

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 2 March 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>Grove End Gardens, 33 Grove End Road, London, NW8 9LL</b>		
<b>Proposal</b>	Erection of a roof extension to provide two additional residential units and lift overruns, creation of two parking spaces, installation of associated plant equipment, green roofs and PV panels.		
<b>Agent</b>	Julian Shirley		
<b>On behalf of</b>	Grove End Housing		
<b>Registered Number</b>	20/00685/FULL	<b>Date amended/ completed</b>	26 June 2020
<b>Date Application Received</b>	31 January 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is a seven storey 1930's mansion block fronting Grove End Road and Abbey Road. The building is unlisted and the site is not located within a Conservation Area although the St John's Wood Conservation Area adjoins the building to the immediate south and west sides.

Permission was granted in 2012 for the erection of a roof extension to the western part of the building to provide six residential units, erection of rear lift shaft, excavation below north east corner of garden to provide an underground parking area and associated works. This permission has been implemented.

Planning permission is sought for the erection of a roof extension to the eastern part of the building to provide two additional residential units with terraces, a lift overrun with glazed link, formation of two car parking spaces at basement and ground floor levels, installation of associated plant equipment and PV panels.

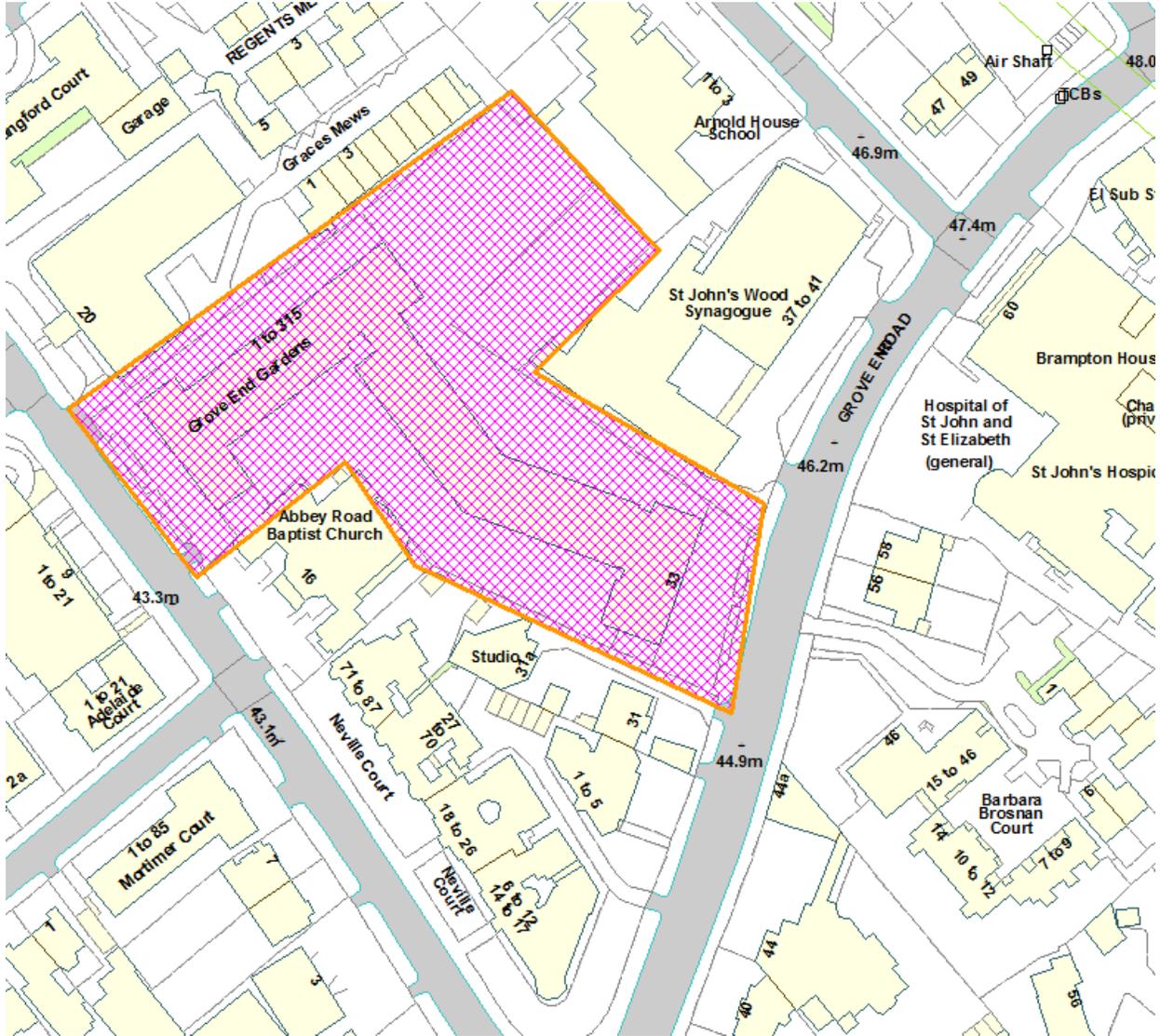
Four objections have been submitted on a number of grounds including potential access issues including loss of use of lift during construction, disruption and impact on amenity of residents during construction works from noise, dust and impact on safety and security.

