

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 July 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Regent's Park	
Subject of Report	76-82 Bentinck Close, Prince Albert Road, London, NW8 7RY		
Proposal	Variation of condition 1 of planning permission dated 01 December 2015 (RN: 15/00496/FULL) for the Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters. NAMELY, to allow design changes, including changes to flat layout, partial omission of louvres, additional shade structures, changes to cladding and fenestration, removal of planters, installation of green roof, alterations to rooflights, additional air-conditioning plant and addition of lift overruns		
Agent	JLL		
On behalf of	Coinsun Ltd		
Registered Number	18/06686/FULL	Date amended/ completed	17 August 2018
Date Application Received	8 August 2018		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application building is a seven-storey block of 40 flats built in the 1920s. The application site is not located within a conservation area and does not contain a listed building. It does abut the St John's Wood Conservation Area to the south, which includes the neighbouring block of flats (Park View).

The applicant proposes several amendments to a single storey roof extension to provide four flats that was approved under application RN: 15/00496/FULL. The proposed amendments include

- Revisions to the internal layout of the approved flats;
- Omission of louvres on eastern elevation facing Prince Albert Road and northern elevation

facing MacKenna Street;

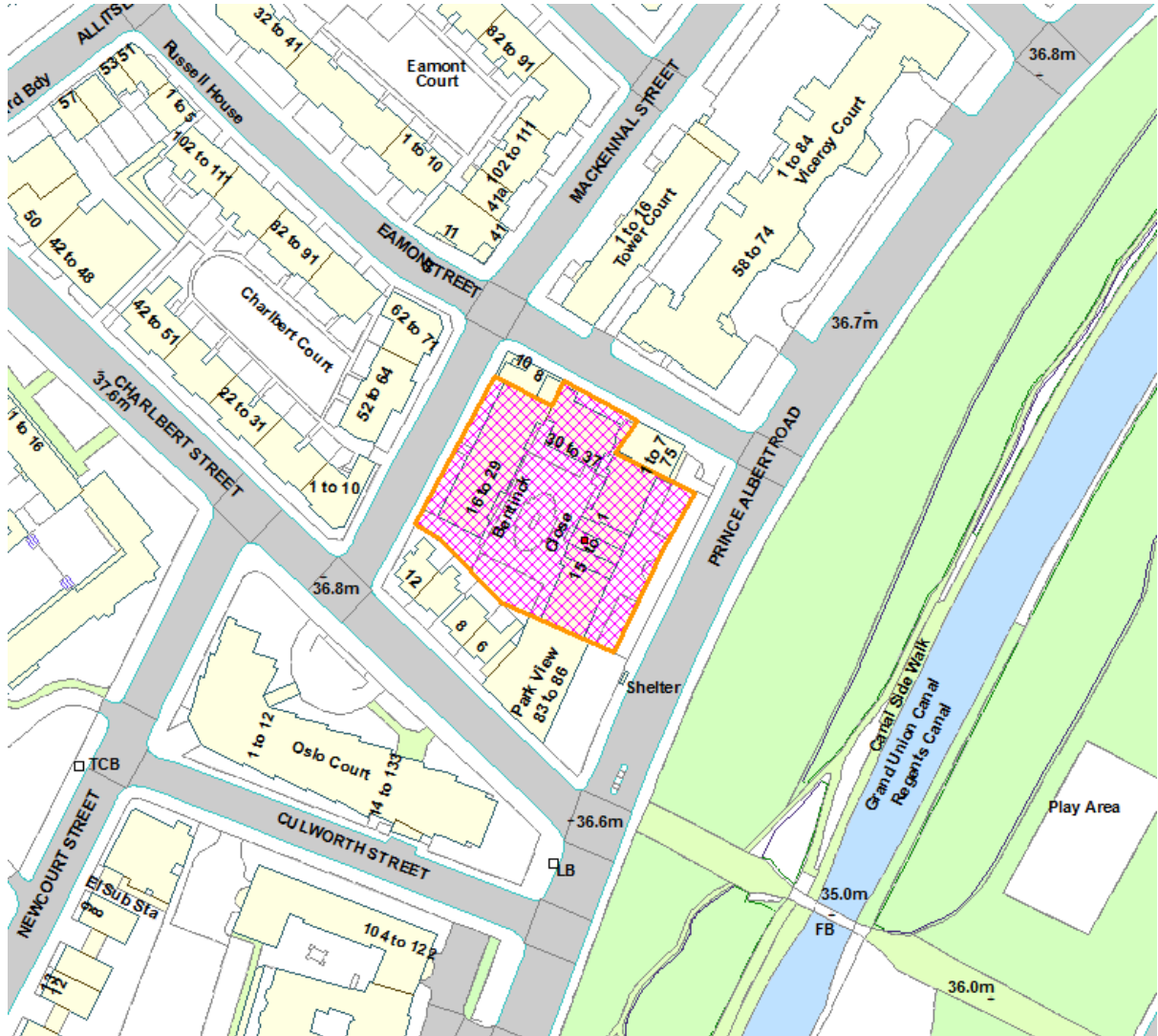
- Alteration to size and position of windows to all flats and louvred screening to all elevations;
- Reduction and reconfiguration of roof lights;
- Replacement of planters with green roof on all elevations;
- Introduction of glass parapet to windows on east elevation;
- Extent of canopy structure reduced for Flat 4;
- Photovoltaic panels layout revised;
- Introduction of external service riser ducts;
- Addition of lift overruns;
- Terracotta louvres replaced with aluminium louvres on horizontal shadings;
- Glazing enclosure to existing service staircase replaced with glass louvres on west elevation; and
- Reduction in number of parking bays at basement level from 6 to 5.

The main issues for consideration are:

- Impact of the proposed extension on the character and appearance of the existing building and the setting of the adjacent St John's Wood Conservation Area; and
- Impact of the proposed extension on the amenity of existing residents on and off the application site.

