

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 8 August 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>William Court, 6 Hall Road, London, NW8 9PA,</b>		
<b>Proposal</b>	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.		
<b>Agent</b>	Mr Matt Richards		
<b>On behalf of</b>	Mansley Ltd		
<b>Registered Number</b>	17/04663/FULL	<b>Date amended/ completed</b>	26 May 2017
<b>Date Application Received</b>	26 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No, adjacent to St John's Wood		

## 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 outside amenity space. House 1 is proposed to have its main 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.

This application has been submitted to overcome an application for a similar proposal for the construction of 3 houses, refused by the Planning Applications Committee on 13 March 2017.

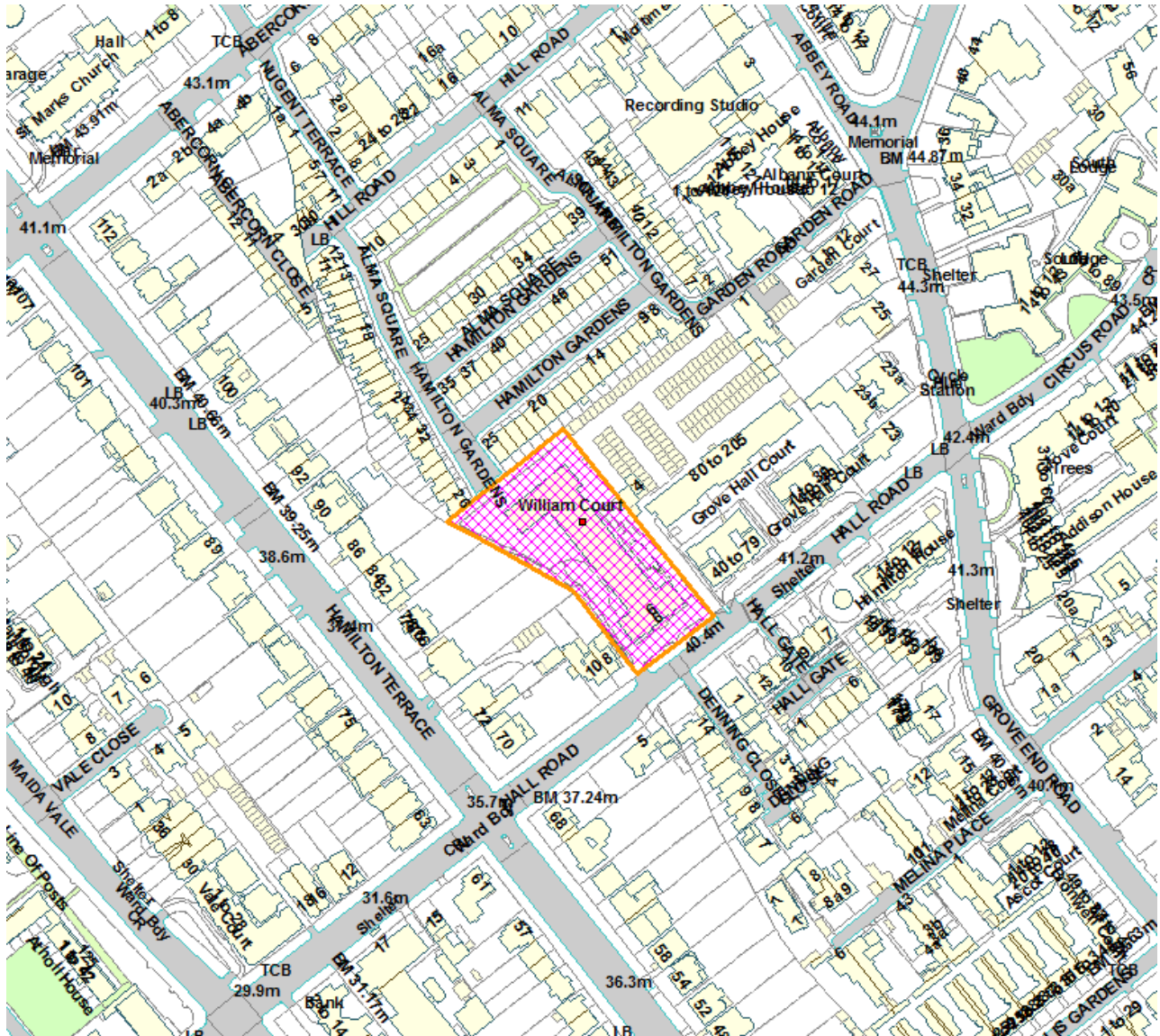
A significant number of objections have been received to the application primarily on the grounds of land use, townscape and design and amenity concerns. A key objection is that the proposed scheme does not differ significantly from the earlier refused scheme.

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 impact of the proposals upon the surrounding highway network.

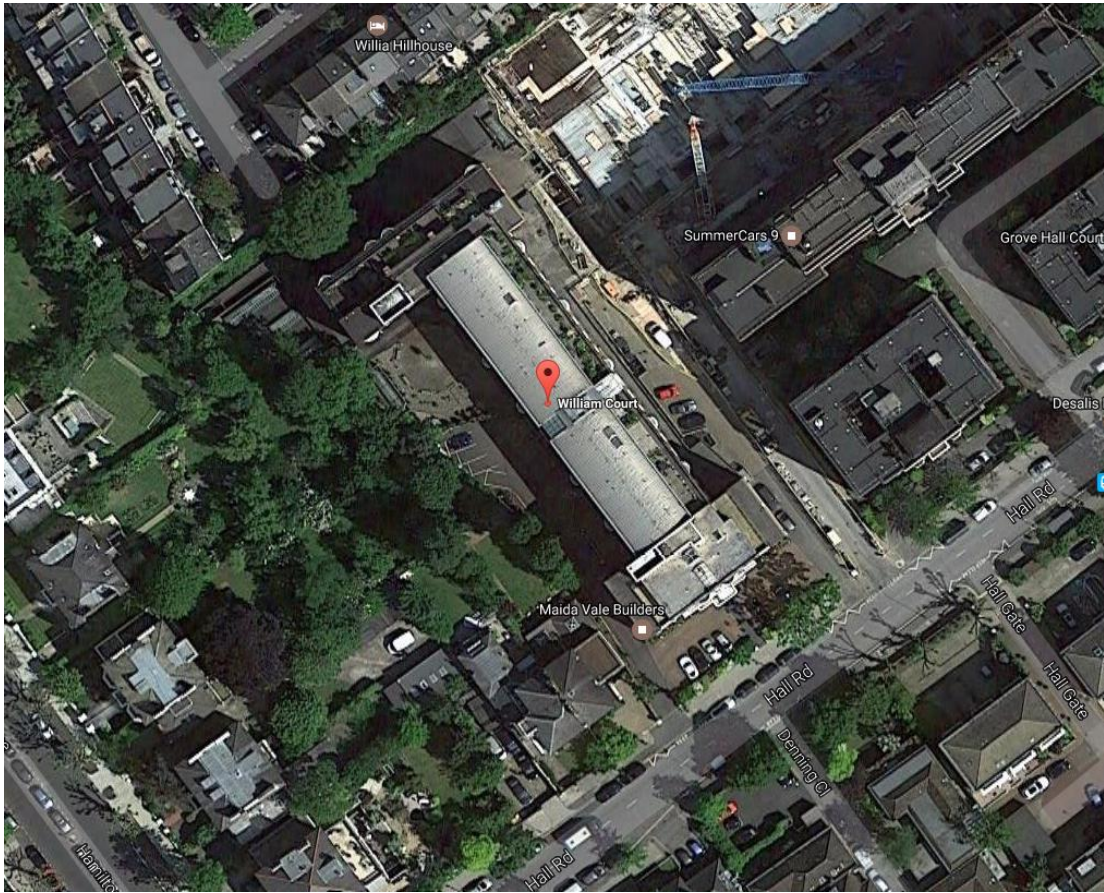
The proposals are considered to be acceptable and accord with policies set out in the City Plan (adopted November 2016) and the UDP (adopted January 2007) and are therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Top Photo – Aerial View  
Bottom left – front of building, Bottom right – eastern elevation/ communal driveway

## 5. CONSULTATIONS

### WARD COUNCILLORS:

Any response to be reported verbally.

### ST JOHN'S WOOD SOCIETY:

Acknowledgement of the amendments made to the scheme, however an objection is still raised to the scheme 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 still considered unacceptable in terms of design, bulk and height and not aesthetically pleasing in this part of St John's Wood; House 3 is unacceptable in design terms, 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 House 1; that the arboricultural manager is consulted on the proposals and that the proposals taking into consideration parking in the long term and lack of existing parking in the area.

### ENVIRONMENTAL HEALTH:

Objection raised on the grounds of the open plan living nature of the dwellings and impact upon means of escape in the event of a fire. Concern also raised as to the extent of glazing in each unit and how ventilation and cooling will take place. Whilst no objection is raised in principle to mechanical ventilation, there should still be manual ventilation. Should permission be granted, standard noise conditions are recommended.

### HIGHWAYS PLANNING MANAGER:

Objection on the grounds of lack of car parking, however any mitigation proposed (payment towards a car parking space at Lanark Road NCP carpark) should be for the lifetime of the development and not just for one year and secured by legal agreement.

### CLEANSING MANAGER:

No response received. No objections raised to previous scheme.

### ARBORICULTURAL OFFICER:

Comments raised in relation to the previous scheme still stand.

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.

