

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	402 Edgware Road, London, W2 1ED,		
Proposal	Retention of three storey rear building (fronting Venables Street) measuring 0.4m higher than originally approved, to contain four flats (two of which have previously been approved and results in seven flats in total across the whole site) with associated cycle/ refuse and storage facilities at ground and basement level. Change of use of ground and basement of rear building from car parking to a Class A2 (financial and professional services) unit with associated external alterations to shopfront.		
Agent	Mr Tim Murrury		
On behalf of	Mr Y SARODIA		
Registered Number	15/09890/FULL	Date amended/ completed	5 May 2016
Date Application Received	22 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to the rear part of an unlisted building located on the eastern side of Edgware Road. The existing front building comprises a betting office at ground floor level with three flats at upper levels (approved under application 13/12520/FULL – detailed below). The rear part of the site was originally a single storey with a flat roof (this part of the site is wider than the front as it wraps around the back of 404-406 Edgware Road) with rear ground floor garages/workshop appearing to have been annexed to the betting office (although the use of the internal space was not/ has been made clear). An extension to the rear part of the building has been built, as originally approved under application 13/12520/FULL, however this is higher than originally approved and is proposed to contain two more units than originally approved (a total of four units in the rear part of the building and seven across the whole site).

Retrospective permission is sought for the erection of the three storey rear building (fronting Venables Street) to contain four flats and to use of the ground and basement of rear building fronting Venables Street from garages/ workshop to a Class A2 (financial and professional services) unit with associated external alterations to shopfront.

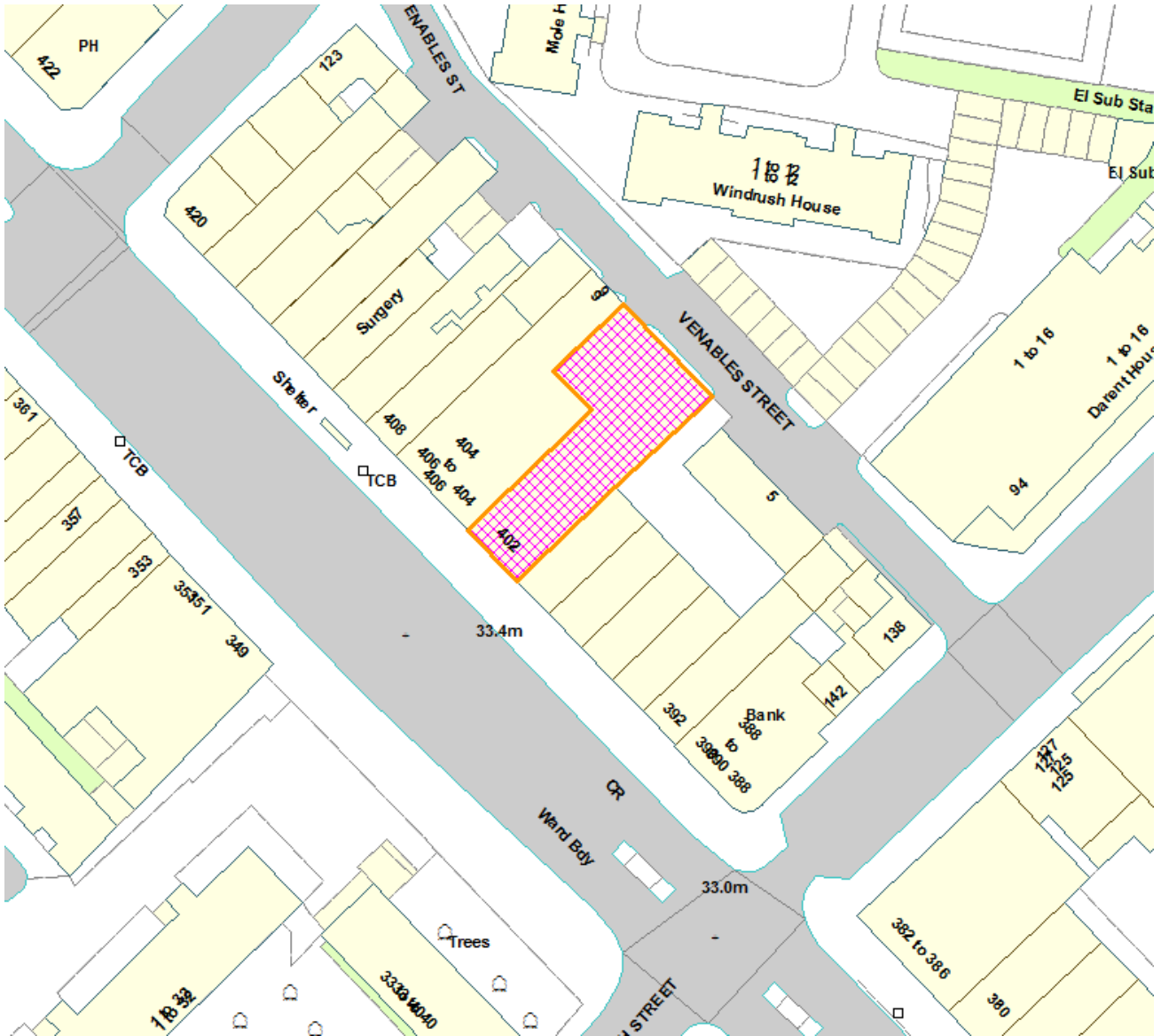
Objections to the proposals have been received primarily on the grounds of harm to neighbouring residential amenity.

The key issues in the determination of the application are:

- The implications of the proposals in land use terms;
- The implications of the proposals in design and townscape terms;
- The impact of the proposals upon the amenity of neighbouring properties.

The proposals are considered with City Council policies in regards to land use, design, amenity and highways terms and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Rear building facing Venables Street



Front building of application site facing Edgware Road



5. CONSULTATIONS

THE ST MARYLEBONE SOCIETY:

Please defer to planning officer.

