

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 March 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Abbey Road	
Subject of Report	41 Abbey Road, London, NW8 0AA		
Proposal	Demolition behind retained central bay facade and redevelopment to provide a new building comprising basement, lower ground, raised ground and three upper floors to provide an elderly care facility (Class C2) communal and welfare/medical areas, cycle storage, landscaping and tree works and associated works.		
Agent	Gerald Eve		
On behalf of	FREP3 (Abbey Road) Limited		
Registered Number	18/08414/FULL	Date amended/ completed	2 October 2018
Date Application Received	2 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site contains a five-storey building, which is not listed, but is an Unlisted Building of Merit located within the St. John's Wood Conservation Area. The building has been vacant for over 10 years but was last used as a residential care home for the elderly (Class C2).

The applicant proposes demolition of the entire building except for the central three bay section of the front elevation and erection of a new building with basement level to contain a 26-bed elderly care facility for people with dementia (Class C2).

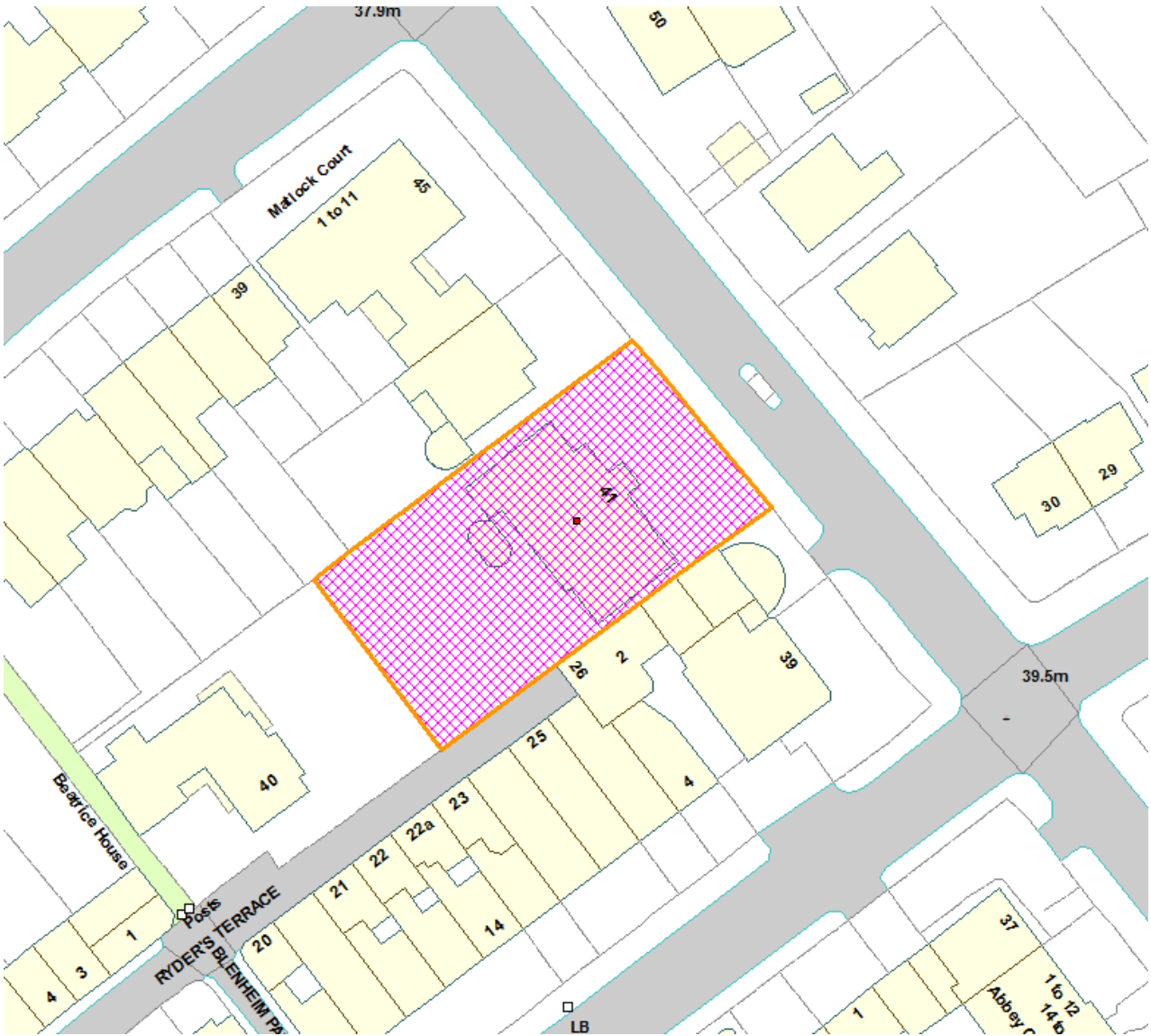
The key considerations are:

- The acceptability of provision of specialist care floorspace.
- The impact of the proposed development on the St Johns Wood Conservation Area, having special regard to the statutory duty to preserve or enhance conservation areas.
- The impact on residential amenity.

- The impact on parking and local highway network.
- The impact on protected trees, including removal of four trees.
- The compliance of the proposed basement excavation and construction management measures with the Basement Development Policy in the City Plan.

The proposed development would preserve the St Johns Wood Conservation Area and would be consistent with the development plan comprised of The London Plan (March 2016), the Draft London Plan (Minor Amendments Version – August 2018), Westminster's City Plan (November 2016) and the Unitary Development Plan (January 2007). It is therefore recommended that planning permission is granted, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application Site as seen from Abbey Road.

5. CONSULTATIONS

WARD COUNCILLORS FOR ABBEY ROAD

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY

Support the application which is for a needed community asset. Request that the case officer mitigates any loss of amenity to neighbours in terms of parking and noise by ensuring that a neighbourly construction management plan is put into place. Query the location of the acoustic plant enclosure which is near an adjacent property.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions.

LEAD LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

No response received.

THAMES WATER UTILITIES

No objection. Have recommended informatives in relation to waste and drinking water.

ARBORICULTURAL MANAGER

Object to loss of four trees from this site, three of which are TPO trees. Also consider tree protection details insufficient. This objection is discussed in greater detail below.

BUILDING CONTROL OFFICER

The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The proposals submitted are considered to be acceptable. As the new construction provides support to the highway, an informative should be included to remind the applicant to obtain a Technical Approval from the City Councils highways engineers before beginning excavation.

WASTE PROJECT OFFICER

Following revision of the scheme, raises no objection, subject to a condition requiring the waste storage to be provided.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 104.

Total No. of replies: 5.

No. of objections: 1.

No. in support: 4.