### BUILDING CONTROL:

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 393

Total No. of replies: 158

158 objections received on behalf of 135 properties and one petition containing 46 signatures 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' and does not address housing needs;
- the housing is excessive in size;
- House 1 is likely to be converted into flats, adding more people to the development;
- Revised scheme actually results in a net increase in development 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;
- the visual images are misleading.

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;
- noise and odour implications to Flat 16 as a result of refuse storage for House 1 being adjacent
- 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 to 16 William Court and 20 Hamilton Gardens;
- 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;
- loss of tranquillity to Hamilton Gardens and Alma Square.

**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 House 1;
- the offer of parking spaces in Lanark Road NCP is unacceptable and for only 1 year is not sufficient;
- increase in traffic in surrounding area to both Hall Road and Lanark Road;
- 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:**

- flawed planning process;
- the submission of the application was badly timed around holiday/ general election;
- too many application documents for residents to read;
- applicant should not be allowed to amend discrepancies within their submission, especially if these have been raised by objectors;
- the applicant should not be allowed a 'free go' application, as they've already had a free go;
- lack of consultation on the revised scheme by the applicant;
- limited consultation by the City Council compared to the refused scheme;
- previous behaviour/dishonesty of applicant is still worrying including falsified statements in the applicants submission regarding level of consultation; and level of support given to the proposals;
- as no letters of support have been submitted this proves they were disingenuous on the previously refused application;
- noise and disruption during the course of construction;
- no assessment of ground movement has been made;
- consideration to fire safety/ rescue has not been given; and the extension to the rear elevation 'terrace' will be a fire risk;
- impact of proposals upon property values;
- comments made on why such a contentious proposal has again been submitted;
- security;
- proposals would result in a precedent being set.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 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. To the rear of the concrete slab is a grass verge (not to be altered as part of the proposals) separating the site from the boundary wall with Hamilton Gardens.

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 13 March 2017 permission was refused 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 (16/08855/FULL). The application was refused on three grounds:

1. Because of the bulk, height and design of House 1 and its poor architectural relationship with the adjoining Conservation Area; and the footprint and design of House 3; the proposals (notably House 1 and 3); would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES10; of our Unitary Development Plan that we adopted in January 2007.
2. House 1 and 3 would make the people living in the ground floor flats of William Court and 20 Hamilton Gardens feel too shut in and as such represents an unneighbourly form of development harmful to residential amenity. This is because of the bulk, height, design and how close House 1 and 3 are to windows in those properties. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
3. Your development would add to an already high demand for on-street car parking in the area and this would affect people already living in the area. This would not meet our parking policy as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

Other relevant history includes:

3<sup>rd</sup> 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).



## 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 at ground floor level with the main body of the building sited over ground, first and second floors. 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 in brickwork to match closely to the elevations of William Court. House 3 is single storey and to be built upon the podium deck and is the same depth of the eastern wing of William Court. Again, this house will have brickwork to follow that on the main William Court building.

No car parking is proposed on site. The applicant originally offered to pay the costs to provide 3 car parking spaces at the NCP Car Park on Lanark Road (some 370m/ 0.2miles from the Hall Road entrance of William or 981m/0.6miles from Hamilton Gardens entrance) for one year. This offer was amended during the course of the application and has now been increased to 25 years.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land 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 90m<sup>2</sup> – 320m<sup>2</sup> GIA). This is a reduction in sizes proposed under the recently refused scheme which were between 145m<sup>2</sup> and 344m<sup>2</sup> 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 and some objectors refer to an lift shown on the plans. There is no internal lift shown on these revised plans. 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.

As noted above, a previous application for the construction of three dwellings around this site was refused on 13th March 2017 partly on design/townscape grounds related to the bulk, height and design of proposed House 1 (to the north west corner of the site), and the footprint and design of House 3 (to the north east corner of the site) rather than the principle of the development. Some significant revisions have been incorporated into this current scheme in order to overcome the reasons for refusal of the previous application, and officers consider that the changes address the previous reasons for refusal and that considered on its own merits the scheme is acceptable in design terms.

The principle of the construction of three houses surrounding William Court remains acceptable in officers opinion. 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, and it is noted that William Court already has a series of utilitarian structures wrapping around the main mansion block structure and that the site is seen in context with more dense terraced properties to the north and east sides.

The principal amendment to the scheme in terms of the footprint of the buildings is the reduction in the size of House 3, the size of which was included as a reason for refusal in the previous application scheme. In the refused scheme it had a wing projecting approximately 9m north of the main rear elevation line of William Court. In this current scheme this wing has been fully deleted and its rear elevation line matches that of William Court. This notably reduces the visual prominence of House 3, retains the bulk of this building in line with both William Court and the adjoining modern development to the east, and retains the area to the north of this part of William Court as open landscaping. The footprint of House 1 has also been reduced, pulling its podium ground floor level further back from William Court.

It is recognised that the new buildings will still be visible in context with William Court in a number of public and private views, most clearly of House 1 in the view south from Alma

Square and Hamilton Gardens, and that this would create a more dense development to the William Court site. Nonetheless, it is noted that the footprints of the buildings have been reduced as compared to the previously refused scheme, and it is considered that in their own right the three new houses proposed would sit comfortably in the setting of the main building and surrounding area. 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. Objections have specifically been made that the proposals will infill the 'gap' between properties when viewed from Hamilton Terrace that, in principle is contrary to policy. Long distance views of developments of this proportion through space between the semi detached/ detached properties is not considered to be 'infilling a gap' as protected by policy. The principle of siting three houses to the locations and at the footprints proposed is considered in line with the policies quoted above and is considered acceptable in principle.

### **Architectural Approach**

#### *House 1 (north-west side):*

As a response to the reasons for refusal of the previous application submission this house has been significantly redesigned, and as part of this application it is designed to integrate quite closely with the general characteristics of William Court, whilst still creating a distinctive and attractive new building with a richness of detailing.

In terms of its height and bulk, which were both referred to as reasons for refusal in the previous application, this building is approximately 1.5m lower in overall height than the House 1 included in the previously refused scheme, and with a notably lower impression of bulk, and in views from Hamilton Gardens and Alma Square it will have a quite recessive appearance when seen in context with the Victorian terraced properties. The building now presents two sheer floor levels as compared to three in the refused scheme, with the second floor now treated as a set back structure to roof level rather than as a sheer storey as was previously refused. The ground floor at podium deck level has distinctive curved bay structures with well detailed integral screens to assist with preventing overlooking but which also add a richness of texture appropriate to this base to the composition. Above that is a single floor level of main elevation which incorporates a series of distinctive brick piers between windows helping give some modelling to the elevations. Capping first floor level is the main parapet which is slightly stepped to help reduce its apparent height, and with the second floor level of accommodation a visually recessive structure which incorporates an attractive richness of detail with fluted terracotta panels set between windows. To the south-west elevation the regular rhythm of windows and brick columns remains, though with some blind window panels adopted (related to the addressing of the arrangement of internal uses) without breaking the overall harmony of architectural approach, and with the north elevation incorporating the brick columns to both floor levels giving some modelling and texture to the elevation whilst minimising glazing to this essentially blind flank elevation. The narrower south-east elevation incorporates a window with a terrace as its central focus to first floor level. No rooftop terrace is proposed, as was the case in the refused scheme.

The overall effect is of a new building of high design quality, and one which whilst presenting a distinctive appearance as a new building nonetheless draws significant parts of its design approach from William Court helping it integrate successfully into the site.

*Houses 2 and 3 (eastern side):*

The new building proposed as Houses 2 and 3 are designed in a manner intended to integrate closely with the appearance of William Court. They incorporate a series of bay windows to both north and south elevations picking up on the prominent use of curved bay windows to William Court, and both will be faced in a red brick following the principal red brick facing material to William Court. The green roof areas to their main roof level is welcomed as many of the views will be down onto these relatively low scale buildings and the flat roofs around William Court at present are principally grey and are cluttered by railings and other structures in places. House 2 rises two floor levels, though its location set between boundary wall and the raised ground floor walkway area around William Court will help minimise any impression of its bulk. House 3 is a single storey building and will rise only just higher than ground floor level to William Court, and seen in context with this large mansion block building and the higher modern terraced building to the east it will appear relatively modestly scaled. The elements of William Court to be enclosed by these two buildings, and also by House 1, are architecturally undistinguished and their enclosure/encroachment towards their elevations is not considered contentious in design terms. One area of concern is a rooflight above House 2 which appears quite prominent to the plans, however this issue will be addressed by condition.

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 and attractively designed 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 William Court to the relatively modest scale proposed is considered acceptable, and also that the buildings represent an appropriate architectural quality for the site. The proposals are considered to overcome the previous reasons for refusal and a high quality intervention into the site, and in line with policies S25 and S28 in the City Plan and DES 1, DES 4 and DES 9 in the UDP. The proposals are also considered to comply with the aims of the National Planning Policy Framework.

### **8.3 Residential Amenity**

Policy S29 of the City Plan and 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.

Reason 2 of the recently refused proposals stated:

“House 1 and 3 would make the people living in the ground floor flats of William Court and 20 Hamilton Gardens feel too shut in and as such represents an unneighbourly form of development harmful to residential amenity. This is because of the bulk, height, design and how close House 1 and 3 are to windows in those properties. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007”.

### **Sunlight and Daylight**

As before with the previously refused applications, 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 (notably those at ground, first and second floors); 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.

