

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 April 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	4 The Lane, London, NW8 0PN		
Proposal	Excavation of new basement storey below footprint of existing dwelling extension partially below the garden to the rear and driveway to the front together with new lightwells on the front and rear elevations, erection of side extension and alterations to the garage.		
Agent	Mark Dodes Planning		
On behalf of	Mr & Mrs Jacob Lyons		
Registered Number	22/04334/FULL	Date amended/ completed	26 July 2022
Date Application Received	30 June 2022		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes excavation of a basement level below the footprint of the existing building and part of the rear garden and front driveway. This includes the introduction of lightwells to the front, side and rear elevations. A side extension is proposed as well as alterations to the garage to the front.

Objections have been received from neighbouring residents on a number of grounds including the design, impact on residential amenity and construction impact.

The key considerations in this case are:

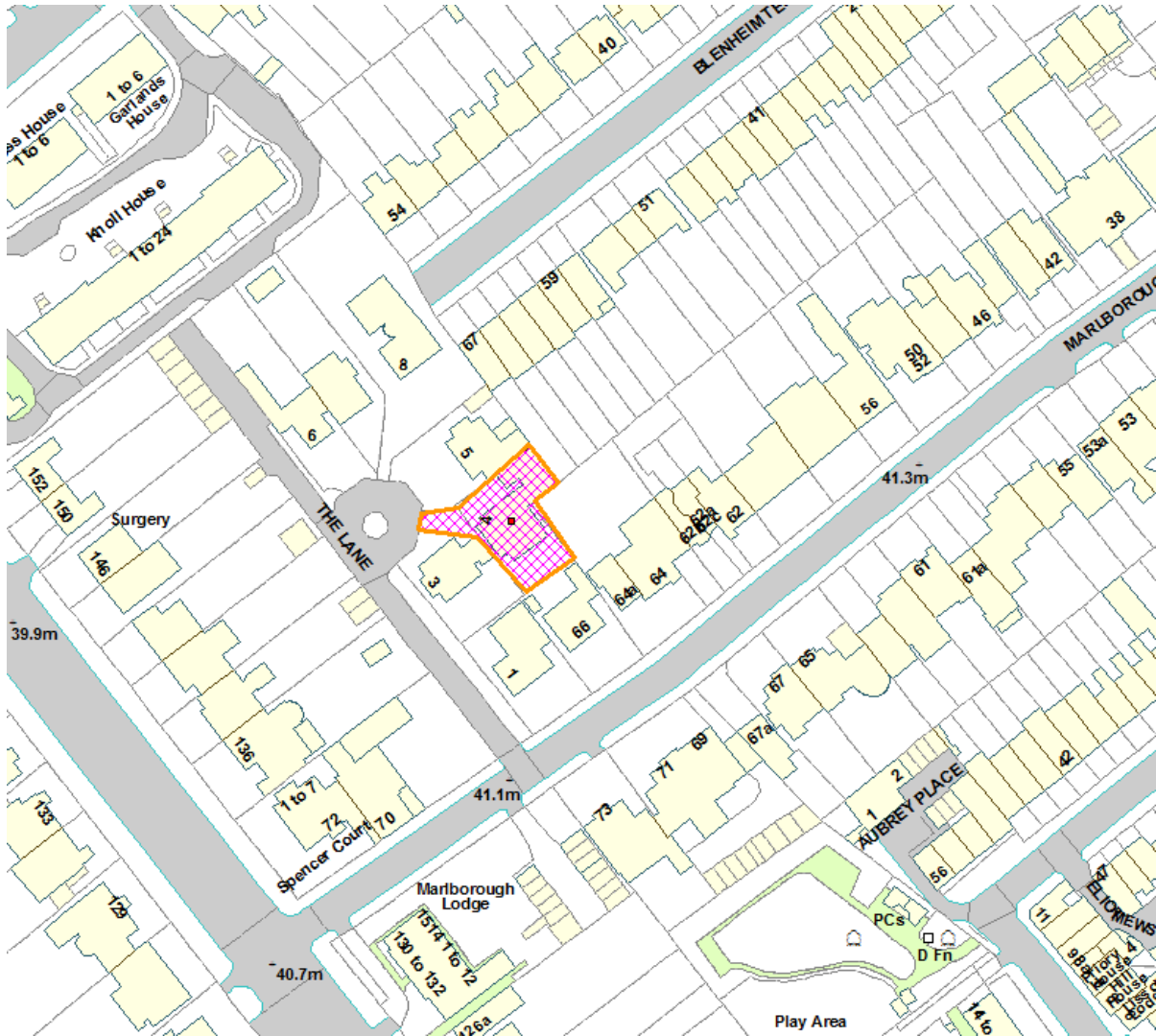
- The impact of the proposed buildings on the character and appearance of the St John's Wood

Conservation Area

- The impact on the amenity of neighbouring residential properties

Subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposed development is considered to comply with the relevant design, conservation and amenity policies in the City Plan 2019 – 2040 adopted in April 2021. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation

5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION

ST JOHN'S WOOD SOCIETY:

- Unneighbourly overdevelopment of the site
- Query whether the proposal comply with basement policy as the basement appears to extend under more than 50% of the garden.
- Plant room is positioned too close to neighbours and will have a negative impact on amenity.
- We request that the arboricultural manager makes a site visit to ensure that no trees of amenity value are lost or harmed.
- Access to the site will be difficult on this narrow private road and suggest the case officer conditions no Saturday working.
- We request that the case officer ensures that all residents of the Lane are consulted on the construction management plan as this will be essential to protect the amenity of neighbours.

