

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 May 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	43 William Mews, London, SW1X 9HQ		
<b>Proposal</b>	Demolition of the existing building and replacement with a new mews house, comprising basement, ground and first floors.		
<b>Agent</b>	Elena Comai / MALLETT Construction Ltd		
<b>On behalf of</b>	Mrs Buchanan		
<b>Registered Number</b>	20/00967/FULL	<b>Date amended/ completed</b>	11 February 2020
<b>Date Application Received</b>	11 February 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside of a Conservation Area.		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

43 William Mews is a residential mews house. The building is unlisted and located outside of a conservation area but is close to the boundary of the Belgravia Conservation Area to the west and the Albert Gate Conservation Area is located to the north. The applicant seeks permission to demolish the existing building and replace it with a new building, comprising basement, ground and first floor levels.

The key issues in this case are:

- the impact of the proposed development on the character and appearance of the streetscape, and the setting of adjacent Conservation Areas; and
- the impact on the amenity of neighbouring residents.

For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

## 5. CONSULTATIONS

### BELGRAVIA RESIDENTS ASSOCIATION:

Any response to be reported verbally.

### THE BELGRAVIA SOCIETY:

Any response to be reported verbally.

### BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

### THAMES WATER:

Wishes the applicant be aware of their comments regarding waste and water.

### WASTE PROJECT OFFICER:

Waste and recycling storage require waste storage to be labelled demonstrating sufficient capacity.

### BUILDING CONTROL:

The structural method statement is acceptable and adjacent properties would be safeguarded during construction.

### HIGHWAYS PLANNING TEAM:

No objection in terms of cycle and car parking.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39

Total No. of replies: 6

No. of objections: 4

No. in support: 2

Two neighbouring residents / interested parties support the proposal on the following summarised grounds:

- Modern houses are more environmentally friendly; and
- The new house would improve the mews, enriching the architecture in the area.

Four neighbouring residents / interested parties object to the proposal on the following summarised grounds:

#### Design

- The new building will not match the adjacent buildings in terms of brick and window colour and pitch of roof, and this would harm the appearance of the area;

#### Amenity:

- The Juliet balcony with glass balustrade, proposed to replace a window, would create harmful overlooking;

Structural stability :

- The demolition and rebuild would pose a danger to adjacent properties

Disturbance from demolition and construction:

- The demolition is unnecessary, and the works will generate excessive noise and traffic within the Mews – the traffic would also impact on those with a disable parking badge. The applicant could instead refurbish the existing building and excavate underneath to form a basement (as others on the Mews have done).

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

43 William Mews is a residential mews house. The building is unlisted and located outside of a conservation area but is close to the boundary of the Belgravia Conservation Area to the west and the Albert Gate Conservation Area is located to the north. The existing building is likely to date from the mid- late 20th century and is within a terrace of similar buildings.

The building is used as a single family dwellinghouse. It comprises ground and first floors, with three bedrooms, front and rear patios, a balcony and a garage.

### 6.2 Recent Relevant History

None relevant

## 7. THE PROPOSAL

The applicant seeks permission to demolish the existing building and replace it with a new building comprising basement, ground and first floor levels. The new building would largely match the above ground dimensions of the existing building. The fenestration would differ, and the balcony would be removed. A new lightwell would be created allowing outside space at basement level, and the additional space created by the basement level would allow the property to become a four bedroom home. The garage would be re-provided.

Floorspace Figures:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	127	221.5	94.5

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

As the application proposes to replace the existing single family dwellinghouse with a new building in the same use, there would be no land use implications. The proposals

would allow for a larger family to reside within the larger replacement building, which is welcomed.

## 8.2 Townscape and Design

### Development Plan Policies and NPPF

Policies of relevance to this proposal include DES 1 (Principles of Urban Design and Conservation) and DES 4 (Infill Development) of the City Council's adopted Unitary Development Plan. Given the site's proximity to the boundary of Belgravia Conservation Area, DES 9 is also of relevance to this application.

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

The Belgravia Conservation Area is proposed to be extended so to include William Mews and the application property. The report into the proposed extension indicates that although of mixed quality and with a variety of buildings from different eras, the Mews has generally retained its scale and Mews character. Consideration should also be given this therefore.