The revised scheme has not altered the implications of the development upon the neighbouring properties in terms of sunlight and daylight.

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 which leads of the living room/ dining area via an archway of 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 the kitchen area of Flat 16 at ground floor level described above. 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.

### **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:

Significant amendments to reduce the bulk and footprint of House 1 have been made in order to overcome the previous reasons for refusal. Whilst the podium ground floor element of House 1 still occupies a large proportion of the podium space at this location, the property is now set away from the main western wall of William Court by 1.4m and by a further 1m directly outside the bathroom and kitchen/diner windows of 16 William Court. The main bulk of the rear part of House 1 is set back even further from the corner/ rear elevation of William Court, some 4.4m away (the windows in this bay window closest to the

application area serve a bedroom). An outside amenity area (labelled by the applicant as an ornamental garden) is proposed to the eastern elevation measuring 9m x 2.5m. Officers are assessing this garden to be useable, even though the applicant implies it is not by the term ornamental garden. This is to be enclosed by a 1.8m boundary treatment/ fencing, 1.3m away from the corner/rear elevation of William Court and 2.4m away from the bedroom window of 16 William Court. The exact details of this fencing are not yet confirmed. Whilst the outlook from the bedroom, bathroom and kitchen/diner widows within Flat 16 will be compromised from the bulk of the House 1 and the amenity boundary treatment, subject to conditions to secure the details/ colour of the fencing, this is not considered to unduly harm the outlook of this flat. It is not considered that House 1 will unduly harm the outlook of the other flats at ground floor level of William Court, No's 13, 14 and 15 given the distance the relationship and distance of House 1 from these properties.

In general terms, the height of House 1 has been reduced by 1.5m with the second floor being set back from the main side elevations and this is considered to be a welcomed improvement and improves the relationship, in terms of enclosure/ outlook of House 1 to the ground, first and second floors of William Court.

It is not considered that House 1 will unduly harm the outlook of the other flats at ground floor level of William Court, No's 13, 14 and 15 given the distance the relationship and distance of House 1 from these properties.

#### House 2 & 3:

House 2 is to be constructed within the boundary walls of the existing boiler room. The proposals are similar to those presented to the Planning Application Committee in March 2017, which received no objection. Amendments to the materials have been made and this is welcomed. The roof level of 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 to allow light down into the living room. 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. As with the previous scheme, the main bulk of the front elevation of this house, except the two curved bay windows, 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/ bridge 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 has been significantly amended and reduced in depth by 9m, so as to project no further forward than the existing building line of William Court and this is considered to result in an acceptable relationship to the ground floor flats of William Court and 26 Hamilton Gardens, directly to the rear. As with the previous scheme, an internal lightwell is proposed to allow light to the bathroom window of 13 William Court, and this has been extended in depth from the previously refused proposals of 1m to 2m. The bathroom window is obscured glazed and the siting of a wall 2m away from this window is considered to be acceptable and not considered to result in loss of outlook harmful to warrant to refusal. To the rear of House 3 a small amenity space is proposed, enclosed again by a 1.8m high fence although details of this have yet to be agreed. It is considered that the reduction in bulk and footprint of House 3 and the increase in size of lightwell has

overcome the previous reasons for refusal. Whilst the fence to the amenity space will be noticeable from the bedroom window of 13 William Court and in oblique views from the remaining flats on the ground floor, at a depth of 2m and a height of 1.8m, this is not considered to represent an unacceptable relationship.

### **Privacy/Overlooking**

Podium visual amenity space:

Many objections have been received to this element of the scheme and primarily on what is to prohibit the occupiers of House 1, 2 and 3 from using this area and other residents in the building from using this space.

The majority of the rear podium level is to be landscaped only to improve the visual amenity for residents in William Court, rather than as formal amenity spaces. The net area of this landscaped space has been increased since the refused scheme as a result of the amendments to House 1 and 3. The applicant has confirmed that this area is not to be used as a terrace and a condition to prohibit access to this, except for maintenance and the event of an emergency is recommended. Directly outside of the windows/ doors to Flats 13, 14, 15 and 16, the existing area of asphalt roofing and the balustrading is to be retained, so as to not comprise access to these affected residents. It is therefore considered that as access is restricted to anybody there are no amenity concerns with regards to overlooking.

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.

Terraces:

Amenity spaces/ terraces are proposed to House 1 (to the south, west and east elevations at ground floor and to the south elevation at second floor level) and to House 3 (to the north elevation at ground floor level). It should be noted that there is an error in the design and access statement which states that the private terraces to House 1 and 3 have been removed. The applicant has confirmed that this is incorrect and that it should say the private terraces to House 1 and 3 have been reduced in size.

The amenity spaces at ground floor level to House 1 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. Objectors argue that the provision of the terrace to the south of the site, adjacent the existing communal garden would render this communal area unuseable. It is not considered that this communal garden is free from being overlooked, many properties within William Court itself overlook this area and therefore it would be considered unreasonable to refuse the application on overlooking grounds from this proposed terrace.

The second floor terrace, which measures approximately 8m<sup>2</sup> is enclosed by a 1.4m parapet wall and is some 9 m from the side elevation of William Court, which primarily consists of bathroom and kitchen windows. It is therefore not considered that there would be any detrimental overlooking to residents of William Court. 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.

Unlike the recently refused application, there is no roof terrace proposed to House 1 and although no access is shown to this, it is recommended that a condition restricting the use of the roof as a terrace is attached.

In regard to House 3, a terrace is proposed to the rear of the house and again is enclosed by a 1.8m screen. It is therefore considered that no detrimental overlooking will occur to any residents in flats within William Court or to neighbouring properties notably those in Hamilton Gardens. House 3 is proposed to have a green roof. Although no access is shown to this, it is recommended that a condition restricting the use of the roof as a terrace is attached.

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 boundary treatment, terrace enclosures and adjacent trees. They have also been architecturally designed with reveals included within to direct any views away from neighbouring properties. At first and second floor level, the windows are some 10m away from the windows in William Court and would not afford any direct views into neighbouring windows. To the north elevation of House 1 only one window is proposed at first floor level. This would overlook the flank wall of 26 Hamilton Gardens and therefore not result in any overlooking concerns. To the western elevation of House 1 a number of windows are proposed at first and second floor serving the internal staircase, dressing rooms and bedrooms. The proposed building is sited some 2m from the rear boundary with the properties of Hamilton Terrace and over 40m away from the rear elevation windows of Hamilton Terrace properties and therefore proposals will not directly result in any overlooking to neighbouring properties. Again it is has been argued that overlooking could occur to the gardens of these properties, however it is not considered that protection could be given to these gardens, given that these spaces can already be overlooked by other residents in neighbouring properties in Hamilton Terrace and in oblique views from William Court.

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 north and south elevation. The southern bay 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 north elevation are some 17m from the rear elevations of Hamilton Gardens, notably No. 20 and are partially obscured by the 1.8m screening sited in front of them to provide the boundary for the amenity space. It must also



be noted that the ground floor level of House 3 is lower than the ground floor/garden level of this property, separated by the existing grass verge and 1.8m boundary treatment and therefore it is not considered that there would be any detrimental overlooking.

#### **Internal lighting from proposed units**

An objection has been received on the grounds that internal lighting from the proposed houses, notably House 1 will directly shine into the rooms of flats within William Court. House 1 is considered a sufficient distance away from William Court. It is not envisaged that lighting on a domestic scale would be harmful to the occupiers of William Court or neighbouring properties.

#### **Noise from terraces**

There are a number of communal terraces in existence on the site in close proximity to residential units within William Court. It is therefore not considered that the use of the private amenity spaces and the redesigned communal terrace above House 2 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 as discussed above a condition is recommended to prohibit its use as a terrace/seating area.

#### **Implications from proposed access routes**

Objections have been received on the grounds that the plans and supporting documents contradict each other in respect of access routes, notably in relation to House 1 and House 3 and that these routes would result in noise and overlooking to neighbouring properties of William Court and disrupt the tranquil nature of Hamilton Gardens/ Alma Square.

House 1s' main entrance is to be accessed from a new entrance created in the boundary wall of the site adjacent 26 Hamilton Gardens. No one other than the residents of House 1 could access this entrance/ exit as it leads solely to this property. 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 the flats sited in the rear part of William Court or to impact upon the tranquillity of Hamilton Gardens, as argued by objectors.

Whilst the main entrance to House 1 is to be from Hamilton Gardens it is proposed to have a level access route from the existing communal terrace to the eastern side of William Court, running the side of Flat 16, through the gates and into the property via the 'ornamental garden'. Whilst this route runs past a kitchen and a bathroom and is not ideal its useage is likely to be minimal and to be conditioned only to be used for level access.

House 3 is accessed via the roof of House 2 and via the side of the flats on the eastern side of William Court. This area is currently accessible to all, and allowed access to the existing communal area above the boiler room. It is not considered that the coming and goings of the occupants of House 3 would result in any detrimental overlooking or noise to residents with windows overlooking this area.

In the event of an emergency and safe egress can not be made through the front of House 3, it is proposed that the occupiers of House 3 will use the retained asphalt part of the podium (as would be the situation now) and exit William Court through the side passage adjacent Flat 16, as described above. This is not considered to raise any amenity concerns.