ENVIRONMENTAL HEALTH OFFICER:

No objections subject to conditions.

BUILDING CONTROL OFFICER:

Requests an updated Structural Methodology to be provided.

HIGHWAYS OFFICER:

Concerns with the loss of the garage for cycle parking and waste storage, could be addressed by conditions.

ARBORICULTURAL OFFICER:

Requests an updated Arboricultural Report in line with the proposal and concerns the basement proposal is not policy compliant.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 7

Total No. of replies: 2

Two objections have been received raising some or all of the following grounds:

Land Use;

- The proposals represent an overdevelopment of the site

Design:

- Side extension will disrupt the architectural value and result in a displeasing bulky appearance which will harm the conservation area.

Amenity:

- Living green roof will add to the bulk and result in loss of light and outlook

- Close proximity of plant room will result in noise and odour nuisance

Other:

- Concern with addition of full door opening onto passageway which seems unnecessary and intrusive
- In the previous application, the basement excavation left an area to protect nearby trees within this application this has been removed
- No cumulative assessment with the neighbouring development at 66 Marlborough Place
- Concerns with increase in flooding as a result of basement excavation
- No updated Construction Management Plan or Acoustic Report has been provided
- Inaccuracies within the Design and Access Statement
- Site notice not displayed as part of consultation.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

REVISED CONSULTATION sent on 10th November 2022 (following revised design of side extension and updated Arboricultural Report)

ST JOHN'S WOOD SOCIETY:

No response to date.

ENVIRONMENTAL HEALTH OFFICER:

No objections subject to conditions.

BUILDING CONTROL OFFICER:

Following updated Structural Methodology provided, no objection raised.

HIGHWAYS OFFICER:

Concerns with the loss of the garage for cycle parking and waste storage, could be addressed by conditions.

ARBORICULTURAL OFFICER:

Following updated Arboricultural Report and drawings, no objection raised subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 7

Total No. of replies: 3

In summary, three objections have been received raising some or all of the following grounds:

Land Use:

- The proposals represent an overdevelopment of the site.

Design:

- Side extension will disrupt the architectural value and result in a displeasing bulky appearance which will harm the conservation area.

Amenity:

- Close proximity of plant room will result in noise and odour nuisance
- Loss of light from side extension

Other:

- Increase in construction noise, dust and vibration
- Increased pressure on parking from construction vehicles
- Increase in flood risk and natural drainage issues
- No updated Construction Management Plan or Acoustic Report has been provided
- Inaccuracies within the Design and Access Statement
- Potential damage to nearby trees.

5.2 Applicant's Pre-Application Community Engagement

No engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application.

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

Not applicable.

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 comprises a two storey single family dwelling of neo-Georgian design located in the St John's Wood Conservation Area. The building forms one of five dwellings located within a private cul-de-sac named "The Lane" and is accessed from Marlborough Place. The properties on The Lane are identified as unlisted buildings of merit in the St John's Wood Conservation Area Audit SPD (adopted 2008).

7.2 Recent Relevant History

Planning permission and conservation area consent were refused on 25 September 2012 for demolition of the existing dwellinghouse and erection of a three-storey dwellinghouse above ground, with excavation of a basement level beneath the house and part of the garden, and associated works, ventilation louvres serving internal plant, and landscaping. These applications were refused on the grounds that the replacement dwelling's detailed design and modern appearance, would fail to preserve or enhance the character and appearance of this part of the St John's Wood Conservation Area. An appeal to the Planning Inspectorate was dismissed on 15 May 2013.

Planning permission was subsequently granted on 7 November 2014 for the complete demolition of the existing dwellinghouse and the erection of a new two storey plus mansard dwellinghouse with excavation of basement level beneath house and part of garden and associated works.

Furthermore, planning permission was granted by members on 12 May 2016 for the erection of a two storey rear extension, single storey side extension plus mansard roof extension together with associated works including an air condenser within single storey side extension.

More recently, planning permission was granted by members at planning sub-committee, on 8 February 2022, for the excavation of a new basement below the footprint of existing dwelling, partially below the garden to the rear and driveway to the front together with new lightwells on the front and rear elevations, erection of side extension and alterations to the garage.

Various alterations have been made to other properties within the cul-de-sac which includes the excavation of basements.

8. THE PROPOSAL

Permission is sought for the excavation of a basement level below footprint of the existing building and part of the rear garden and driveway. This includes the introduction of lightwells to the front and rear elevations and a glazed rooflight to the rear. A two-storey side extension is proposed to enlarge the existing side projection to the same depth and 2m projection to the front and rear and increase the height by 0.3m.

Alterations to the front of the garage are also proposed which involve infilling an area to the front, the introduction of a new door, and the replacement of the garage door with two sliding sash windows, associated with its use as habitable accommodation.

