

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 29 November 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>Garden House, 1A Ordnance Hill, London, NW8 6PR</b>		
<b>Proposal</b>	Excavation of a basement beneath building and part of rear garden, incorporating lightwells to front and rear plus associated landscaping to rear (part-retrospective)		
<b>Agent</b>	SM Planning		
<b>On behalf of</b>	Mr Simon Goff		
<b>Registered Number</b>	22/00407/FULL	<b>Date amended/ completed</b>	15 March 2022
<b>Date Application Received</b>	23 January 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		
<b>Neighbourhood Plan</b>	Not Applicable		

## 1. RECOMMENDATION

Grant Conditional Permission

## 2. SUMMARY & KEY CONSIDERATIONS

The application proposes the excavation of a single storey basement beneath the property and part of the rear garden, with lightwells situated to the front and rear, plus the landscaping of the rear garden. This is a part-retrospective application, submitted following action from the Council's Planning Enforcement Team. The proposed basement has been part-excavated, with excavation works taking place below the footprint of the existing property. The works on site have been stopped and enforcement action is being held in abeyance, until this application has been determined.

In response to objections, the proposals have been amended during the course of determination, including: reducing the projection of the basement to 4m from the main house, the creation of an undeveloped boundary around the edges of the basement, a reduction in the size of the lightwells

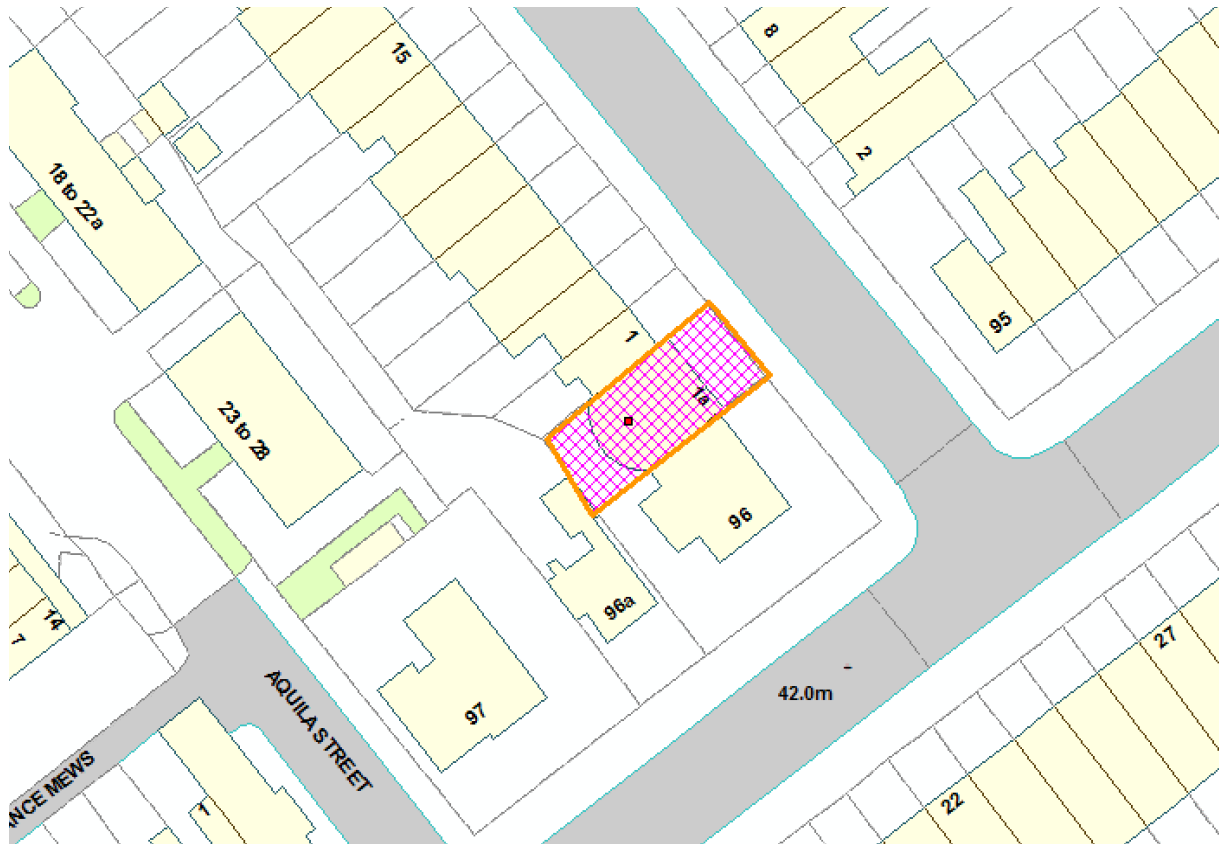
and associated alterations.

The key considerations in this case are:

- The acceptability of the basement in design terms
- The impact of the proposals on the character and appearance of the St John's Wood Conservation Area.
- The impact on the amenity of neighbouring residential properties.
- The impact of the development on nearby trees.

The proposals are considered acceptable for the reasons set out within this report, complying with City Council policies and subject to conditions as set out in the draft decision notice.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation (January 2021)



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### ST JOHN'S WOOD SOCIETY

The society note with regret that this is a retrospective application and followed planning enforcement action. Also note that party-wall notices do not appear to have been issued before the start of works. Unable to determine with confidence that the applicant has title to build under the entrance staircase of 96 St. John's Wood Terrace. Found it difficult to assess the basement application without knowing what proposals will be made for the above-ground portions of the structure in due course. Sought to encourage the applicant to present a fully developed plan for the entire site, rather than piecemeal applications starting with the basement. Asked Council's planning officers to consider carefully whether the proposed design complies with Westminster's basement policies, given the extent of the basement that is not under the existing built structure and the extent of the basement that is below the level of the shallow foundations of the adjacent properties

#### HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions

#### ARBORICULTURAL OFFICER:

No objection, subject to conditions.