The design and access statement/ planning statement refers to a fire escape route in the rear of the site accessing Hamilton Gardens, in addition to the entrance to House 1 and this has 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 is not shown on any of the submitted plans. As a point of clarification the new entrance bridge to House 1 will link into the existing emergency access from Fort Box to the podium level as this emergency route has to be retained (albeit in a reconfigured route as a result of the location of House 1), but is not to be used as an access route. This arrangement is no different to the existing situation, except emergency egress would now be onto Hamilton Gardens rather than around the outside of William Court to Hall Road. As this route is only to be used in the event of an emergency and the main access to Fort Box is still via Hall Road and not to be altered.

#### **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. Only a dedicated external waste storage area is proposed for House 1 (to be collected from Hamilton Gardens). The waste for Houses 2 and 3 will be internal and then taken by the resident to the main storage facilities externally in William Court in the eastern driveway. All the existing 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.

The proposals are considered to comply with the City Council amenity policies S29 of the City Plan and ENV 13 of the UDP.

### **8.4 Transportation/Parking**

#### **Car parking**

The previous application was refused on the grounds that the development of 3 houses would add to an already high demand for on-street car parking in the area and this would affect people already living in the area and that the proposals failed to comply with policy STRA 25 and TRANS 23 of our UDP.

As part of the refused scheme, it was discussed in the committee report that there were to be no new parking spaces created, rather the applicant potentially offered up a garage, owned by the applicant, at lower ground floor level of the building on the western side of the building. Officers were advised that this garage is not currently used by anyone for the parking of vehicles and it was proposed that House 1 could lease this garage if they wish, which would have provided two carparking spaces. 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 advised that two of these spaces could be leased to the future occupiers of Houses 2 and

3 if they so wished. This could potentially result in the displacement of two cars which would have to be accommodated on the surrounding highway network.

The application site has a PTAL rating of 5. Despite this, 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).

The applicant has confirmed that there is no scope within the application site itself to provide any additional off-street car parking as the existing spaces are all allocated to existing flats within William Court, yet the offer discussed above could still be feasible. The applicant argues that a development of 3 houses is not likely to result in a significant demand of on-street parking and given its close proximity to a number of public transport routes, the proposals should be considered acceptable in highways terms. However, in order to overcome the previous reason for refusal, as well as offering car club membership for the 3 houses (as per the original offer to the refused scheme) the applicant originally offered to pay towards the costs of leasing 3 car parking spaces in the Lanark Road NCP for 1 year. The Lanark Road car park is 370m<sup>2</sup>/ 0.2mile away from the Hall Road entrance and some 981m/0.6 miles away from the entrance to House 1 on Hamilton Gardens.

This offer has attracted strong objection from residents within William court and the surrounding area on the grounds that it merely displaces the parking problems and is only for a year and that directing more cars on Lanark Road is unacceptable in terms of highway safety and congestion. The proposals also attracted an objection from the Highways Planning Manager on the grounds that whilst this arrangement could be acceptable in principle, the spaces should be leased for the lifetime of the development (25 years) in order to provide a meaningful mitigation of the potential on-street demand. The applicant has agreed to this and this is to be secured by condition. It is not envisaged that an extra three cars accessing space in the Lanark Road NCP will harmfully add to congestion.

The proposals are considered to comply with the City Council policies.

In response to objectors concerns, whilst the applicant would provide these spaces at the Lanark Road NCP car park it would be unreasonable to restrict any future resident from applying for a ResPark permit.

### **Cycle Parking**

Cycle parking spaces are shown for each house contained 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 on Hamilton Gardens**

As described above, the entrance to House 1 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 Level Access**

The main entrance to House 1 is from Hamilton Gardens and requires stepped access. House 1 achieves its level access from the existing communal garden to the west of William Court, accessed from within William Court itself, and along the side of flat 16. Whilst convoluted, this is considered to meet the Building Regulation requirements. House 2 is fully accessible from the eastern driveway. House 3 has level access to its front door provided via a new lift platform proposed near House 2. Whilst this is acceptable in principle, no details of this have been provided and to be conditioned.

### **8.7 Other UDP/Westminster Policy Considerations**

#### **Noise from Plant**

Plant is shown externally at podium/ ground floor level to the western elevation of House 1, close to the garden boundary with 82-84 Hamilton Gardens properties; to the rear podium/ ground level to the north elevation of the podium to serve House 3, opposite the boundary with 20 Hamilton Gardens and internally at lower ground floor level to serve House 2 and this is to be vented externally. Objections have been received on the grounds of noise from this plant equipment. Whilst 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, the applicant has agreed to site the external plant to House 3 in the lightwell to between House 2 and 3 to overcome objectors concerns. Given the location of the plant to the side of House 1, a sufficient distance from neighbouring properties, this is considered acceptable in this location. The external plant equipment will be subject to City Council noise conditions 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 existing flats within the mansion block through refuse chutes located 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.

Objections have been received on the grounds that House 1 may not put its refuse on the street as per the proposed arrangement and rely on refuse operatives to collect via the side passageway adjacent Flat 16. Officer consider that residents have misunderstood the plans and the proposals are as described above. One point of clarification, the design and access statement states that the refuse for House 1 will be taken onto Hamilton Gardens 'through the emergency fire exit which will be locked at all times'. This statement is misleading. There is one new entrance onto Hamilton Gardens proposed as discussed earlier and no secondary opening. The new entrance bridge will link into the existing emergency access from Fort Box to the podium deck but is not to be used as an access route. This arrangement is no different to the existing situation, except access would now be onto Hamilton Gardens rather than around the outside of William Court to Hall Road.

### **Trees**

In general the proposals and the impact to trees has not altered from the previously refused scheme, however revisions have been made to proposed construction. Objections have continued to be 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 is not required. 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.

A Tree of Heaven T3, (not originally included in the arboricultural report in relation to the refused scheme but now included in the submitted report) is proposed to be removed to facilitate the development. This is within the application site.

Works are proposed to a number of trees located in the rear gardens of properties 76-82 Hamilton Gardens. T1: a detailed specification for proposed pruning works to this Ash Tree, supported by an annotated photograph has been provided. This will leave a more balanced crown. Pruning of the northern stem will leave a pruning wound of approx. 160mm diameter, which should callus, although there is a risk of decay. However, irrespective of the current proposals this limb would require reduction to reduce risk of failure. T2: a reduction in height to this Lombardy Poplar is proposed, although this is not required to facilitate the development, but to reduce risk of failure. Although there will be an impact on the tree, this is not caused by the proposed development. T6: a Sycamore, which is engulfed in Ivy is proposed to be pruned of its lateral branches and this is required to erect scaffolding. Pruning wounds will be of small diameter and there is unlikely to be

any affect on the future health of the tree. T7: a Holm Oak requires very minor pruning of lateral branches and is unlikely to have any affect on the future health of the tree.

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. The applicant argues that as the 'ornamental garden' to the eastern side of House 1 is more for visual amenity of the future occupiers, pruning will not be required. Whilst the City Council cannot control how this amenity space is used, it is also not considered reasonable to refuse the application on this basis and to predict the future, so again it is advised that should any 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

The proposals are considered to comply with ENV16 of the UDP.

### **Landscaping**

Landscaping is proposed to the flat roof of House 2 (which provides access to House 3 and the communal amenity space to William Court), 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.

Again, the proposals are considered to comply with ENV16 of the UDP.

### **Biodiversity**

Sedum/ green roofs are proposed to House 1 and House 3 and this is welcomed. A condition to secure their provision is recommended.

An objection has been received on the grounds of potential impact to wildlife and ecology. It is not considered that a development of 3 residential units, upon an existing podium deck would have a significant impact of wildlife and ecology. In regards to a previous objection to impact upon bats, 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 and therefore the proposals are considered acceptable in this regard. An informative is however proposed should bats be found on the site.

The proposals are considered to comply with S38 of the City Plan.

### **Sustainability**

Policy S28 of Westminster's City Plan expects development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development; and ensure the reduction, reuse or recycling of resources and materials. The policy also details how this can be achieved, through excellence in design quality, use of high quality durable materials, efficient operation, and the provision of high quality floorspace that can adapt to changing circumstances over time.

Policy 5.2 of the London Plan requires developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy;
- Be clean: supply energy efficiently; and
- Be green: use renewable energy.

The following design measures have been incorporated into the design of the dwellings, in accordance with the three energy hierarchy above and Westminster's Policy S28: Thermal insulation levels for all building elements, beyond minimum Building Regulation Standards; Solar control through the careful selection of glazing to avoid overheating in summer months; Installation of air source heat pumps to provide high efficiency secondary heating; Mechanical ventilation during winter months and openable windows in summer; Natural daylight will be optimised; and the scheme will use low energy lighting. In addition, the building materials will be sourced locally, where possible, to reduce transportation impacts and to support the local economy. The submitted Energy and Sustainability Statement confirms that 7% reduction in CO2 emissions can be achieved.

The proposed development is considered to accord with Policy S28 and London Plan Policy 5.2 as a result of the scheme's high quality design and selection of proposed energy efficient materials and appliances.

### **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

A condition to secure the provision of the three car parking spaces in the Lanark Road NCP and the car club membership (likely to be secured via a legal agreement) is attached.

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

### **Multiple Planning Applications/ Free Go Application**

Objections have been received on the grounds that the applicant should not be allowed to submit multiple applications on a site and more notably once an application has been refused. The earlier refused application was subject to amendments which required additional consultation with neighbours, rather than two applications and not formally withdrawn as contended by some residents. The amendments submitted in relation to the earlier refused scheme were not considered to materially alter the scheme to warrant a fresh application.