This current proposed basement is largely the same footprint as previously approved in 08 February 2022 (RN: 21/02808/FULL) with a change under the side projection and with a different internal layout. The pool is now being proposed to the rear as opposed to the previously permitted location at the front of the application site.

9. DETAILED CONSIDERATIONS

9.1 Land Use

An objector has stated that the proposals represent an overdevelopment of the site. It is not considered that this proposal represents an over development of the site, as this is a large plot and a large proportion of the new space is being created at basement level. The new house would be comparable to a number of the existing houses in The Lane and surrounding area. Therefore, the objection raised on these grounds cannot be supported in this instance.

The enlargement of the existing dwellinghouse is considered to be acceptable in land use terms and would comply with policy 8 of the City Plan 2019-2040.

9.2 Environment & Sustainability

Sustainable Design

The applicant has confirmed that they will endeavour to purchase locally recyclable and environmentally preferable products.

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

Flood Risk & Sustainable Drainage

The application site is within a Surface Water Flood Risk Hotspot and therefore a site specific Flood Risk Assessment has been submitted as required by Policy 35 of the City Plan 2019 – 2040. The extent of the basement has been amended to leave an undeveloped margin around the structure and provide a drainage layer above it. Further mitigation measures have also been incorporated into the design of the proposed basement including a separate foul water pump chamber which will manage the foul water sewer and be fitted with a non-return valve. This will be secured by condition ensuring these measures are implemented and retained prior to the occupation of the basement to help reduce the risk of flooding in the area as set out in policy 35 and 45 of the City Plan 2019 – 2040.

Light Pollution

A walk on glazed rooflight to the rear elevation is proposed, which is relatively modest in size and not considered likely to result in any significant increase in light pollution.

Land Contamination

The Environmental Science Officer has requested that the councils contaminated land

condition is attached to any permission and states that as the proposal includes a basement, as per Public Health England document titled: 'UK National Radon Action Plan' published in 2018 it states: 'Radon measurements should be made in regularly occupied basements of properties irrespective of their geographical location (HPA, 2010)'. On this basis they would expect an assessment for the potential of radon, therefore the Contaminated Land condition is recommended in order to comply with Policy 33(E) of the City Plan 2019 - 2040.

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.

A large living green roof has been proposed above the ground floor garage and it is recommended that the details of this are secured by condition to ensure it provides adequate biodiversity properties.

Objectors have raised concern to the potential loss/damage to trees.

Amendments during the course of the application have been made to ensure that a margin of undeveloped land has been incorporated around the perimeter of the basement and 1.2m of soil provided above it (including drainage layer). Following these amendments, no objection is raised from the Council's Arboricultural Officer, subject to conditions to secure tree planting and appropriate landscaping and tree protection measures.

9.4 Townscape, Design & Heritage Impact

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

Section 72 of the 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.

In considering the basement extension in terms of design, Part 4 of Policy 45 of the City

Plan 2019 - 2040 is of particular relevance. The policy states basement development should conserve the character and appearance of the existing building and garden setting, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

The principle of excavating a basement is not contentious in design terms, subject to the external manifestations being appropriate. Aside from the two lightwells proposed adjacent to the rear and front elevations of the garage, and a walk on rooflight to the rear elevation the proposed basement has no other external manifestations to indicate its presence.

The lightwells are located adjacent to the building. The rear lightwell is of relatively limited size, whilst the front, although larger, is on the side of the elevation and would not interrupt the front building line.

Objectors state that the side extension will result in a displeasing bulky appearance which will harm the conservation area.

In turn, Policies 38, 39 and 40 of the City Plan are of particular relevance when considering the increase in the side extension. Following revised drawings, showing the set back from the front and rear elevations and the reduction in height the side extension now sits as a subordinate feature to the host building. The proposed materials will be in keeping with the existing building and the adjacent properties within The Lane, the replacement of the existing circular window at first floor level to a sliding sash timber window is not considered to result in any design concerns.

The proposed alterations to the front of the garage include replacing the existing garage door with two timber sliding sash windows and the installation of a door providing access, whilst these alterations remove the functionality of the garage they will match the host building and therefore preserving its appearance and contribution to the conservation area. The alterations also involve the infilling of the gap to the front of the garage, ensuring a more consistent building line, this is not considered to cause harm to the host building.

As such, whilst not insubstantial, the proposals are considered to preserve the appearance of the host building, and the manner in which it contributes to the character and appearance of the St John's Wood Conservation Area. The application is therefore considered to be in accordance with Policies 38, 39, 40 and 45 of the City Plan 2019-2040.

9.5 Residential Amenity

The relevant policies for consideration of the proposal are 7 'Managing developments for Westminster's people', 33 'Local environmental impacts' of the City Plan 2019 – 2040 and 38 C 'People Centred Design'

Given its subterranean location and limited external manifestations, the proposed basement would not have any material impact on the amenity of neighbouring residents. The only external elements are the lightwells, which given their size and location will

have very minimal impact in terms of neighbouring amenity.

