

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 27 June 2023	<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>Basement And Ground Floor, 124-126 St John's Wood High Street, London, NW8 7SG</b>		
<b>Proposal</b>	Erection of a new 3 storey dwelling to the rear of 124-126 St John's Wood High Street, with terrace (accessed from Charles Lane) including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. Alterations to roof terraces including new lift overrun, fencing and installation of heat pump. Formation of opening in rear of ground floor retail unit. Installation of solar panels at roof level.		
<b>Agent</b>	Mr Simon Martland		
<b>On behalf of</b>	Mr Adam Buckley		
<b>Registered Number</b>	22/03542/FULL	<b>Date amended/ completed</b>	10 August 2022
<b>Date Application Received</b>	27 May 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		
<b>Neighbourhood Plan</b>	N/A		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY & KEY CONSIDERATIONS

124-126 St John's Wood High Street are not listed building, but are located within the St John's Wood Conservation Area. The buildings are currently in use as retail (Class E) on the basement and ground floor levels, with residential flats on the upper floors.

The main part of the application relates to the land and buildings located to the rear of the main

buildings which front onto St John's Wood High Street, which have access from Charles Lane. The site is formed of a strip of land which is used as a parking space adjacent to 2 Charles Lane and a single storey out building and yard area used for the retail use. Two existing metal stairs provide access from Charles Lane up to the residential flats on the upper levels of the building.

Planning permission is sought to erect a new residential dwelling over first and second floor levels, with associated terrace to side at first floor level. At ground floor level cycle and car parking is provided along with access arrangements to both the new residential unit and to the existing flats above.

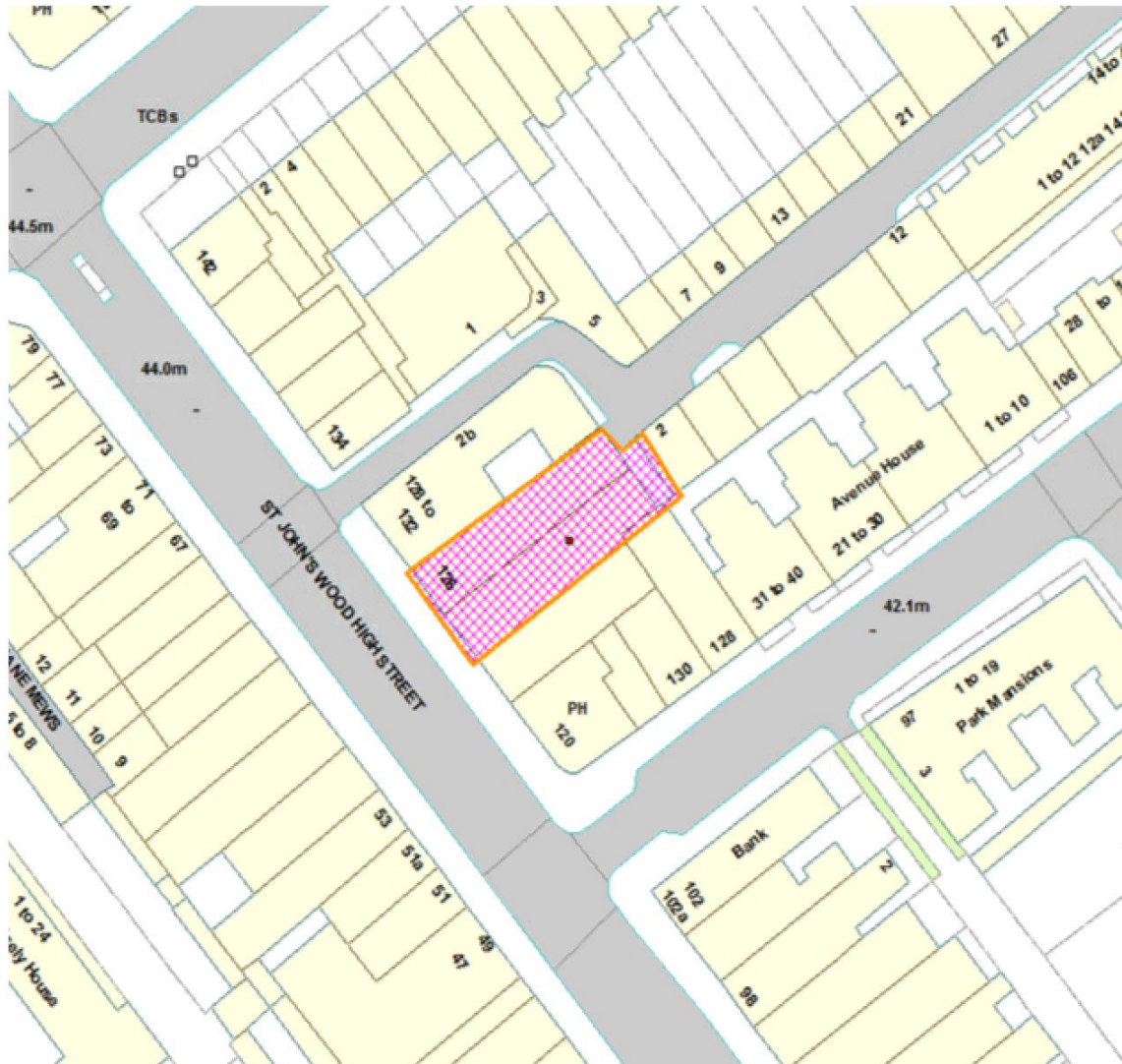
Objections have been received from the local amenity society and surrounding residents in relation to access arrangements, amenity and overdevelopment.