Subject to recommended conditions, the amendments proposed would not harm the character and appearance of the existing building or the setting of the adjacent St John's Wood Conservation Area. Whilst the amenity concerns of residents are understood, the proposal does not give rise to a loss of amenity of such magnitude that permission could sustainably be refused. Accordingly, the proposed development has been recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from pedestrian bridge over Regents Canal

5. CONSULTATIONS

RESPONSES TO INITIAL ROUND OF CONSULTATION THAT EXPIRED ON 5 OCTOBER 2018

WARD COUNCILLORS FOR REGENT'S PARK

No response received.

ST JOHN'S WOOD SOCIETY

There appear to be over 30 variations contained within this application. They cannot ascertain the extent or significance of the variations relative to the previously approved application. Note that residents have raised objections and we request that a new application is submitted so that we can properly assess what is being applied for.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 233

Total No. of replies: 3

No. of objections: 3

No. in support: 0

In summary, the objectors raise the following issues:

- The extra floor will result in loss of light to properties within Charlbert Court, to the rear of the application site;
- The additional air-conditioning units will cause noise and vibration and be a disturbance to other flats
- A terrace would be located immediately adjacent to a skylight and will result in noise and disturbance for the flat below.
- The revised position for the parapet edge and increased extent of canopy will result in additional shadowing for the flats below.
- The introduction of a glass parapet would allow persons sitting in the new apartments to look into apartments on opposite side of courtyard a floor or two lower.
- The omission of louvres would allow for overlooking of other flats.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

RESPONSES TO ADDITIONAL ROUND OF CONSULTATION THAT EXPIRED ON 2 NOVEMBER 2018. THIS ADDITIONAL CONSULTATION WAS UNDERTAKEN FOLLOWING AMENDMENT OF THE DESCRIPTION OF DEVELOPMENT TO MORE ACCURATELY DESCRIBE WHAT IS PROPOSED

WARD COUNCILLORS FOR REGENT'S PARK

No response received.

ST JOHN'S WOOD SOCIETY

They indicate that they do not understand why we are being consulted again on these variations as there still appear to be over 30 variations contained within this application. They cannot ascertain the extent or significance of the variations relative to the

previously approved application. We note that residents have raised objections and we request that a new application is submitted so that we can properly assess what is being applied for.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 233
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the western side of Prince Albert Road. It contains a seven storey block of 40 flats built in the 1920s. This building has a U-shaped plan form set around a landscaped courtyard. It is of brick and stone clad concrete frame construction, with a flat roof with rooftop plant rooms and chimneys. The basement level also contains plant rooms, as well as cycle space/storage, plus underground parking for 16 cars.

The application site is not located within a conservation area and does not contain a listed building. It does abut the St John's Wood Conservation Area to the south, which includes the neighbouring block of flats (Park View).

6.2 Recent Relevant History

15/00496/FULL

Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters.

Application Permitted 1 December 2015

This permission has been implemented.

7. THE PROPOSAL

The applicant seeks a variation to condition 1 (approved drawings) of planning permission RN: 15/00496/FULL to allow for several amendments to the approved development. The proposed amendments include the following:

- Revisions to the internal layout of the approved flats;
- Omission of louvres on eastern elevation facing Prince Albert Road and northern elevation facing MacKenna Street;
- Alteration to size and position of windows to all flats and louvred screening to all elevations;
- Reduction and reconfiguration of roof lights;
- Replacement of planters with green roof on all elevations;

- Introduction of glass parapet to windows on east elevation;
- Extent of canopy structure reduced for Flat 4;
- Photovoltaic panels layout revised;
- Introduction of external service riser ducts;
- Addition of lift overruns;
- Terracotta louvres replaced with aluminium louvres on horizontal shadings;
- Glazing enclosure to existing service staircase replaced with glass louvres on west elevation; and
- Reduction in number of parking bays at basement level from 6 to 5.

The applicant also initially proposed additional comfort cooling plant for they approved flats. This has now been removed to address concerns raised by the objectors. The louvre design facing Prince Albert Road and the pigeon net have also been amended to address concerns raised by officers.

8. DETAILED CONSIDERATIONS

The development approved under application RN: 15/00496/FULL has been implemented and is a material consideration when assessing this application. There have also been no significant policy changes since that application was decided and that relate specifically to the changes proposed by the applicant. The extant permission is therefore a viable fallback position and it is considered appropriate in this instance to consider only the impact of the changes proposed.

8.1 Land Use

The proposed amendments do not change the number or size of flats. Accordingly, the proposed development would remain consistent with policy H3 of the UDP and S14 of the City Plan.

8.2 Townscape and Design

Whilst the proposal includes several amendments, they are relatively modest in townscape and design terms and would not significantly alter the design intent of the approved development.

The replacement of planters with glass balustrades removes clutter from the affected elevations and improves the proportions of the additional storey relative to those below. Removal of these planters and the louvres from the Prince Albert Road and MacKenna Street elevations also lends the extension a more lightweight appearance that makes it appear less dominant than the approved development. Accordingly, this amendment is considered an improvement to the approved development.

The increased height of the lift overruns is regrettable, although they would be centrally located on the roof. Accordingly, they would not be visible from street level and would be less visible from neighbouring properties than the elevations submitted would suggest. On balance, this amendment would not harm the character and appearance of the existing building and the surrounding area.

The amendments to the layout and number of rooflights proposed would not be visible from surrounding sites. Similarly, the amended layout of photovoltaic panels would also not be visible from surrounding sites. Accordingly, these amendments are uncontentious in design terms.

The fenestration alterations proposed are minor and would be largely screened by the remaining louvres. Replacement of the terracotta horizontal louvres with aluminium would also be discreetly located and largely not visible from surrounding sites. Accordingly, these amendments are uncontentious in design terms.