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### Consideration

The existing brick building is two storeys in height with a shallow pitched roof, with brick and windows broadly similar to the adjacent properties within the Mews. Objectors have raised concern that the proposal would be discordant in terms of brick colour, window colour and roof pitch as compared to the adjacent properties, and this would harm the appearance of the Mews.

The existing building is likely to date from the mid- late 20th century and is not considered to be of high design merit. However, as the objector's note, it does form part of a group which was evidently constructed concurrently. The existing building relates well to the terrace in terms of its height, form, composition and materials although the fenestration to the western elevation has been altered with unsightly window aprons added beneath the ground floor openings.

Given the building lacks high design merit and is outside of a conservation area (albeit proposed to be included in future), the principle of demolishing this building is therefore considered acceptable subject to the securing a high quality replacement building which

should also relate sensitively to its context, in compliance with DES 4 which requires the design of new infill development to have regard to the prevailing character and quality of the surrounding townscape.

The only external manifestations associated the basement excavation involve the installation of pavement lights to the west elevation and an open lightwell to the east elevation. The pavement lights are to be located immediately adjacent to the new façade and will be visually discreet in public views. Likewise, the proposed open lightwell to the east will be obscured by the rear boundary wall and will not be evident in public views, with very limited visibility from adjacent upper private vantage points. The proposed basement excavation is therefore not considered harmful to the appearance of the area and is uncontentious in design terms.

The roof of the replacement building is to match the height and pitch of the existing roof form and retains the consistent eaves line which is continuous throughout the group. The above ground footprint of the proposed building is broadly identical to the existing site other than a small extension in area at first floor level to the east, in place of an existing recessed balcony. The proposed building is to be constructed in an exposed brick with aluminium framed fenestration. To the west elevation, the first floor window openings have a horizontal emphasis and are broadly consistent with others in the group whilst the ground floor incorporates full height glazed doors with a more vertical emphasis. Whilst this verticality is not characteristic of fenestration openings at ground floor level in the group, it is noted that the existing ground floor treatment is varied throughout the terrace and unsightly window aprons have been added to the existing building. There is not a considerable degree of consistency in the treatment of ground floor fenestration. On this basis, the principle of full height doors in this position is not considered harmful to the appearance of the group and is acceptable in design terms.

Originally, the proposed drawings showed grey tiles in place of the existing cobbles outside the western frontage. This was not considered appropriate for the streetscape in this area which is characterised by a more natural palette. The agent has since revised the proposal to replace with a natural stone.

To the east elevation, the existing building includes a recessed balcony and is largely glazed, forming a broadly symmetrical pair with the building immediately to the north. The proposed replacement building is also to be largely glazed on this frontage, enclosing the existing balcony area and incorporating metal perforated screens which will detract from the symmetry of the pair. However, given the highly enclosed nature of this space the symmetry between these two buildings is barely appreciable and is not considered to be of particular significance in townscape terms. The elevational design of the new building is therefore considered acceptable in design terms.

The supporting Design and Access Statement includes details of proposed materials and objections have been raised to the proposed brick colour. Given the sensitivity of the site in this mid- terrace context, and the importance of ensuring the facing materials relate well to the surrounding townscape, the imposition of a condition to secure samples of materials and a sample brick panel is recommended to enable officers to inspect the proposed materials on site. It is therefore considered that objections regarding brick colour can be addressed through the imposition of this condition.

Objections have also been raised to the colour of the proposed fenestration which is a dark grey in contrast to the existing white fenestration which is consistent throughout the group. It is acknowledged that the proposed dark grey windows will appear different to the fenestration elsewhere in the group. However, as set out above, the existing windows have been modified particularly to the west elevation. In terms of its detailed design, the new building will not exactly match that of other adjacent properties and has been designed as a more contemporary insertion with the terrace compared to the existing building. It is also noted that changes to the existing window colour would ordinarily benefit from permitted development rights. On this basis, given that the overall height, proportions and composition of the new building will relate appropriately to the surrounding group, the minor differences in its detailed design compared to the existing building are not considered to cause an unacceptable degree of harm to the appearance of the terrace and would not be considered sustainable reasons for refusal. It is therefore considered that the objections to the window colour cannot be supported in this instance.