#### BUILDING CONTROL

No objection

Neighbours Consulted: 53

No. of objections: 9

Nine objections were received on some or all of the following grounds:

#### LAND USE

- The creation of a basement would constitute an overdevelopment of the site.
- Concerns regarding the use of the basement as sleeping accommodation.

#### DESIGN AND CONSERVATION

- Concern that the external aspects of the proposals are not in keeping with the character of the St John's Wood Conservation Area; and
- Concerns regarding potentially negative impacts upon the setting of nearby listed buildings.
- The extent of the basement, and the projection of the basement outside the footprint of the host building.
- Concerns raised about loss of green space.

#### AMENITY

- Concern raised about sound transference through the basement walls to neighbouring properties
- Concern raised about light pollution from the lightwell

**HIGHWAYS**

- If the existing parking in the front garden is lost, this will put more strain on an already congested road.

**OTHER**

- Concern about the carbon emissions associated with basement construction.
- Impact of the basement upon nearby street and private trees.
- Concerns raised regarding potential for the basement to increase local flood risk, as it is within a surface water hotspot.
- Structural concerns raised
- Object to works commencing on site without planning permission;
- Questions whether site notices have been placed as required;
- Party wall matters and structural concerns
- Noise and disturbance resulting from construction works.
- Lack of consideration of planning gain
- Concern that there is a major water pipe/public sewer running nearby to the excavations

SITE NOTICE: YES

**RECONSULTATION DATED 15 September 2022**

Drawings Amended, including: reducing the projection of the basement to 4m from the main house, the creation of an undeveloped boundary around the edges of the basement, alterations to lightwells.

**ST JOHN'S WOOD SOCIETY**

Comments unchanged.

Neighbours Consulted: 53

No. of objections: 2

**OTHER**

- Object to works commencing on site without planning permission;
- Party wall matters and structural concerns
- Questions whether site notices were correctly placed as is required.
- Concern that there is a major water pipe running nearby to the excavations

SITE NOTICE: YES

**5.2 Applicant's Pre-Application Community Engagement**

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. No community engagement was carried out with regards to this proposal.

**6. WESTMINSTER'S DEVELOPMENT PLAN****6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in

the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

## **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The application site is an unlisted two-storey dwelling house, situated within the St John's Wood Conservation Area. The site is identified as an unlisted building of merit in the St John's Wood Conservation Area appraisal. The property is a single-family dwelling, although it is currently vacant. The property has both a front and rear gardens, with the front garden used as a parking area.

### **7.2 Recent Relevant History**

21/75238/M  
(Enforcement Query) Unauthorised works to the building  
Pending Consideration

## **8. THE PROPOSAL**

The application proposes the creation of basement beneath the footprint of the property and part of the rear garden, plus the creation of lightwells to the front and rear. The basement would be a single storey and project 4m from the rear of the property. The lightwell proposed to the front of the property measures 2 sqm, and is to be covered with a security grille at ground level. The lightwell to the rear would measure 3.8 sqm, and would be enclosed by a proposed metal safety balustrade.

The basement is proposed to contain a small gym, playroom/leisure room space, study and laundry, as well as storage space.

Landscaping works are proposed to the rear of the property, these involve the excavation of earth to the rear to create a planted garden area.

During the course of the application amendments have been made to the proposals including: reducing the projection of the basement to 4m from the main house and the creation of an undeveloped boundary around the edges of the basement. The size of the front lightwell has also been reduced to avoid intrusion into the root protection areas of surrounding trees and reduce its visual impact. The rear lightwell has been reduced in size and now features a metal safety balustrade, replacing the originally proposed glazed balustrade. The front lightwell window has also been made openable, for ventilation purposes.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The principle of providing additional floorspace to enlarge the existing residential dwelling house is acceptable in land use terms and accords with Policy 8 of City Plan 2019 - 2040 (2021).

It is not considered that this proposal represents an over development of the site, as all new floorspace is being created at basement level. Therefore, the objections raised by neighbours cannot be supported in this instance.

Whilst objectors have raised concerns that the basement could be used for sleeping accommodation, the proposed plans show that it will be used as ancillary living space and storage, it would not be reasonable to refuse the application on these grounds.

### **9.2 Environment & Sustainability**

#### **Sustainable Design**

The scheme demonstrates compliance with Policy 38 (Parts D, E and F).

The applicant has confirmed that the materials intended for the development are to be robust, low maintenance and long lasting to suit the intended basement use. The building elements are to incorporate appropriate design and specification measures to limit material degradation due to environmental factors. Once selected, the contractor will be instructed to ensure materials are sustainably procured and utilise locally sourced and produced materials in an effort to reduce transport energy use. All timber used is stated to be FSC (or equivalent) certified.

#### **Energy Performance**

Policy 36 of the City Plan states that the council will promote zero carbon development and expects "all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change". It goes on to state "all development proposals should follow the principles of the Mayor of London's energy



hierarchy. Developments should be designed in accordance with the Mayor of London's heating hierarchy".

The applicant has confirmed that the new development will incorporate the use of LED low energy lighting throughout the extended space. External lighting and will also be checked and replaced with low energy lighting with daylight (photocell) controls to prevent unnecessary daytime use.

The amended basement design includes openable windows in the proposed basement lightwells. This was requested specifically to aid with air circulation. Improved air circulation will improve passive cooling of the basement and will reduce ongoing energy demands for active cooling if required. This should lower the operational energy requirements for the basement when in use, particularly in summer months.

