with the scheme approved on 20<sup>th</sup> November 2012. The swimming pool has been constructed deeper than approved, and a new plant room structure has been excavated underneath the area of approved basement accommodation in the location of the rear patio. In addition, two windows and a door to rear lower ground floor level which were not included in the approval of 2012 have been removed without permission, and the application seeks to reinstate a timber door and windows to these locations, with a single window each to rear ground and rear first floors on the eastern side wing to the building also proposed for replacement.

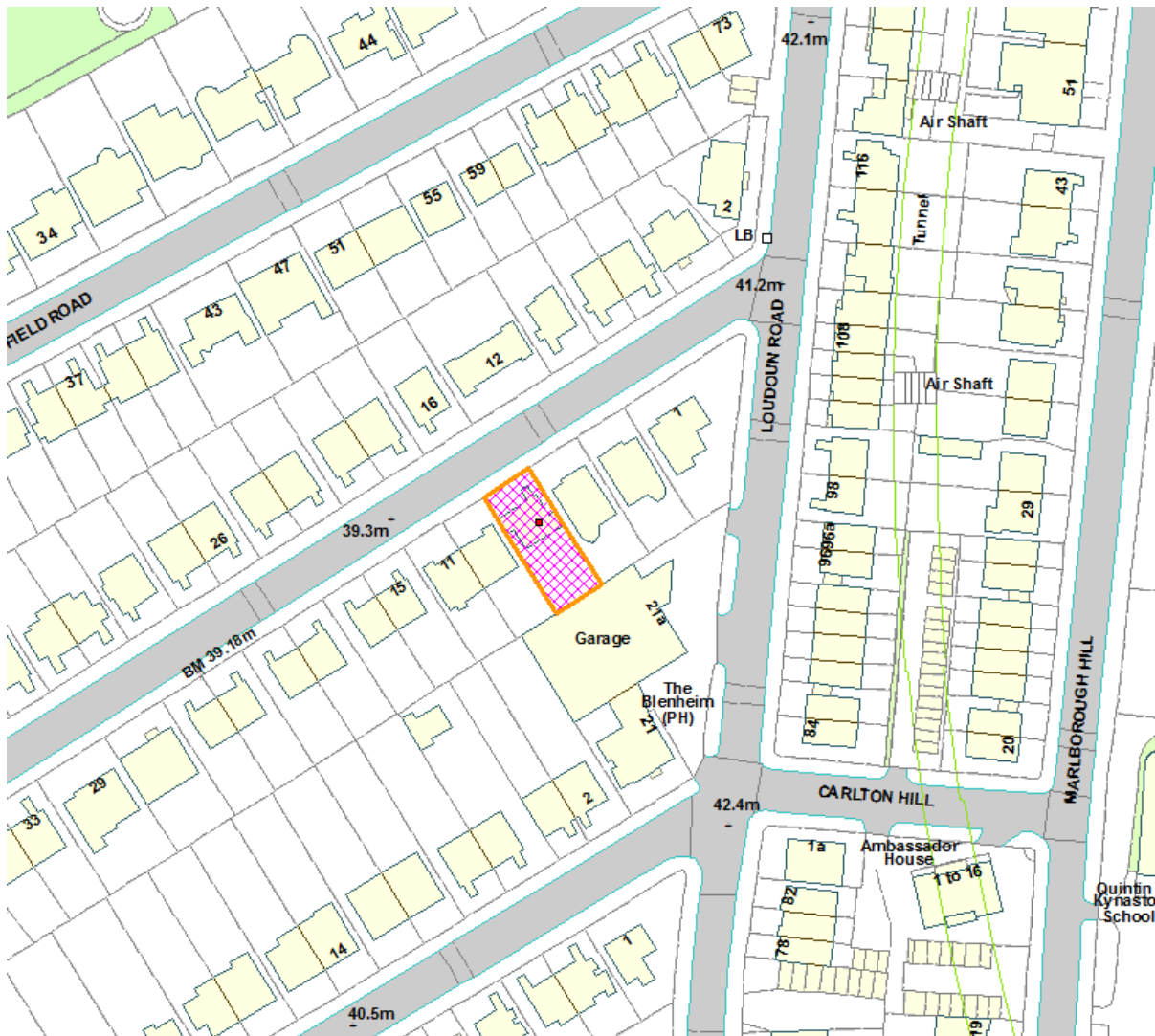
Planning permission and listed building consent are sought to vary the scheme previously approved on 20<sup>th</sup> November 2012 to retain the basement accommodation underneath the main house and rear garden though with the deeper swimming pool and new plant room including new vent to rear garden, and also for new windows and doors to the rear lower ground floor, and rear upper floors to the side wing. The element of the basement underneath the main house in the scheme approved on 20<sup>th</sup> November 2012 is unaffected by these changes proposed.

The key issues for consideration are:

- The impact of the proposal upon the special architectural and historic interest of this Grade II listed building and the wider St John's Wood Conservation Area;
- Compliance of proposed basement with basement policy CM28.1 of the City Plan.
- The impact of the proposal upon the amenities of the adjoining residents

For the reasons set out in the main report, the applications are considered acceptable in design/listed building terms, amenity terms and in terms of the impact of the basement development. The proposals comply with the policies set out in the Unitary Development Plan (UDP) and Westminster' City Plan and are therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear elevation

## 5. CONSULTATIONS

### ST JOHNS WOOD SOCIETY

Any comments to be reported verbally.

### ENVIRONMENTAL HEALTH

State that they have no objection to the proposals.