Overall, the proposed amendments would not harm the character and appearance of the host building, surrounding area or the St Johns Wood Conservation Area. The proposed amendments would be consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 5, DES 6 and DES 9 of the UDP.

8.3 Residential Amenity

An objector is concerned that the proposed amendments will result in loss of light to neighbouring properties and flats within the application site. However, the proposed amendments would not result in a development that is materially larger or bulkier than that already approved. Accordingly, the proposed amendments would not result in unacceptable loss of light or increased sense of enclosure for the occupants of neighbouring residential properties and flats within the application site.

An objector is also concerned that the proposed amendments will result in loss of privacy for neighbouring properties and flats within the application site. They are particularly concerned that the glass balustrades that will replace the approved planters will allow for additional overlooking or other flats on the application site. However, existing flats on the application site are already overlooked by other flats within the existing development and the approved development already overlooks these existing flats. Accordingly, it is not anticipated that the addition of glass balustrades will significantly increase overlooking of flats on-site given the existing situation and what has already been approved.

As noted above, the applicant has removed the additional plant that was of concern to the objectors. Accordingly, the proposed amendments would not result in additional noise for the occupants of other flats on-site.

An objector is also concerned that the removal of planters will result in terraces being increased in size, thereby allowing for additional views into and potential noise for the occupants of the existing flats. This objector is also concerned that a terrace will be increased in size adjacent to a skylight that serves their property. However, the applicant does not propose increasing the size of terraces. It is also noted that the terrace adjacent to the skylights of concern to the objector would be in an almost identical position to what has been previously approved. Accordingly, the proposed terraces would not result in a material loss of privacy in comparison to what has already been approved.

Given the above, the proposed development would be consistent with policies S29 of the City Plan and ENV 6, ENV 7 and ENV 13 of the UDP.

8.4 Transportation/Parking

The proposed amendments would reduce the number of parking spaces available to the flats from six to five. This level of parking provision would remain consistent with policy TRANS 23 of the UDP.

The proposed amendments do not result in any further transportation and parking considerations.

8.5 Economic Considerations

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

8.6 Access

The proposed amendments do not include any changes to the approved access arrangements.

8.7 Other UDP/Westminster Policy Considerations

None.

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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no 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.

8.11 Planning Obligations

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

The proposed amendments do not trigger a Mayoral or Westminster CIL payment.

8.12 Environmental Impact Assessment

The development is not large enough to trigger a requirement for an Environmental Impact Assessment.

8.13 Other Issues

None.

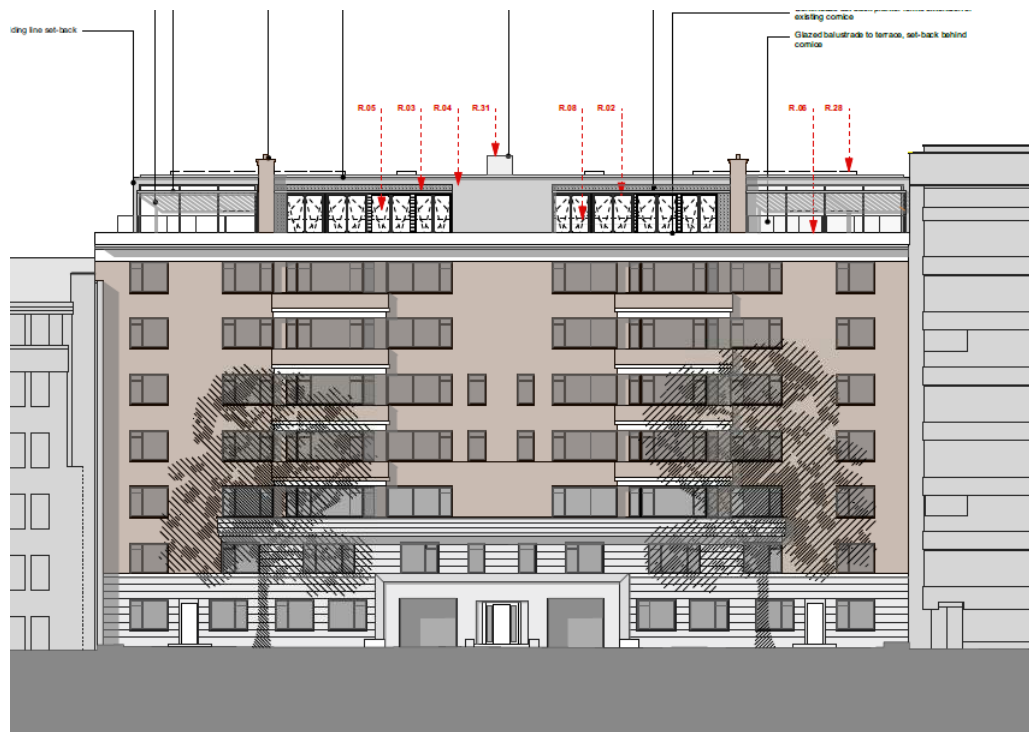
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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