### **Circular Economy**

Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste. The Applicant has confirmed that material re-use will be considered once a demolition contractor is appointed. The scheme is not a "major" proposal, therefore the applicant is not obliged to comply with the Circular Economy policies, however the applicant has confirmed that existing materials will be recycled where possible, and has stated that the appointed principal contractor will be encouraged to develop and implement a site waste management plan (SWMP) to identify opportunities to minimise waste, optimise reuse and recycling and reduce waste to landfill.

### **Whole life carbon**

Objectors have raised concern in relation to carbon emissions associated with the construction of the basement. However, given the domestic scale of the proposals it would not be reasonable to refuse the application on these grounds.

### **Flood Risk & Sustainable Drainage**

Objections have been raised in relation to flooding. It is confirmed that the application site is not within a surface water hotspot.

The extent of the basement has been reduced during amendments to leave an undeveloped margin around the structure. This will provide opportunity for water drainage around the basement and lessen any risk of surface water flooding (further information in Section 9.8 below). A condition is also recommended to ensure that the rear ground floor terrace will be constructed of a porous material. Accordingly, it is considered that there will not be any significant impact on surface water flooding because of the development

### **Light Pollution**

The proposed lightwells are of a relatively small size and the proposals are unlikely to result in levels of light spill that will materially increase levels of light pollution.

## Land Contamination

The site has been in residential use for some time and there is not considered to be any significant risk of land contamination.

## Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies.

### 9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

Objectors have raised concern that the proposals would lead to a loss of green space.

The front and rear gardens are currently entirely paved. Whilst the proposals include a rear lightwell and terrace area, it is proposed that the rest of the rear garden area be landscaped to increase greenspace (approx. 58.8% of the rear garden). A condition is recommended to secure details of the landscaping scheme. Accordingly, the proposals are considered an improvement over the existing situation and it would not be sustainable to refuse the application on these grounds.

The proposals are deemed to be in accordance with Policy 34B

### 9.4 Townscape, Design & Heritage Impact

#### Legislative & Policy Context

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

Section 72 of the LBCA 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 39(K) in the City Plan 2019-2040 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. 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.

### **Design and Heritage**

Neighbour objections have been received on heritage grounds, specifically the impact on the proposals on the character of the St John's Wood Conservation Area. Although objections have also been received in relation to the impact of this proposal on listed building in the vicinity of the application site, this property cannot be considered to be within the setting of those listed properties.

The provision of a basement beneath the building of the property would not have a harmful impact on the conservation area due to the absence of any real external manifestation. The only externally visible elements would be the very modest front lightwell and rear lightwell, which is more substantial. Though it occupies a large proportion of the back garden, based on its discreet location within the rear garden and it being shielded from neighbouring properties by the existing boundary treatment, the rear lightwell is considered to have a neutral impact on the character and appearance of the St John's Wood Conservation area. Following Design and Conservation Officer input, the proposed balustrade to this lightwell has been amended from the original glazed design to a set of metal railings. Glazing can appear highly reflective when viewed from afar and can quickly attract grime, thereby appearing more opaque than intended. Metal railings are therefore deemed to be a more considered and appropriate design choice for the area.

The front lightwell is more prominently located but would be much more modest in scale and covered by a grille. There are examples of front lightwells on properties in the immediate area and though not prevalent it would mean the proposal would not appear alien to the area. As such, concerns raised over the appearance of the scheme are considered not to be sustainable grounds for refusal.

The use of landscaping in the rear garden area is not considered contentious.

### **9.5 Residential Amenity**

Policy 7 of the City Plan 2019-2040 (adopted April 2021) relates to protecting neighbouring amenities. Part (A) states that development should be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Given that there is no change to the bulk, scale and massing of the property as a result of these proposals they are unlikely to create any issues of overshadowing, increased sense of enclosure or overlooking to neighbouring properties.

The creation of a residential basement is unlikely to lead to additional noise generation from the site when compared with the existing situation. The walls of the basement will be required to meet current building standards for soundproofing.

Objectors have also raised concern that the lightwells will lead to light pollution. The proposed lightwells are discreetly located away from neighbouring properties and are of

a relatively small size. Accordingly, it is considered that they are unlikely to materially increase levels of light pollution

The proposals are therefore considered to be acceptable in amenity terms.

## **9.6 Transportation, Accessibility & Servicing**

Objectors state that if the existing parking in the front garden is lost, this will put more strain on an already congested road. The proposals do not involve a loss of parking and, given that the proposed basement does not project beneath the highway, the Highways Planning Manager has no objection.

## **9.7 Economy including Employment & Skills**

It is recognised that the proposal will create jobs during the construction period.

## **9.8 Other Considerations**

### **Basement Policy**

The application involves the creation of a single storey basement level. City Plan Policy 45 relates to basement developments.

Part A. 1-4

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area.

Objections have been received regarding the impact of basement construction on the structure of neighbouring buildings and flood risk.

The applicant has provided a Construction Method Statement prepared by an appropriately qualified structural engineer.

This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to also be minimal. The scheme is justified structurally and the proposal is considered to be viable from the preliminary structural information provided at this stage. The site is not within a surface flooding hotspot.

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 must be used during construction which may need to be altered once the 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.

It is considered that the applicant has demonstrated sufficiently at this stage that the works can be carried out without structural harm to neighbouring properties and without risk of flooding.