### BUILDING CONTROL

Advise that the construction works were inspected by a Private Approved Inspector who has signed the construction work off, that they have no relevant input, and that their initially expressed concerns are no longer relevant to the application proposals.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 2

No. of objections: 2

Objections received on the following grounds:-

- Query that the word retention implies that the swimming pool already exists, but does not clarify whether with planning permission or not.
- Concern expressed about what happens to any storm water in the context of a large basement estimated at two stories deep.
- State that the house and swimming pool make a large imprint, and query whether this is environmentally sustainable.
- Concern expressed about whether this would set a precedent for all the houses in Clifton Hill
- Concern expressed about accessing application information on the internet, and concern that having to do so discriminates by age.
- Concern that an acoustic report has not been provided, and understand that it is requested (by officers). State that it is not clear how this would impact the adjoining property.
- State that the scheme has not been justified structurally, and that no enough information has been provided in terms of details or a method statement setting out how the basement construction would affect the adjoining property. State that they understand that the planning department is still awaiting an engineer's report.
- Note that the construction that has taken place is significantly different to what was proposed, and that this has been a regular occurrence, of more concern given the lack of structural justification.
- State that the proposal is not clear, and nor is the difference between the proposal and the actual construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The existing dwelling house is a Grade 2 listed building located within the St John's Wood Conservation Area. It dates from the mid 19<sup>th</sup> century and is in use as a single dwelling house. The main body of the building covers lower ground floor, ground floor and first floor levels, though basement accommodation (allowed from previous approvals in 2011) exists underneath the front garden. Further subterranean accommodation is approaching completion to the house and the rear garden, which was approved in 2012 (albeit not fully constructed in accordance with the permission, as described above and below). Apparently relatively long standing side wings exist to both sides of the original villa building, with the eastern side wing rising full height to the main building.

### **6.2 Recent Relevant History**

27 August 2010:

Approval granted for Replacement boundary treatment. Excavation under front garden to create a playroom, shower room and utility room in connection with single dwelling house.

07 December 2010:

Approval granted for Replacement boundary treatment and excavation under front garden to create further accommodation in connection with single dwelling house.

18 July 2011:

Approval granted for Demolition and replacement of front boundary treatment and excavation under front garden to create further accommodation in connection with single dwelling house, including lightwell immediately adjacent to front elevation of the building. Associated alterations to front elevation.

20 November 2012:

Approval granted for Excavation beneath house and under rear garden to provide additional residential accommodation, external alterations and the retention of the bin store structure in front garden.

## **7. THE PROPOSAL**

The scheme approved on 20<sup>th</sup> November 2012 allowed for the creation of a new basement underneath the house and part of the rear garden, which included a large swimming pool and gym in the accommodation beneath the rear garden and also a plant room to the far end of the accommodation under the rear garden. This basement development is approaching completion on site, however several alterations to the scheme, approved on 20<sup>th</sup> November 2012 have been made, principally related to the depth of the basement which has been increased in depth by 0.7m and the creation of a new section of sub-basement excavation (measuring 2.2m in depth) for a new plant room in a location immediately adjacent to the house in the location of the rear patio, and with a new vent

proposed to the rear garden in association with the new plant room. These current applications seek to vary the previous approvals to incorporate these amendments. These current applications also seek to install a new door and two new sash windows to the rear lower ground floor level to replace those removed during the course of the works without permission. Existing relatively modern windows to the rear elevation of the eastern side wing at ground and first floor levels are proposed to be replaced with new sash windows. In addition, the applications seek permission to install walk on glazing slightly set below the level of the front garden to a small section of the front lightwell in place of the existing grill, which would match the glazing across the remainder of this front lightwell.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

In land use terms the new floor space proposed at basement level over and above that included with the scheme approved in 2012 is limited solely to the new plant room, and this increase to a single dwelling house accords with Policy H3 in the UDP.

### **8.2 Townscape and Design**

As set out above, the two principal physical differences between the scheme for a basement underneath the house and rear garden which was approved on 20 November 2012 and the current application proposals relates to a deeper volume which has been created to the swimming pool area, and also for the creation of a new plant room area underneath the rear patio of the building (including underneath the rear lightwell which includes a fixed grill at patio level). The increase in depth of the swimming pool located outwith of the footprint of the main original building is relatively limited and this does not adversely affect the character of this listed building. The new plant room area creates a relatively small new room to basement level set beneath the rear patio, and this also would not in itself adversely affect the character of the listed building.

The external manifestations of the basement proposed for retention also includes a slight increase in the width of the rear lightwell. This lightwell will retain its approved projection from the building but will be approximately 40cm wider. The modest increase in width is not considered to cause harm to the character and appearance of the building or conservation area, and as with the approved scheme it will be covered by a black metal grill which will minimise its visual impact. The slight widening of the York stone paved rear patio is considered uncontentious. In addition, a new plant vent measuring 70cm x 70cm x 70cm and clad to each side in timber louvres is proposed to be set within a planter bed to the west side of the rear garden, which will be located immediately adjacent to the side boundary wall. This is considered a discreet location for this feature, and it will not unduly clutter the attractive landscaped character of the rear garden or the setting of the building.

To the front lightwell, a new section of walk-on glazing is proposed in place of a small existing section of metal grill, and this would match the glazing present to the remainder of the lightwell adjacent. The approval of 18 July 2011 allowed for glazing across the full width of this front lightwell. As such, this work is not considered contentious.



The removal of the door and two sash windows to rear lower ground floor level is regrettable, however this application seeks as a starting point the installation of two new sash windows and a new door. These will be formed in timber and subject to a condition to secure an amendment to reduce the height of the window openings on site so that they match the height of the original openings, this work is considered acceptable. The slight widening of the width of one of these windows will allow it to match the width of the other, which is considered acceptable. The removal of relatively modern windows to ground and to first floor levels on the rear elevation of the side wing and their replacement with new sash windows is considered uncontentious.