### **Design Conclusion**

It is therefore considered that the proposal complies with the criteria set out in DES 1 and DES 4 of the City Council's Unitary Development Plan and will not cause harm to the setting of the nearby conservation area, in compliance with DES 9.

### **8.3 Residential Amenity**

There are residential properties within William Mews on either side of the application site as the Mews road passes on the both the east and west elevations of the building, and so there are residential properties opposing the site on both sides. There are also residential properties adjacent to the north and south.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Given the above ground property would largely match the bulk and massing of the existing building, there would be no harm to the neighbours in terms of loss of light or an increased sense of enclosure.

An objector to the east has raised concern that a window would be replaced with a larger Juliet balcony, which would include a glass balustrade, and this would increase overlooking of residential properties to the east. Even though directly opposing the site to the east is a garage, there is a neighbouring property to the south of this visible from this window. Therefore, replacing this window with a larger opening would allow for increased opportunities to overlook. In order to mitigate this, officers sought a revision to the application to ensure that the glass balustrade is replaced with a metal one. This reduces the overlooking to be similar to the existing situation. In addition, it is noted that a balcony to this elevation is proposed to be removed which would reduce overlooking further still. Overall therefore, there would not be determinantal harm to the amenity of neighbouring residents in terms of a loss of privacy.

The impact of the basement excavation is discussed in section 8.7 of this report.

## 8.4 Transportation/Parking

### Car Parking

The Highway Planning Manager states that because there is no change to the number of residential units proposed, there will be no change in the impact to parking demand. Indeed, the existing garage would be replaced allowing an off-street car parking space.

### Cycle Parking

The London Plan Policy T5 requires 1.5 spaces per 1 bedroom unit and 2 space per 2+ bedroom unit. Cycle parking for all uses will assist in prompting this sustainable transport mode for residents. The proposals includes 2 cycle parking spaces. This provision is welcomed, and a condition is recommended to ensure it is provided.

## 8.5 Economic Considerations

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

## 8.6 Access

The access arrangements would be similar to the existing situation.

## 8.7 Other UDP/Westminster Policy Considerations

### Basement Development

Policy CM28.1 relates to all basement excavation in the City. The construction works associated with basement excavations can often have a serious impact on quality of life and often last longer than other residential developments with the potential to cause significant disruption to neighbours during the course of works. This has led to significant concern and complaints from local residents in Westminster regarding basements across the City, and this is why the City Council adopted the basement policy which in part sought to reduce the impacts associated with this type of development.

Part (B) and (C) of policy CM28.1 relates to the design and scale of development involving new basement levels. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. The policy limits basements to a single storey below the original ground level and the proposals comply with this aspect of the basement policy.

#### *Structural Impact:*

Some of the objectors raise concern regarding the structural stability of the adjoining buildings during construction works. The applicant has submitted a detailed structural methodology statement as required by the basement policy.

The City Council's Building Control team have confirmed that the applicant's structural method statement is satisfactory and have raised no concerns. The applicant has investigated existing structures and geology and Building Control consider this to be of sufficient detail. The developer proposes to construct the basement using underpinning which Building Control confirm is appropriate, and so too are the plans to safeguard

adjacent properties during construction. In these circumstances, there are no grounds to withhold permission because of the structural impacts on neighbouring properties.

It should be noted that the purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that the developer must use during construction which may need to be altered once the site investigation/ excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

*Construction Impact:*

The applicant has also submitted a draft signed proforma Appendix A of the Code of Construction Practice (CoCP) which demonstrates that the applicant would be willing to comply with the code. The CoCP recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that the developer should carry this out if and when the City Council grants planning permission and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help reduce the impact of the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible. A condition is recommended requiring evidence to be submitted of compliance with the CoCP and another condition recommends ensuring noisy works are not carried out at anti-social times..