The key issues are:

- The acceptability of the proposed roof extension in design terms.
- The impact of the proposals upon the amenity of neighbouring residents.
- The impact of the development on the highway network.

For the detailed reasons set out in this report, the proposed development is considered to be acceptable in land use, design, amenity and highways terms and would accord with the relevant policies in the Unitary Development Plan (UDP) adopted in January 2007 and Westminster's City Plan (the City Plan) adopted in November 2016.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Views from Grove End Road



View of rooftop looking towards Grove End Road

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR ABBEY ROAD:

Any response to be reported verbally

### ST JOHN'S WOOD SOCIETY:

No objection subject to neighbours comments

### BUILDING CONTROL:

No response

### HIGHWAYS PLANNING MANAGER:

Objection on original proposal on the grounds of the "reallocation of existing car parking spaces for the flats". Following the receipt of revised information regarding two parking spaces created at ground and basement level, agree that the proposals appear to be functional.

### WASTE PROJECT OFFICER:

No objection subject to condition requiring submission of a revised bin storage plan showing compliance with City Council requirements.

### ENVIRONMENTAL SCIENCES:

No objection subject to standard noise conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 336

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Objections have been received on some or all of the following grounds:

- Potential Access issues including loss of use of lift during construction - request for additional lift as part of development.
- Potential loss of fire escape stairs.
- Disruption and impact on amenity of residents during construction works from noise, dust and impact on security.
- Refurbishment work on building ongoing.
- Previous roof extensions not completed to satisfactory standard resulting in safety concerns.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Grove End Gardens is a seven storey 1930's mansion block fronting Grove End Road

and Abbey Road. The building is unlisted and the site is not located within a Conservation Area although the St John's Wood Conservation Area adjoins the building to the immediate south and west sides. The building has a recently constructed penthouse floor on the western part of the roof accommodating 6 flats and an underground car park below the north east corner of its associated garden.

## 6.2 Recent Relevant History

### 11/00187/FULL

Erection of a roof extension to provide six residential units (3x2 bed, 2x3 bed and 1x4 bed); erection of rear lift shaft, excavation below north east corner of garden to provide an underground parking area with 21 car parking spaces and 22 bicycle spaces, green roof, reinstatement of rear garden and associated works.

Application Permitted 19 March 2012

A series of non-material amendment applications have also been approved since the original approval.

## 7. THE PROPOSAL

Planning permission is sought for the erection of a roof extension to the eastern part of the building to provide two additional residential units, one two bed measuring 144sqm and one three bed measuring 172sqm. Terraces are proposed on each of the flats on the adjacent areas of flat roof. Two car parking spaces are to be created for the new flats, one within the car park at basement level created as part of the 2012 permission above and one at ground floor level adjacent to the building. Associated plant equipment and solar panels are also proposed to be installed on the roof.

Some minor revisions were submitted during the course of the application to correct discrepancies in the drawings. Due to their minor nature it was not considered necessary to re-advertise. The application was also amended to provide the two aforementioned car parking spaces for the flats whereas originally it involved the reallocation of existing spaces.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

In land use terms the provision of two additional residential units, one of which is family sized (3 bed and over) would accord with Policy H3 and H5 of the UDP and S14 of the City Plan. All units are in excess of the required minimum space standards and would have a good level of natural light.

S14 requires that the number of residential units on development sites is optimised. Although the units are large (144sqm meters and 172sqm) it is recognised that there would be logistical difficulties in increasing the number of units on this roof top site. To facilitate a third unit, an access corridor to one of the lift/stair cores would need to be created which would take up a significant amount of the floorplate and would result in

any additional unit needing to be single aspect. It is therefore considered that the proposal is in accordance with S14 in this case.

The overall gross floorspace would be below 1000sqm and therefore does not require the provision of affordable housing. One of the two proposed units would be a family sized unit (3bed) therefore the proposal would comply with policy S15 of the City Plan and Policy H5 of the adopted UDP.

## **8.2 Townscape and Design**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 66 of the same Act requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the same Act requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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.

Furthermore 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.

Although the building is not listed and the site is not located within a conservation area, it is considered to be a sensitive proposal in terms of the attractive character and prominent visual presence of the existing building, and that the St John's Wood Conservation Area adjoins this part of the building to the immediate south and west sides. Also, of consideration in terms of extensions to roof level of this part of the building is the adjoining grade 2 listed building at no. 31A Grove End Road and grade 2 listed Abbey Road Baptist Church buildings to the west side.

Extensions have previously been granted and erected to large areas of the roof of the building, including an extension over the roof of the wing which fronts onto Abbey Road and continuously from that point to down behind in line with the Abbey Road Baptist Church building. Notwithstanding that, the Grove End Road orientated wing of the building and the area of the mansion block behind it remains a sensitive location given

the relatively lower height of surrounding buildings and therefore the greater visual prominence of this part of the building in street level views. The extension proposed in this current application represents a new extension between the previously approved and now constructed extensions to roof level and the Grove End Road wing of the building.