In response to the current application, it is the City Council's statutory obligation to assess any valid application. The planning fee's legislation allows the same applicant to submit a fresh application within 12 months of the decision notice free of charge, provided that the development is of the same character or description as the development previously refused.

### **Letters of Consultation by Westminster City Council**

Objections have been raised as to why only some 300 letters to neighbours have been sent in relation to the current application, whereas some 600 letters were sent in relation to the previous application. The previous application was revised during the course of the application and therefore a further set of consultation letters was sent to neighbours, hence double the number of neighbour consultations.

The City Council has carried out extensive consultation on the current proposals with all affected residents in William Court, Hall Road, Hamilton Terrace, Hamilton Gardens, Alma Square being written to and multiple site notices being displayed in the surrounding area and a press advert.

### **Inaccuracies in the Application**

Objections have been received on the grounds of inaccuracies and contradictions within the submission. It is acknowledged that there are a number of inaccuracies within the submission and between the plans and supporting information and the case officer has sought to address these.



**Fire and Gas Safety**

Substantial objection has been submitted concerning fire safety and means of escape and that as a result of building on the podium this removes the safe refuge area for existing William Court but also may pose to an issue to the fire services in terms of gaining access to the existing residents of William Court and the proposed houses. Means of escape matters are also echoed by Environmental Health officers as a result of the open plan nature of the proposed dwellings. Whilst these concerns are understandably noted, the proposals cannot be refused on this basis and any future development will be subject to Building Regulations and detailed design and fire safety mitigation.

Concerns have been raised over the proposed gas intake outside of House 2. 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.

**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 draft construction management plan has been submitted with the application, however it should be noted that given the proposals are for three residential units a construction management plan was not required to be submitted. The plan 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 (except in the instance of level access to House 1), over say a new resident within one of the existing flats. Ultimately, this would be a management issue should any issues arise.

**Time of Application Submission**

Objections have been received on the grounds that the application was submitted during the start of the summer period and around the time of the General Election when affected neighbours were likely to be on holiday or occupied with the Election. The City Council cannot withhold permission on this basis.

**Behaviour of applicant**

Significant objections have been received on the grounds that little or no consultation was carried out with neighbours on the revised proposals, despite this issue being a main objection from most of the objectors to the earlier refused scheme. Objectors put little faith in the applicant and the William Court Management Company and have little faith that should permission be granted, that this would be in accordance with plans and any conditions.

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 is not a reason to withhold planning permission. Should any conditions of any future permission be breached, these can be reported to the city Council's Planning Enforcement Section and investigated.

**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.

**Falsified Letters of Support submitted in relation to the refused scheme**

Many of the objectors note that it is now proven that the numerous letters of support submitted in response to the previously refused scheme were false as none have been submitted in response to this application. 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.

**Company/Applicant Registration Name**

An objection has been raised on the grounds that the applicant, Mansley Ltd is not registered in the UK and that as the application provides no further details of this company

that investigation works into this company cannot be made by residents. This level of detail is not required by the City Council.

## 9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health dated 8 June 2017.
3. Response from St John's Wood Society dated 26 June 2017.
4. Response from Highways Planning Manager dated 17 July 2017.
5. Memorandum from Arboricultural Officer dated 17 July 2017.
6. Letter from occupier 14 Hamilton Gardens dated 11 June 2017.
7. Letter from occupier of 6 Hall Road dated 12 June 2017.
8. Letter from occupier of 6 Lanark Road dated 18 June 2017.
9. Letter from occupier of 21 Lanark Road dated 19 June 2017.
10. Letter from occupier of 45 Grove Court dated 19 June 2017.
11. Letter from occupier of 53 Grove Court dated 19 June 2017.
12. Letter from occupier of 22 Hamilton Gardens dated 19 June 2017.
13. Letter from owners of 16 William Court dated 18 and 19 June 2017.
14. Letter from occupier of 188 Grove Hall Court dated 19 June 2017.
15. Letters from occupiers of 8 Circus Lodge dated 20 June 2017.
16. Letter from occupier of 44 Alma Square dated 20 June 2017.
17. Letter from occupier of 12a Clive Court dated 20 June 2017.
18. Letter from the occupier of Garden Cottage, Garden Road dated 20 June 2017.
19. Letter from occupier of 32 Alma Square dated 20 June 2017.
20. Letter from occupier of 4 Alma Square dated 20 June 2017.
21. Letter from occupier of 27 Hamilton Gardens dated 20 June 2017.
22. Letter from occupier of unknown flat in Hamilton Gardens dated 20 June 2017.
23. Letter from 45 Grove Court dated 20 June 2017.
24. Letters from owner of 14 William Court dated 21 June 2017.
25. Letter from occupier of 6J Stuart Tower dated 21 June 2017.
26. Letter from occupier of 5 William Court dated 21 June 2017.
27. Letter from owner of 8H Stuart Tower dated 21 June 2017.
28. Letter from occupier of 62 William Court dated 21 June 2017.
29. Letter from occupier of 34 Hamilton Gardens dated 21 June 2017.
30. Letter from occupier of 105 William Court dated 21 June 2017.
31. Letter from occupier of 17 Hamilton Gardens dated 21 June 2017.
32. Letter from occupier of 57j Randolph Avenue dated 21 June 2017.
33. Letter from occupier of 6 Hamilton Gardens dated 21 June 2017.
34. Letter from occupier of 18 Alma Square dated 21 June 2017.
35. Letter from occupier of 5 Alma Square dated 21 June 2017.
36. Letters from owners of 20 Hamilton Gardens dated 22 and 25 June 2017.
37. Letter from occupier of 47 Hamilton House dated 22 June 2017.
38. Letter from occupier of 1<sup>st</sup>/2<sup>nd</sup> floor maisonette, 37 Alma Square dated 22 June 2017.
39. Letters from occupier of 47 Lanark Road dated 22 and 26 June 2017.
40. Letters from occupier of 25 Hamilton Gardens dated 22 and 23 June 2017.
41. Letter from occupier of 16 Alma Square dated 22 June 2017.
42. Letter from occupier of 32 William Court dated 22 June 2017.
43. Letter from occupier of 49 William Court dated 22 June 2017.

44. Letter from occupier of 31 Alma Square dated 22 June 2017.
45. Letter from occupier of 14c Lanark Mansions dated 22 June 2017.
46. Letter from occupier of 41 Lanark Road dated 22 June 2017.
47. Letter from occupier of 43 Alma Square dated 23 June 2017.
48. Letter from occupier of 22a Alma Square dated 23 June 2017.
49. Letter from occupier of 16 Hill Road dated 23 June 2017.
50. Letter from occupier of 27 Hamilton Gardens dated 23 June 2017.
51. Letter from owner of 55 William Court dated 23 June 2017.
52. Letter from occupier of 48 Hamilton Gardens dated 23 June 2017.
53. Letters from occupiers of 62 Loudoun Road dated 23 June 2017.
54. Letters from occupier of 1, 189 Sutherland Avenue dated 23 June 2017.
55. Letter from 78 Hamilton Terrace dated 23 June 2017.
56. Letter from occupier of 15 Lanark Road dated 24 June 2017.
57. Letter from occupier of 17 Hamilton Gardens dated 24 June 2017.
58. Letter from occupier of 74 William Court dated 24 June 2017.
59. Letter from occupier of 75 William Court dated 24 June 2017.
60. Letter from occupier of 14 William Court dated 24 June 2017.
61. Letter from occupier 2, 300 Elgin Avenue dated 24 June 2017.
62. Letter from occupier of 36 Alma Square dated 24 June 2017.
63. Letter from occupier of 27 Alma Square dated 24 June 2017.
64. Letters from occupiers of 16 William Court dated 24 June 2017.
65. Letter from occupier of 147 Grove Hall Court dated 24 June 2017.
66. Letter from occupier of 66 South Lodge dated 24 June 2017.
67. Letter from occupier of 54 William Court dated 24 June 2017.
68. Letter from penthouse 36-37 Alma Square dated 24 June 2017.
69. Letter from occupier of 4, 8 Lanark Road dated 24 June 2017.
70. Letters from occupiers of 83 William Court dated 24 June 2017.
71. Letter from occupier of 69 William Court dated 24 June 2017.
72. Letters from occupiers of 92 William Court dated 24 and 25 June 2017.
73. Letter from occupier of 23 William Court dated 24 June 2017.
74. Letter from occupier of 30 William Court dated 24 June 2017.
75. Letter from occupier of 28 Hamilton Gardens dated 24 June 2017.
76. Letter from owner of 46 William Court dated 25 June 2017.
77. Letter from occupier of 11 Alma Square dated 25 June 2017.
78. Letters from occupiers 41 William Court dated 25 June 2017.
79. Letter from occupier of 21 Lanark Road dated 25 June 2017.
80. Letters from occupiers of 35 Alma Square dated 25 June 2017.
81. Letters from occupiers of 82 Hamilton Terrace dated 25 June 2017.
82. Letters from occupiers of 80 Hamilton Terrace dated 25 June 2017.
83. Letter from occupier of 21 William Court dated 25 June 2017.
84. Letter from occupier of 82 Hamilton Terrace dated 25 June 2017.
85. Letter from occupier of 51 William Court dated 25 June 2017.
86. Letters from occupiers of 8, 45 Marlborough Place dated 25 and 26 June 2017.
87. Letter from occupier of 47 William Court dated 25 June 2017.
88. Letter from occupier of 48 Hamilton Gardens dated 25 June 2017.
89. Letter from owner of unknown flat in William Court dated 25 June 2017.
90. Letter from owner of 110 Grove Hall dated 25 June 2017.
91. Letter from occupier of 28 Finchley Road dated 25 June 2017.
92. Letters from occupiers of 32 Hamilton Gardens dated 25 June 2017.
93. Letter from occupier of 2, 77 Hamilton Gardens dated 25 June 2017.