Some of the objectors suggest that it would be less disruptive to keep the existing building and excavate underneath to create the basement level. The applicant states this suggested method is more complex and would therefore require a longer building schedule than the demolition and rebuild approach they propose – which is partly why it is proposed. In any case, with the CoCP in place, it would not be reasonable to refuse permission on this basis.

*Plant & Machinery*

The basement policy states that new basements should use the most energy efficient

means of ventilation, and wherever practicable natural ventilation should be used. In this case, the basement has been designed to allow for natural ventilation.

#### *Flood Risk*

The site is located within an area at a very low risk of flooding from rivers/ the sea and at a very low risk of flooding from surface water. A very low risk means that each year this area has a chance of flooding of less than 0.1%.

#### *Archaeological Impact*

The site is outside of an Archaeological Priority Area which means there is negligible risk of harm to archaeological heritage assets.

### **Waste and Recycling**

The applicant proposes to have waste and recycling storage within the garage. The Waste Project Officer noted that this was not labelled correctly to demonstrate sufficient capacity for this sized home, the applicant has since revised the scheme to address this.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was 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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, 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 Neighbourhood Plans**

None relevant.

### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 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 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.

#### **8.12 Planning Obligations**

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

The development is not liable to pay CIL. Calculations are based on the net increase in the Gross Internal Area (GIA), and developments are liable if they result in an increase of 100sqm or more which this proposal does not.

#### **8.13 Environmental Impact Assessment**

An Environmental Impact Assessment is not required for a development of this scale.

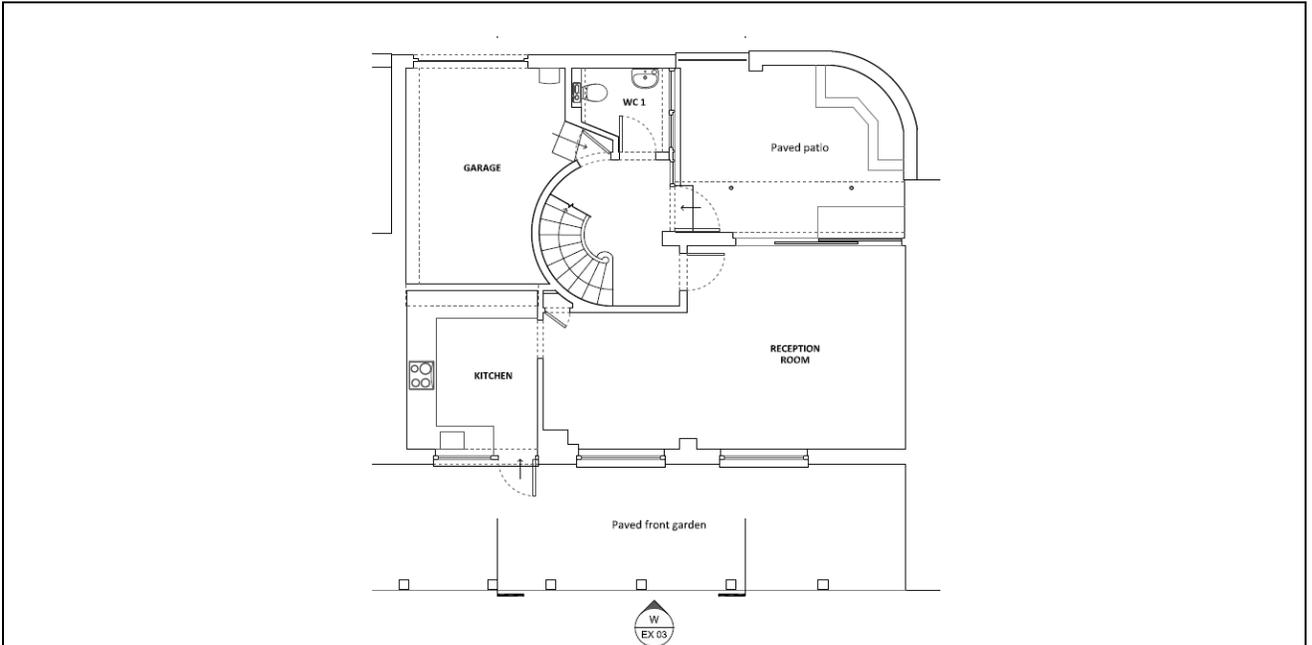
#### **8.14 Other Issues**

None.