TRANSPORT FOR LONDON:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Objection on the grounds of lack of carparking for the residential units, that there are limited details given in relation to the A2 unit proposals, that the waste and cycle parking provision is poor and that doors open out over the highway.

CLEANSING MANAGER:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

No. of objections: 2

Two objections received on behalf of the owners of the adjacent property on the following grounds:

Amenity:

- Loss of sunlight and daylight as a result in the increase in height of the rear building;
- Sense of enclosure from the increased height;
- Loss of privacy;
- Noise impact of residential units upon neighbouring residential and commercial properties.

Other:

- Missing and inaccurate drawings;
- Incorrect description of development;
- Noise impact.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

REVISED APPLICATION

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

No. of objections: 1

One further objection received on behalf of the owners of the adjacent property sustaining their original amenity objections and claiming that the amendments are still inaccurate and there are missing drawings.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to the rear part of an unlisted building located on the eastern side of Edgware Road. Prior to the implementation of the works approved (detailed below), the existing front building comprised a betting office at ground floor level with offices above. The betting office still exists. The rear part of the site was single storey with a flat roof (this part of the site is wider than the front as it wraps around the back of 404-406 Edgware Road) and the rear ground floor garages/workshop appear to have been annexed to the betting office (although the use of the internal space was not made clear).

The recladding works to the front part of the building and the construction of the extension above the garages/workshop has been substantially completed, however the extension has not been built in accordance with the approved plans. A number of the residential units in both the front and rear building of the application site are now occupied. Unauthorised works have also taken place to the rear ground floor elevation in association with the shopfront required as part of the A2 use.

6.2 Recent Relevant History

13/12520/FULL

Planning permission was granted in March 2015 for the recladding of the elevations and alterations to fenestration, construction of first floor rear extension in association the use of upper floors as 5 x 1 bed flats with associated terraces, PV panels and green roofs.

15/06328/FULL

Use of the basement and part ground as an office Class B1 with associated alterations to rear elevation.

This application was withdrawn as the use being applied for was incorrect and the proposals relating to the basement and part ground floor have now been amalgamated with the proposals sought under this application.

7. THE PROPOSAL

Permission is sought for the erection of a three storey rear building (fronting Venables Street) to contain four flats (resulting in seven flats in total across the whole site) with associated cycle/ refuse and storage facilities at ground and basement level (Retrospective permission sought). It is also sought to use of the ground and basement of rear building fronting Venable Street from garages/ workshop to a Class A2 (financial and professional services) unit with associated external alterations to shopfront.

During the course of the implementation of the March 2015 permission, the applicant discovered that the internal floor to ceiling height of the approved first floor extension in the rear part of the building was excessive in height and with the reconfiguration of the mezzanine level, an additional floor could be constructed and another two flats created. This has increased the overall height of the building by 0.4m, when compared to the approved height of the first floor extension as approved in March 2015, resulting in a three storey building fronting Venables street rather than two. This has resulted in a net increase in two residential units, one of which has been built out yet unoccupied and the other has yet to be constructed or any existing concrete knocked through/, as can be seen from the rear elevation of the Venables Street building, where concrete is still visible externally behind the external cladding.

It should be noted that the original consultation of the application incorrectly referred to a 'mansard roof' extension to the rear part of the building and this was incorrect, hence the re-consultation as listed above, when officers discovered discrepancies in the application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential Accommodation

Permission was granted in March 2015 for the use of the upper floors of the building fronting Edgware Road and the building fronting Venables Street at five residential units. The proposed increase in height of the building fronting Venables Street and the reconfiguration of the internal mezzanine level has resulted in a net increase in two residential units. There are no changes to the number of flats in the front of the building. The principle of additional residential accommodation is supported by policies S14 of the City Plan (adopted November 2016) and H3 of the UDP (adopted January 2007).

The scheme will now include seven, one bedroom flats and whilst this does not comply with S15 of the City Plan or H5 of the UDP which requires 33% of all developments to be family sized accommodation of three bedroom or more, given the 2015 permission allowed five, one bedroom units on the basis of the sites location and as the building was being converted rather than fully redeveloped, it is not considered in this instance reasonable to require the applicant to reconfigure the internal floor layouts.

The four flats in the rear part of the building are all considered to meet the standards as set out in the Nationally Prescribed Technical Standards, for one bedroom units and are all considered to offer an acceptable standard of accommodation. The units will receive acceptable levels of natural lighting and all benefit from a private outdoor amenity space.

A2 Unit

At basement and ground floor level to the rear of the site fronting Venables Street it is proposed to use the rear garage/workshop as an A2, financial and professional unit, although the applicant has not confirmed as to exactly what operation is to take place, despite requests from officers. A variety of operations fall within Class A2 and could include for example an estate agents. There are no land use policies protecting the existing unit and therefore in principle the proposed unit is considered acceptable, subject to conditions as discussed in the amenity section of this report.

The proposals are considered to accord with City Council policies and are acceptable in land use terms.

8.2 Townscape and Design

As described above, the application purely relates to the rear section of the site. This application seeks permission to retain discrepancies between the approved plans and the site as built, namely the overall building height is 0.4 metres higher than approved and the buildings reads as 3no storeys as opposed to 2no storeys, the design of the shopfront fronting Venables Street and omission of the sedum roof and skylights.

In addition to the alterations above the extension was constructed with a bulk head to the eaves on the rear of the building. Concern was raised with the bulk of this element and as such this has now been rectified and constructed in accordance with the approved plans from 2015.