In conclusion, the proposed development is acceptable in design terms, subject to the recommended conditions, and would accord with Policies DES1, DES4, DES7 and DES9 in the UDP and S25, S28 and CM28.1 in the City Plan (discussed below).

### **8.3 Residential Amenity**

The scheme has largely been largely completed on site, and the applications seek its retention as built. In such circumstances, the proposed development is considered acceptable in residential amenity terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

#### **Mechanical Plant**

The scheme approved on 20<sup>th</sup> November 2012 included a plant room located to the far end of the basement underneath the rear garden, with this room being ventilated through the lightwell adjacent to the rear elevation. This current application includes a new location for the plant room, to new sub-basement level in a location underneath the rear patio, to be ventilated through that lightwell and through a vent sited against the western boundary wall within the rear garden. Notwithstanding the concerns raised by an objector about a perceived lack of an acoustic report, one has been submitted to accompany the application and which assesses the noise implications of proposed plant in relation to adjoining residential properties. This has been reviewed by Environmental Health and they are satisfied that the mechanical plant would not cause noise disturbance to neighbouring residents and would accord with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan.

### **8.4 Transportation/Parking**

The proposals do not give rise to significant highways or parking issues given that the works are largely complete. The existing refuse store within the front garden is unaffected by these current proposals.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

The access arrangements into the building remain unchanged by the proposals.

## 8.7 Other UDP/Westminster Policy Considerations

### 8.7.1 Basement Policy CM28.1

The City Plan was adopted as consolidated with the new basement policy in July 2016. Policy CM28.1 within the City Plan relates to proposals for basement development. This policy therefore was adopted subsequent to the 20 November 2012 approval of a basement development underneath the house and the rear garden to this property. It is apparent that in several regards the basement proposed for retention in this application does not fully meet Policy CM28.1. This policy requires that basement development does not extend beneath more than 50% of the garden land, whereas in this case the basement extends beneath approximately 50.5% of the garden land (including accounting for the previously approved and now constructed basement underneath the front garden). Given that the approval of 20<sup>th</sup> November 2012 allowed a basement of similar footprint to that proposed in this application aside from the relatively small new plant room and that it is approaching completion, and that the basement proposed extends only marginally above the 50% requirement it is not considered that permission could reasonably be withheld in this case.

The basement proposed also does not maintain the 1.2m soil depth above the new basement as set out in CM28.1, but instead has a short angled grass bank immediately adjacent to the rear patio which incorporates a minimum of 0.4m depth of soil above the basement and with the basement otherwise being a minimum of 1.1m beneath the garden level. This however is very similar to the arrangement included in the approval of 20<sup>th</sup> November 2012 and given that, and that the depth of soil for almost all the garden level only just falls short of the policy requirement then it is not considered that permission could reasonably be withheld in this case.

Policy CM28.1 of the City Plan also requires that basement development does not involve the excavation of more than one storey below the lowest original floor level, except to large sites with high levels of accessibility and that no heritage assets will be adversely affected. A concern was raised by an objector that they judged the basement to be two stories high. The two main elements of the scheme which differ from those previously approved on 20<sup>th</sup> November 2012 are the increase in depth of the swimming pool and the creation of a new plant room underneath the rear lightwell. The swimming pool area is 5.1m in depth at its deepest point as compared to 4.4m as approved, though is otherwise similar to that previously approved. Though this represents an increase in volume over and above that previously approved, nonetheless it remains as a single floor level of limited increase in height as compared to the approved scheme and as such this element is not considered contrary to the policy above. The creation of a new plant room beneath the rear lightwell creates a room at sub-basement level which is sited directly below part of the basement approved in 2012. Notwithstanding that this creates two floors of basement accommodation to this location, the new room created is relatively small and it is not considered that permission could reasonably be withheld on this ground.

The basement proposed is in general accordance with the policy otherwise. Given the above comments, the application is not considered unacceptable when assessed in light of Policy CM28.1 of the City Plan.

### **8.7.2 Basement Structural Issues**

With regards to the structural impact of the basement proposals, two objections have been received in relation to structural and construction issues related to the creation of basement development. It is noted that no structural report has been submitted to accompany this application submission, although one was submitted for the previous application approved on 20 November 2012 and to which Building Control raised no objection. The Building Control team have been consulted on these current applications and have responded and raised no objections, and state that they note that the construction works were inspected by a Private Approved Inspector who has signed the construction work off. Notwithstanding the concerns received from several neighbours it is considered that permission could not reasonably be withheld on structural grounds.

### **8.7.3 Construction Impact**

With regards to issues related to noise and disruption from construction works, it is again noted that the principal basement development works are approaching completion. To address these construction impact issues however it is recommended that a condition is imposed to limit the hours of building works, including additional weekend restrictions should there be any remaining basement works. In the circumstances of this case, it is not considered appropriate to require measures to ensure compliance with the City Council's Code of Construction Practice. Subject to the hours of works conditions it is not considered that permission could reasonably be withheld on construction impact grounds.

### **8.7.4 Trees and Biodiversity**

In terms of its footprint, the scheme remains as previously approved aside from a new area of excavation directly underneath the rear lightwell adjacent to the main building, and a minor deepening of the swimming pool area which would not be anticipated to raise new issues for trees. As such, it is not considered that the alterations from the scheme approved in 2012 would give rise to any new trees issues, and thus the scheme would accord with Policies ENV16 and 17 in the UDP and CM28.1 in the City Plan in this regard.