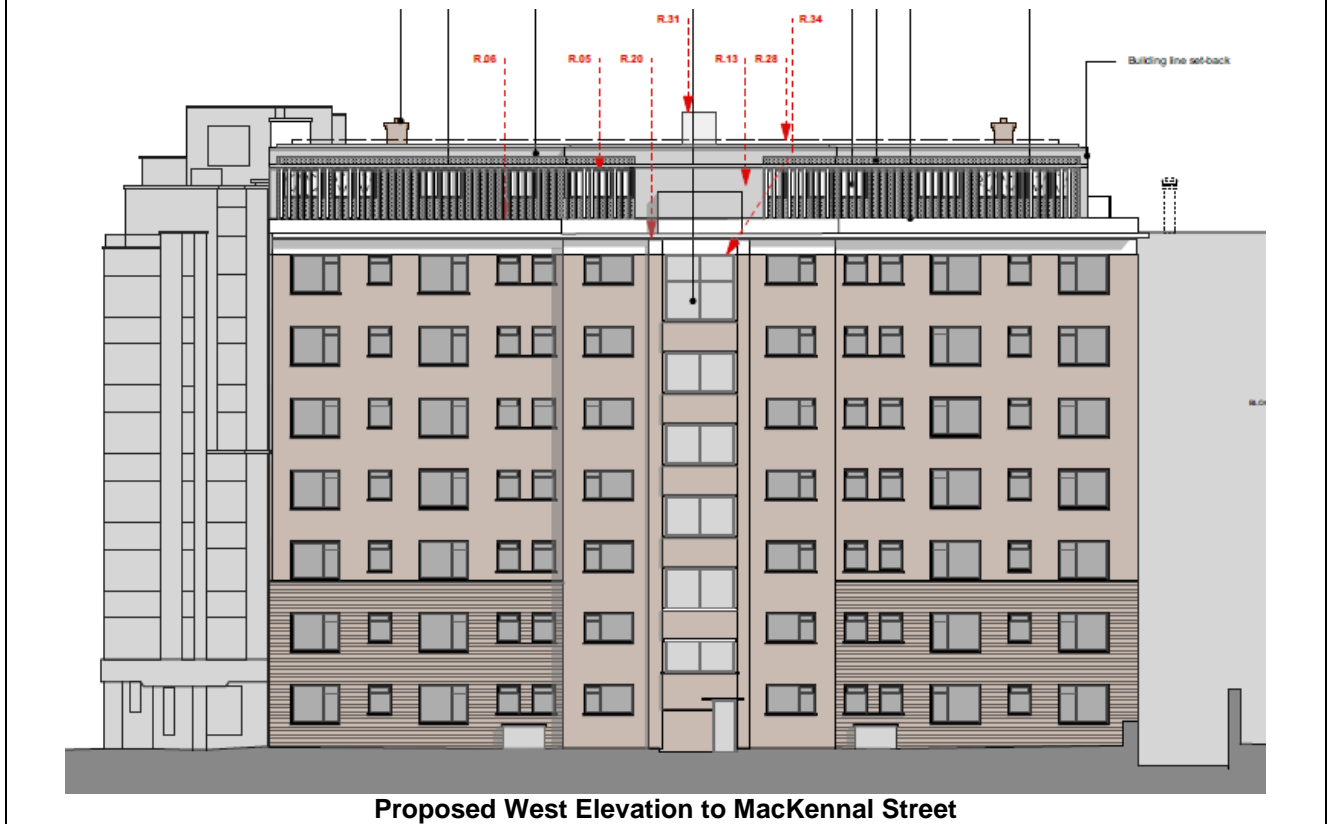
Approved Eastern (Prince Albert Road) Elevation



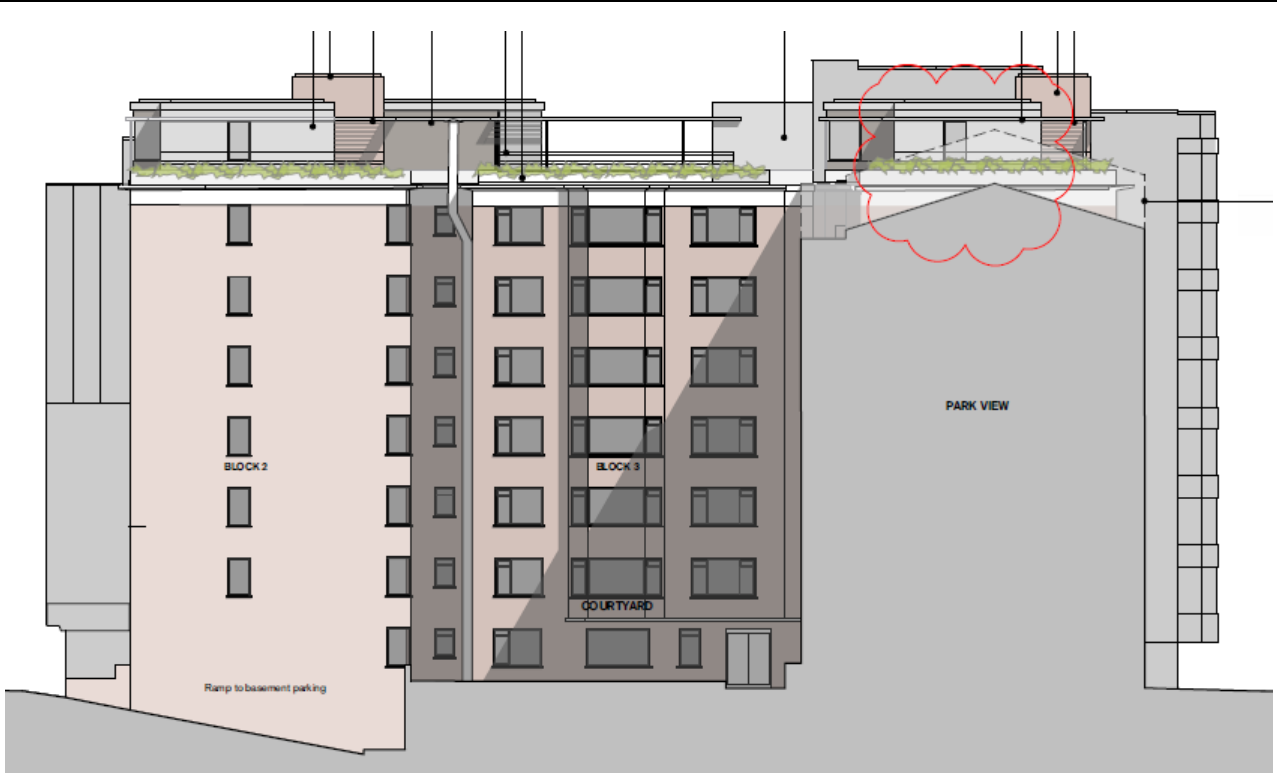
Proposed Eastern (Prince Albert Road) Elevation