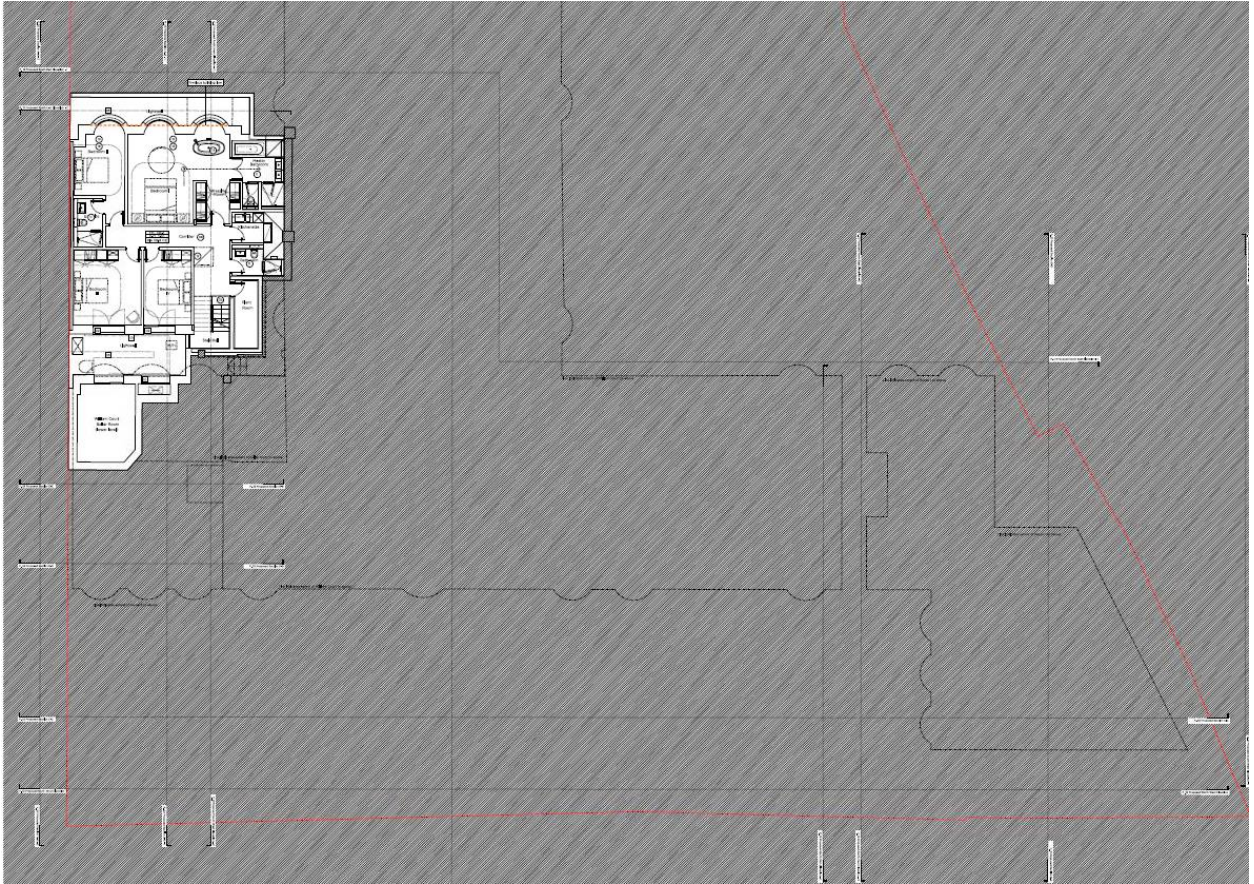
94. Letter from occupier of 19 Hamilton Gardens dated 25 June 2017.
95. Letters from occupiers of 10 William Court dated 25 June 2017.
96. Letter from occupier of 6 William Court dated 25 June 2017.
97. Letters from occupiers of 48 Avenue Close dated 25 June 2017.
98. Letters from occupiers of 58 Avenue Close dated 25 June 2017.
99. Letter from occupier of 11L Stuart Tower dated 25 June 2017.
100. Letter from occupier of 11 William Court dated 25 June 2017.
101. Letter from occupier of 15 William Court dated 26 June 2017
102. Letter from unknown property dated 26 June 2017.
103. Letter from occupier of 29 Sandringham Court dated 26 June 2017.
104. Letter from occupier of 19 Lanark Road dated 26 June 2017.
105. Letter from occupier of 28 Hamilton Gardens dated 26 June 2017.
106. Letter from owner of 43 William Court dated 26 June 2017.
107. Letter from occupier of 23 Hamilton Gardens dated 26 June 2017.
108. Letter from occupier of 26 Hamilton Gardens dated 26 June 2017.
109. Letter from occupier of 52 William Court dated 26 June 2017.
110. Letter from occupier of 2, 122 Finchley Road dated 26 June 2017.
111. Letters from occupier of 2, 77 Hamilton Terrace dated 26 June 2017.
112. Letter from occupier of 61 William Court dated 26 June 2017.
113. Letter from a property in Mill Hill dated 26 June 2017.
114. Letter from 33 William Court dated 26 June 2017.
115. Letter from occupier of 1, 75 Hamilton Terrace dated 26 June 2017.
116. Letter from occupier of 2, 78 Hamilton Terrace dated 26 June 2017.
117. Letter from occupier of 74 William Court dated 26 June 2017.
118. Letter from occupier of 1 Hamilton Gardens dated 26 June 2017.
119. Letter from occupier of 1 Lanark Road dated 26 June 2017.
120. Letter from unknown property in William Court dated 26 June 2017.
121. Letter from occupier of 34 William Court dated 26 June 2017.
122. Letters from occupier of 21 Hamilton Gardens dated 26 June 2017.
123. Letter from occupier of 9 William Court dated 26 June 2017.
124. Letter from occupier of 5, 46 Hamilton Gardens dated 26 June 2107.
125. Letter from occupier of 28 Hamilton Gardens of 26 June 2017.
126. Letter from occupier of 13 Hamilton Gardens dated 26 June 2017.
127. Petition from residents within William Court received 26 June 2017.
128. Letter from occupier of 10 William court dated 26 June 2017.
129. Letter from occupier of 91 William Court dated 26 June 2017.
130. Letter from occupier of 12a William Court dated 26 June 2017.
131. Letter from owner of 6a William Court dated 26 June 2017.
132. Letter from occupier of 9 Alma Square dated 27 June 2017.
133. Letter from 26 Mayflower Lodge dated 1 July 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](mailto:kdavies1@westminster.gov.uk).

10. KEY DRAWINGS

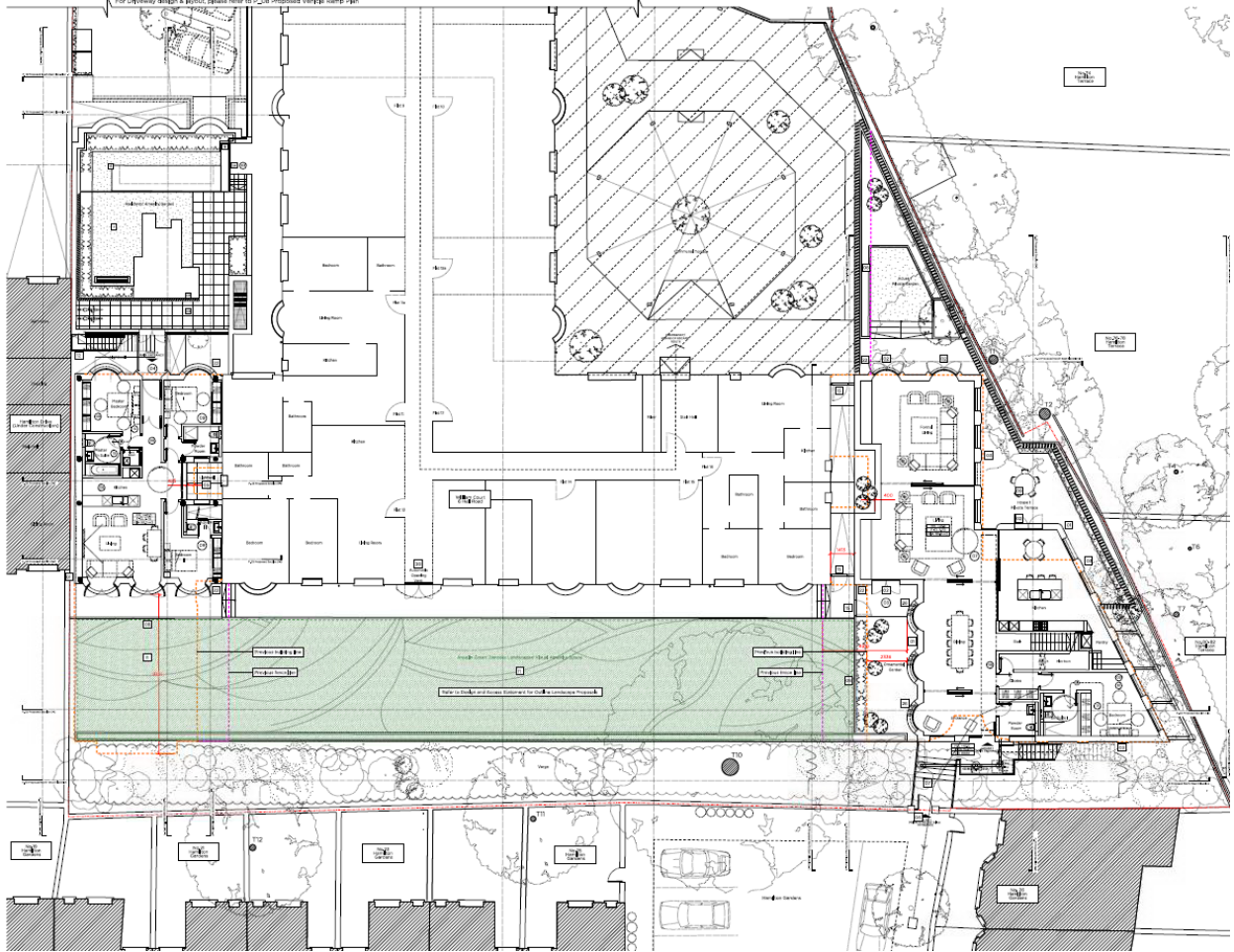
Proposed drawing to show lower ground floor of House 2 to the eastern side of William Court