### **8.7.5 Sustainability**

Concern has been raised by an objector to the applications as to whether a house with a swimming pool, which together are stated by the objector to make a large imprint, can be considered environmentally sustainable. It is considered however that swimming pools are not uncommon features of basement development, and though the basement construction accommodating this pool is relatively large the pool is not in itself considered inherently unsustainable. As such, it is not considered that permission could reasonably be withheld on this ground.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

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

This development does not generate a Mayor CIL or WCC CIL payment.

### **8.11 Environmental Impact Assessment**

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

### **8.12 Other Issues**

One of the objectors raises a query about whether the word 'retention' implies that the swimming pool already exists but does not clarify whether this is with planning permission or not. The application submission makes clear reference to the earlier approval of 2012, with the pool marked clearly on drawings annotated as 'approved', and as such this issue is considered to have been suitably illustrated on the application submission.

A comment has been received from an objector stating that in their opinion the application proposals are not clear including the difference between the proposal and the actual construction. The application has been accompanied by a set of 'existing' drawings detailing the situation prior to the 2012 approval/construction, a set of 'approved' drawings detailing the situation approved in 2012, and a set of 'proposed' drawings setting out what is proposed to be retained under this application. Officers consider that the information is clear in terms of representing these application proposals, and this concern is therefore not considered sustainable.

Concern is also expressed by one of the objectors about whether an approval of these works would set a precedent for all the houses in Clifton Hill. In many respects, the basement under the house and rear garden has already been approved, and this application seeks merely to retain some aspects not carried out in accordance with the approval of 2012. Any applications for basement development to other buildings in Clifton Hill would be judged on their own merits.

## **9. BACKGROUND PAPERS**

1. Application forms.
2. Emails from Building Control dated 16.November 2016 with email chain attached and dated 27 October 2016
3. Memorandum from Environmental Health dated 06 March 2017
4. Comments from the occupier of 12 Clifton Hill dated 04 November.2016
5. Comments from the occupier of 5 Clifton Hill dated 08 November 2016

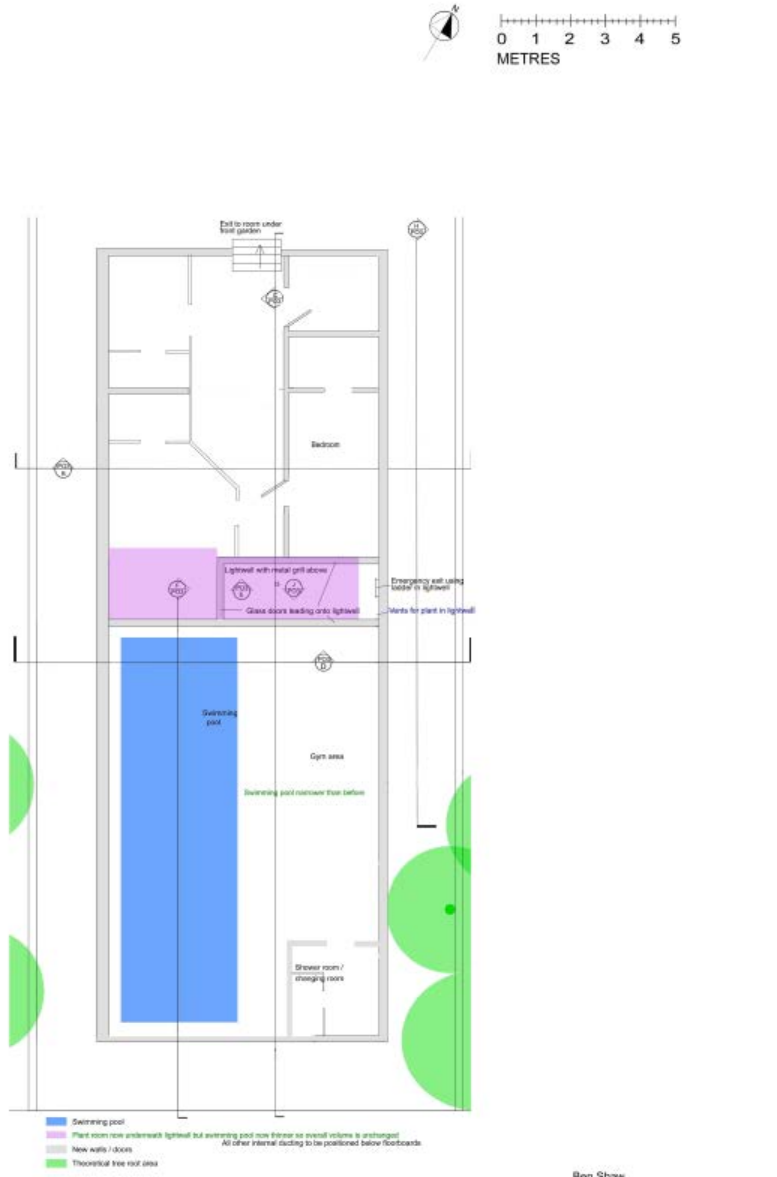
### **Selected relevant drawings**

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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# 10. KEY DRAWINGS

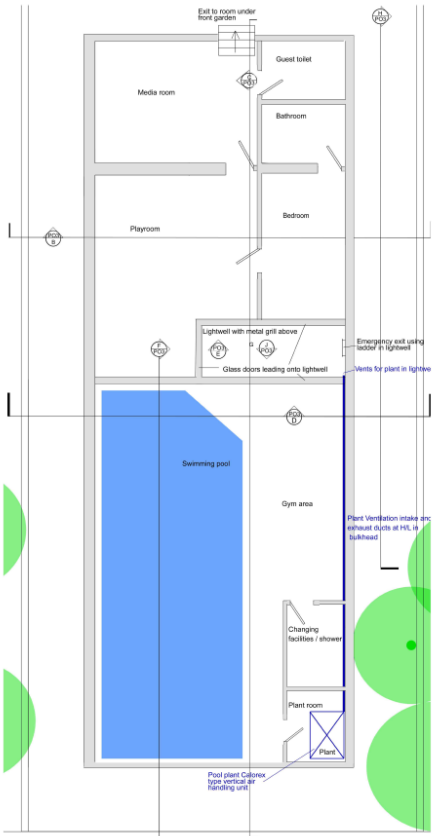
## Proposed Basement Plan



Basement plan

Ben Shaw  
 7 Clifton Hill  
 London NW8 0QE  
 Plan 1 (Basement) - Proposed Revision B  
 Scale: 1:50 @ A1