In summary, the objector raises the following issue:

- There needs to be a traffic plan during construction to minimise harm to neighbours from increased traffic.

In summary, the supporters raise all or some of the following issues:

- The existing building is derelict, and the proposed development will restore it.
- The proposed use is a valuable social and community use.
- There are few specialist dementia care facilities in Westminster and the proposal will prevent patients from having to move from the area.
- The applicant runs a well-regarded facility in Chelsea.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains a five-storey building, which is not listed, but is an Unlisted Building of Merit located within the St. John's Wood Conservation Area. The building has been vacant for over 10 years but was last used as a residential care home for the elderly (Class C2).

6.2 Recent Relevant History

13/09115/FULL

Use as seven residential flats (Class C3), alterations to rear elevation including removal of existing conservatory and fire escape stairs, alterations to rear elevation at third floor level, provision of bin and cycle stores in front garden area and installation of photovoltaic panels and erection of new plant enclosure at roof level.

Granted Conditional Permission – 2 June 2015

7. THE PROPOSAL

The applicant proposes demolition of the entire building except for the central three bay section of the front elevation. A new building would be erected behind this retained section of façade that would occupy a similar built envelope to the existing building. The new building would be larger, including a three-metre-deep rear extension at ground and upper ground and a single basement level that would accommodate plant, cycle storage and welfare facilities. It would also be approximately 0.9 m higher than the existing building

The new building would contain a 26-bed elderly care facility for people with dementia (Use Class C2). Parking for three cars, an ambulance bay, cycle parking and a bin store would be provided to the front of this building. The rear garden would include an external plant enclosure and be largely landscaped.

Table 1 – Existing and Proposed Floor Areas

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Care home for the Elderly (Use Class C2)	1168	0	-1168
Care home for elderly people with Dementia (Use Class C2)	0	1795	+1795
Total	1168	1795	+627

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed uses both fall within Use Class C2. Accordingly, the proposed development does not involve a change of use.

Notwithstanding this, the proposed development addresses a recognised need in London and Westminster for specialist dementia care accommodation. The 2017 London Strategic Housing Market Assessment indicates a London-wide need for 870 new 'beds' per year. In Westminster, the Dementia Joint Strategic Needs Assessment (2015) estimates that number of people living with dementia will increase by approximately 820 people by 2013.

Accordingly, the proposed use is consistent with policy 3.8 of the London Plan (March 2016) ("the London Plan"), policy H15 of the Draft London Plan (Minor Amendments Version – August 2018) ("the Draft London Plan"), policy S15 of Westminster's City Plan (November 2016) ("the City Plan" and policy H6 of the Unitary Development Plan (January 2007) ("the UDP").

8.2 Townscape and Design

8.2.1 Existing Building and Site

The building dates originally from the 1830's or 1840's, likely constructed as a single dwellinghouse although the applicants state that from their understanding of the historical development of the property it became a form of care home in 1859. The north and south wings are thought to have been added in 1924 and 1959, respectively. Evidence is also given that the rear elevation of the building was rebuilt around 1954. In addition, the applicants also advise that a section of the rear garden now occupied by a house fronting onto Ryders Terrace was separated from no. 41 Abbey Road in 1976. The mansard is also very likely a later addition to the building. The building still retains a good sense of its originally intended character as a classically inspired villa building, though it is recognised that important elements of its original character and setting have been changed over the years. Notwithstanding that, it is also of importance to note that the building is highlighted as an unlisted building of merit in the City Council's published St John's Wood Conservation Area Audit.

8.2.2 Design Considerations

As set out above, the applicants have set out some convincing evidence that the side extensions are a 20th century addition to the building, and that the rear elevation has been rebuilt in the mid-20th century, and from a consideration of the character and fabric of the building on site there appears evidence that this is the case. It appears clear that the side extensions are more modern additions from their appearance and from evidence on historical maps. The rear elevation is noted to have concrete lintels on window openings and a patina to the brickwork which could suggest a rebuilding. Overall, it is considered that sufficient evidence is present to judge that much of the external fabric aside from the main part of the front elevation is more modern, and in this context the demolition behind the remaining principally original element of the central part of the front façade is considered acceptable. This is subject to the merits of the proposed rebuilding.

The footprint of the building is slightly enlarged from the existing, though the difference is relatively modest aside from the two-storey projection at lower ground and ground floor levels to the rear of the building. In the context of the greater balance given to the recessed side wings to the front elevation, which improves the setting of the main original part of the front elevation, and in context with the removal of the large rear fire escape then the increase in footprint to this building is considered acceptable. The two storey rear addition projects less than the existing rear conservatory, although nonetheless represents a feature of some prominence to the massing of the rear elevation. It is apparent that in this locally specific area, there are several two storey rear extensions, and the building is also in close context with a run of two and three storey mews buildings. The two-storey element also acts to add a layer of interest to the composition of the rear, breaking up its relatively large apparent bulk. As such, and in view of the removal of the existing conservatory and rear fire escape, the footprint and bulk of the building are considered acceptable.

The front elevation will remain in similar form to the existing, though with simplified and less cluttered window detailing to the rebuilt side wings. The front porch will remain in the new development, and whilst the main entrance is set to lower ground floor level for reasons discussed below, the main communal area is set behind the ground floor porch doors which could be anticipated to be in use through the day giving an active focus to this key feature of the frontage of the building. It is recognised that the setting of the building will be altered through the introduction of the ramps and staircases directly in front of the elevation. However, these are required to support the use of the building, are neatly detailed and screened behind short rendered upstand walls, and in the context of the scheme are considered acceptable.

The rear elevation will have a more regular grid of windows and will not incorporate the existing half level windows which respond to the existing staircase. It is recognised that a staggered arrangement of windows can be characteristic of the area. However, the original composition of the building has been obscured through the addition of the very large wings and a range of differing rear elevation windows. Due to its scale and positioning the existing building is set somewhat apart from surrounding buildings. As such and given that the rear elevation proposed will incorporate an attractive composition with traditional sash windows and appropriate arrangement of the composition (as set out above), the approach taken and fenestration pattern proposed is

considered acceptable. The side elevations do incorporate a staggered arrangement to the window positioning as they respond to the position of internal staircases, and this introduces an element of interest to these otherwise relatively simply detailed side elevations.

It is recognised that the lift overrun structure to main roof level will be visible on the skyline of the building in views from street level, as demonstrated by the applicant's visual montages submitted with the application proposals. Officers have previously sought for this to be set further back. However, the applicants advised that this would not be practical for operational/internal layout reasons. Nonetheless, it is recognised that there will be considerable improvements to the front parapet without the unattractive openings cut into it, and the mansard will be of improved design and generally conforming to the City Council's published advice on such extensions. As such, the overrun is considered acceptable. The solar PV panels to roof level may also be visible in some limited views from street level and in views from the upper floors of surrounding buildings. However, they are relatively low profile and in the context of the scheme are considered acceptable.