The proposed side extension will project by 2m to the front and rear of the existing extension and increase its height by 0.3m. Whilst there will be additional bulk on the boundary close to the adjacent neighbour at No 3 The Lane it is considered that this would not have an unacceptable impact in terms of loss of light or sense of enclosure over the existing situation.

It is noted that the existing window in the side elevation at ground floor level is being located further towards the front which is not considered to result in an increase in overlooking given the existing arrangement.

The alterations to the garage involve the infilling of the gap to bring it forward to meet the existing front building line which will not raise any amenity impacts due to the location of these works. The flat roof of the garage is also proposed to be installed with a living green roof. Objectors have stated that the living green roof will increase height and bulk and therefore result in a sense of enclosure. Whilst these concerns are noted, the increase in height to accommodate the living green roof will be marginal and therefore is not considered to result in an increase in sense of enclosure sufficient to warrant refusal on these grounds.

Objections have also been received to the introduction of a plant room at basement and ground floor level and the potential for this to cause noise and odour nuisance to nearby residents. This element has been removed from the proposals and would therefore need to be dealt with under a separate application.

Given the above, and subject to conditions, the proposal would be consistent with policy 7 and 33 of the City Plan 2019-2040.

9.6 Transportation, Accessibility & Servicing

The loss of the garage parking space is considered to be acceptable under City Plan Policy 27 (E). It is considered that there would be ample room for bike storage within the house, given its size. Construction vehicular activity will be managed through the CoCP.

Waste & Recycling Storage

The Waste Project Officer has noted that the details submitted are not in line with the council waste storage requirements. As this application relates to an existing large single family dwelling, it is not considered that a condition to secure these details is required.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Basement

The application involves the excavation 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 surrounding area.

Objections have been received on the grounds of flooding, due to the site being located within a Surface Water Hotspot area, and to the impact the construction will have on the surrounding residential area.

The applicant has provided a Structural Method Statement and Flood Risk Assessment.

The City Council's Building Control Officers have reviewed the applicant's Structural Methodology and Flood Risk Assessment and advise that they have no adverse comments with regard to the ground condition and stability of existing structures during the works. The scheme is justified structurally and the proposal is considered to be viable from a the preliminary structural information provided at this stage.

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.

With regards to flooding, the site is located within a Surface Water Hotspot Area, and mitigation measures have been incorporated within the design of the basement, which include the introduction of a separate foul water pump chamber which will manage the foul water sewer and be fitted with a non-return valve. These will be secured by condition. Further information is included in Section 9.2 of this report.

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.

In relation to the applicant's Construction Management Plan, it was raised by objectors that the site will be difficult for construction traffic to enter, due its position on a narrow

private road.

It should be noted that the submitted Construction Management Plan has been provided for information only and that the final construction details will be considered under the Council's Code of Construction Practice (COCP). To that end, 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 of the scheme. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

As discussed within the in Section 8.2 of this report, the proposals are considered acceptable in terms of their impact on heritage assets.

Part B of policy 45

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 proposal is to extend the lower ground floor beneath the existing dwelling house and partially under the driveway to the front and to the rear garden with the introduction of lightwells. The area of garden land is approximately 225m² and the proposed basement, would extend underneath 90m² of this, therefore it does not extend under more than 50% of this garden land and is compliant in this regard. During the course of the application, the plans have been amended so that a margin of undeveloped garden land of 1.2m has been retained around the basement under the rear garden, in accordance with the policy.

Part B 3 states that basement developments should not comprise of more than one storey beneath the lowest original floor level. The proposals are for a single storey basement, and whilst deeper than the standard depth of approx. 2.7m, are considered to be acceptable in this instance given the previously approved basement depth.

Part B 4 requires a minimum of one metre of soil depth plus 200mm drainage layer to be provided and adequate soil volume over the top cover of the basement, this has been provided where appropriate.

The requirements of part B 5 of policy 45 are not relevant to these proposals.

In summary of the above, the proposed basement is considered to be in accordance with the relevant policy of 45 of the City Plan 2019 – 2040.

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

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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 following:

- City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development;
- contaminated land;
- tree protection measures.

The applicant has agreed to the imposition of the conditions.

10. Conclusion

As such, the proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 and 45 of the City Plan 2019-2040 with limited impact to the character and appearance of the building and no significant harm to the character and appearance of the St Johns Wood Conservation Area a designated heritage asset. 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.