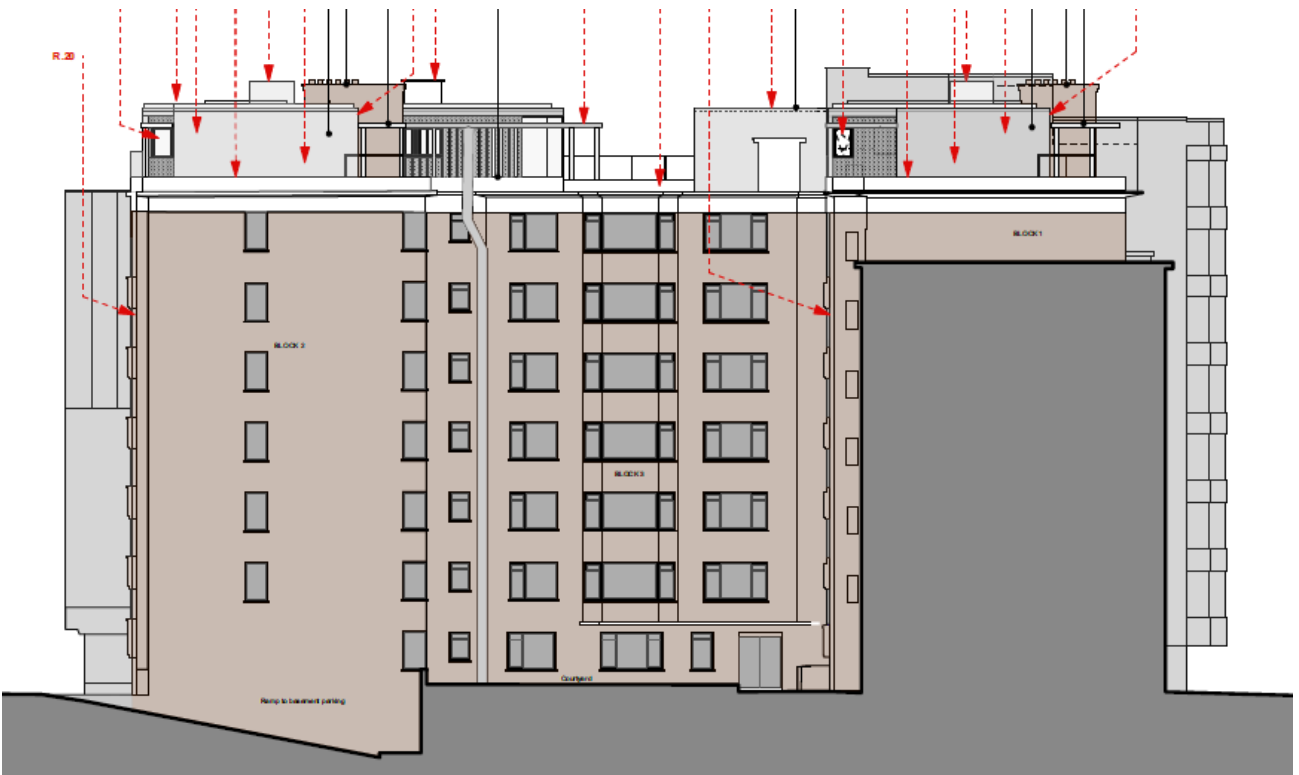
Approved West Elevation to MacKenna Street