The plant enclosure to the rear garden will introduce a structure of some size into this rear garden setting and is not clearly shown to the application drawings. However, it is sited just beyond the existing line of the rear external fire escape structure, and in a rear garden with relatively high surrounding walls. Subject to a full consideration in light of drawings to be secured by condition, the structure is considered acceptable. The bin storage area to the front garden is neatly detailed and will not unduly clutter the frontage of the building. The basement is discreet in terms of its external features, being limited to the lightwells positioned against the rear elevation of the above ground building.

8.2.3 Conclusion on Townscape and Design Issues

The proposals are considered in line with policies DES 1, DES 5, DES 6 and DES 9 of the UDP and S25 and S28 in the City Plan. As such the proposals are considered acceptable in design terms. The recommendation is considered in line with the statutory duty set out in s. 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 which sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation, and mindful that considerable weight and importance should be given to the duty.

8.3 Residential Amenity

8.3.1 Loss of Light and Sense of Enclosure

The reasonably modest increase in bulk and mass compared to the existing building coupled with its relationship to surrounding properties would ensure that it does not result in unacceptable loss of sunlight or daylight or a significant increase in sense of enclosure for the occupants of neighbouring properties.

With regards to the neighbouring property to the north (43 Abbey Road), the proposed building would, like the existing building on-site, be located to the side of the building on 43 Abbey Road. The additional depth of the rearward extension to the proposed development would also be located approximately 6.7 m from the boundary with 43

Abbey Road. At this distance this additional mass would not appear overbearing when viewed from 43 Abbey Road. Given the above, the proposed development would not result in unacceptable loss of sunlight or daylight or a significant increase in sense of enclosure for the occupiers of 43 Abbey Road.

With regards to the neighbouring property to the south west (40 Ryders Terrace), the proposed building would be located approximately 32 metres from the dwellinghouse on that site. It would also be partially screened from the proposed development by substantial trees that are to remain at the rear of the site. The proposed development would also have a similar profile to the existing building when viewed from that property. Accordingly, the proposed development would not result in unacceptable loss of sunlight or daylight or a significant increase in sense of enclosure for the occupiers of 40 Ryders Terrace.

With regards to the nearest neighbouring properties to the south east (25 Ryders Terrace, 4 Blenheim Terrace and 39 Abbey Road), the proposed development would occupy a comparable building envelope to the existing building when viewed from those properties. The additional depth of the rearward extension would be screened from 25 Ryders Terrace by the flank wall of that property. Accordingly, the proposed development would not result in unacceptable loss of sunlight or daylight or a significant increase in sense of enclosure for the occupiers of 25 Ryders Terrace, 4 Blenheim Terrace and 39 Abbey Road.

All other residential properties are considered too far from the application site to be impacted by unacceptable levels of light loss and sense of enclosure.

8.3.2 Privacy

The proposed building would have a similar outlook to the front and rear as the existing building. Accordingly, the proposed development would not result in a significant increase in overlooking of 40 Ryders Terrace and properties opposite in comparison to the building it replaces.

The proposed building includes flank windows which have the potential to overlook the immediate neighbours at 39 and 43 Abbey Road. However, there are existing obscure glazed windows on these elevations of the existing building. The proposed drawings show that the rooms served by the flank windows would be bathrooms and stairwells. Accordingly, it is recommended that the proposed windows are obscure glazed and non-opening to maintain the privacy of the occupants of 39 and 43 Abbey Road.

Subject to this condition, the proposed development would not result in significant overlooking of neighbouring properties.

8.3.3 Noise

The proposed development includes new mechanical plant and would provide new residential accommodation. The Environmental Health Officer raises no objection to the proposal and has recommended conditions to ensure that noise from the proposal does not harm the amenity of neighbouring residents and occupants of the proposed care

home. Subject to these conditions, noise from the proposed development would not cause unacceptable harm to the occupants of neighbouring residential properties.

Overall, and given the above, the proposed development would not result in unacceptable harm to the amenity of nearby residents and the proposal would be consistent with policy S29 of the City Plan and policies ENV 6, ENV 7 and ENV 13 of the UDP.

8.4 Transportation/Parking

8.4.1 Car Parking

Policy TRANS21 of the UDP requires one car parking space per 10 residential units for Special Needs Housing such as that proposed. However, this may need to be varied to suit particular cases. Whilst the proposal is unlikely to have residents owning vehicles there are many other uses within Use Class C2 where residents are more independent and could operate or own vehicles. Whilst the current level of onsite car parking is sufficient, concern is raised regarding the potential for the site to change to allow residents with more independence and the impact this could have on the surrounding on-street car parking. A condition is therefore recommended that limits use of the development to a care home for elderly people with dementia. Subject to this condition, the proposed development would be consistent with policy TRANS21 of the UDP.

8.4.2 Cycle Parking

Policy 6.9 of the London Plan requires one cycle parking space per five staff members. Provision of cycle parking for staff will help reduce reliance on other less sustainable modes of transport. With no indication of the likely staff numbers provided, it is not possible to determine the number of cycle parking spaces required. Accordingly, a condition is recommended requiring the provision of further cycle parking details. Subject to this condition, the proposed development would be consistent with policy 6.9 of the London Plan.

8.4.3 Servicing

Policy TRANS20 of the UDP requires off-street servicing. Off-street servicing is available for the development at the front of the site. The service area is not sufficient in size to accommodate the largest service vehicles likely to be attracted to the site such as refuse collection, although should be sufficient for the majority. The arrangements for the refuse vehicle would be no different to the existing. The site is located within a Controlled Parking Zone, which means that single and double yellow lines in the vicinity allow loading and unloading to occur. Accordingly, the servicing arrangements proposed are consistent with policy TRANS20 of the UDP.

8.4.4 Waste

Waste stored on the public highway creates an obstruction to pedestrians and other highway users. It would also have an adverse impact on the public realm. The Waste Project Officer has reviewed the proposal and considers the waste storage

arrangements acceptable. A condition is recommended a condition requiring that the waste storage proposed is provided.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed development has been designed to ensure maximum levels of level access for its intended occupants. This includes the wheelchair ramp at the front of the site and lift access to all floors. Accordingly, the access arrangements propose are acceptable.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees

The proposed development would result in the loss of four trees from the application site. Three TPO trees would be lost at the front of the site (1x Tree of heaven, 1x Cherry and 1 x Lime trees) to make way for bin stores, basement and parking area. A pear tree would also be lost at the rear of the site to make way for basement excavation and a plant enclosure.