Objections have been received on the grounds of noise and disturbance as a result of construction works. The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agreed with Environmental Services prior to commencement on the remaining elements of the scheme. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

#### Part B 1-5

These parts of the policy relate to the extent and depth of basements. 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. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The drawings provided within the revised application submission show a basement development that would be considered compliant with Policy 45 part B. The basement will leave over 50% of the existing garden land undeveloped, and have a projection of 4 meters from the main area of the house. A satisfactory undeveloped margin of garden land has also been left around the proposed basement, and the footprint does not extend under any highway land. In terms of basement depth, this is shown to be single-storey, with adequate soil depth above. This is deemed to fulfil the requirements of Policy 45.

#### **Arboriculture**

Policy 34 Part H states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected.

Objection has been raised by neighbours that the proposals could damage nearby mature trees.

The Council's Tree Office has reviewed the submitted material and has identified that at the front of the application site there is both large horse chestnut and a Council owned alder street tree. In the rear garden there are smaller shrub species including privet, Elaeagnus and cotoneaster. There is also an offsite but directly adjacent apple tree at

the rear of the application site. These trees benefit from protected status by virtue of being within the St Johns Wood Conservation Area.

An Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been provided by the applicant during the course of determination. These details were found to be acceptable, and the Tree Officer is satisfied that all trees at the application site and in close proximity will benefit from adequate protection during the proposed works. A condition is recommended to ensure that the development is undertaken in accordance with these details.

The reduction in size of the front lightwell has been undertaken partly to ensure that the root protection areas of the trees to front of the property will remain free from excavation. Having examined the revised proposal, the Council's Tree Officer is satisfied that no part of the basement will intrude into the root protection areas of any protected trees.

#### **Site Notices**

Objectors have raised concern that site notices were correctly placed as is required. It is confirmed that site notices were placed outside the application site during both the first and second neighbour consultations.

#### **Party Wall Matters**

Party wall matters are not a material planning consideration

### **9.9 Environmental Impact Assessment**

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

### **9.10 Planning Obligations & Pre-Commencement Conditions**

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

### **10. Conclusion**

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021) with neutral impact on the building and the character and appearance of the St Johns Wood Conservation Area. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in design & conservation, highways, flood risk, arboricultural, sustainability and amenity terms.

(Please note: All the application drawings and other relevant documents and

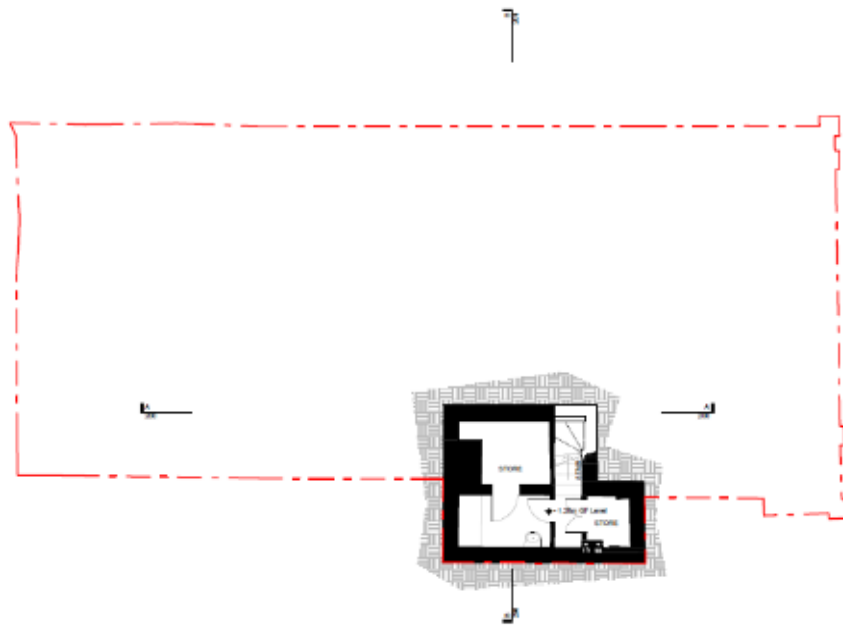
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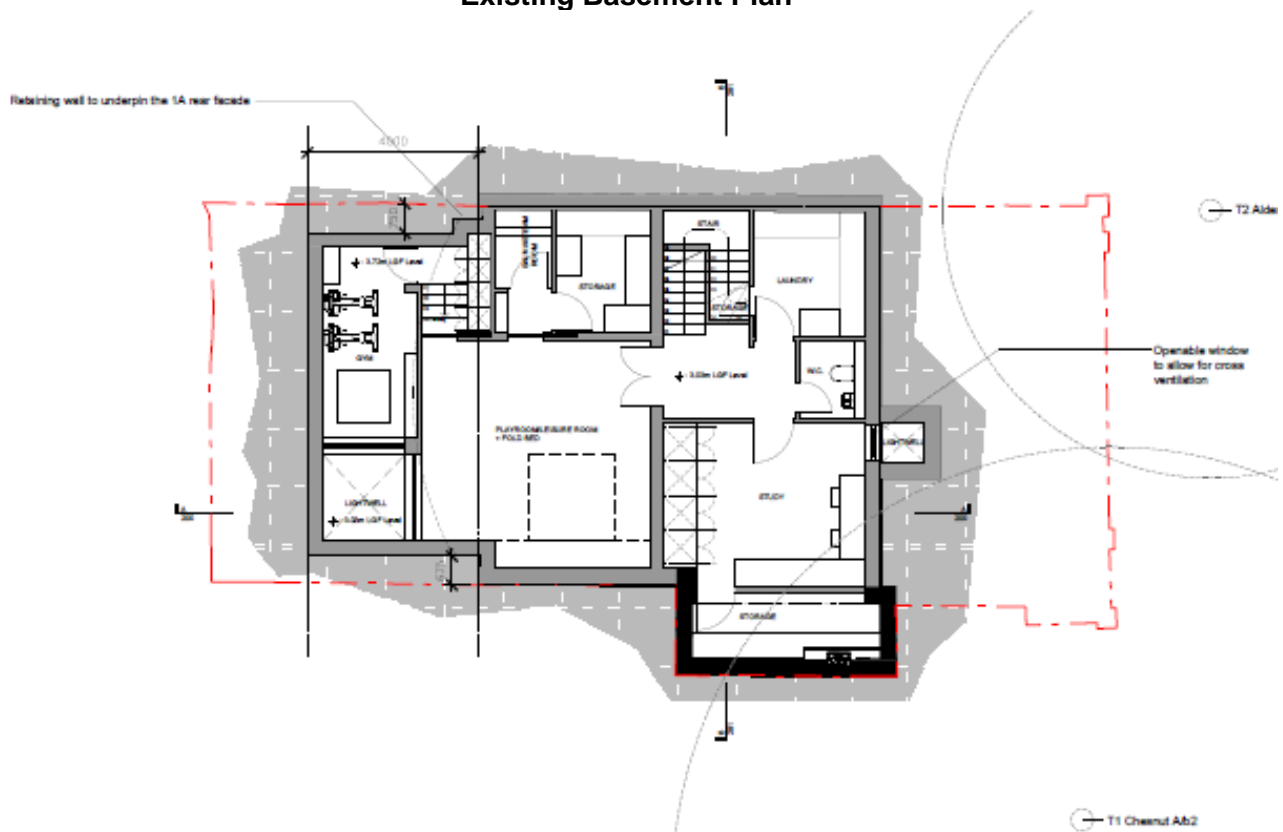
Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT <a href="mailto:icorrie@westminster.gov.uk">icorrie@westminster.gov.uk</a>
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11. KEY DRAWINGS