Proposed West Elevation to MacKenna Street



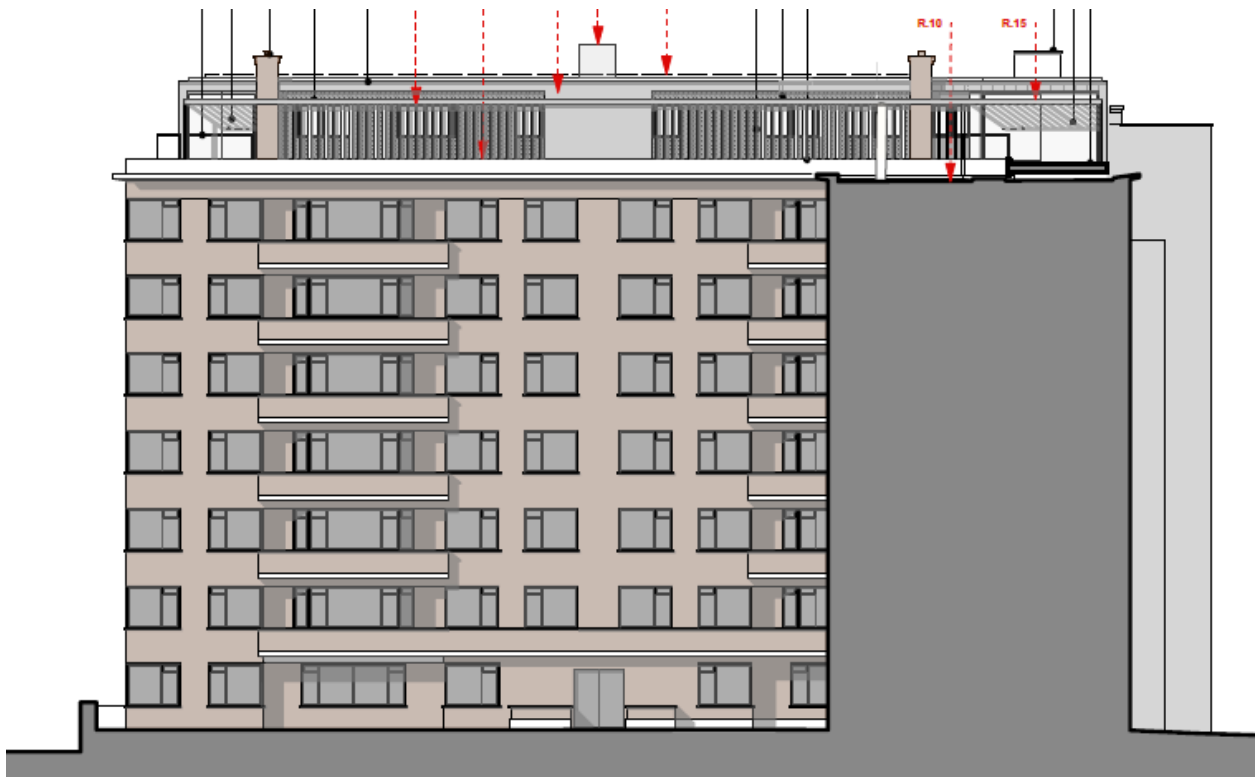
Approved Southern Elevation



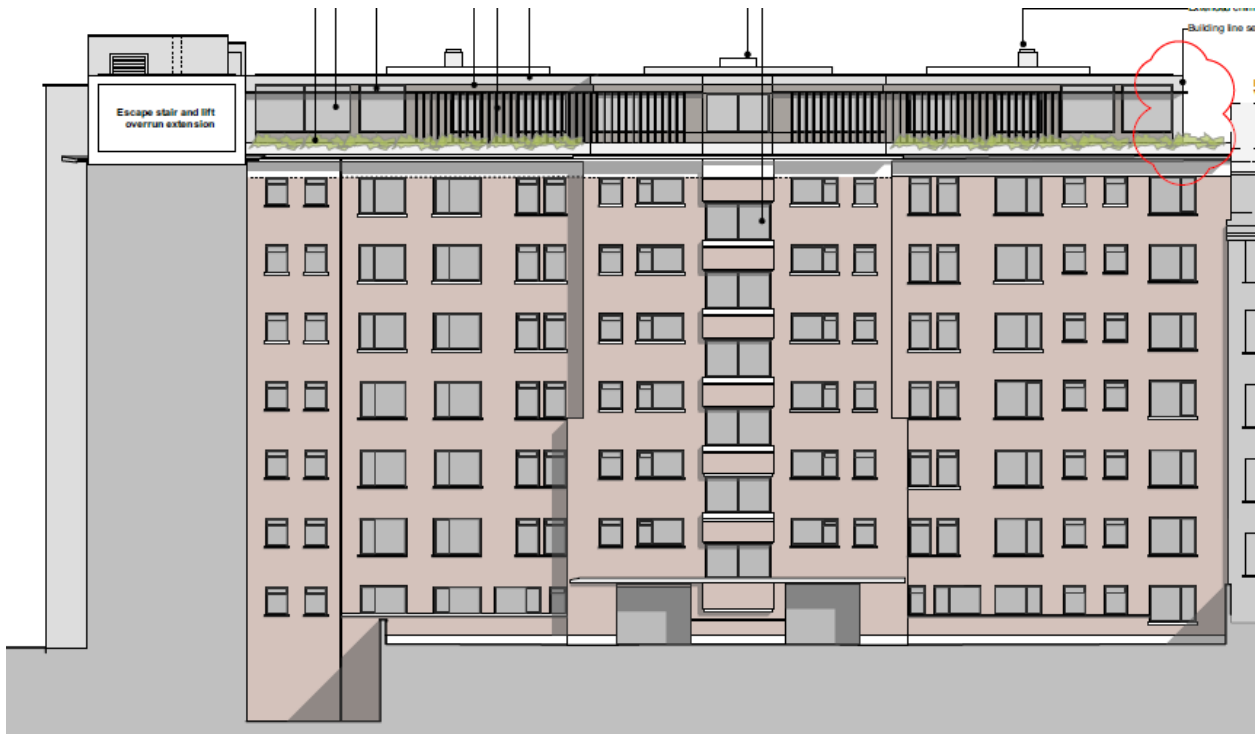
Proposed Southern Elevation



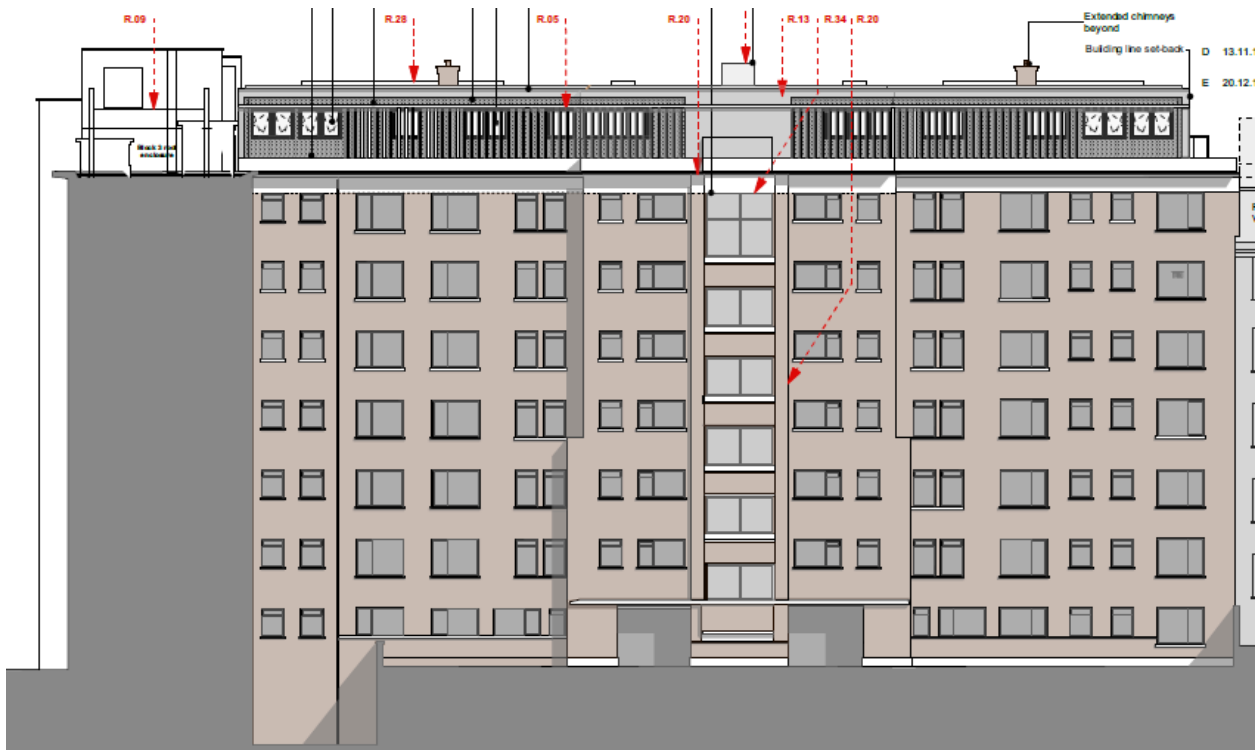
Approved East Elevation to Courtyard



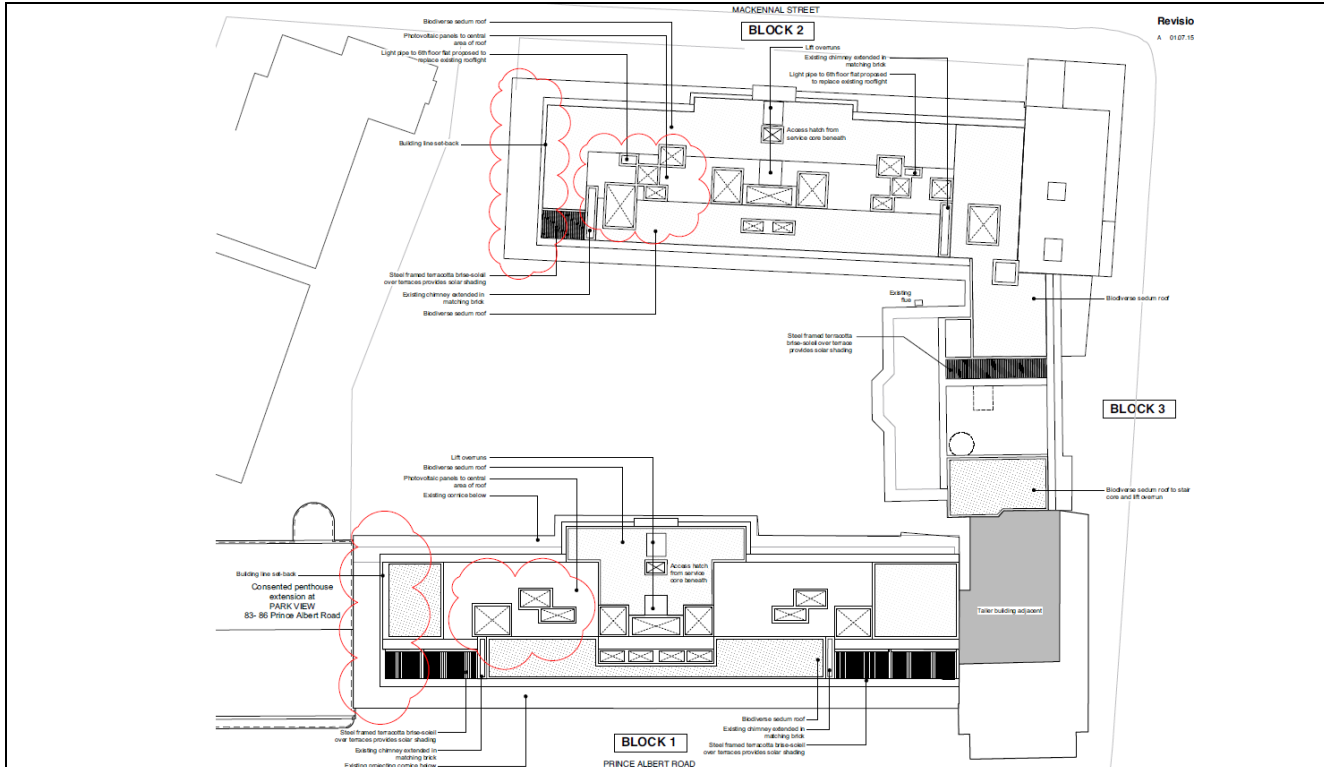
Proposed East Elevation to Courtyard



Approved West Elevation to Courtyard

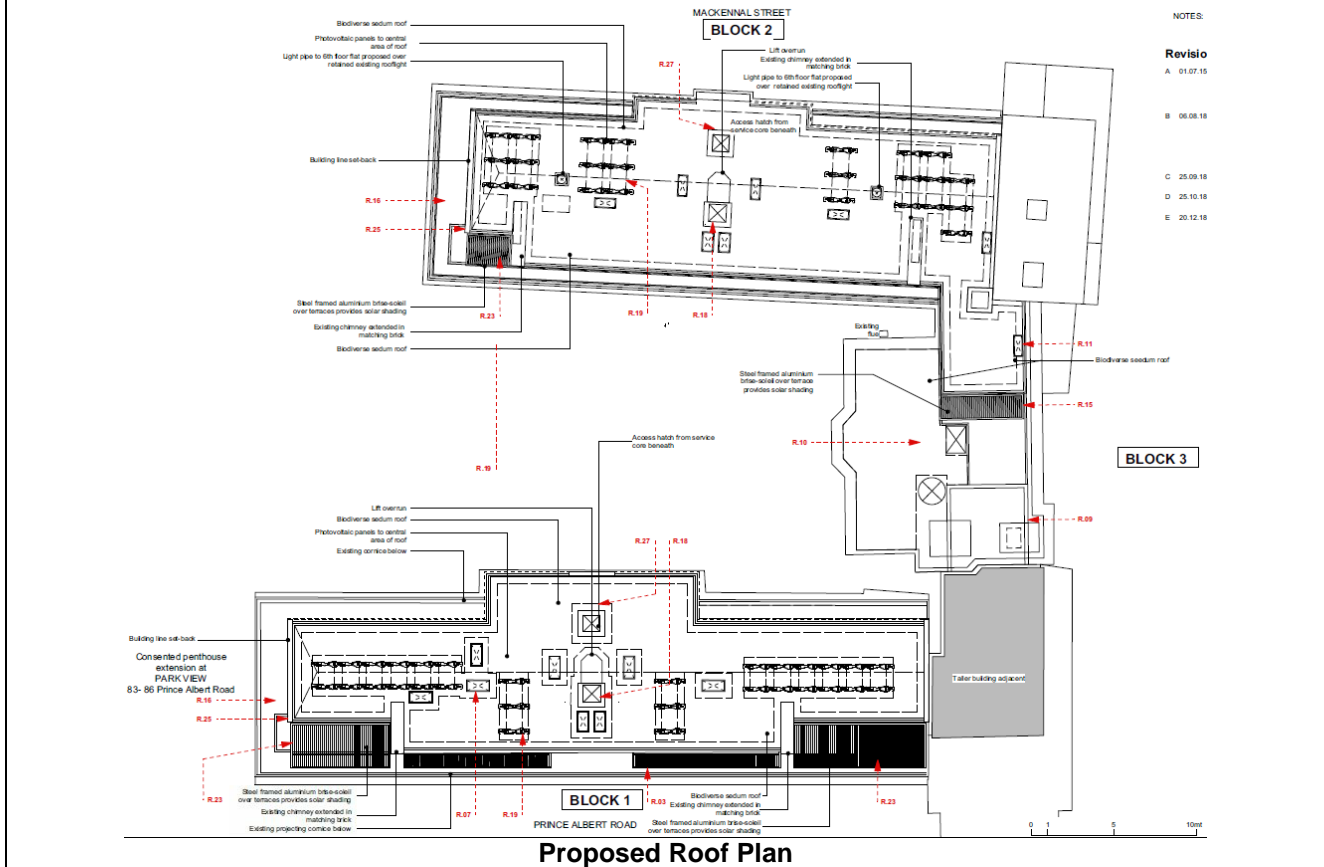


Proposed West Elevation to Courtyard



Revisio
A 01.07.15

Approved Roof Plan



NOTES:
Revisio
A 01.07.15
B 06.08.16
C 25.09.16
D 25.10.16
E 20.12.16

Proposed Roof Plan

DRAFT DECISION LETTER

Address: 76-82 Bentinck Close, Prince Albert Road, London, NW8 7RY

Proposal: Variation of condition 1 of planning permission dated 01 December 2015 (RN: 15/00496/FULL) for the Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters. NAMELY, to allow design changes, including changes to flat layout, partial omission of louvres, additional shade structures, changes to cladding and fenestration, removal of planters, installation of green roof, alterations to rooflights, additional air-conditioning plant and addition of lift overruns

Reference: 18/06686/FULL

Plan Nos: Drawing numbers 302.PL-001, -002 Revision A, -003 Revision A, -004 Revision A, -005 Revision A, -006 Revision A, -007 Revision A, -009 Revision A, -010, -011, -013, -014, -015, -016, -017, -018, -019, -020, -021, -025, -026; Planning Statement by JLL (January 2015); Daylight and Sunlight Report by eb7 (13 January 2015); Sustainability and Energy Statement by Max Fordham (20 January 2015); Daylight/Sunlight Addendum by eb7 (10 November 2015)

As amended by drawing numbers 302.PL.002 Rev E, 302.PL.003 option 1 Rev E, 302.PL.004 option 1 Rev D, 302.PL.005 Rev E, 302.PL.006 Rev B, 302.PL.007 Rev C, 302.PL.008 Rev B, 302.PL.009 option 1 Rev D, 302.PL.010 option 1 Rev C, 302.PL.011 Rev B, 302.PL.026 Rev B.