The Arboricultural Manager has objected to the proposed tree removals. The Arboricultural Manager does not object in principle to removal of the three trees at the front of the site but notes that the one replacement tree proposed is insufficient and that there is insufficient space at the front of the site for replacement planting. In the absence of sufficient replacement planting, the Arboricultural Manager has objected to the removal of these trees.

With regards to the Pear tree at the rear of the site, the Arboricultural Manager considers notes that the supporting text to policy ENV16 of the UDP sets out that 'The City Council wishes to protect rear gardens from large house extensions, particularly in areas like St John's Wood, which is renowned for its "leafy character". In particular, the City Council wishes to retain pear trees (pyrus) which are found in many private gardens in the north of the borough, given their historical associations with former market gardens'. On this basis the Arboricultural Manger considers removal of the pear tree harmful to visual amenity and the character and appearance of the conservation area. The Arboricultural Manager also notes that there is insufficient space at the rear of the site to provide for the panting of large replacement trees.

The concerns of the Arboricultural Manager are understood. However, these tree removals must be weighed against the benefits of the development. The proposed development would reinstate a long derelict building that is, in its current condition, harmful to the conservation area. While the proposal is not harmful to this heritage asset, it would also allow for its lawful and historic use to continue, thereby ensuring its optimum viable use can continue in accordance with paragraph 196 of the NPPF. The applicant has also been asked to make a financial contribution to tree planting in the area and the committee

will be updated on the outcome of this at the committee meeting. Given the above, an objection to this development on tree preservation grounds would not be sustainable.

The Arboricultural Manager has also raised a number of concerns with the tree protection details submitted, although has recommended conditions to address these shortcomings. Subject to these conditions, the proposed development would sufficiently safeguard trees remaining on and adjacent to the site.

8.7.2 Biodiversity

This application was accompanied by a Bat and Bird Emergence Survey. This survey found that there is a bat roost within the rear elevation of the existing building and recommends its relocation under license. It also recommends the provision of additional mitigation, such as bat boxes and the provision of suitable lighting and landscaping on-site, including retention of mature trees. A condition is recommended to secure this.

The proposed development would also include significant areas of brown roof and a landscaped rear garden. Conditions are recommended to secure these features. Subject to these conditions, the proposed development would be consistent with policy S38 of the City Plan.

8.7.3 Sustainable Urban Drainage (SUDS)

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The application site is also located within a Surface Water Hotspot and the Basement SPD requires that this application is accompanied by a Flood Risk Assessment. The Flood Risk Assessment submitted indicates that the brown roofs proposed and the use of a stormwater attenuation tank under the front paved area will reduce run-off levels to 50% of their current levels. A condition is recommended requiring that these stormwater mitigation measures are installed. Subject to this condition, the drainage system proposed would manage run-off at source and is considered consistent with policies 5.13 of the London Plan and CM28.1 of the City Plan and the Basement SPD.

8.7.4 Energy Efficiency

This application has been accompanied by a BREEAM pre-assessment that demonstrates that the proposed development will achieve BREEAM Excellent. A condition is recommended to secure this. Subject to this condition, the proposed development would be consistent with policies 5.1, 5.2, 5.3 and 5.6 of the London Plan and policies S39 and S40 of the City Plan.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal

consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 London Plan

The application does not raise any strategic issues.

8.10 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

8.11 Planning Obligations

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

Subject to any relief or exemptions that may be available to the applicant, the estimated Westminster CIL payment is £987,250.00

8.12 Environmental Impact Assessment

The proposed development is not of sufficient scale to require an Environmental Impact Assessment.

8.13 Other Issues

8.13.1 Basement Considerations

The applicant has submitted a Structural Methodology Statement which demonstrates that the basement level proposed can be safely built whilst taking into account the specific ground conditions of the application site. A condition is recommended that requires compliance with the City Council's Code of Construction Practice. Subject to this condition, the proposal complies with part A. 2 of policy CM 28.1 of the City Plan.

The basement level would be single storey, would leave an area of undeveloped land around the perimeter of the site, would not extend under more than 50% of the garden land for this site and would include 1.2 m of soil depth above where it projects into the rear garden. It would also be discreet, with its only external manifestations being two rooflights at garden level at the base of the rear elevation, and a fire escape against the front elevation. Accordingly, the proposed basement meets the size, location and depth limitations set out in Policy CM28.1 in the City Plan.

All other basement considerations have been considered in the preceding sections of this report.

8.13.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise and traffic.

It is a longstanding principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature of construction works, the impact of which can be suitably controlled by conditions. Accordingly, conditions are recommended that limit the hours of construction, including the preclusion of all noisy works of basement excavation on Saturdays, Sundays and bank holidays, and to require the development to be carried out in adherence with the City Council's Code of Construction Practice, which will include monitoring of the site by the Environmental Inspectorate.

8.13.3 Air Quality

The Environmental Health Officer has queried why an Air Quality Assessment did not accompany this application. However, the proposal does not involve a change of use and therefore does not result in the introduction of a sensitive receptor to the area. Accordingly, an Air Quality Assessment is not considered necessary for this development.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