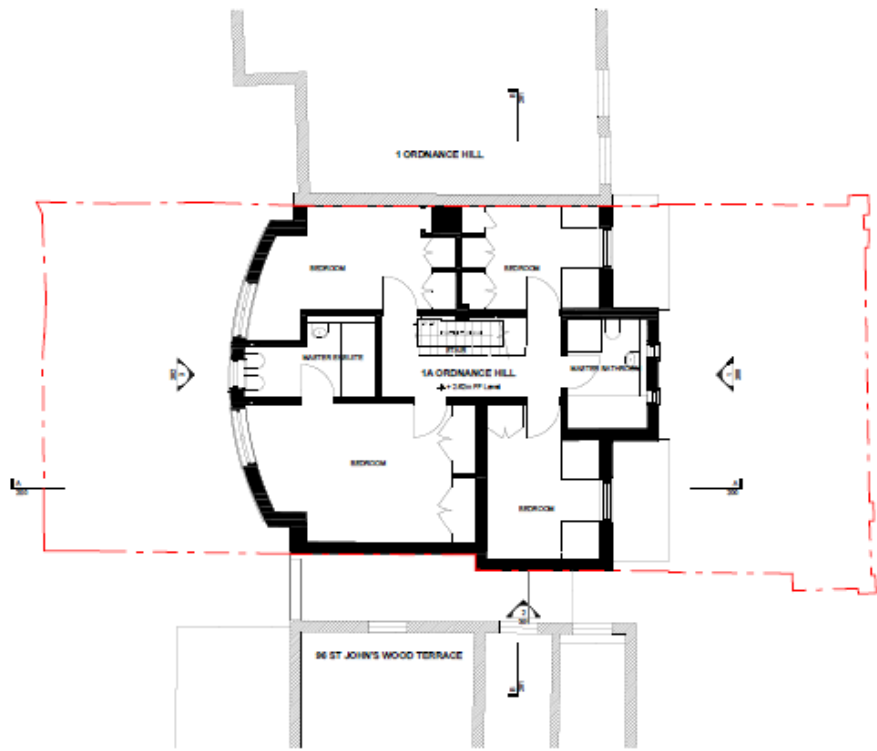


Existing Basement Plan

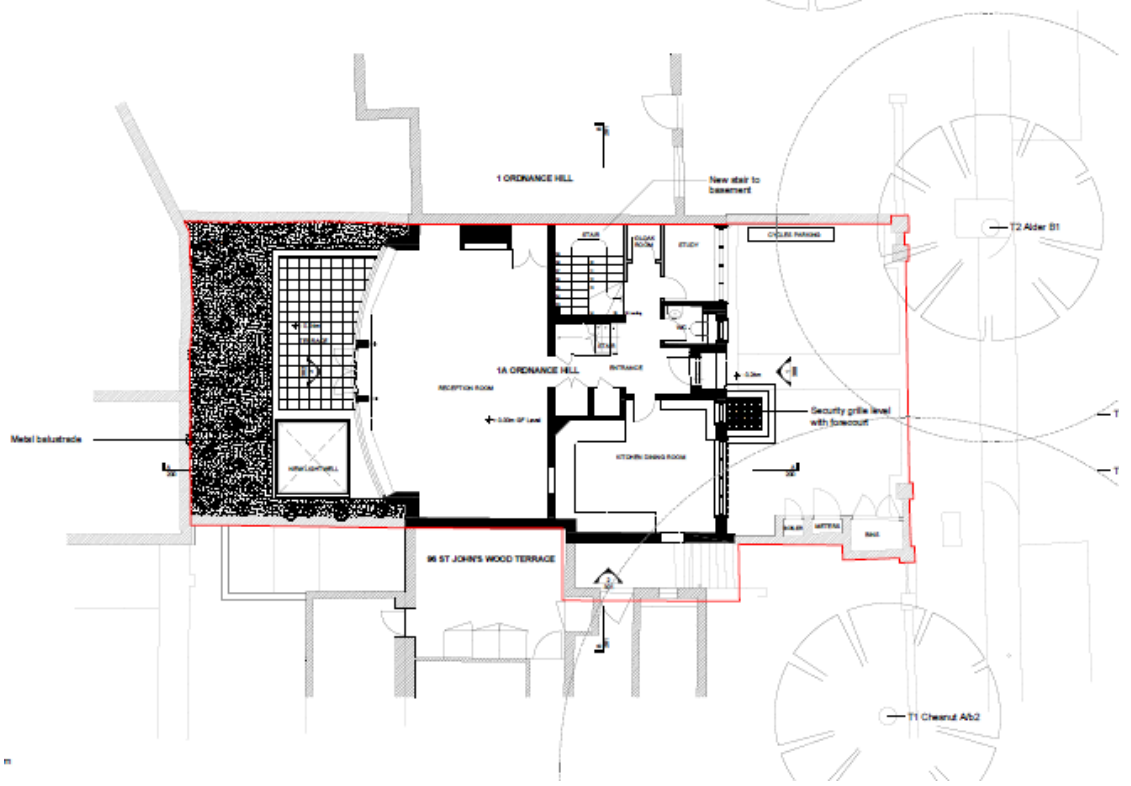


Proposed Basement Plan

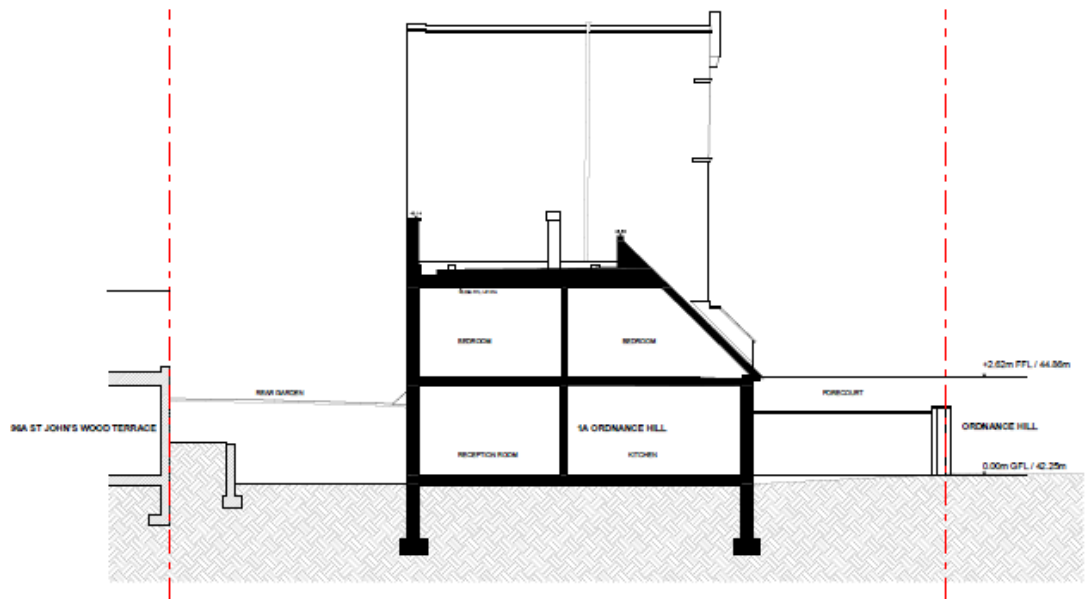




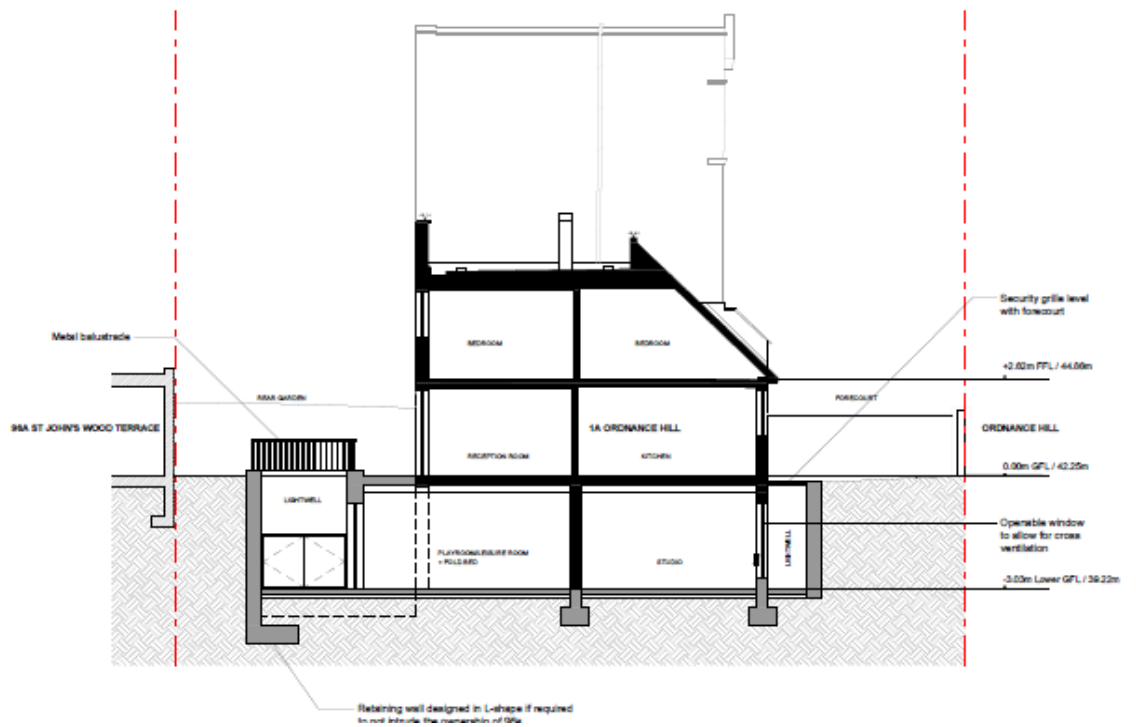
Existing Ground Floor Plan



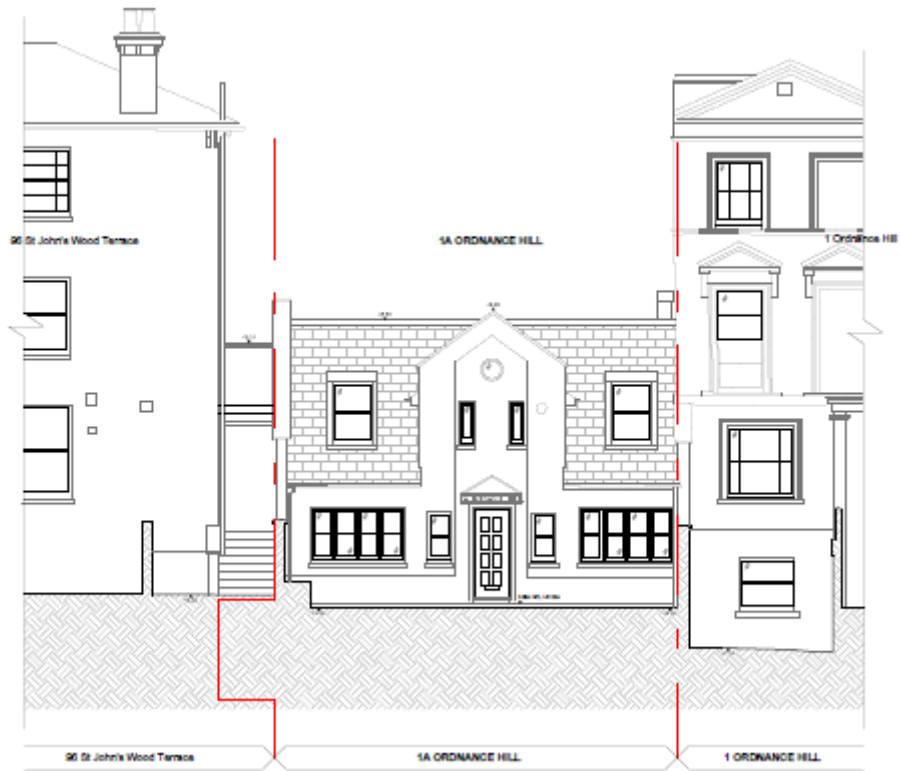
Proposed Ground Floor Plan



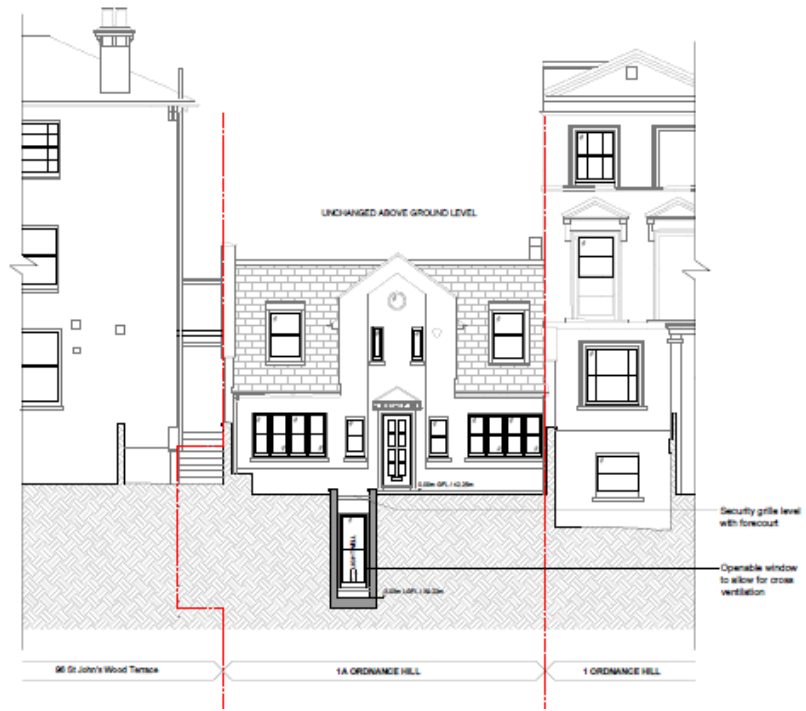
**Existing Section**



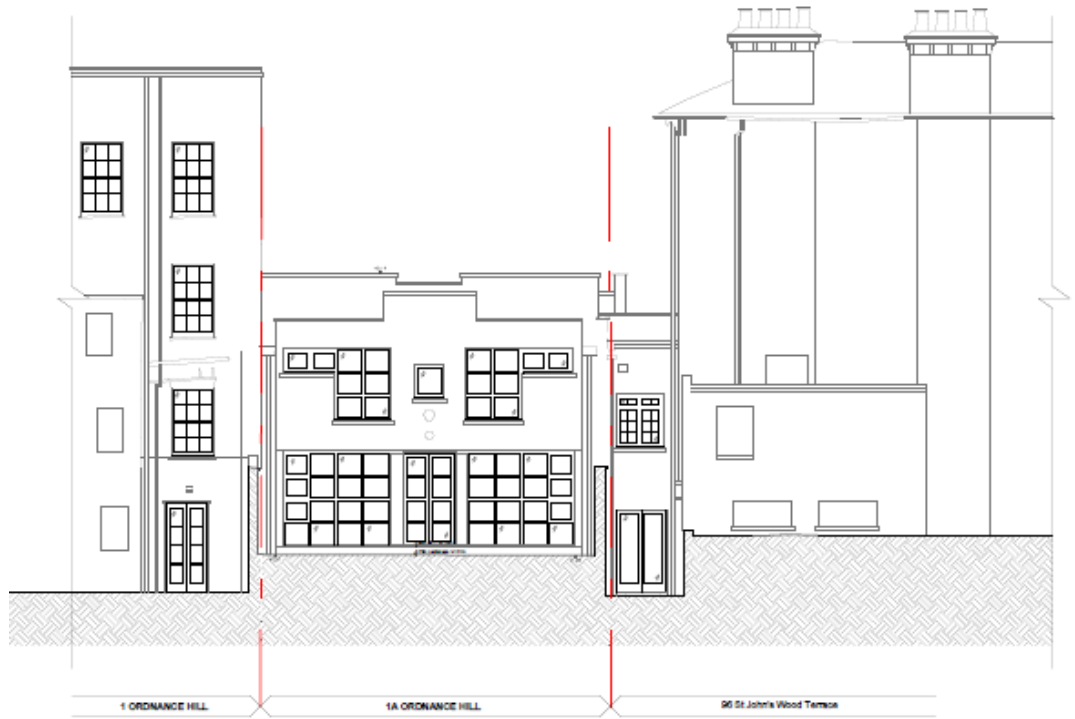
**Proposed Section**



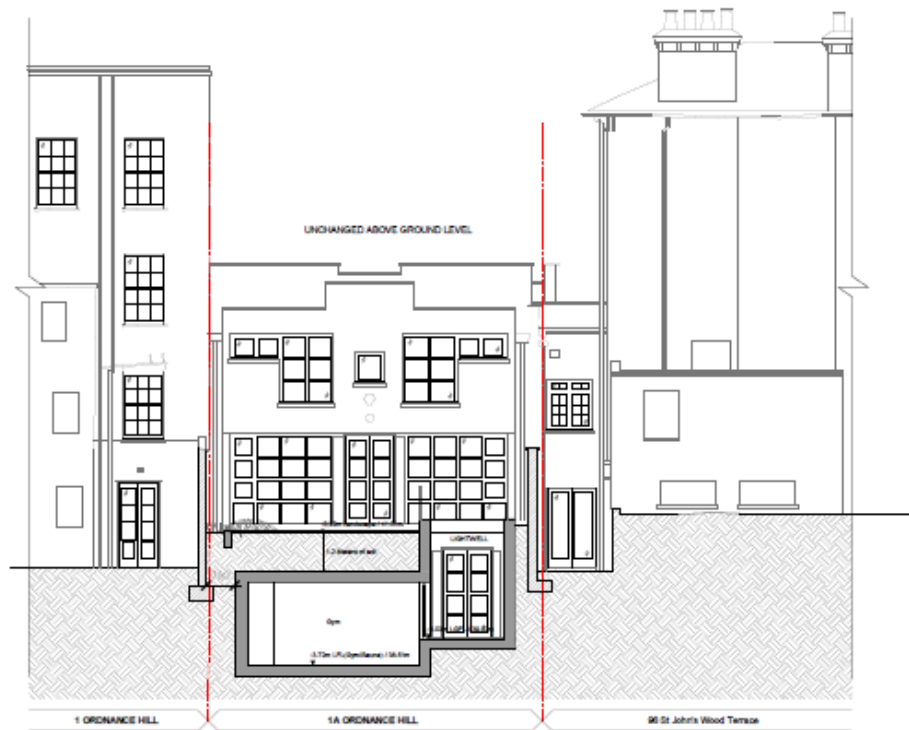
Existing Front Elevation



Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation

Total open space	90 sqm
Open space outside the basement boundary	60.5 sqm
Open space within the basement boundary	29.5 sqm
Percentage of open space to remain as it is	77%