As set out above, for much of the footprint of the proposed extension there is existing plant equipment, lift overruns, water tank enclosures and other cluttering structures at roof level. This is generally removed, and a notably lower service zone has been incorporated underneath the extension, hiding this equipment from view and leaving the appropriately designed extension as the external feature visible to roof level which is considered to represent a much neater finish to roof level. This is also the approach incorporated into the previously approved and constructed extensions to roof level on the building. This approach of rising above the new service zone does increase the overall height of the extension, however the extension remains lower than the previously approved and erected extensions immediately adjacent, and the stepping down of the height of the extension as it approaches the Grove End Road wing is considered appropriate. The extension also sets in from the side elevations, slightly more than previously approved to the north-east side.

With the exception of the new lift structure rising up from its line within the existing building, the extension will remain behind the line of the main Grove End Road facing wing of the building. Whilst the extension will be visible in angled views from Grove End Road and between buildings on Loudoun Road, nonetheless the main street facing Grove End Road wing will remain pre-eminent in general views of the building with the extension seen as a subsidiary feature set well behind it, and seen well set back from the Grove End Road elevation and in context with the existing roof extension adjacent it will not appear unacceptably bulky to the roofline of the building.

This projecting lift structure does not appear to be visible from street level except in long views where it would appear significantly screened by trees, and is considered in context with the removal of other existing plant equipment to the roof of the Grove End Road wing some of which is prominent to roof level in street views. A condition is attached to secure improvements to the design of the projecting lift shaft structure to ensure that in the limited number of views possible of the structure it appears well integrated into the overall design of the building. The glazed balustrade around the front terrace similarly does not appear capable of being visible from street level except in very long views through trees.

Overall, and mindful of the considerable set back from the Grove End Road elevation and smaller set backs from the side elevations, and given the existing roof level structures and the considerations above, the bulk, height and location of the extension proposed are considered acceptable.

The design of the extension both reflects the 1930's styling of Grove End Gardens and continues the approach for the earlier phases of extensions to roof level, and incorporates principally white render facing and with windows in style with those to the main building below with brickwork parapets to follow those approved to the earlier phases. The extension incorporates PV panels to its roof, though these are low profile, set well in from the edges of the extension, and they will not clutter or adversely affect

the skyline of the building.

In views from Abbey Road and the west the previously approved and constructed extensions are in the backdrop of the Church building, and that building is in context with an already very large mansion block running behind. It is not considered that the extensions now proposed will unduly compromise its setting or views from Abbey Road and the west generally. The small listed 20th century studio building at no. 31A Grove End Road is already largely surrounded by tall mansion blocks, and the additional extension proposed in this application would not adversely affect its setting. The extension would also in some views from Grove End Road be visible above the roofline of the 19th century villa building to this part of Grove End Road however the building is already heavily flanked by two large mansion blocks and with the existing roof level equipment also currently visible and as such it is not considered that the extension proposed would adversely affect its setting.

Given the above, the extension is not considered to adversely affect either the setting of the St John's Wood Conservation Area, the setting of the listed buildings adjoining to the west of this site, nor adversely affect the appearance of the building or surrounding townscape generally. It is considered in line with policies S25 and S28 in the City Plan, and policies DES 1, DES 6, DES 9 and DES 10 in the UDP.

### **8.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance. Policy ENV7 of the UDP and S32 of the City plan seeks to protect the amenity of occupiers of adjacent properties from noise.

#### **Sunlight and Daylight and Sense of Enclosure**

The proposed set back of the roof extension and its distance from adjacent buildings means that the proposal is considered not to have a significant adverse impact on neighbouring properties in terms of sunlight and daylight or sense of enclosure. A Sunlight and Daylight report has been submitted with the application. The assessment of the proposal has concluded that there would only be minor changes in terms of daylight and sunlight to neighbouring properties with three occasions which result in losses of Vertical Sky Component (VSC) in excess of what is recommended by the Building Research Establishment (BRE), of over a 20% loss. However, these instances only occur where the windows receive low levels of light as existing, whereby any loss would see a high percentage change. On each of these occasions the room is served by other windows which pass the BRE test, therefore on balance the minor infringements are

considered acceptable.

### **Privacy**

The set backs from the roof parapet together with the fact the windows of the flats would be within existing fenestrated elevations mean they would not result in any significant increase in overlooking or loss of privacy to neighbouring properties. The proposals involve the creation of three roof terraces, one serving unit 2 and two serving unit 1. Potential overlooking is mitigated from the two terraces on the north side of the building by the set back from and the height of the buildings parapet. They would also be a significant distance from the nearest neighbouring properties and would be within an existing fenestrated elevation. The largest terrace on the east side of the roof has a significant set back from the roof on all sides and again would be some distance from neighbouring properties. A condition is recommended to ensure that the areas of flat roof not proposed as terraces are only accessed for maintenance or in the case of emergencies.