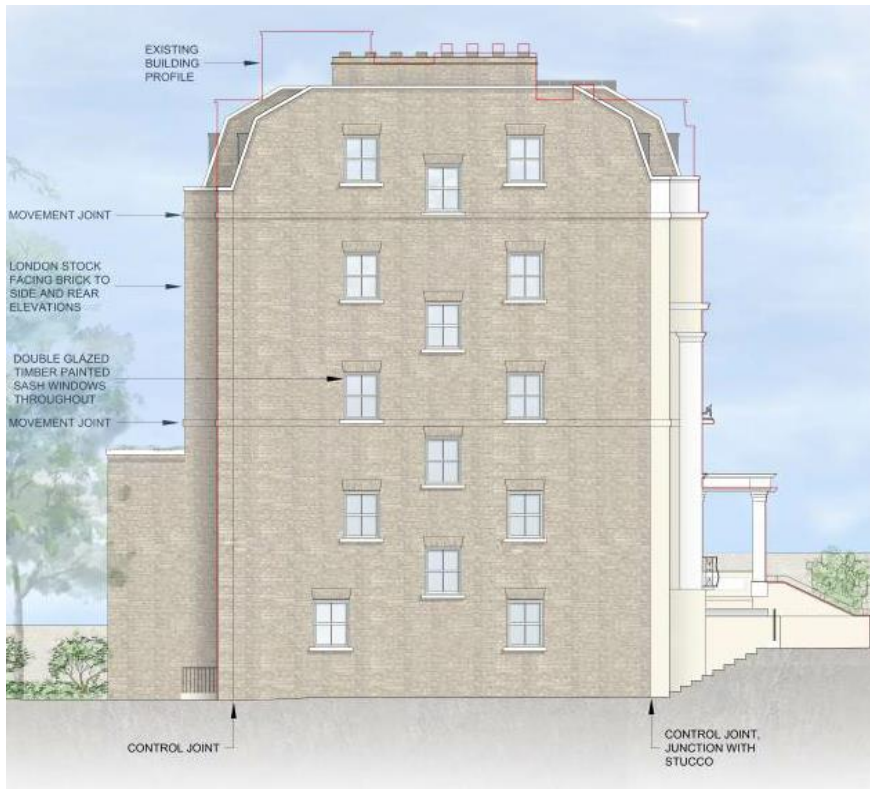
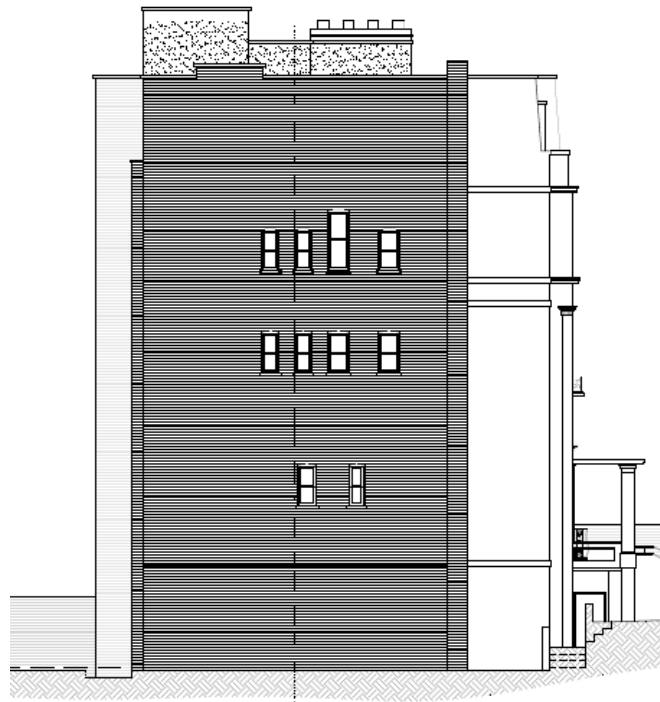
9. KEY DRAWINGS



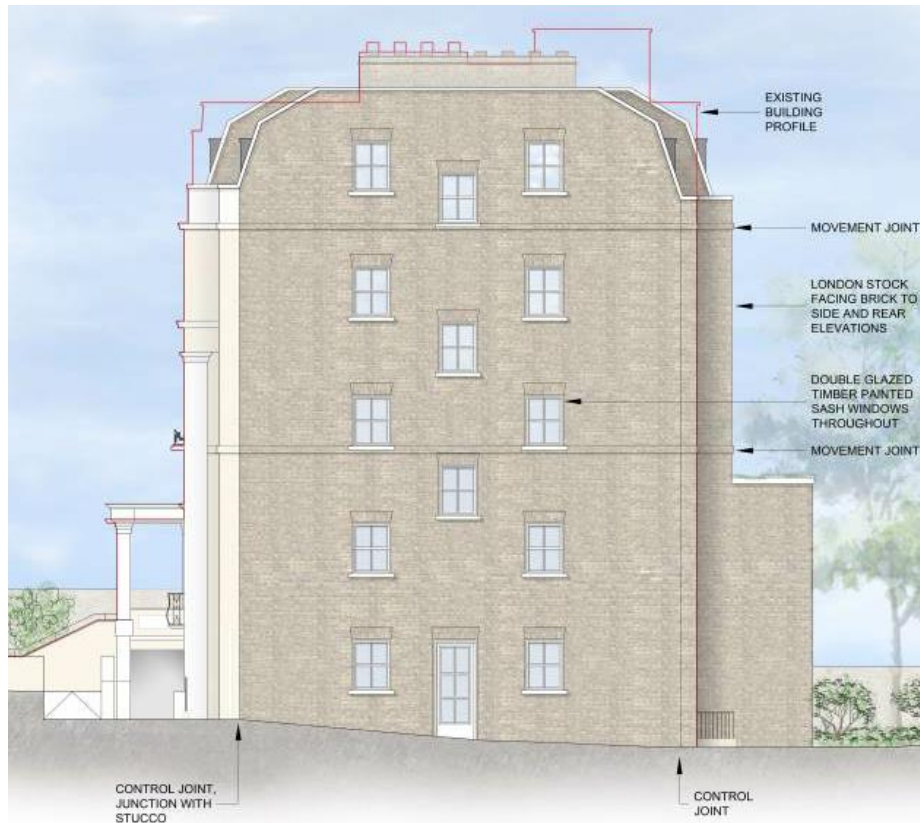
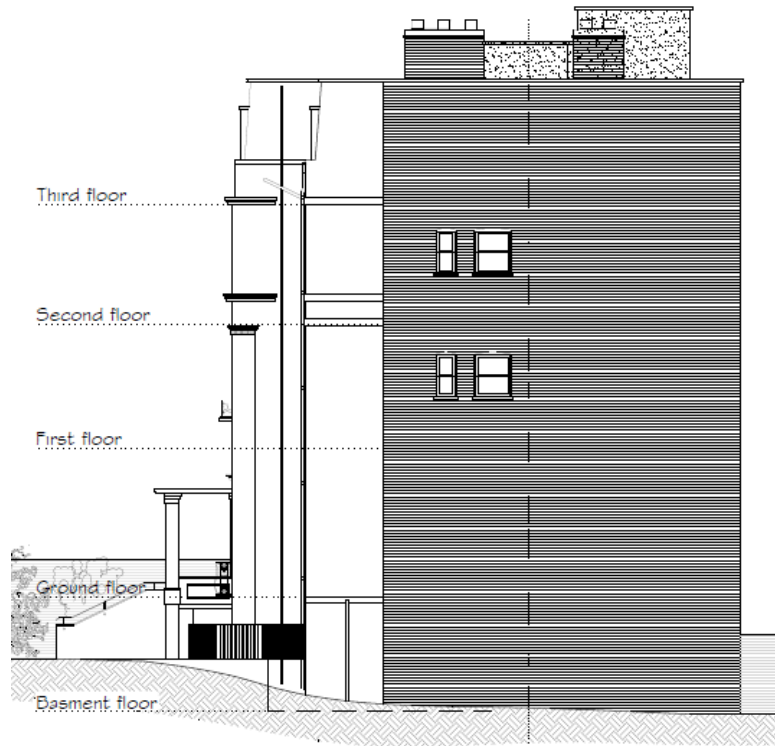
Front Elevation (Existing Top, Proposed Bottom)