The overall design approach is in keeping with the approved scheme which in general has a high quality of design and detailing. Space has been borrowed from generous internal floor to ceiling heights to create an additional floor level, resulting in a 3no storey building with the associated amount of new fenestration on the front and rear elevations. The new fenestration and alterations to the scale of the approved fenestration are considered to be acceptable in design terms as they are of a scale which is not visually dominant and a design in keeping with the contemporary nature of the building. Similarly the design of the shopfront fronting Venables Street (as shown in the drawings and not what has been built on site) has been amended during the course of the application and is reflective of the host building and still creates an active frontage which is welcomed. It is recommended that a condition securing the revised shopfront details are installed within 3 months of any permission being granted.

Whilst the building is higher than the approved scheme, this marginal increase in height is not considered to be so detrimental to the appearance of the building as to be harmful to the townscape; the mass and height of the building is considered to be in accordance with DES 5.

Whilst the loss of the approved sedum roof is regrettable, the introduction of PV panels across both flat roofs achieves a level of sustainability, in accordance with the aims of DES 1. The panels, although partially concealed by a parapet will be visible in some angles from street level, however they are relatively discreet and are considered acceptable.

As a point to note, a sitting tenant in one of the upper floor flats in the front part of the building has installed a brown framed window, thus enclosing the balcony. There is an on-going dispute with the tenant and applicant/ freeholder and officers have been ensured that as soon as access is given to the flat, the window will be removed.

The works are considered to be in accordance with the relevant UPD and City Plan policies and will have a limited impact on the townscape.

8.3 Residential Amenity

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

Objections have been received on behalf of the occupiers of the flats in 404-406 Edgware Road on the grounds of loss of daylight and sunlight and loss of privacy as a result of the increase in height and the additional windows overlooking their properties. The objectors claim that the extension previously approved was in a mansard roof rather than a 'square extension' and that this had less impact than the proposals now sought.

The first floor of 404-406 Edgware Road is in commercial use and the second and third floors are in use as four flats. The objectors have provided floorplans of these properties, and officers have visited the second floor flats.

The overall height of the rear building is some 0.4m higher than first floor extension approved in 2015. Submitted with the approved scheme was a Daylight and Sunlight Assessment carried out in line with the BRE guide. There were minimal losses of daylight and sunlight to the properties in 404-406 Edgware Road however these were all well within the tolerances of the BRE guidance. Whilst the proposals have not been formally tested again, as objected to, it is not considered that an increase in 0.4m would result in any further unacceptable levels of harm and a further assessment has not be requested of the applicant.

In terms of sense of enclosure it is not considered that an increase in height of 0.4m significantly harms the residential occupiers of the flats opposite the site in 404-406 Edgware Road to warrant refusal.

Approved under the 2015 permission were two windows in the rear elevation of the first floor extension, looking back to the rear elevation of the front building of the application site and rear windows of the office and upper floor flats of 404-406 Edgware Road. The window approved opposite the first floor of 404 -406 Edgware Road was a high level window to a kitchen and partly obscured by the existing boundary wall and resulted in no harmful overlooking to the office opposite or flats upwards. At second floor level a window has been installed and this serves a kitchen. This window is some 4.2m from the windows of the flats at second floor level of 404-406 Edgware and does result in some overlooking, when no blinds/curtains in either property are drawn. It is therefore recommended that a condition to secure an obscure glazed film is attached to the window within 3 months of any permission granted to prohibit any overlooking. The window already has a restrictive mechanism so if opened, this wouldn't negate the obscure glazed film.

The proposed increase in height and the additional windows as a result of the creation of two additional residential units is not considered to give rise to any amenity concerns to other neighbouring properties.

In terms of the implications on an A2 financial and professional service operating on the ground floor, it is generally envisaged that uses falling within this class do not cause harm to neighbouring properties. Uses of this nature are generally of an office nature, keeping daytime working hours and result in little noise impacts from comings and goings and internal activities. However in the absence of any details within the application, it is recommended that a condition securing details of the use and hours of operation are secured.

The proposals, subject to conditions are considered to comply with City Council amenity policies.

8.4 Transportation/Parking

Car parking

Policy TRANS23 of the UDP requires the provision of off-street car parking for residential developments, in line with recommended standards. No off-street parking is proposed within the scheme and the Highways Planning Manager has objected to the application as the existing parking stress levels in the area already exceed the recommended 80% threshold levels. Based on the most recent parking survey, the parking occupancy within a 200m vicinity of the site at nighttime are 100% although with the ability to use single yellow lines the level reduces to 62%. During the daytime, the occupancy level is 92%.

The concerns of the Highways Planning Manager regarding the impact of the lack of parking are noted, however on the basis of the high public transport accessibility of the site, and that under the 2015 permission there was proposed mitigation measures such as a financial contribution towards parking surveys it would not be reasonable to refuse permission in this case for an additional 2 units. It should be noted that whilst a number of the units are occupied, the applicant has not yet entered a legal agreement as required under Condition 10 of the previous permission and therefore this condition is still relevant, however given a change to recent legislation it is not considered reasonable to request a contribution towards parking surveys in respect of the two new units created.

It is considered that the impact of the A2 use on parking levels in the vicinity of the site is expected to be minimal and no objections are raised to this element.

Cycle Parking

Four cycle storage stands are shown in a store at ground floor level, for the seven flats. Whilst this results in a shortfall of three spaces, this area was dedicated as cycle storage under the approved scheme and there is now limited to scope to increase the store size to accommodate the additional units.

No cycle parking is shown for the proposed A2 use. An A2 use requires 1 space per 175m² with a minimum of 2 spaces for the 1st 100m². Given the size of the proposed units, 2 spaces should be provided and the Highways Planning Manager has requested a condition to secure these spaces. There is limited scope within the development site to provide these spaces and whilst regrettable it is envisaged that any staff with cycles could store these within the unit.

Servicing

The proposed additional residential flats raise no servicing concerns.

No off-street servicing is provided for the proposed A2 use and an A2 use is expected to generate significantly less servicing/vehicle trips than the existing use. As such it is not expected to generate a level of servicing which would have a significant adverse impact on the public highway.