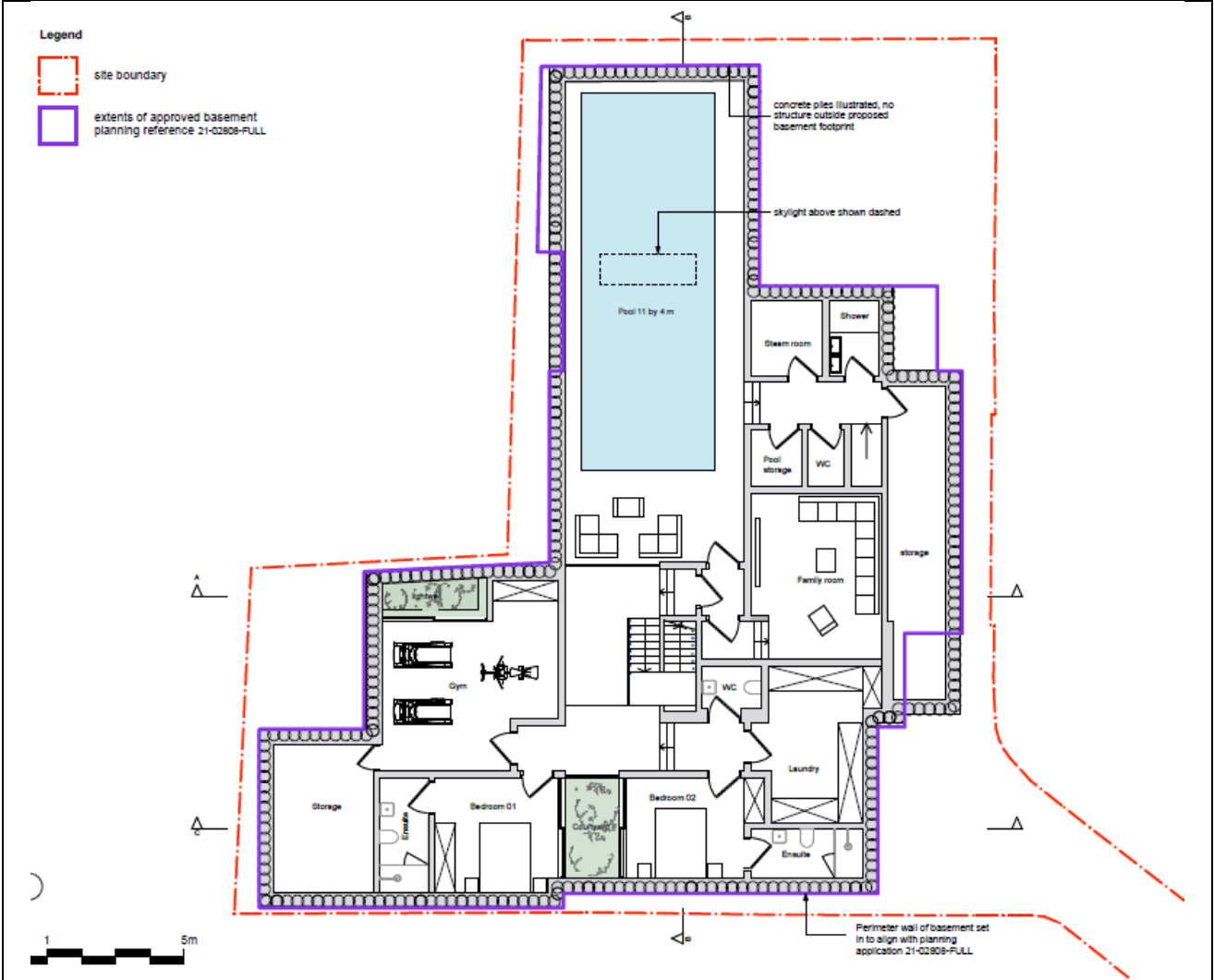
Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in design, conservation, sustainability and amenity terms and compliant with City Plan policies 7, 8, 33, 34, 35 and 36.

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

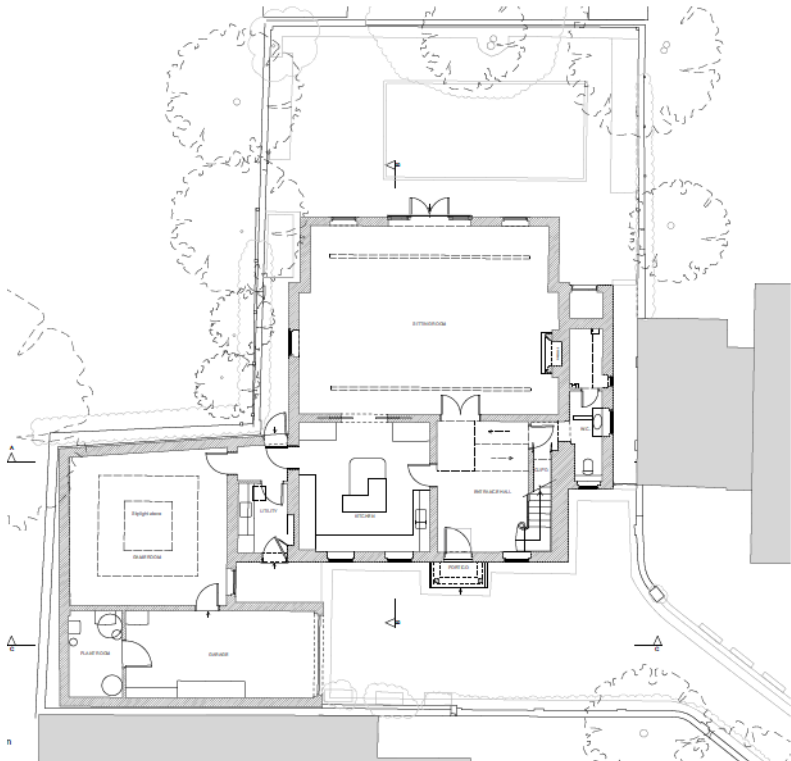
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk

11. KEY DRAWINGS

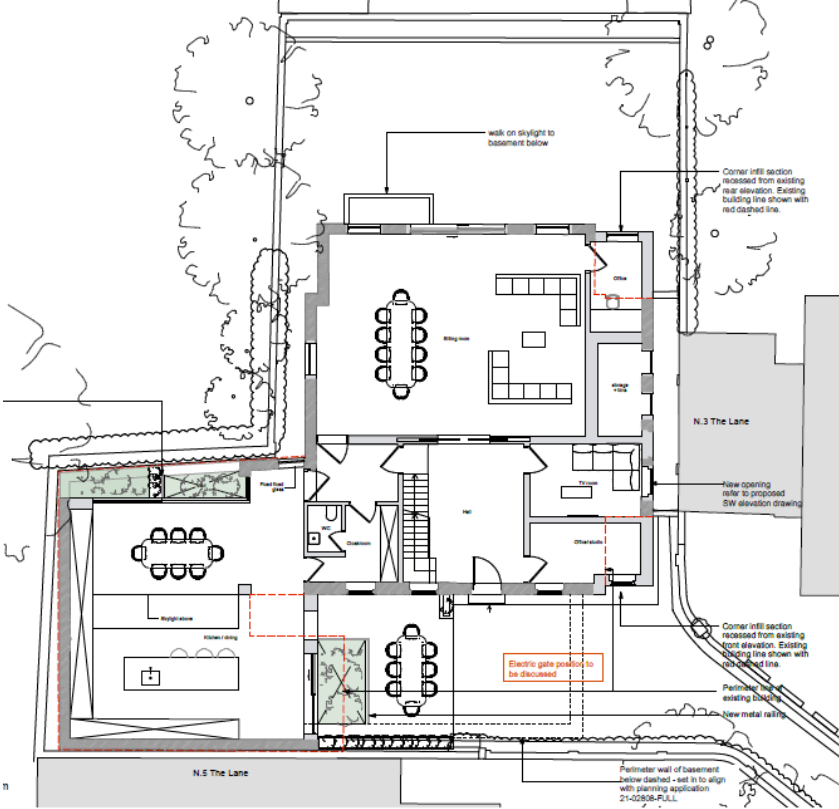




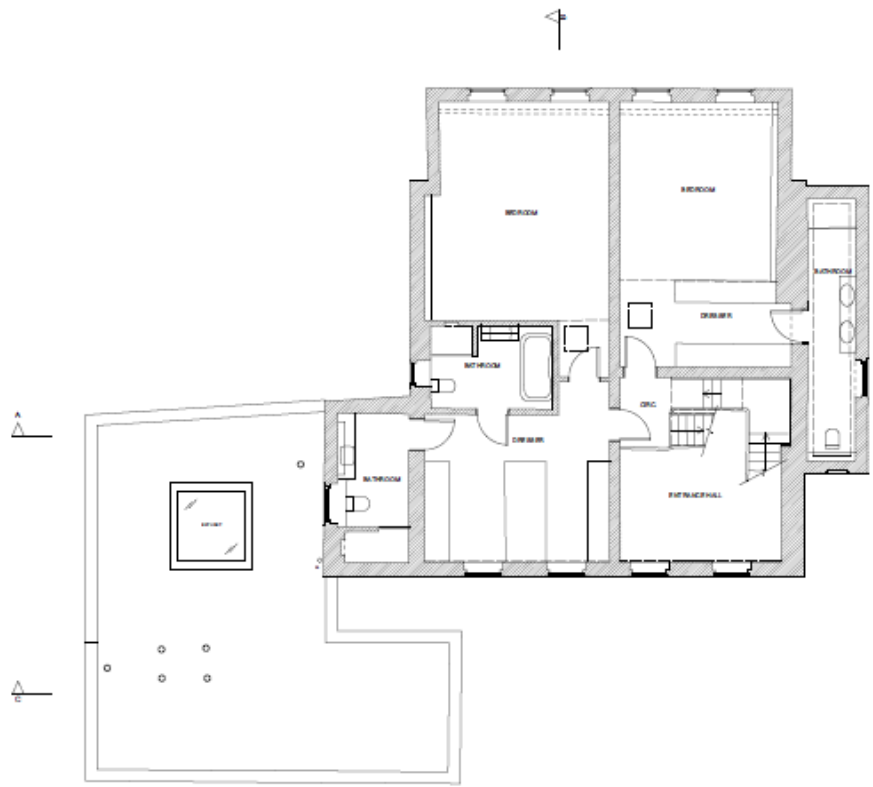
Proposed Basement Plan



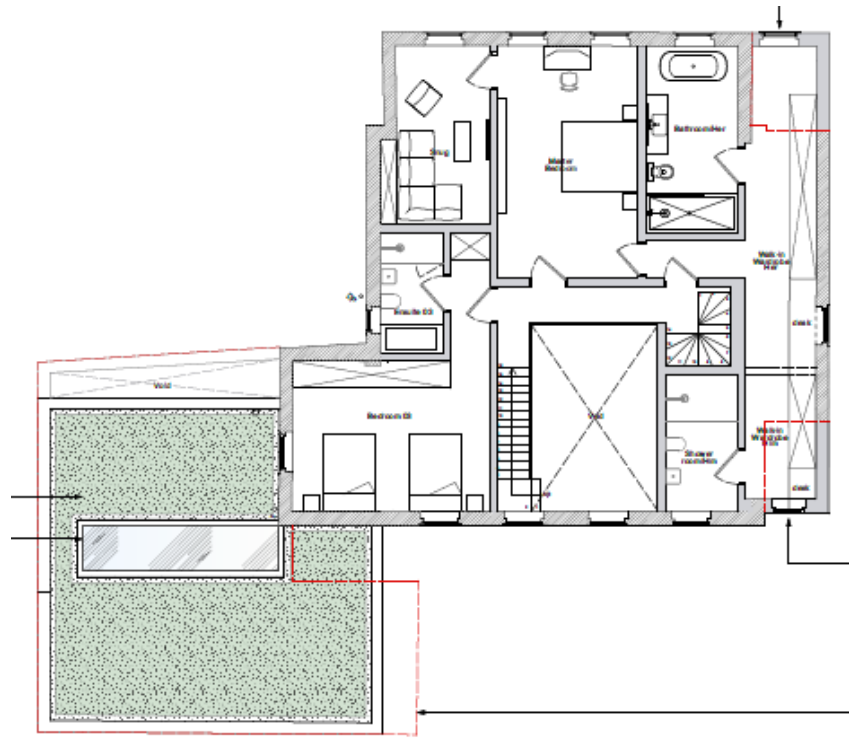
Existing Ground Floor Plan



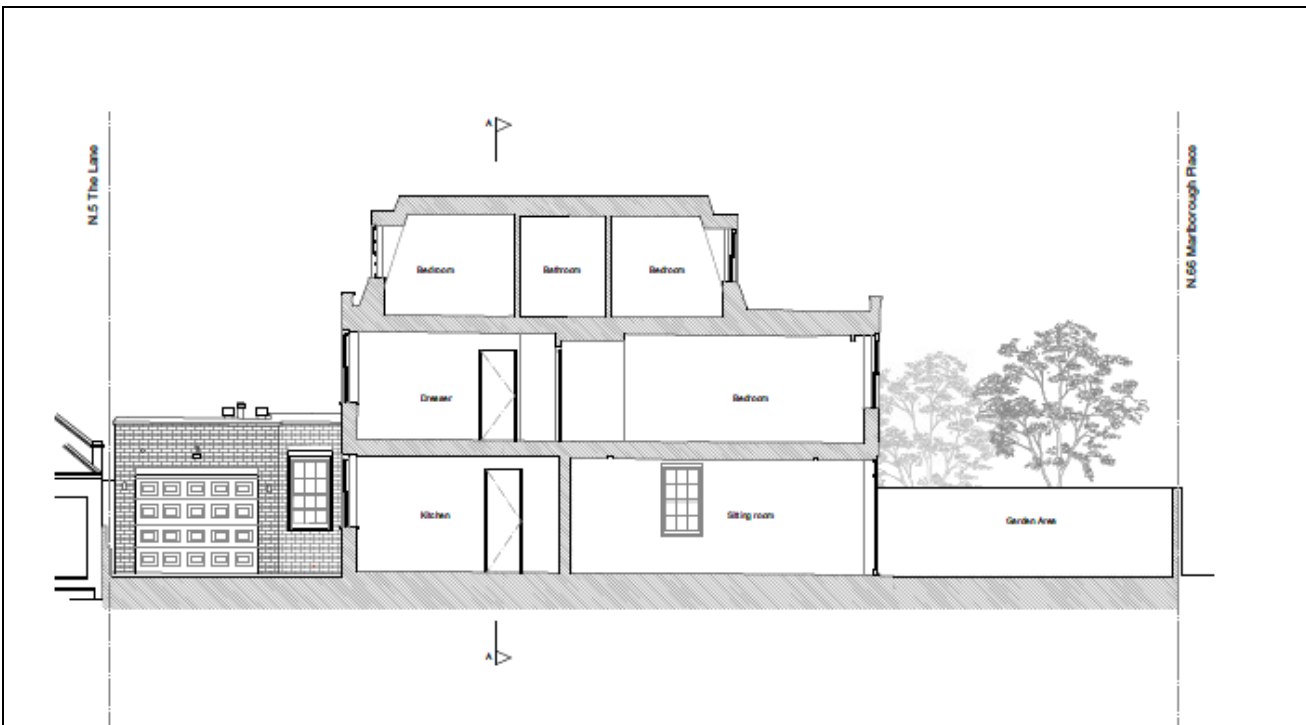
Proposed Ground Floor Plan



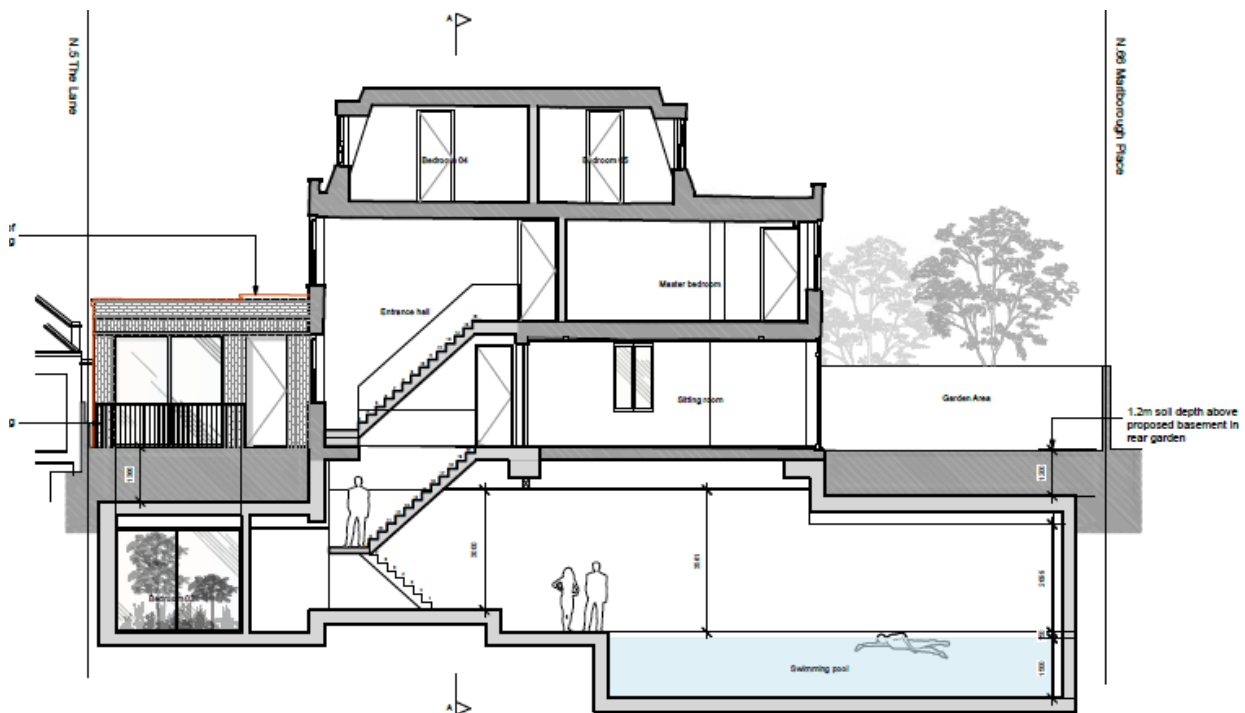
Existing First Floor



Proposed First Floor



Existing Section BB



Proposed Section BB

DRAFT DECISION LETTER

Address: 4 The Lane, London, NW8 0PN

Proposal: Excavation of new basement storey below footprint of existing dwelling extension partially below the garden to the rear and driveway to the front together with new lightwells on the front and rear elevations, erection of side extension and alterations to the garage.

Reference: 22/04334/FULL

Plan Nos: Site Location Plan, 1964 - 110, 1964-111, 1964-112, 1964-101, 1964-102, 1964-103, 1964-104, 1964-120, 1964-121, 1964-122, 1964-213, 1964-210-A, 1964-211-B, 1964-212-B, 1964 - 200 - E, 1964-201-C, 1964-202-B, 1964-203, 1964-204, 1964-220-A, 1964-221-A, 1964-222, Tree Statement dated 04 November 2022, Appendix A Checklist, Flood Risk Assessment dated 18 July 2022 and Planning Statement dated May 2022.

For info only:
Structural Methodology dated 08 March 2023.

Case Officer: Frederica Cooney

Direct Tel. No. 07866037206

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

- i) identification of individual responsibilities and key personnel.
- ii) induction and personnel awareness of arboricultural matters.