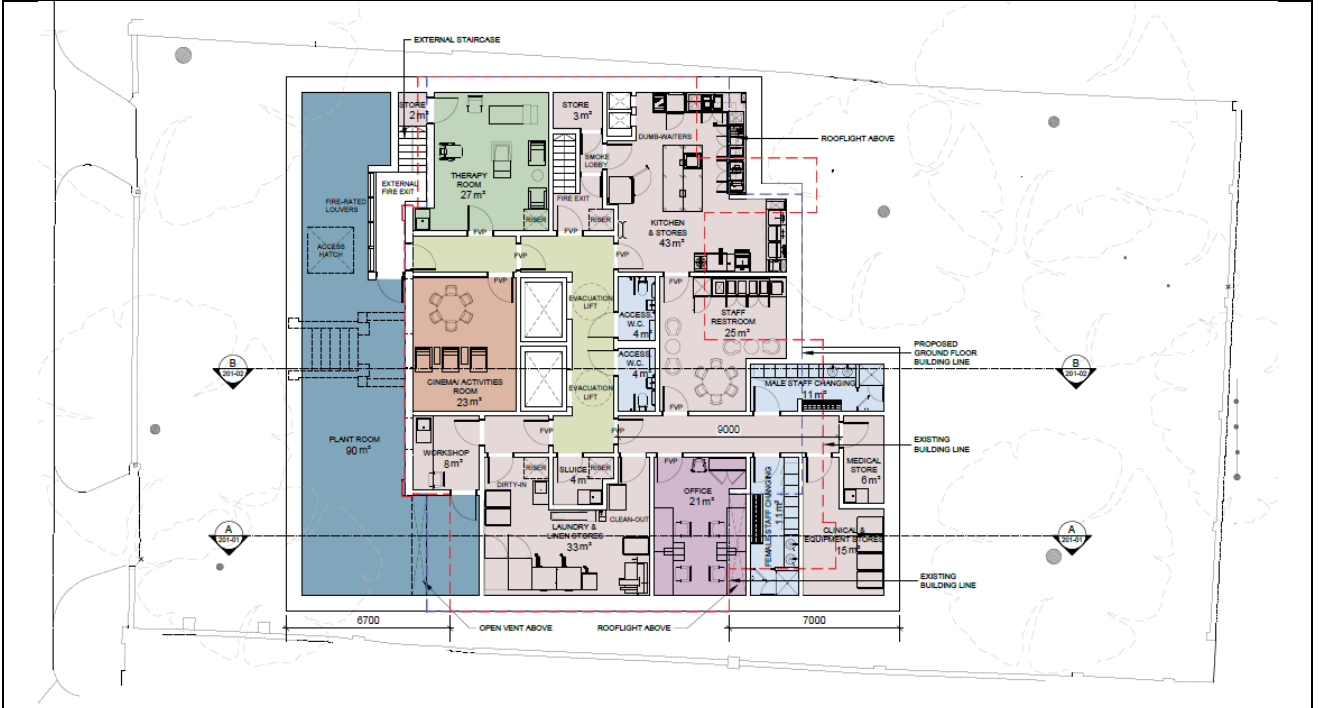
Rear Elevation (Existing Top, Proposed Bottom)



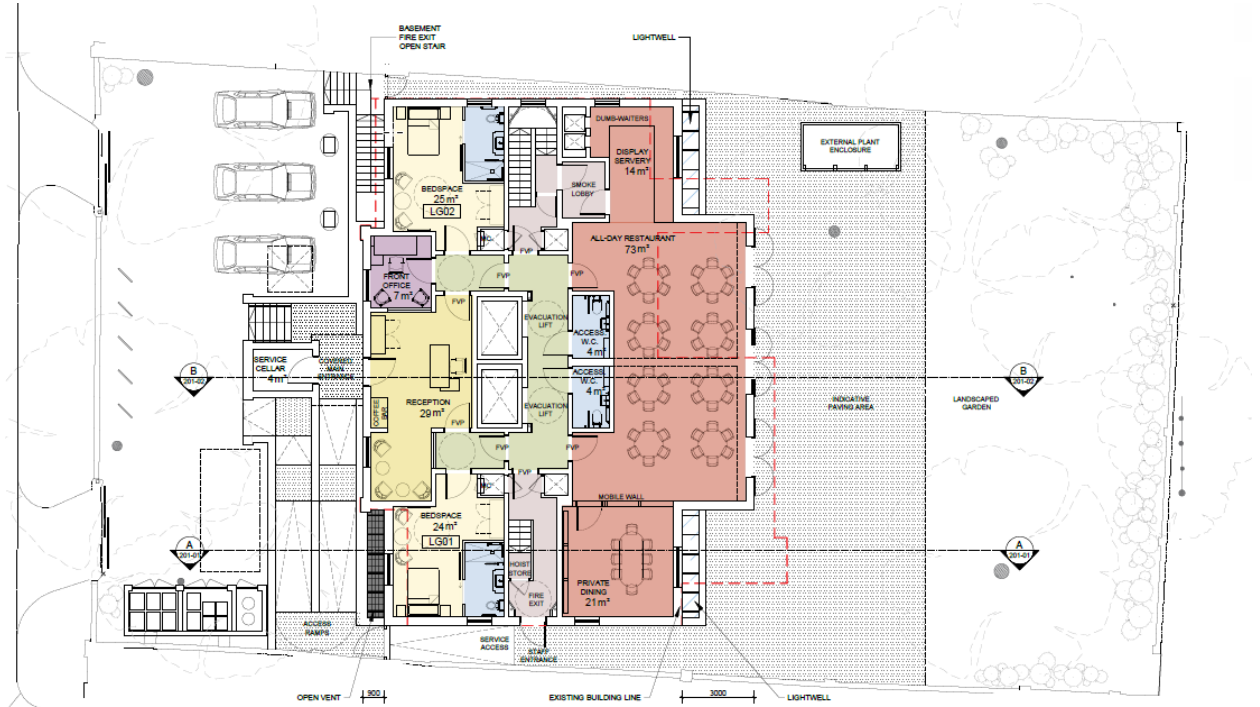
South East Elevation (Existing Top, Proposed Below)