- KEY LEGEND
- - - Boundary Line
  - Open space outside the basement boundary
  - Open space within the basement boundary



Proposed Basement Extent Plan

**DRAFT DECISION LETTER**

**Address:** Garden House, 1A Ordnance Hill, London, NW8 6PR

**Proposal:** Excavation of a basement beneath building and part of rear garden, incorporating lightwells to front and rear plus associated landscaping to rear (part-retrospective).

**Reference:** 22/00407/FULL

**Plan Nos:** X-090, X-100, X-110, X-120, X-200, X-201, X-300, X-301, P-090 REV E, P-100 REV E, P-110, P-120, P-200 REV A, P-201 REV E, P-300 REV B, P-301 REV C, P-150 REV D, Tree Protection Plan dated August 2022, Arboricultural Method Statement by Landmark Trees (KSR/1aOH/AMS/01) dated 8 August 2022 .

**Case Officer:** Alex Jones **Direct Tel. No.** 020 7641 07866  
036268

**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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 6 You must protect the trees according to the details, proposals and recommendations set out in the Arboricultural Method Statement by Landmark Trees (KSR/1aOH/AMS/01) dated 8 August 2022 and the Tree Protection Plan dated August 2022. If you need to revise any of these details, you must apply to us for our approval of the revised details, and you must not carry out work to the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 7 The rear terrace at ground floor level shall be constructed using porous material and retained as such thereafter

Reason:

To alleviate and manage surface water flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

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

BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found



on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

- 3 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 Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@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 Inspectorate team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 4 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.
- 5 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).

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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.