The largest regular service vehicle expected to be associated with the proposed development as a whole is the refuse collection vehicle. This will service the site in a similar fashion to the existing use and those in the surroundings.

Waste & Refuse Storage

Waste storage for the residential units (both as approved in the front part of the building and now proposed in the rear part of the building) is shown on the submitted plans to be accessed externally from Venables Street and this is acceptable.

No waste storage is shown for the A2 use. Given the size of the unit and that the unit is likely to be of an 'office based' operation it is not envisaged that there would be substantial refuse and that this could be accommodated within the building itself until collection.

Doors

Several doors open outwards and over the public highway (including the vehicular carriageway) which is unacceptable and contrary to the Section 153 of the Highways Act, TRANS2, TRANS3 and S41. A condition is recommended to revise the door openings to inward opening.

8.5 Economic Considerations

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

8.6 Access

The residential units in the front and rear part of the building, as approved and as proposed whilst benefiting from level access from Edgware Road to within the building are then all access via stairs internally. This is considered acceptable.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

A CIL payment will be required in relation to the two additional units in the rear part of the building and this is yet to be calculated. An informative advising the applicant of the need to contact the City Council to progress this will be attached.

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

Objections have been received on the grounds of noise and disruption, inaccurate drawings, that the drawings do not accurately show the neighbouring properties and that the works are unauthorised.

In terms of noise and disturbance it is unclear whether the objector is referring to noise and disturbance from construction works or from the increase in number of residential units on site. In terms of construction, the majority of the works have been completed and there have been no complaints of works taking place outside of the standard hours allowed. Some further works and remedial works would be required if permission was to be granted and these would be subject to the same hours of working condition. It is not considered that an application could be refused on this basis.

During the course of the application, officers requested amended plans and these now accurately show the rear part of the building, as built. Neighbours were notified of these amendments.

It is not a statutory requirement for the development to be shown in context of neighbouring properties, however officers consider that the drawings submitted (as amended) are accurate in showing what is proposed and to establish the relationship to neighbours.

Whilst it is regrettable that the works are unauthorised and nearly complete, this is not considered a justifiable reason in which to withhold the granting of planning permission.

9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society, dated 4 June 2016
3. Memorandum from Cleansing Manager dated 20 May 2016
4. Memorandum from Highways Planning Manager dated 23 August 2017.

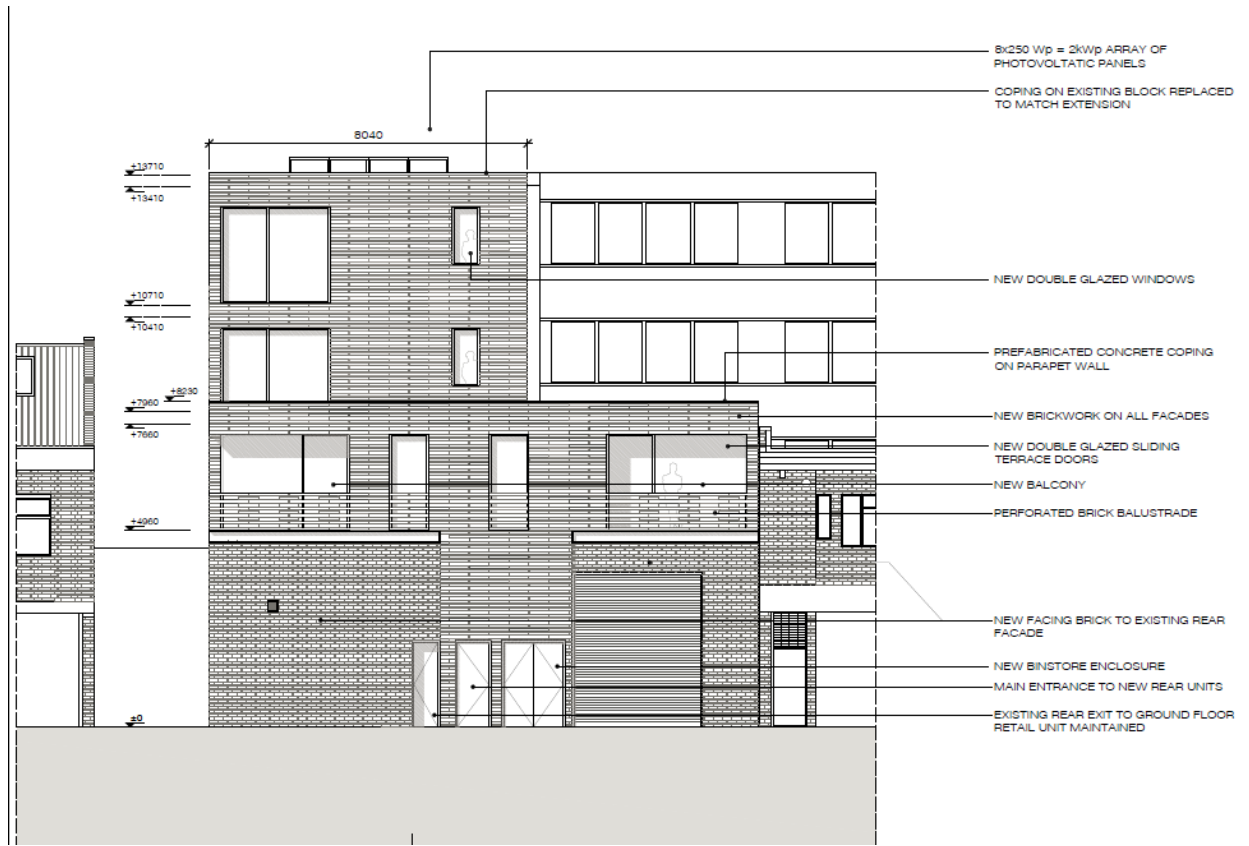
5. Letters on behalf of the owner of 404-406 Edgware Road dated 18 May 2016; 14 June 2016 and 6 July 2017.