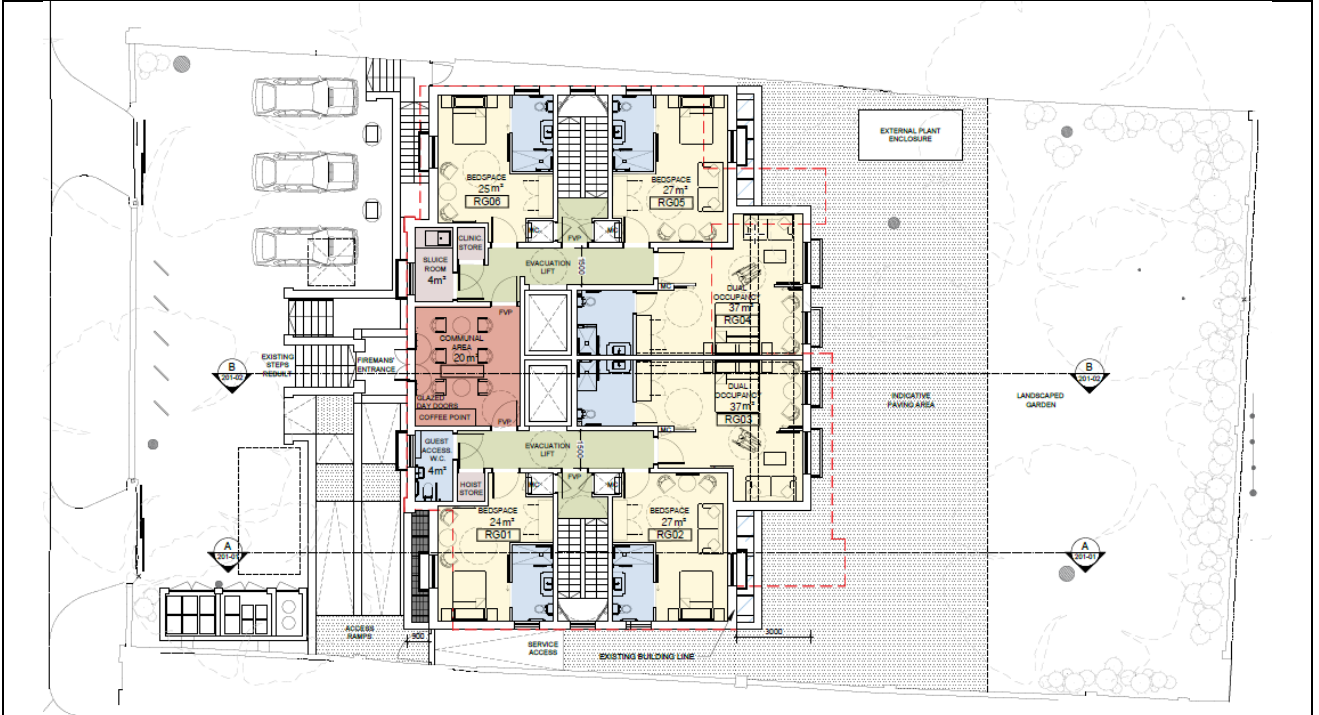
North West Elevation (Existing Top, Proposed Below)



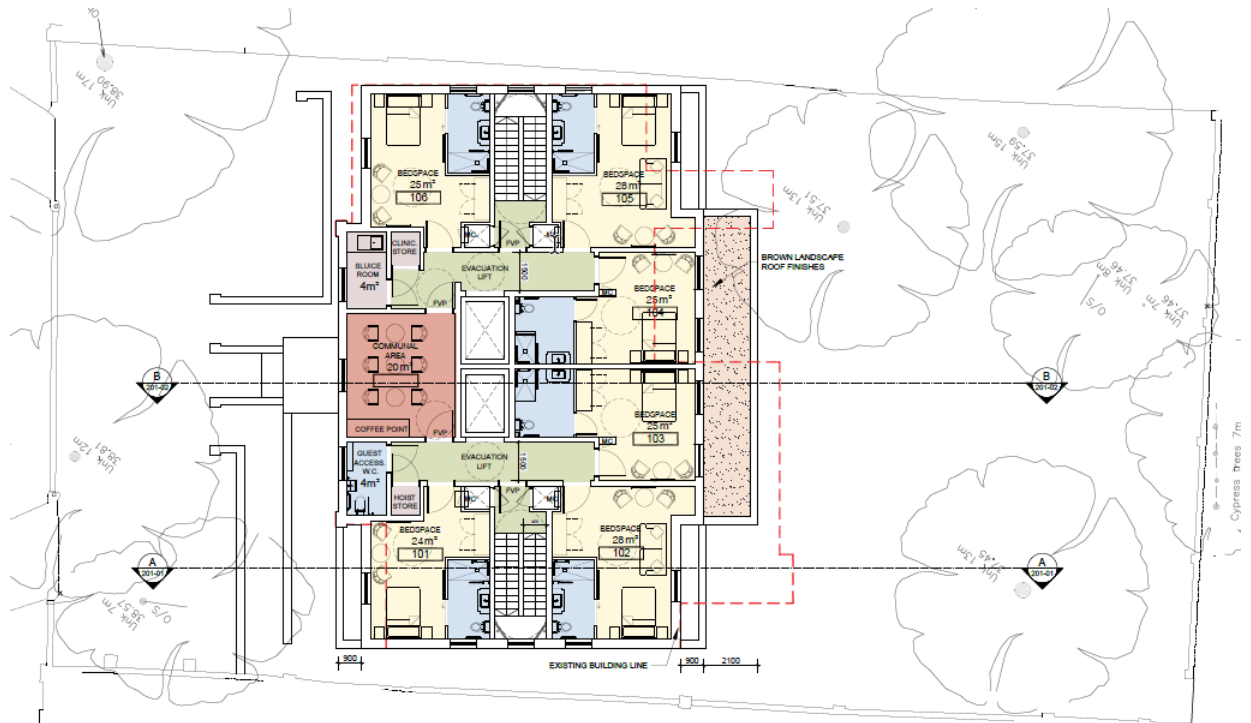
Proposed Basement Plan



Proposed Lower Ground Floor Plan



Proposed Upper Ground Floor Plan



Proposed First Floor Plan



Visualisation of Front of Proposed Development



Visualisation of Rear of Proposed Development

DRAFT DECISION LETTER

Address: 41 Abbey Road, London, NW8 0AA

Proposal: Demolition behind retained central bay facade and redevelopment to provide a new building comprising basement, lower ground, raised ground and three upper floors to provide an elderly care facility (Use Class C2) communal and welfare/medical areas, cycle storage, landscaping and tree works and associated works.