Given the above considerations and the proposed condition, it is not considered that the terraces will have such a significant impact on the amenity of adjacent occupiers as to warrant a refusal.

### **Noise from Mechanical Plant**

Mechanical plant to serve the new units is proposed as part of the application. Environmental Health have no objection to the proposal on environmental noise or nuisance grounds subject to standard noise conditions. It is recommended these conditions are applied to any permission granted.

## **8.4 Transportation/Parking**

It was originally proposed that existing car parking spaces within the site would be re-allocated to the new units however the proposal has been amended to include the provision of two additional car park spaces to be allocated to the new flats, one within the Grove End Road frontage forecourt, and one within the buildings existing basement car park. Although the space on the forecourt area does currently appear to be used by contractors to support on site work it would be a new space and not a reallocation of an existing residential space and it would function adequately as a parking space. There would be the creation of an additional space within the car park and although this involves a reorganisation of the basement car parking spaces as approved by the 2012 permission (and a subsequent non material amendment) an additional space would be created. Subject to these spaces been secured for the use of the two additional units by condition the proposals would meet TRANS 23 of the UDP.

It is proposed that an additional four cycle parking spaces will be provided for the proposed flats within the buildings existing basement cycle storage area which would be in accordance with the London Plan. It is recommended that these spaces are secured by condition.

## **8.5 Economic Considerations**

Any economic benefits of the scheme are welcomed.

## **8.6 Access**

Access to unit 2 is through the adjacent recently completed roof extension. Access to unit 1 is through a new glazed link from an extension to the lift core below. Unfortunately due to different levels, and in order to keep the bulk of the roof extension down, there are steps between the lifts and each of the flats. While this is regrettable, there is a clear design justification for this arrangement, which is therefore considered acceptable in this instance.

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

The Waste Project Officer has no objection to the proposal subject to condition requiring submission of a revised bin storage plan showing compliance with City Council requirements. It is recommended that such a condition be added to any permission.

## **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. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

## **8.9 Neighbourhood Plans**

There is no neighbourhood plan for the area in which the site lies.

## **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.

## **8.12 Planning Obligations**

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

## **8.13 Environmental Impact Assessment**

Not relevant to this application.

## 8.14 Other Issues

An objection has been received to the potential loss of a fire escape staircase leading from the balcony of an existing penthouse flat to the flat roof where the new units are proposed. The applicant has confirmed that the staircase in question is a temporary feature and not a means of fire escape.

Objections have also been received to potential disruption during construction works including noise, dust, lift access and impact on security and the resultant impacts on the amenity of residents. Concerns are also raised that refurbishment work on the building is ongoing and that the previous roof extensions were not completed to a satisfactory standard resulting in safety concerns. A standard condition restricting the hours of noisy work will be attached to any permission. An informative encouraging the applicant to join the nationally recognised Considerate Constructors Scheme will also be attached. The applicant has stated their intention to follow the requirements of this scheme. While the concerns in relation to the ongoing works are noted, refusal on these grounds could not be sustained.

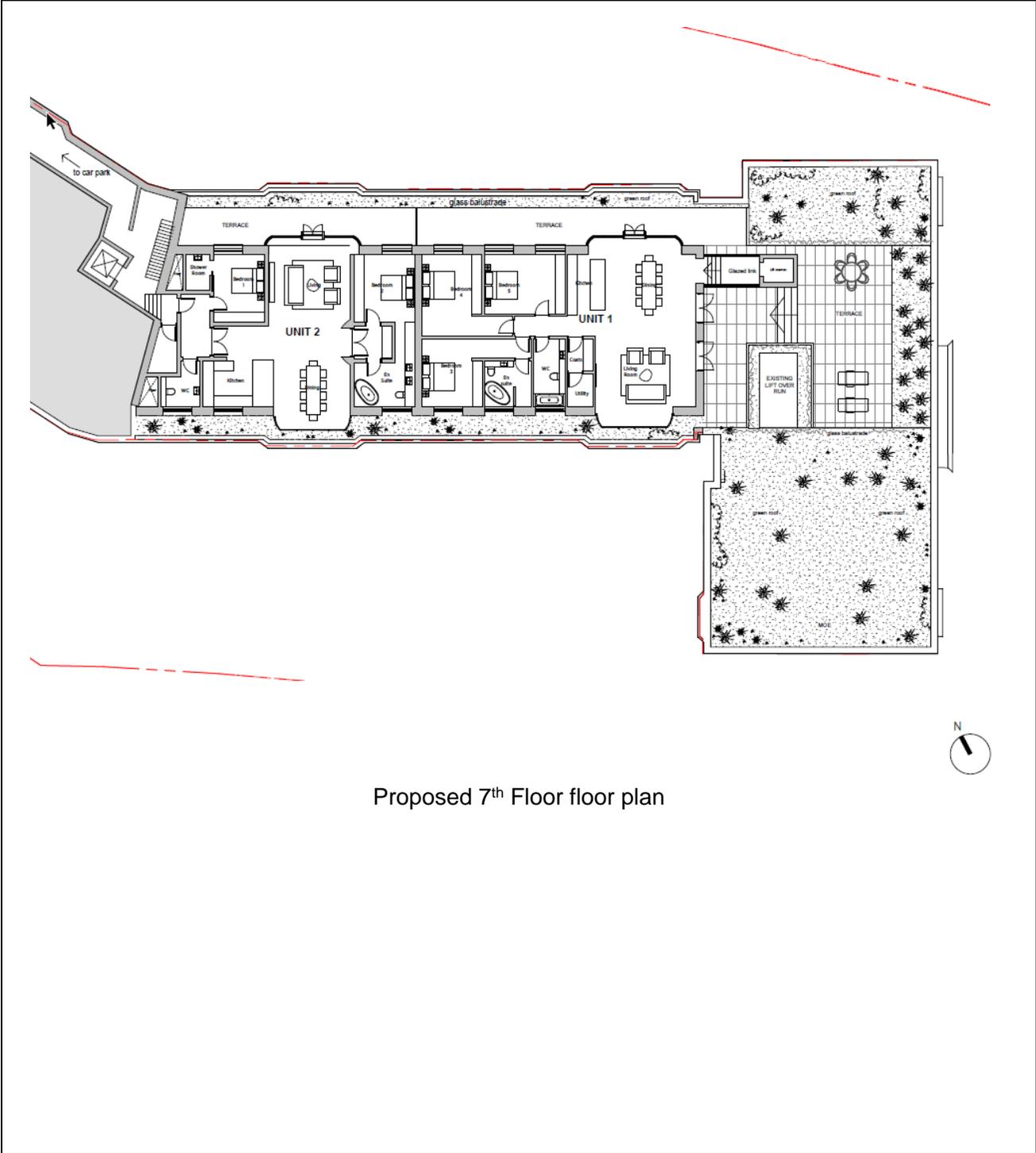
With regards to biodiversity and sustainability, the application proposes the installation of a green roof over the areas of roof not occupied by terraces and integrated PV panels on the roof of the flats. It is recommended that these features are secured by condition.