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

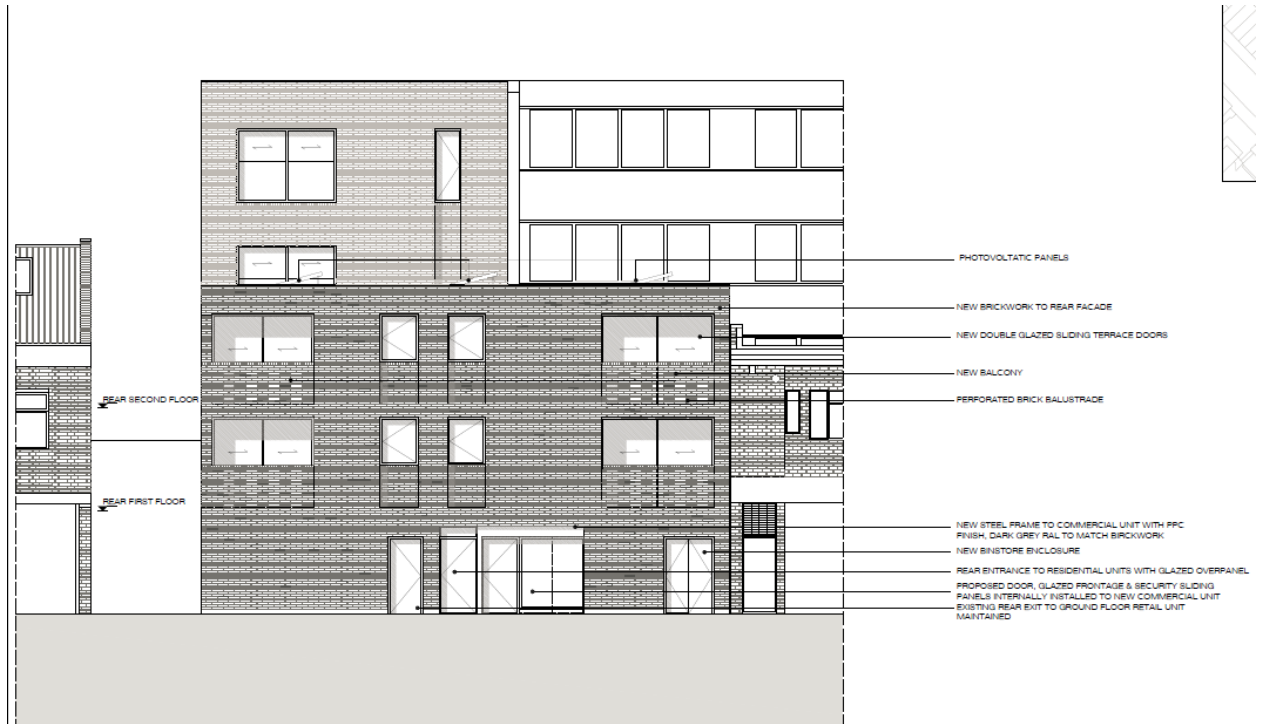
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