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

Reason:

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

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

Reason:

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

- 6 You must apply to us for approval of detailed elevations and sections (Scale 1:20) showing the design of the vertical fins including their supporting framework and their integration with the design of the main body of the extension.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

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

- 7 The development shall be carried out in complete accordance with the drainage strategy approved under application RN: 18/08527/ADFULL unless otherwise agreed in writing with the local planning authority.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 8 The development shall be carried out in complete accordance with the construction management plan approved under application RN: 18/08527/ADFULL unless otherwise agreed in writing with the local planning authority.

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)

- 9 You must not occupy the residential units until we have approved appropriate arrangements to secure the following.

-Five on-site car parking spaces to be maintained for the exclusive use of the residential units.

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

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 10 You must apply to us for approval of details of secure cycle storage for the residential 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)

11 (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)

- 12 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)

- 13 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)

- 14 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)

- 15 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) 11 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)

- 16 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 13 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:

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)

- 17 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

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)

- 18 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

Informative(s):

- 1 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)

- 2 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.
- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 4 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.
- 5 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at

www.hse.gov.uk/pubns/indg244.pdf. (I80DB)

- 6 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.
- 7 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. (I80CB)
- 8 Approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised.

- 9 The supplementary acoustic report relating to plant must include:
- (a) A schedule of all plant and equipment installed;
 - (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 all most affected noise sensitive receptor locations and the most affected windows;
 - (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) The lowest existing L A90 (15 minutes) measurement as already established.
 - (g) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.
- 10 Under condition 9, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure six on-site car parking spaces. 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.

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.