Concerns have been raised in relation to maintaining access to the lifts during building works. While these comments are noted, this would not be a reason to withhold permission as this will be a management consideration for the freeholder of the building.

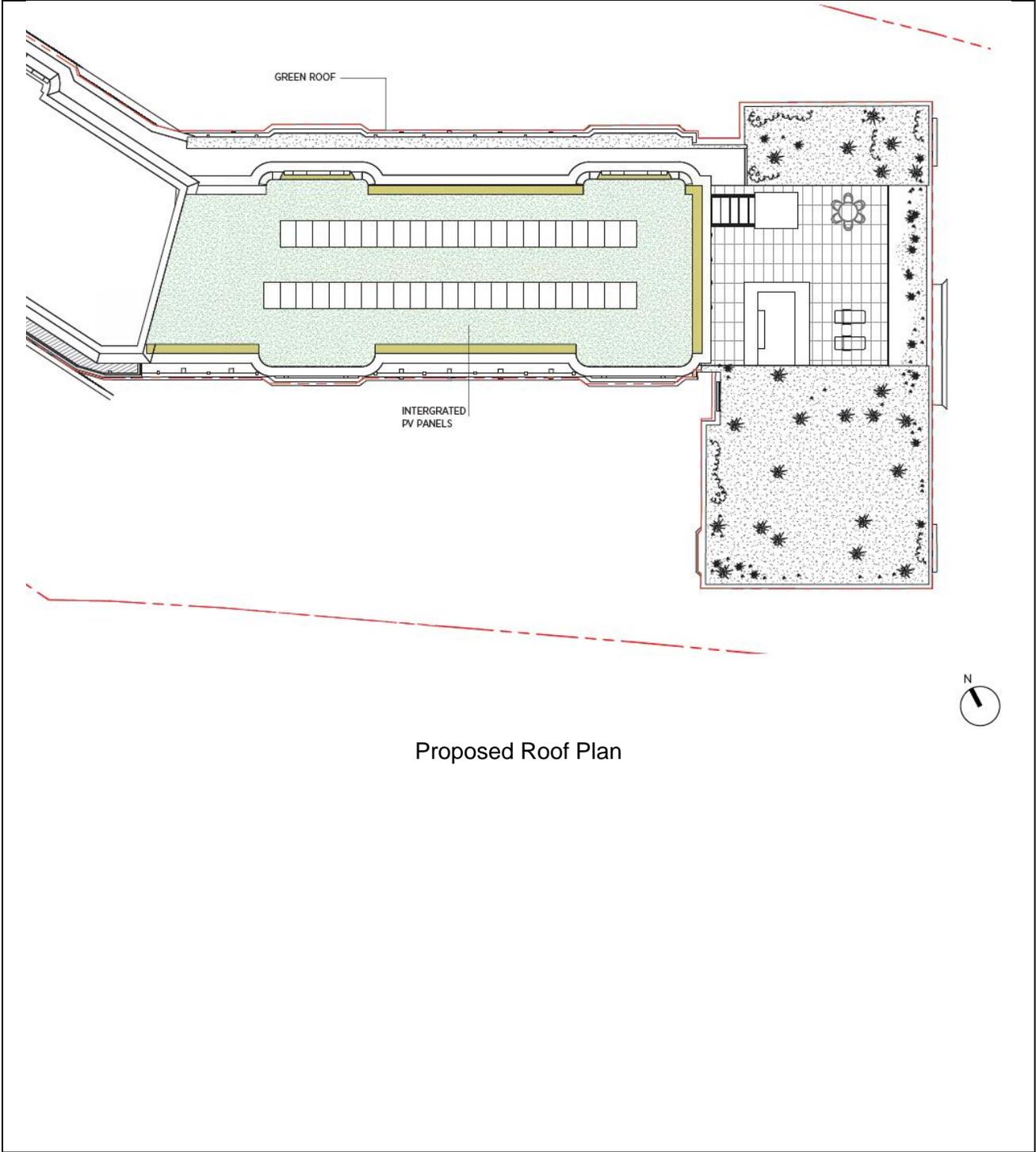
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS



Proposed 7<sup>th</sup> Floor floor plan



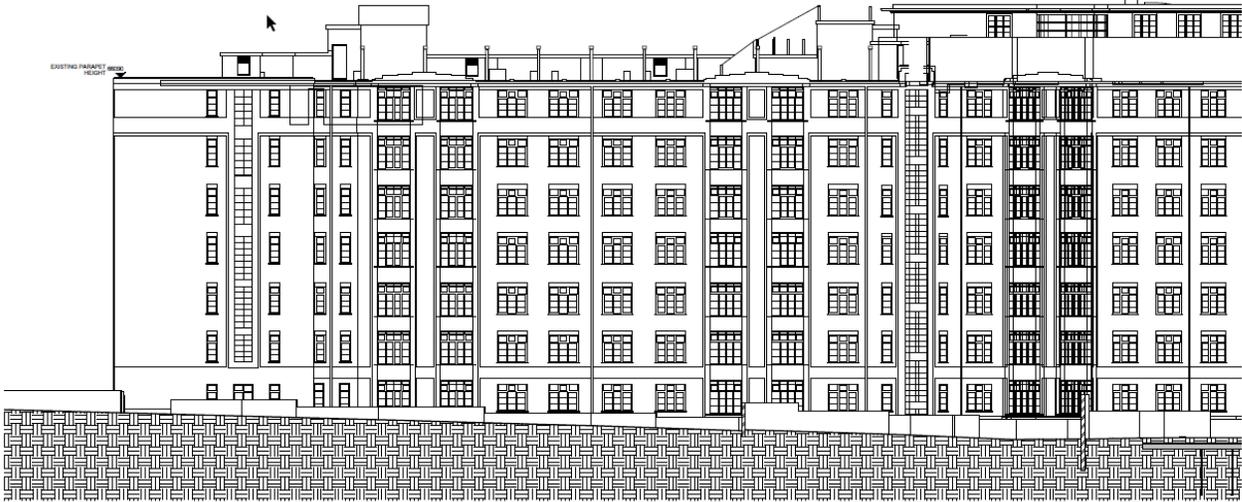
Proposed Roof Plan



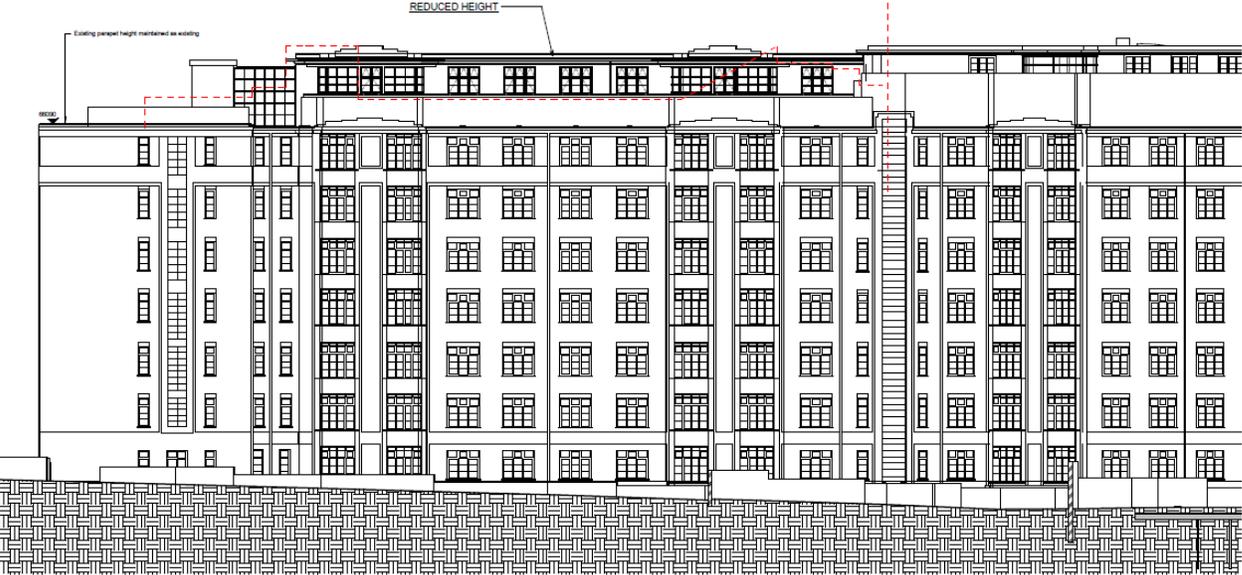
Existing East elevation



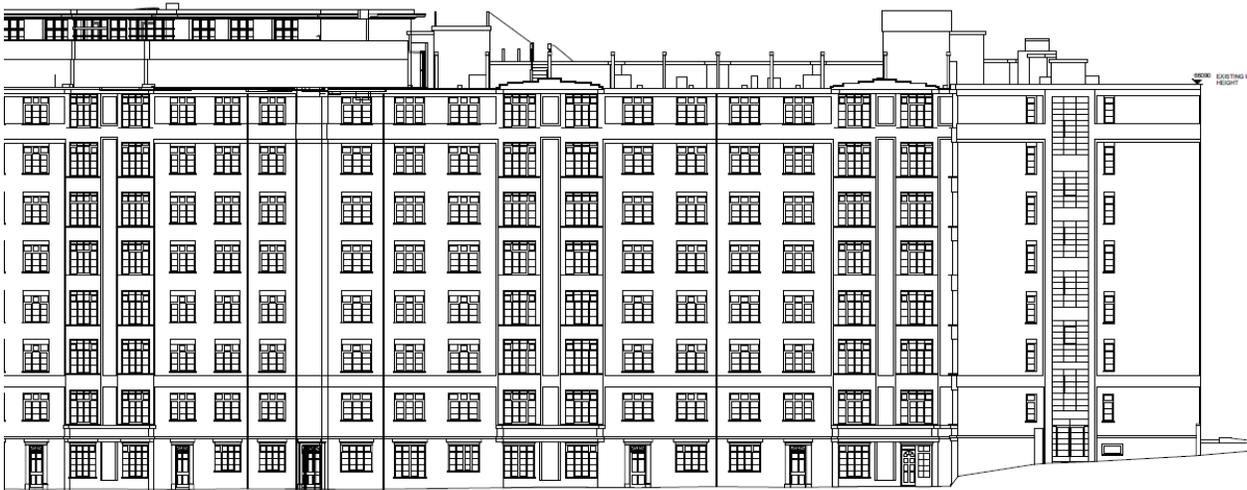
Proposed East elevation



Existing North elevation



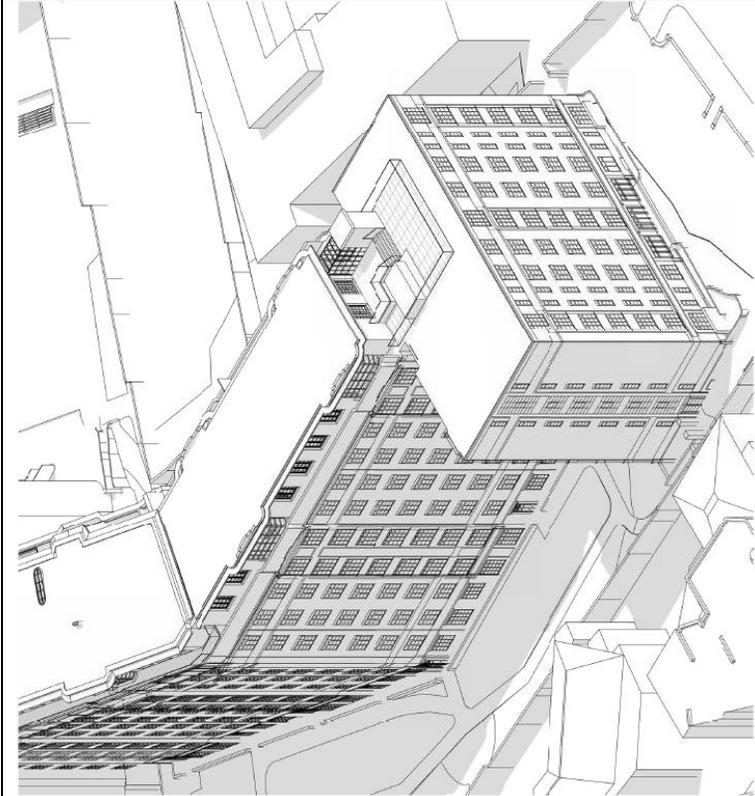
Proposed North Elevation



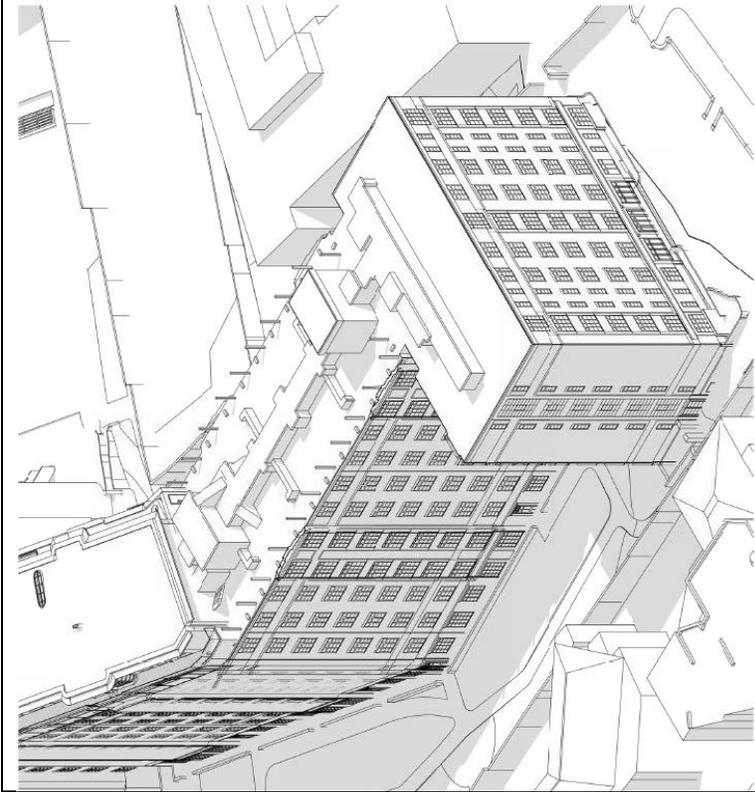
Existing South Elevation



Proposed South Elevation



2 Proposed Axo



1 Existing Axo

**DRAFT DECISION LETTER**

**Address:** Grove End Gardens , 33 Grove End Road, London, NW8 9LL

**Proposal:** Erection of a roof extension to provide two additional residential units and lift overruns, creation of two parking spaces, installation of associated plant equipment, green roofs and PV panels.

**Plan Nos:** 001RevA; 102RevA; 105RevA; 200RevE; 202RevA; 300RevA; 301RevB; 302RevB; 303RevB; 304RevA; 306; 400RevB; 401RevA; 402RevA; 403; D-301; D-302; D303; EX-110; EX-301RevA; EX-302RevA; EX-303RevA; Design and Access Statement; Sunlight/daylight Report; Covering letter dater 31st January 2020; Energy and Sustainability Assessment; Mechanical Plant Specification; Noise Assessment Report; Transport Assessment; Heritage Statement. 22974901-STR-HGN-NW8-DR-D-01401; 22974901-STR-HGN-NW8-DR-D-00801; 22974901-STR-HGN-NW8-DR-D-01301;

**Case Officer:** Richard Langston

**Direct Tel. No.** 07866036470

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of 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 The new sections of render shall be formed in smooth render which shall be painted or otherwise treated and permanently maintained in a white colour to match the colour of the existing render adjacent.

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 an elevation drawing at scale of 1:20 (including showing relevant parts of the larger bay windows as appropriate at this scale) for each type of new window, including annotations for finished colour. 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.