10. KEY DRAWINGS

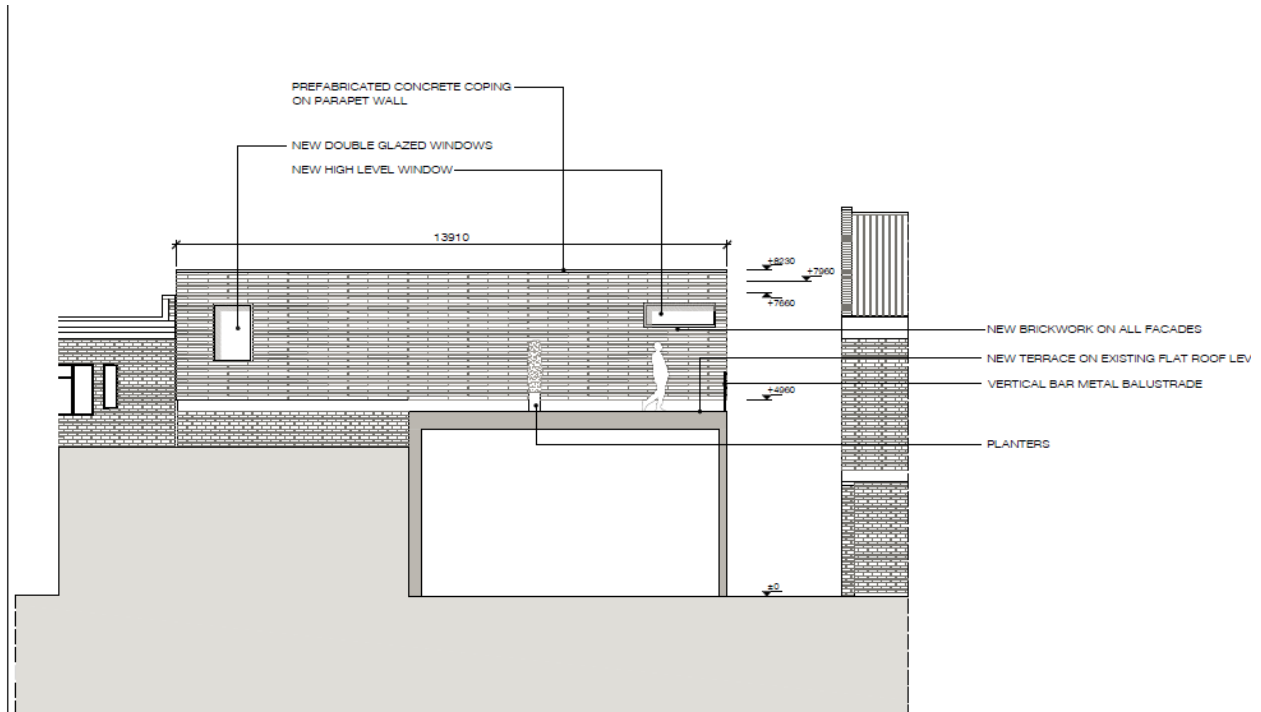
As approved Venables Street elevation



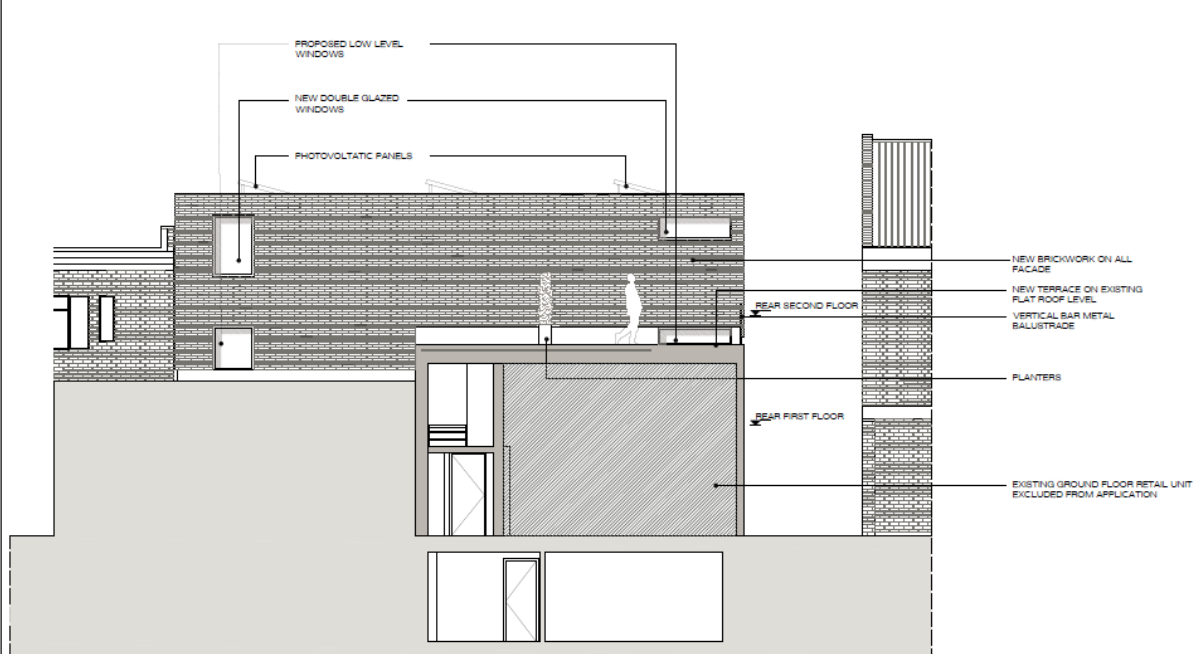
As proposed Venables Street elevation



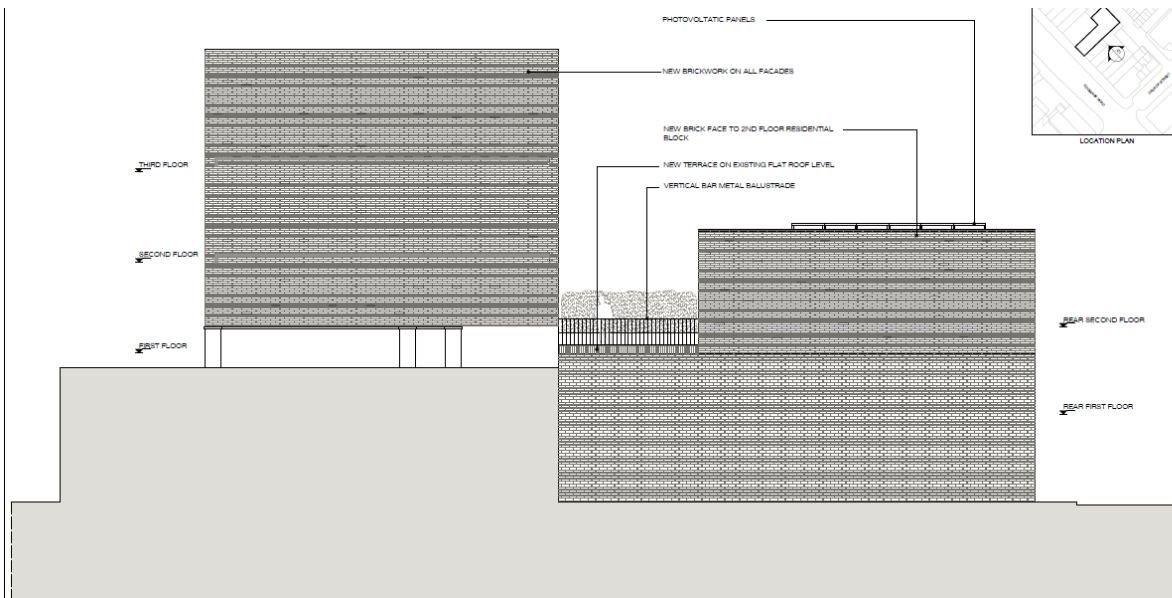
As approved – rear elevation of Venables Street building as seen from 404-406 Edgware Road