- iii) supervision schedule, indicating frequency and methods of site visiting and record

keeping

iii) procedures for dealing with variations and incidents.

You must include a specification to send a written report to the tree officer within 5 days of each visit by the arboricultural consultant.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 6 You must apply to us for details of the specification and profile of the soil which you propose above basements, including details of the drainage layer and other components. The soil and drainage layer must be a minimum of 1.2m deep (1.0m soil and 0.2m drainage layer) excluding all other structures and hard surfacing, as shown on the drawings hereby approved. You must also include a methodology for installing the soil and drainage layer without causing contamination or compaction. You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the approved details and the soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policies 34 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

- 7 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 8 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 include at least one standard tree in the rear garden. 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 1 year; 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 5 years of planting them, you must replace them with trees of the same size and species, (or alternative sizes and species which we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 9 You must implement the mitigation measures outlined in the Flood Risk Assessment by mdp dated 18 July 2022 prior to occupation of the basement. The measures must be retained and maintained for the lifetime of the development.

Reason:

To reduce the risk of flooding as set out in Policy 45 of the City Plan 2019 - 2040 (April 2021).

- 10 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it

does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 11 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green living roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

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.

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

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

- 3 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 4 When you apply to us for approval under condition 8 you should maximise the areas of soft landscaping and ensure that hard landscaping is permeable and you should avoid the use of artificial grass.
- 5 With reference to condition 3 please refer to the Council's Code of Construction Practice at (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) **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.

- 6 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning

Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

- 7 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.

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.