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 Notwithstanding the submitted drawings, you must apply to the Local Planning Authority with a plan drawing (annotated as appropriate) confirming that the glazed balustrade (or any other structures projecting above the height of the flat roof/green roof) does not extend any further towards the Grove End Road elevation than immediately surrounding the area annotated as 'Terrace' and shown as a repeating grid of rectangular areas on drawing 15005-105A. 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 this drawing.

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 balustrade surrounding the roof terrace (as secured under condition 6 of this approval) shall be formed in clear glazing 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 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 new areas of facing brickwork must match the existing brickwork adjacent in terms of colour, texture, face bond and pointing.

Reason:

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

- 9 You must not put structures such as canopies, fences, loggias, trellises, built in seating or other furniture, umbrella stands, or satellite or radio antennae on the roof terrace.

Reason:

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

- 10 Notwithstanding the submitted drawings, you must apply to us for approval of detailed elevation and section drawings of the projecting lift overrun structure showing facing materials and detailed design. 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

Reason:

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

- 11 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the flats. You must not use

the waste store for any other purpose. (C14CD)

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)

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

- i) Green Roof
- ii) Photovoltaic panels

You must not remove any of these features.

Reason:

To increase the biodiversity of the environment and provide the environmental sustainability features included in your application, as set out in S28, S38 and S40 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must provide each car parking spaces shown on drawings 22974901-STR-HGN-NW8-DR-D-00801 and 22974901-STR-HGN-NW8-DR-D-01301; one parking space shall be allocated to each of the flats hereby approved and shall only be used for the parking of vehicles of people living in those flats. (C22BA)

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)

- 14 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)

- 15 (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)

- 16 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)

- 17 You must not use the roof of the existing building or the extension hereby approved (except where specified on the approved drawings as a terrace) for sitting out or for any other purpose. You can however use the roofs for maintenance and to escape in an emergency. (C21AA)

**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 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)

- 19 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)

**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 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 Under the Construction (Design and Management) Regulations 2015, 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](http://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.

- 4 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).

Item No.
<b>2</b>

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.

- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
  
- 6 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice on 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).