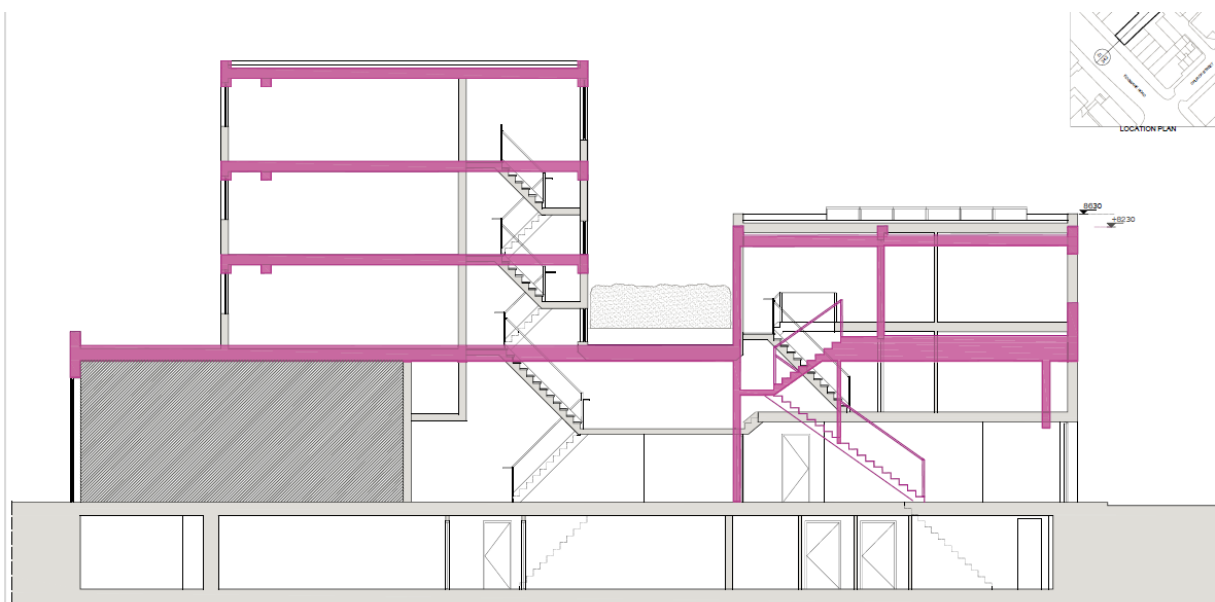
As proposed – rear elevation of Venables Street building as seen from 404-406 Edgware Road



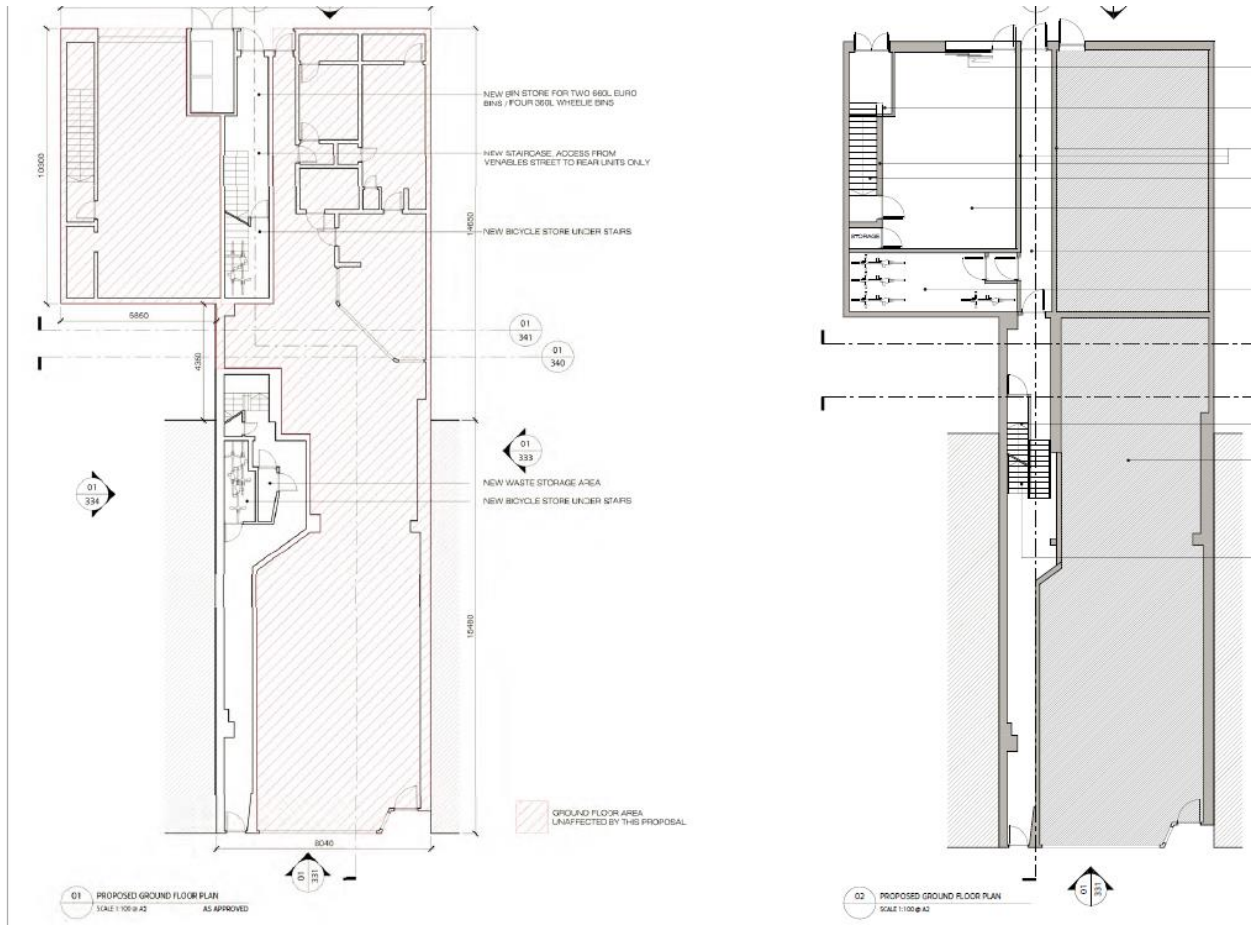
Proposed side elevation / section showing relationship of front part and rear part of application site