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

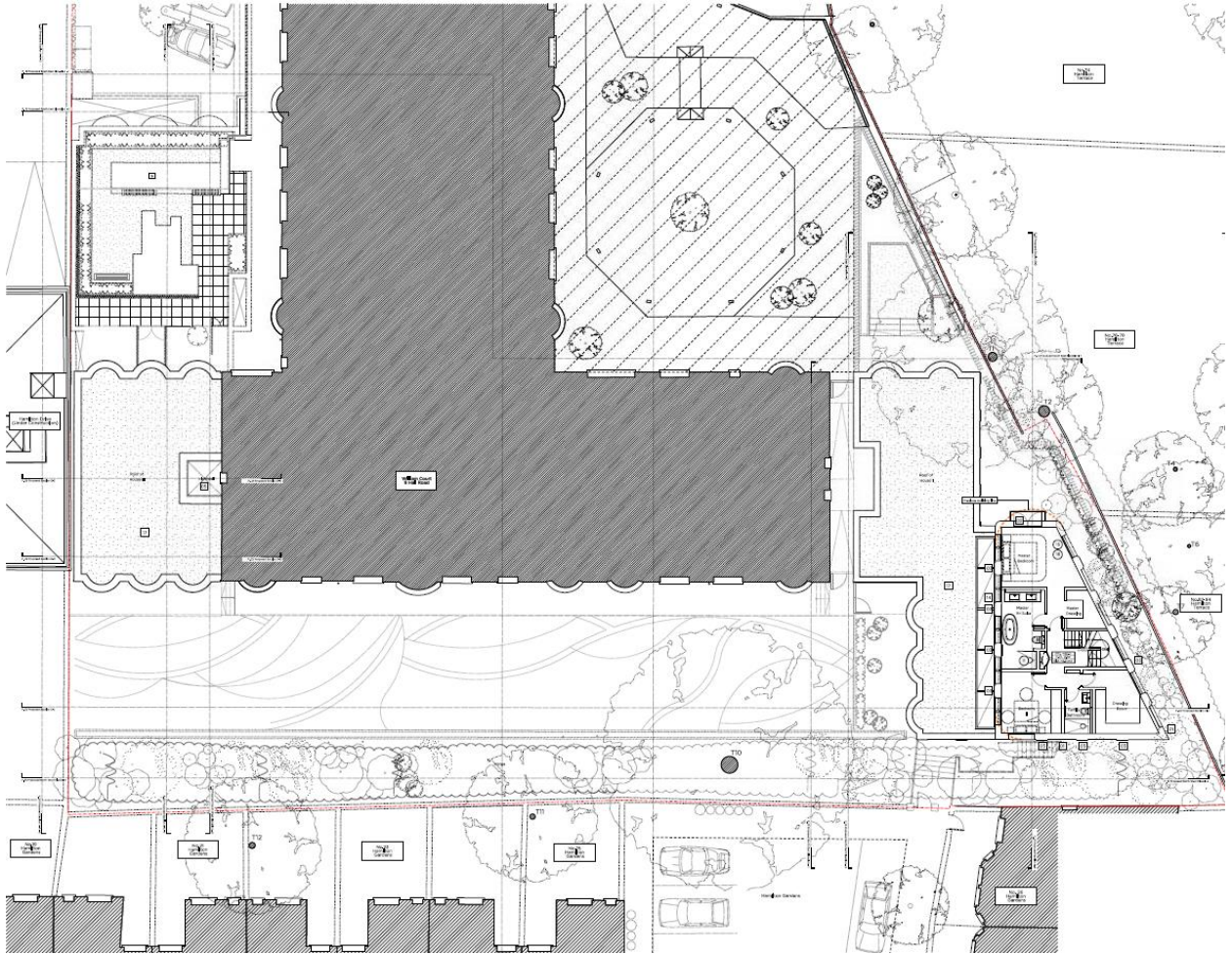


Proposed drawing to show podium deck level – Ground Floor of House 1, House 3 and landscaped amenity area to rear of William Court.





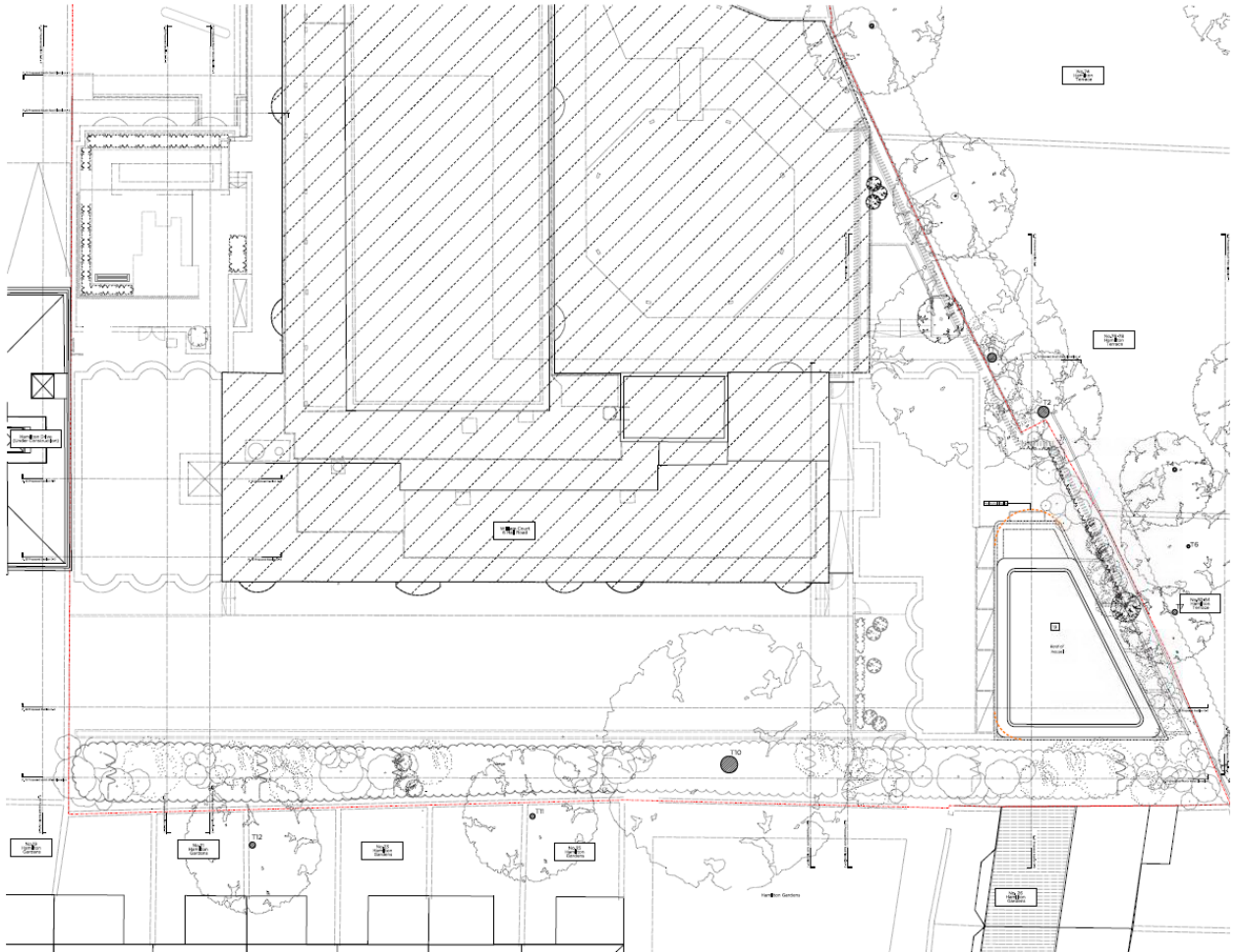
Proposed drawing to show First floor of House 1 and roof of House 3