Reference: 18/08414/FULL

Plan Nos: Drawing no's A-PP-SW-000-01 Rev 02, A-PP-HW-500-01 Rev 02, A-PP-HW-501-01 Rev 02, A-PP-HW-5LG-01 Rev 02, A-PP-HW-502-01 Rev 02, A-PP-HW-503-01 Rev 02, A-PP-HW-504-01 Rev 02, A-PP-HW-001-01 Rev 02, A-PP-HW-0LG-01 Rev 02, A-PP-HW-250-01 Rev 02, A-PP-HW-250-02 Rev 02, A-PP-HW-002-01 Rev 02, A-PP-HW-004-01 Rev 02, A-PP-HW-200-01 Rev 02, A-PP-HW-200-02 Rev 02, A-PP-HW-250-03 Rev 02, A-PP-HW-250-04 Rev 02, A-PP-HW-003-01 Rev 02, A-PP-HW-000-01 Rev 02, A-PP-HW-1B1-01 Rev 18, A-PP-HW-102-01 Rev 18, A-PP-HW-100-01 Rev 23, A-PP-HW-251-01 Rev 12, A-PP-HW-251-02 Rev 14, A-PP-HW-251-03 Rev 15, A-PP-HW-251-04 Rev 14, A-PP-HW-101-01 Rev 19, A-PP-HW-106-01 Rev 13, A-PP-HW-103-01 Rev 17, A-PP-HW-104-01 Rev 18, A-PP-HW-201-01 Rev 18, A-PP-HW-201-02 Rev 16, A-PP-SW-100-02 Rev 01, A-PP-SW-100-01 Rev 01

FOR INFORMATION ONLY: Design and Access Statement by Reardon Smith Architects (Dated 24/09/2018), Energy Strategy Report by Elementa Consulting (Dated September 2018), Plant Noise Assessment by Elementa Consulting (Dated 18/09/2018), Bat and Bird Scoping and Bat Emergence Survey Report by Greengage (Dated September 2018), BREEAM Pre-Assessment by Elementa Consulting (Dated September 2018), Letter from Anstey Homes (Dated 30 August 2018), Flood Risk Assessment and SuDS Assessment for Planning by Alan Baxter (Dated September 2018), Planning Statement by Gerald Eve (Dated 25 September 2018), Sustainability Statement by Elementa Consulting (Dated September 2018), Transport Statement by Milestone Transport Planning (Dated September 2018), Ventilation Statement by Elementa (Dated September 2018), Structural Methodology Statement by Alan Baxter (Dated September 2018), Heritage Statement by Alan Baxter (Dated September 2018)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the St John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

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

- 6 You must put up the plant screen to the rear garden shown on the approved drawings secured by condition 6 of this approval in full before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

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

- 7 You must apply to us for approval of elevations and plan drawings of the new plant enclosure to the rear garden, including details of its roof. 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 this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 The sash windows shall operate in a vertically sliding manner only

Reason:

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

- 9 The new windows and external doors shall be formed in glazing and white painted timber framing, with the exception of the entrance doors to the front elevation at lower ground and ground floor levels which shall be formed in glazing and painted timber framing

Reason:

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

- 10 You must apply to us for approval of a sample panel of brickwork which shows the colour,

texture, face bond and pointing of the brickwork to face the exterior of the building (except where shown in render on the approved drawings). This (or other clear confirmation) shall demonstrate that the facades of the building will be faced in complete bricks and not brick slips or other panelised brick facing systems. 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. (C27DB)

Reason:

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

- 11 The mansard structure to third floor level shall be clad in natural slates to its pitched roof slopes, and the dormers within the mansard shall be clad in lead to sides, cheeks and roofs

Reason:

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

- 12 You must apply to us for approval of an elevation drawing of the new front boundary gates (shown in context with the existing front boundary railings). 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 the elevation drawing. (C26DB)

Reason:

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

- 13 The new external metalwork shall be black in colour and maintained as such thereafter

Reason:

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

- 14 You must use the property only for a care centre for persons with dementia. You must not use it for any other purpose, including any within Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 15 The glass that you put in the windows in the north-west and south-east elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

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)

- 16 You must provide the waste store shown on drawing A-PP-SW-100-01 Rev.01 and A-PP-SW-100-02 Rev.01 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the care home. 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 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)

- 17 You must apply to us for approval of details of secure cycle storage for the care home use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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 2016 (R22FA)

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

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

should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 19 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. (R48AA)

- 20 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 18 of this permission. You must not start work on this part of the development until we have approved

what you have sent us.

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. (R51AB)

- 21 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. (R49AA)

- 22 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. (R49BA)

- 23 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 24 You must apply to us for approval of sound insulation measures and a Noise Assessment

Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 21 and 22 of this permission. 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 details approved before the residential units are occupied and thereafter retain and maintain.

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. (R51AB)

- 25 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not cook food on-site until we have approved what you have sent us and you have carried out the work according to the approved details.

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)

- 26 **Pre-Commencement Condition.** You must apply to us for approval of details of the action you will take to protect bats on the application site. You must not start any work until we have approved in writing what you have sent us (after consulting Natural England). You must carry out these measures according to the approved details before you start to use the building. (C43EA)

Reason:

To make sure the conservation status of a protected species is maintained, and so protect 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. (R43EB)

- 27 You must provide, maintain and retain the following features before you start to use any part of the development, as set out in your application.

- The Brown Roofs shown on drawing no. A-PP-HW-106-01 13;

You must not remove any of these features. (C43FA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 28 Before occupation of the development hereby approved, you must submit to us a post-construction certificate that demonstrates that this development meets Building Research Establishment methods ('BREEAM'), 'Excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred

to in the review before you start to use the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

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

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

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 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 in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 31 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

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

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have

approved what you have sent us. You must then adhere to the approved supervision schedule.

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

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

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, neighbourhood plan (where relevant), 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 **HIGHWAYS LICENSING:**

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.

CONSIDERATE CONSTRUCTORS:

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.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which

relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 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)

- 8 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.

- 9 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 10 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - Lighting - ensure luminaires can be safely accessed for replacement.
 - Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (180CB)

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 The applicant is required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: environmentalsciences2@westminster.gov.uk
- 13 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 14 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect

the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 15 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 16 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide "Working near our assets" to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.
- 17 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>
- 18 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.

- 19 This site is in 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. (I32AA)
- 20 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)

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.

BACKGROUND PAPERS - 41 Abbey Road, London, NW8 0AA 18/08414/FULL

1. Application form
2. Response from St John's Wood Society, dated 26 November 2018
3. Response from Thames Water, dated 13 November 2019
4. Response from Waste Project Officer, dated 14 February 2019
5. Response from Highways Planning Manager, dated 14 February 2019
6. Response from Environmental Health Officer, dated 20 November 2018
7. Response from Building Control Officer, dated 30 October 2018
8. Letter from occupier of 43 Abbey Road, London NW8, dated 12 December 2018
9. Letter from occupier of 9 Leamington Road Villas, London W11 1HS, dated 19 December 2018
10. Letter from occupier of 48 Abbey Road, London, dated 6 November 2018
11. Letter from occupier of 43-44 Crutched Friars, London EC3N 2AE , dated 14 December 2018
12. Letter from occupier of 114A Harley Street , London W1G 7JL, dated 3 January 2019