As approved (highlighted in purple) and as proposed section



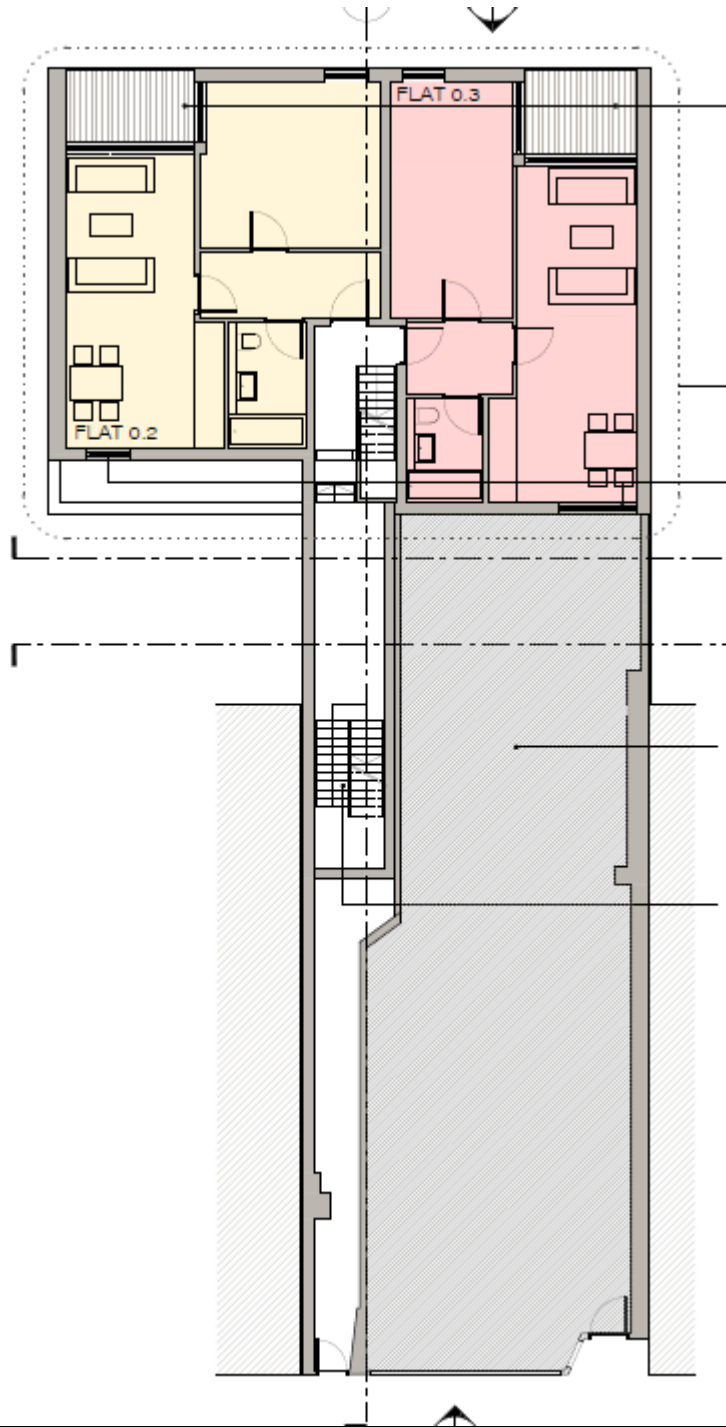
As approved (left) and as proposed (right) ground floor plan



As approved (left) and as proposed (right) first floor plan



As proposed second floor plan



DRAFT DECISION LETTER

Address: 402 Edgware Road, London, W2 1ED,

Proposal: Erection of a three storey rear building (fronting Venables Street) to contain four flats (resulting in seven flats in total across the whole site) with associated cycle/ refuse and storage facilities at ground and basement level (Retrospective). Use of the ground and basement of rear building fronting Venable Street from garages/ workshop to a Class A2 (financial and professional services) unit with associated external alterations to shopfront.

Plan Nos: Site location plan; Existing front elevation; existing rear elevation; existing section AA; existing side elevation - all numbered 0 A; 041.15 01; 041.15.02; 041.15.03; 041.15.04; 041.15.04; 041.15.06; 600_321 B; 600_322A; 600_323 A; 600_324 A; 600_325A; 600_326A; 600_332B; 600_333A; 600_340A; 600_341A; 600_342A; 600_350A; 600_351A; 600_352A; 600_421B; 600_422A; 600_423A; 600_424A.

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 Within 3 months of the date of this permission you must remove the as installed shopfront facing Venables Street and install the shopfront as approved.

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 Within 3 months of the date of this permission you must install an obscure glazed film to the rear elevation second floor window opposite 404-406 Edgware Road and this must be retained in that condition therefore. You must provide the City Council with evidence that this film has been applied to this window.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

- 1) all doors onto Venables Street opening inward and not over the highway.

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:

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)

- 7 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.

- 8 You must provide the waste store shown on drawing 600_321 B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 Within 3 months of the date of this permission we must have approved appropriate arrangements to secure the following.

- Mitigation of the impact of the development on on-street residents car parking in the vicinity of the site.

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.

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 TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 10 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.

- 11 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.

- 12 You must apply to us for approval of details of the exact nature of the approved Class A2 use and the hours proposed. You must not let the A2 unit until we have approved what you have sent us.

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 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)

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

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

- 7 With regard to Condition 9, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a contribution of £1,000 per flat (only in relation to the 5 flats approved under the 2015 scheme) towards parking surveys to monitor parking stress levels for on-street residents parking bays within the vicinity of the site. Please look at the

template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at 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.