# Approved Basement Plan



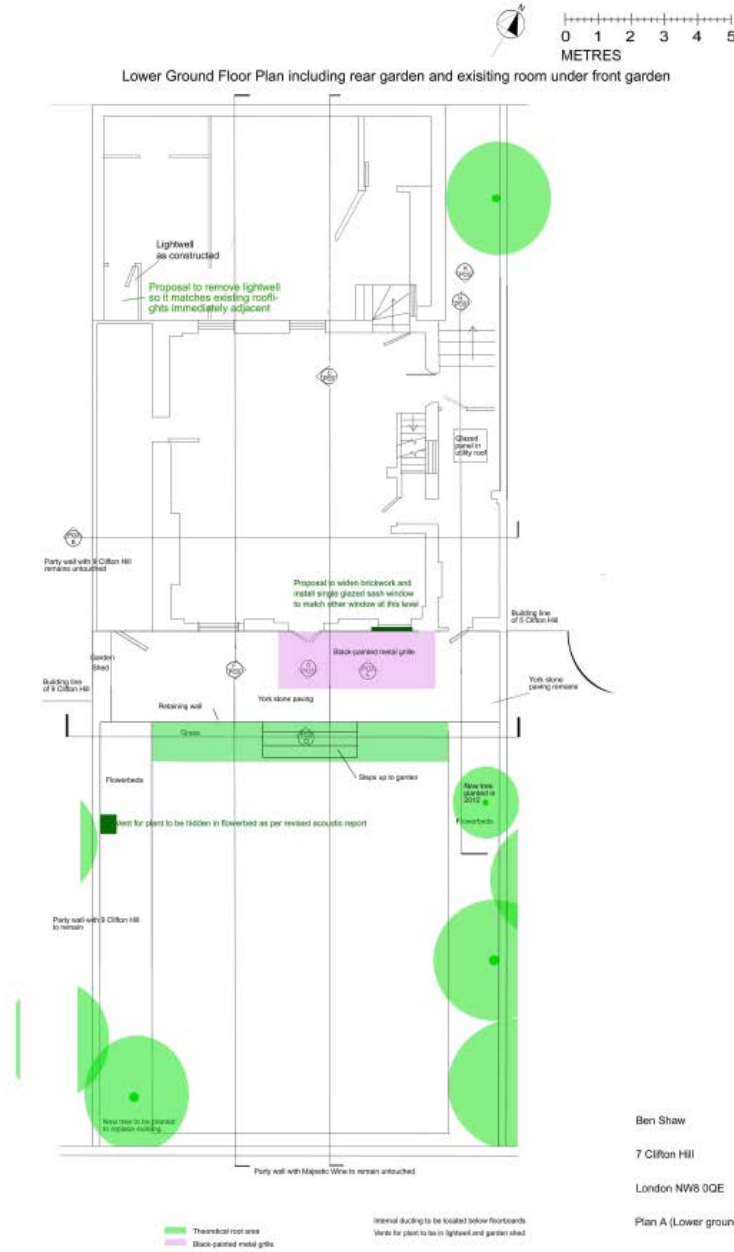
- Swimming pool
  - Plant ventilation ducts
  - New walls / doors
  - Theoretical tree root area
- All other internal ducting to be positioned below floorboards