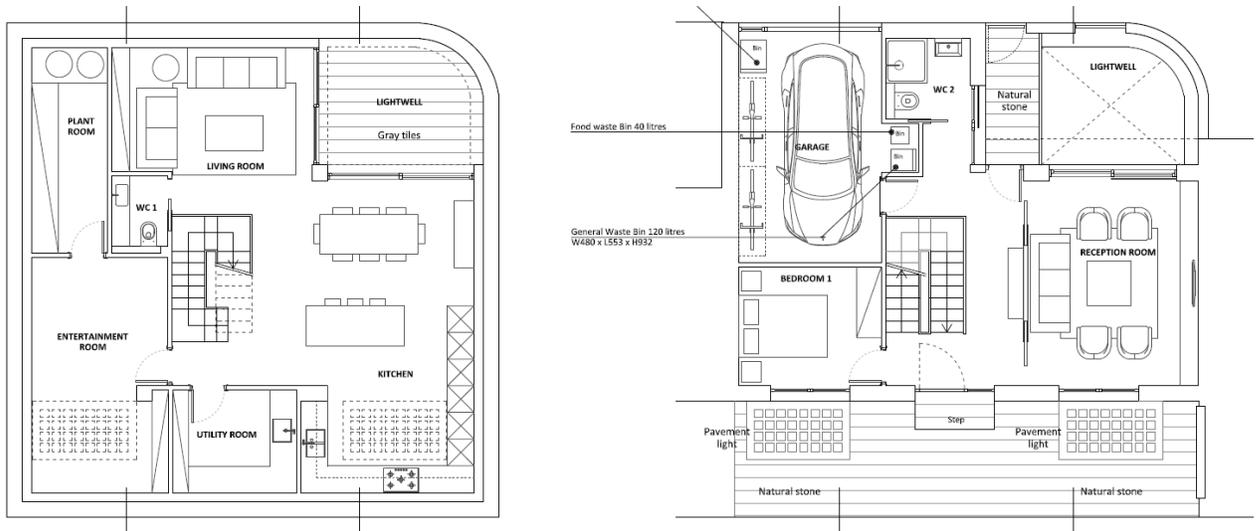
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT [jhowitt@westminster.gov.uk](mailto:jhowitt@westminster.gov.uk)