Proposed drawing to show Second floor of House 1



Proposed drawing to show Roof level of House 1



**Proposed Rear (north) elevation of House 1 and House 3**



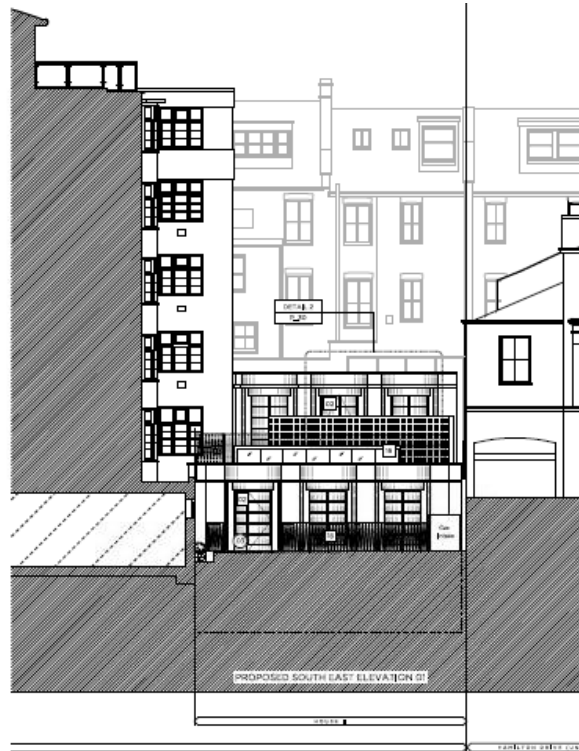
**Proposed Side (east) elevation of House 1 (viewed from podium deck)**



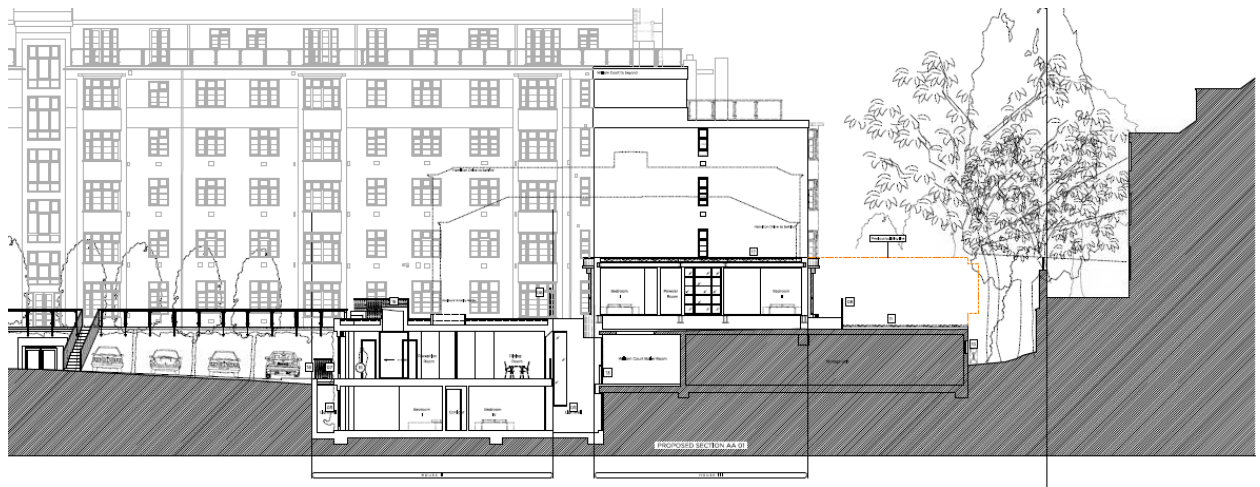
Proposed South elevation of House 1 (viewed from self storage access area)



**Proposed South Elevation of House 2 and House 3 (viewed from the driveway to the east of William Court)**



**Proposed Section to show House 2 and 3 in context of William Court and 20 Hamilton Gardens**



**Proposed Section to show House 1 in context of William Court and 26 Hamilton Gardens**



### Visuals of South Elevation of House 1



2 House 1  
Existing View from William Court Service Entrance



2 House 1  
Previously proposed View from William Court Service Entrance  
Ref: 16/08855/FULL



2 House 1  
Proposed View from William Court Service Entrance

### Visuals of Eastern Elevation of House 1, view from podium deck.



2 House 1  
Existing William Court Podium View



2 House 1  
Previously proposed William Court Podium View  
Ref: 16/08855/FULL



2 House 1  
Proposed William Court Podium View



### Visuals of South Elevation of House 2 and 3



Houses 2&3  
Existing View from Vehicle Approach



Houses 2&3  
Previously proposed View from Vehicle Approach



Houses 2&3  
Proposed View from Vehicle Approach

### Visuals of North Elevation of House 1, view from Hamilton Gardens



House 1  
Existing View from Hamilton Gardens



House 1  
Previously Proposed View from Hamilton Gardens  
Ref: 16/08855/FULL



House 1  
Proposed View from Hamilton Gardens

**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\_03; D\_04; D\_08; D\_10; D\_11; D\_12; D\_13; D\_20; D\_21; P\_01; P\_02A; P\_03; P\_04; P\_05; P\_06; P\_07; P\_08; P\_10; P\_11; P\_12; P\_13; P\_20A; P\_21; P\_22; P\_30; 1013129-ME-00-01 A; 1013129-ME-01-01 A; 1013129-ME-02-01 A; Design and Access Statement dated 24 May 2017 (including Visuals For Information Only); Planning Statement dated May 2017, as amended in part by email dated 22 June 2017); Daylight and Sunlight Assessment 19 May 2017; Arboricultural Impact Assessment dated 23 May 2017; Sustainability Statement Rev D dated May 24 May 2017; Noise Impact Assessment dated 8 August 2016; For information only: Construction Management Plan dated December 2016; Structural Engineer's Study and associated drawings dated May 2017.

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

- 4 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 overlaid. (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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

- 6 You must apply to us for approval of samples of the facing materials you will use, including glazing and framing to glazing and including the 'Bolou boarding' but excluding brickwork, 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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must not erect any extensions or alter the appearance of the three houses hereby approved, 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 three houses is suitable and that they contribute to the character and appearance of the area and to ensure that the residential amenity of neighbouring properties is preserved. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES 1, DES 4 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or flat roofs adjacent. This applies unless differences are shown on the drawings we have approved or are required by conditions of this permission. (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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

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

- 10 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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 11 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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 You must apply to us for approval of detailed drawings and specifications (including colour) of the following parts of the development - fencing, gates and privacy screens. You must not start any work on these parts of the development until we have approved what you have sent us.

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

**Reason:**

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

- 13 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) Example bay (showing all detailing) of the north-west elevation of house 3 and south-east elevations of House 2 and House 3
- 2) Example bay (showing all detailing) of the north-east elevation at ground floor podium level of House 1
- 3) Confirmation of colour design and finish of external metalwork to house 2 front lightwell
- 4) Details of fluted terracotta finish, including the relationship with adjoining windows and including elevations to confirm location of use of fluting, to House 1
- 5) Details of exposed brick columns to proposed north-west elevation of House 1
- 6) Details of 'Roof Monitor Skylight' to roof of house 2
- 7) South west elevation of House 1 showing arrangement of windows and blind bays, and confirming materials for blind bays
- 8) Details of balconette to first floor level on south-east elevation of house 1

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

- 14 You must provide green roof to main roof level of Houses 1, 2 and 3 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)

- 15 You must not use the roof of the building of House 1, House 3 and the podium deck (as annotated on the plans as Landscaped Visual Amenity Space) for sitting out or for any other purpose. You can however use the roof of House 1 and House 3 the podium to escape in an emergency and the podium deck for access/ maintenance of flats within William Court.

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.

- 16 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)

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

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)

- 18 The newly created opening in the boundary on Hamilton Gardens shall only be used by the occupiers of House 1.

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 apply to us for approval of details as to how the amenity space above House 2 is to be operated including its hours, and for sound proofing measures to House 2 below. You must then provide the communal roof terrace above House 2 prior to the occupation of the House 2. The communal terrace must remain accessible to everyone within William Court and retained as such thereafter

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)

- 20 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PO2 A. You must clearly mark them and make them available at all times to everyone using the House 1. (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)

- 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 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

-mitigation against the increase demand on on-street car parking.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 23 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)

- 24 (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 LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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.

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

-relocation of the airconditioning for House 3 to the lightwell between House 2 and House 3

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 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)

- 27 You must put install the acoustic enclosure to the plant, as detailed in 5.2 of the Noise Compliance Report by KP Acoustics prior to the use of the plant. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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.

- 28 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.

- 29 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise 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 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 30 **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)

- 31 You must apply to us for approval of detailed drawings of a planting 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 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 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)

- 32 You must apply to us for approval details of the platform lift adjacent House 2. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

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

33 The podium level between House 1 and Flat 16 of William Court shall only be used for level access to House 1 and not used as the main entrance/ exit or for disposal of waste and refused. You can however use this area to escape in an emergency.

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.

#### **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 Under condition 22, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the provision of 3 carparking spaces at Lanark Road NCP for the duration of the lifetime of the development and car club membership for all three houses for the duration of the lifetime of the development as set out in the planning statement dated May 2017 and email from Matt Richards dated 18 July 2017. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 3 With regards to condition 13 (6), you are advised that the strong desire of the City Council is that the skylight to House 2 is minimised in terms of its visual prominence over the roof of this house.
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's

Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 5 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)
- 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. (I50AA)

- 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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 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)
- 10 Condition 30 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.
- 11 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).
- 12 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.

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.