Basement plan

Ben Shaw  
7 Clifton Hill  
London NW8 0QE  
Plan 1 (Basement) - Approved

Scale: 1:50 @ A1

Proposed Lower Ground Floor Plan

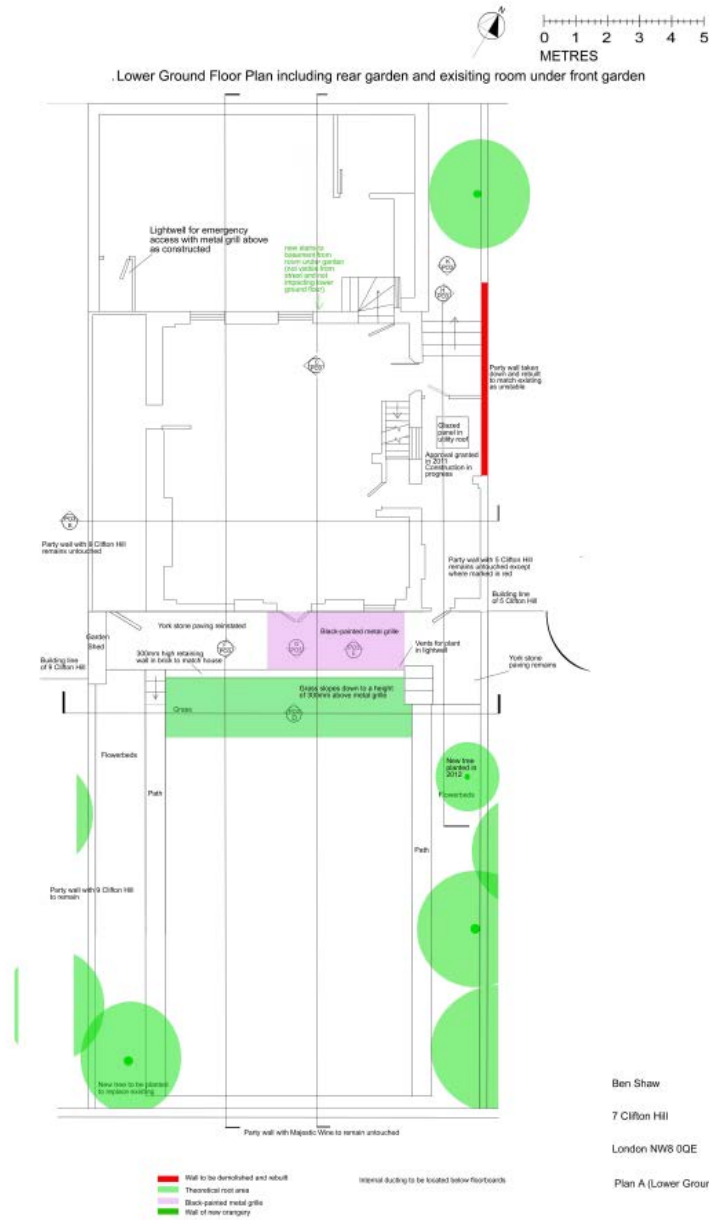


Ben Shaw  
7 Clifton Hill  
London NW8 0QE  
Plan A (Lower ground) - Proposed Revision C

Scale: 1:50 @ A1

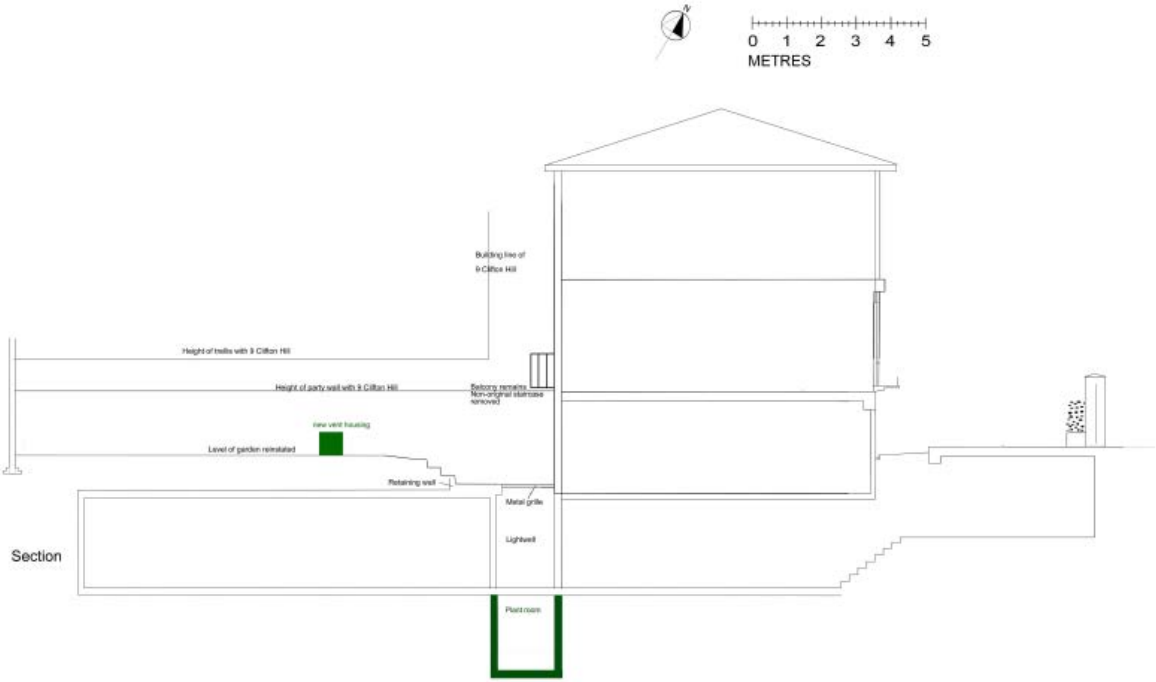


Approved Lower Ground Floor Plan



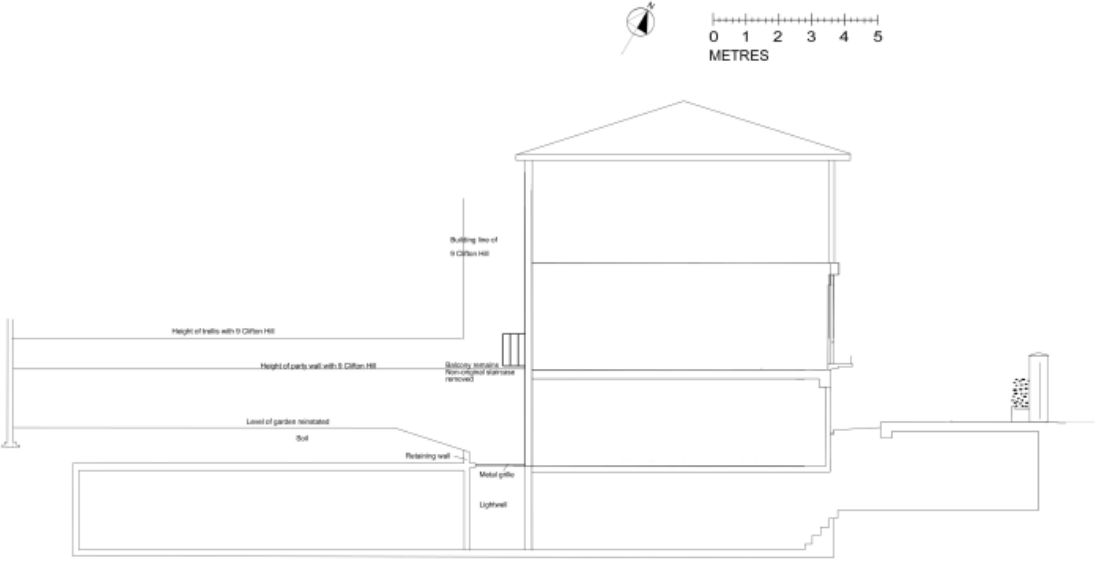
Ben Shaw  
7 Clifton Hill  
London NW8 0QE  
Plan A (Lower Ground) - Approved