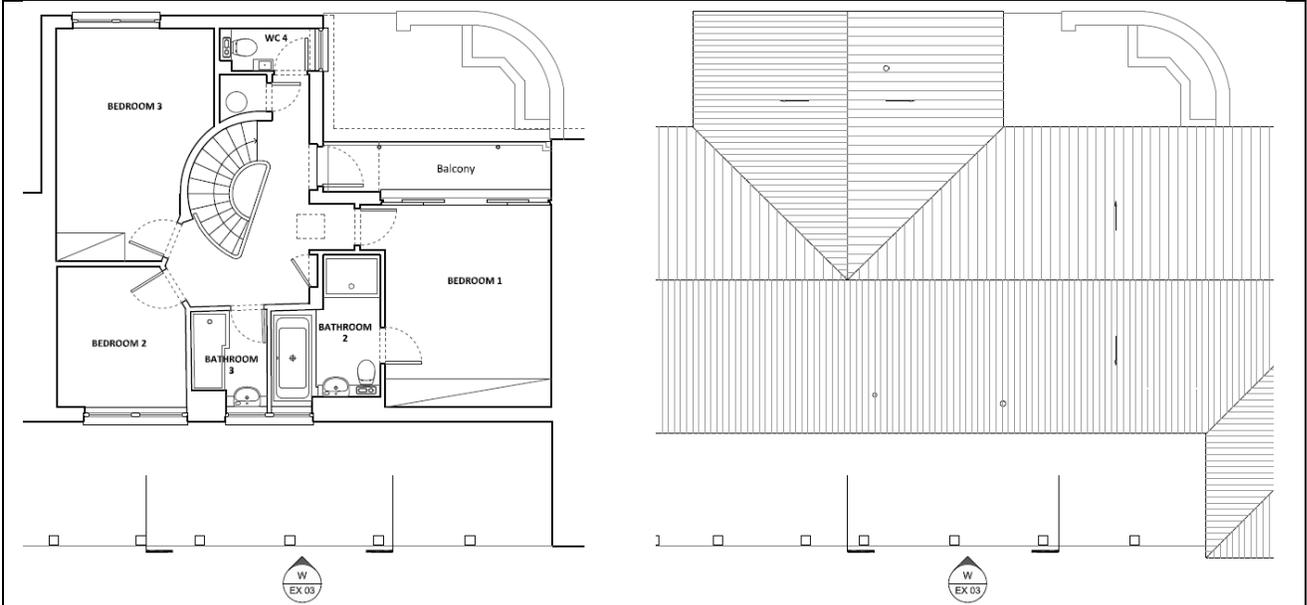
**9. KEY DRAWINGS**



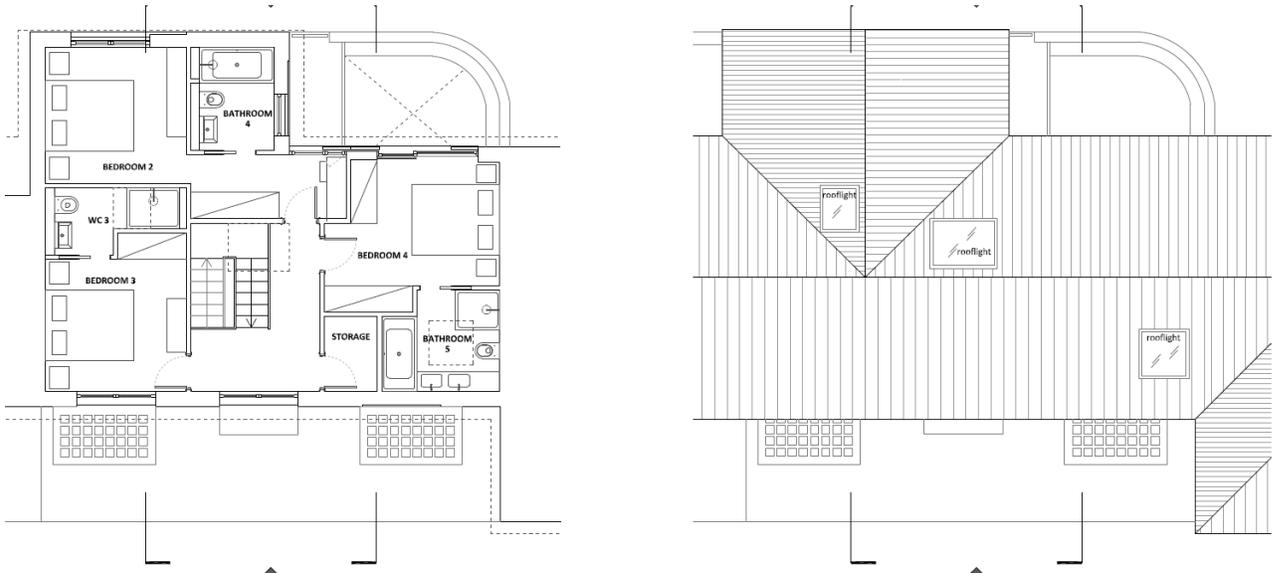
**Existing Ground Floor Plan**



**Proposed Basement and Ground Floor Plan**



**Existing First Floor and Roof Plan**



**Proposed First Floor and Roof Plan**



**Existing West Elevation**



**Proposed West Elevation**



**Existing East Elevation**



Perforated metal privacy screen

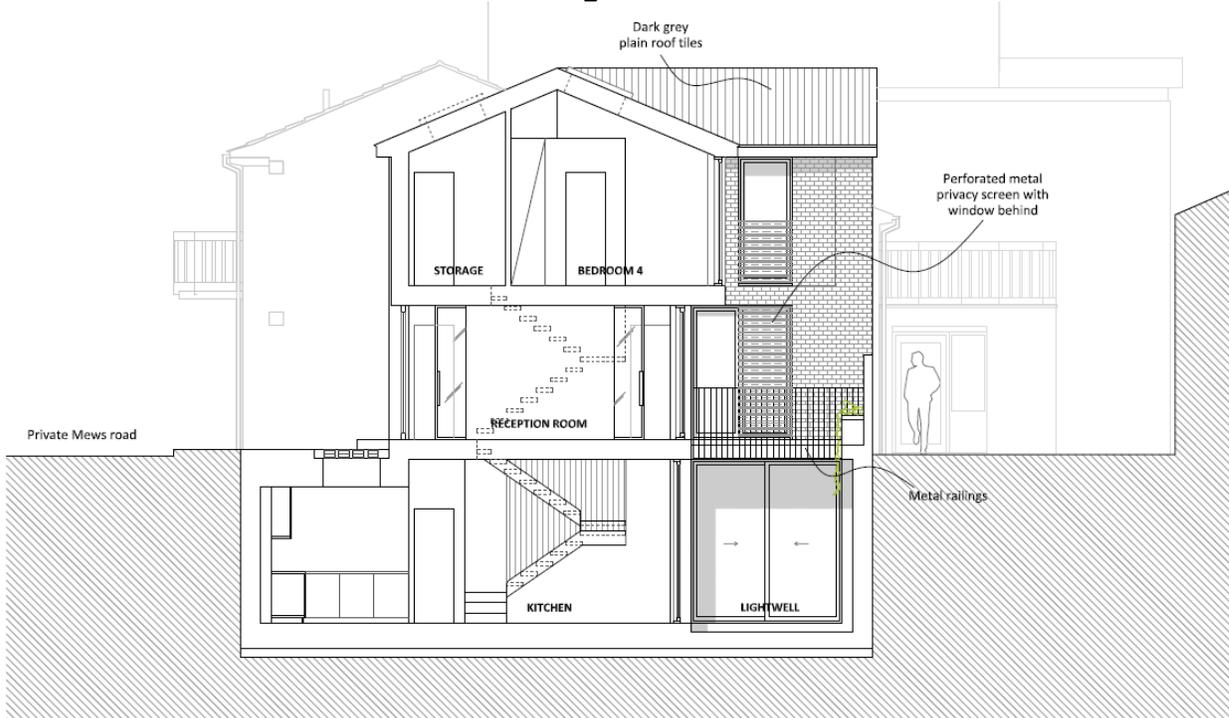
New gate made using perforated metal screen

Sandblasted glass

**Proposed East Elevation**



**Existing Section AA**



**Proposed Section AA**



Computer Generated Images



**DRAFT DECISION LETTER**

**Address:** 43 William Mews, London, SW1X 9HQ

**Proposal:** Demolition of the existing building and replacement with a new mews house, comprising basement, ground and first floors.

**Reference:** 20/00967/FULL

**Plan Nos:** Site Location Plan; EX02; EX03; EX04; P01 rev A; P02 rev A; P03 rev A; P04 rev A; P05 rev A; Design and Access Statement (Revised 29/04/20).

For Information Only:

Photomontage; CoCP Appendix A Checklist; Subterranean Structural Statement.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 07866038007

**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:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

- 6 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 make sure that the appearance of the site 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 4 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must apply to us for approval of detailed drawings of the following parts of the development:

1. Windows (including rooflight) and external doors (1:10)
2. Metal gate and screens (1:10)

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

Reason:

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

- 8 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)

- 9 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)

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P02 rev A. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

### **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 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 and to apply online please visit [www.westminster.gov.uk/suspensions-dispensations-and-skips](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).
- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements

before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 4 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

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

siteenquiries@ccscheme.org.uk or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 7 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: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 9 Thames Water wishes to remind you:

**Waste Comments:**

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. 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 will be undertaken 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](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale, Business customers, Groundwater discharges section.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

INFORMATIVE: 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 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale, Business customers, Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-largesite/Apply-and-pay-for-services/Wastewater-services>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, 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/Planningyour-development/Working-near-or-diverting-our-pipes>.

**Water Comments:**

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

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.

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.