Proposed Section C



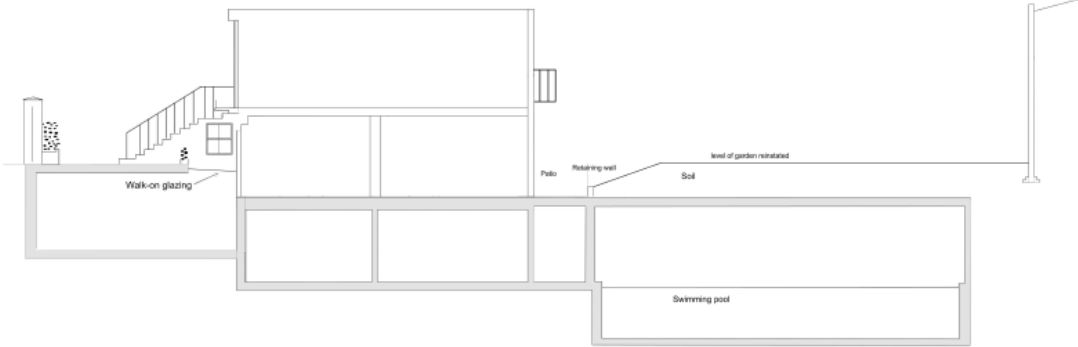
Ben Shaw  
7 Clifton Hill  
London NW8 0QE  
Section C - Proposed Revision B  
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Approved Section C



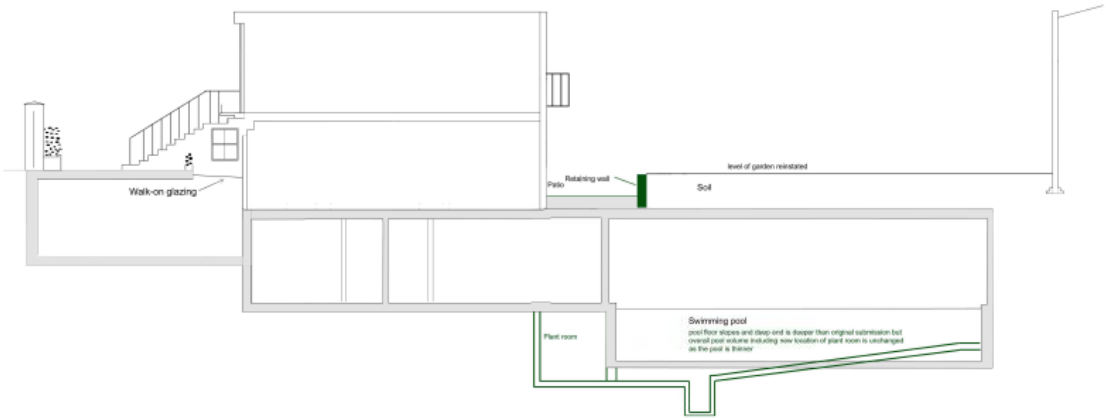
Ben Shaw  
7 Clifton Hill  
London NW8 0QE  
Section C - Approved  
Scale: 1:50 @ A1

Approved Section F



Ben Shaw  
7 Clifton Hill  
London NW8 0QE  
Section F - Approved  
Scale: 1:50 @ A1

**Proposed Section F**



Ben Shaw  
7 Clifton Hill  
London NW8 0QE  
Section F - Proposed Revision C  
Scale: 1:50 @ A1

**DRAFT DECISION LETTER**

**Address:** 7 Clifton Hill, London, City Of Westminster, NW8 0QE

**Proposal:** Retention of increased size and depth of basement pool and plant room to rear and front lightwell; alterations to windows (Linked Case: 16/09299/LBC).

**Reference:** 16/09298/FULL

**Plan Nos:** Plan A (Lower Ground) - Approved, Plan A (Lower Ground) - Existing, Plan A (Lower Ground) - Proposed Revision C, Section B - Approved, Section B - Existing, Section B - Proposed Revision B, Section C - Approved, Section C - Existing, Section C - Proposed Revision B, Section D - Approved, Section D - Existing, Section D - Proposed Revision A, Elevation E (Rear Elevation) - Approved, Elevation E (Rear Elevation) - Existing, Elevation E (Rear Elevation) - Proposed Revision A, Section F - Approved, Section F - Proposed Revision C, Elevation G - Approved, Elevation G - Proposed Revision A, Section H - Approved, Section H - Existing, Section H - Proposed Revision A, Plan I (Basement) - Approved, Plan I (Basement) - Proposed Revision B, Plan J (Upper Ground) - Approved, Plan J - Existing, Plan J (Upper Ground Floor) - Proposed Revision A, Elevation K (Front Elevation) - Approved, Elevation K (Front Elevation) - Existing, Elevation K (Front Elevation) - Proposed Revision A, Elevation L - Approved, Elevation L - Existing, Elevation L - Proposed Revision A, Elevation M - Approved, Elevation M - Existing, Elevation M - Proposed Revision A, Elevation N - Approved, Elevation N - Existing, Elevation N - Proposed Revision A, Plan O (First Floor) - Approved, Plan O (First Floor) - Existing, Plan O (First Floor) - Proposed Revision A, Elevation P - Approved, Elevation P - Existing, Elevation P - Proposed Revision A, Elevation Q - Proposed Revision A, Acoustic Report from Acoustic Plus ref: 103208 ph Issue 1, Location Plan, Design and Access Statement, Letter from Assent Building Control dated 15.03.2016 Ref NN67658, Site Photos, Emails from Ben Shaw dated 27th October 2016 and 1st December 2016 as amended in part by above drawings

Considered for Information Only:-  
 Report from Michael Barclay Partnership dated 21st February 2014, Technical Information sheets from Michael Barclay Partnership dated 21st February 2014, 30th and 30th November 2015

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

**Recommended Condition(s) and Reason(s)**

**Recommended Condition(s) and Reason(s)**

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

local planning authority pursuant to any conditions on this decision letter.

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , 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 this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 3 of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

- 5 (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.

- 6 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.



- 7 The new doors in the rear lightwell shall be timber

Reason:

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

- 8 The grille to the rear lightwell shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal

Reason:

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

- 9 The new windows to the rear elevation at ground, first and second floor levels shall be formed in glazing and white painted timber framing, and shall be constructed as single glazed vertically sliding sash windows

Reason:

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

- 10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:-, - Cill level on rear lower ground floor level windows raised to their original level (3 brick courses higher than existing on site), , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

**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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 3 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 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.
- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:, , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, [www.westminster.gov.uk](http://www.westminster.gov.uk), Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk), Tel: 020 7641 3003 Fax: 020 7641 8504.
- 6 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:, , \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard

arising be reduced to a safe level if avoidance is not possible;, , \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 7 You will need to re-apply for planning permission and/or listed building consent if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 9 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 10 You are advised that Thames Water recommends that a non-return valve or other suitable device be installed to avoid the risk of back flow at a later date , on the assumption that the sewerage network may surcharge to ground level during storm conditions.

1. Application forms., 2. Emails from Building Control dated 16.11.2016 with email chain attached and dated 27.10.2016, 3. Memorandum from Environmental Health dated 06.03.2017, 4. Comments from the occupier of 12 Clifton Hill dated 04.11.2016, 5. Comments from the occupier of 5 Clifton Hill dated 08.11.2016, ,

**DRAFT DECISION LETTER**

**Address:** 7 Clifton Hill, London, City Of Westminster, NW8 0QE

**Proposal:** Variation to Condition 1 of listed building consent dated 20.11.2012 (Ref: 12/03399/LBC) for the Excavation beneath dwellinghouse and part of rear garden to provide additional residential accommodation, associated internal and external alterations, and retention of bin store in front garden; NAMELY, for a new plant room to sub-basement level including new vent to rear garden and a deepening of the swimming pool, alterations to rear lightwell and patio, and for new windows and doors to rear lower ground floor level and new windows to rear ground and first floor levels

**Reference:** 16/09299/LBC

**Plan Nos:** Plan A (Lower Ground) - Approved, Plan A (Lower Ground) - Existing, Plan A (Lower Ground) - Proposed Revision C, Section B - Approved, Section B - Existing, Section B - Proposed Revision B, Section C - Approved, Section C - Existing, Section C - Proposed Revision B, Section D - Approved, Section D - Existing, Section D - Proposed Revision A, Elevation E (Rear Elevation) - Approved, Elevation E (Rear Elevation) - Existing, Elevation E (Rear Elevation) - Proposed Revision A, Section F - Approved, Section F - Proposed Revision C, Elevation G - Approved, Elevation G - Proposed Revision A, Section H - Approved, Section H - Existing, Section H - Proposed Revision A, Plan I (Basement) - Approved, Plan I (Basement) - Proposed Revision B, Plan J (Upper Ground) - Approved, Plan J - Existing, Plan J (Upper Ground Floor) - Proposed Revision A, Elevation K (Front Elevation) - Approved, Elevation K (Front Elevation) - Existing, Elevation K (Front Elevation) - Proposed Revision A, Elevation L - Approved, Elevation L - Existing, Elevation L - Proposed Revision A, Elevation M - Approved, Elevation M - Existing, Elevation M - Proposed Revision A, Elevation N - Approved, Elevation N - Existing, Elevation N - Proposed Revision A, Plan O (First Floor) - Approved, Plan O (First Floor) - Existing, Plan O (First Floor) - Proposed Revision A, Elevation P - Approved, Elevation P - Existing, Elevation P - Proposed Revision A, Elevation Q - Proposed Revision A, Acoustic Report from Acoustic Plus ref: 103208 ph Issue 1, Location Plan, Design and Access Statement, Letter from Assent Building Control dated 15.03.2016 Ref NN67658, Site Photos, Emails from Ben Shaw dated 27th October 2016 and 1st December 2016 as amended in part by above drawings, , Considered for Information Only:-, Report from Michael Barclay Partnership dated 21st February 2014, Technical Information sheets from Michael Barclay Partnership dated 21st February 2014, 30th and 30th November 2015,

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

**Recommended Condition(s) and Reason(s)**

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

## Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 The new doors in the rear lightwell shall be timber

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The grille to the rear lightwell shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal

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- 5 The new windows to the rear elevation at ground, first and second floor levels shall be formed in glazing and white painted timber framing, and shall be constructed as single glazed vertically sliding sash windows

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

, - Cill level on rear lower ground floor level windows raised to their original level (3 brick courses higher than existing on site), , 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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , \* any extra work which is necessary after further assessments of the building's condition;, \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
<b>10</b>

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.