The key considerations in this case are:

- The acceptability of the proposed alterations in design terms.
- The impact of the proposed alterations on the character and appearance of the St Johns Wood Conservation Area.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.
- The acceptability of the energy performance of the proposed building.
- The acceptability of the quantum of car parking proposed.

Notwithstanding the objections received, the proposed development is considered to be acceptable and in accordance with policies in Westminster's City Plan 2019-2040 and is therefore recommended for approval subject to the conditions as set out on the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View south east: St Johns Wood High Street on the right



View south west: Charles Lane to right, Allitsen Road on the left





View from Charles Lane

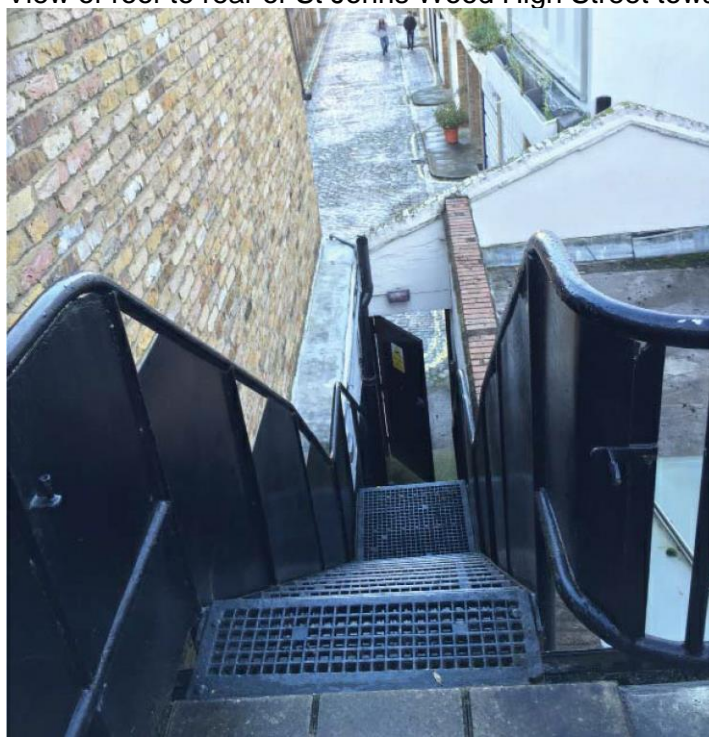


View along St Johns Wood High Street with entrance to Charles Lane on left and the application site currently occupied by boots.





View of roof to rear of St Johns Wood High Street towards Charles Lane



Access from flats to Charles Lane

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### CLLR RIGBY

Wish to be kept informed about the application.

#### ST JOHNS WOOD SOCIETY

Objections ignored in 2016 and 2019. Same concerns as previously, namely:

- Significant overdevelopment of this site.
- Access for existing properties will be compromised, having a negative impact on their amenity.
- Health and safety concerns and request EH is consulted.
- Increased sense of enclosure to neighbours.
- Concerns in relation to construction management along a narrow mews. The consultation as part of the construction management plan is not extensive enough.
- Due to constrained nature of site, development should not occur on Saturdays

#### HIGHWAYS PLANNING

- No objection to alterations to shopfront.
- One existing car parking space is retained and one created. The site is PTAL 5, so the development should have no on-site parking. The created parking space should be removed. Should the space be retained it should include electric charging.
- 2 cycle parking spaces should be provided for the new unit.
- Waste storage should be secured by condition.

#### WASTE PROJECTS OFFICER

Objection, as the proposals are not in accordance with waste storage guidance.

#### BUILDING CONTROL

No objection.

#### ENVIRONMENTAL SCIENCES

- No objection in noise terms from the proposed plant equipment subject to standard Westminster conditions.
- Recommend that the adjacent Class E use is conditioned so that it does not include any amplified music.
- Notes that the residential space is designed to comply with London Plan and Building Regulations, therefore no objection in relation to overheating or housing standards.

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

No. Consulted: 53

No. of objections: 8 on behalf of 7 properties raising the following concerns:

#### Design and heritage:

- Impact on the character of Charles Lane

#### Amenity:

- Loss of light to surrounding properties

- The daylight report incorrectly illustrates the affected properties
- Increased overlooking
- Noise from air condensing unit

#### Highways

- Inadequate parking
- Impact on deliveries and ambulances, particularly during construction

#### Other:

- Impact on access to flats above, including fire exits.
- Removal of part of terrace and car park
- Unclear how garage accessed
- Concerns about access during buildings works.
- Impact of noise, dust and vermin during construction and on mental health.
- No benefit to local community
- Query if there be compensation during building works?
- Have not been consulted
- Existing water and drainage infrastructure will not be sufficient to service the new house.

#### PRESS NOTICE/ SITE NOTICE:

Yes

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

No details of any public engagement has been provide. While applicants are always recommended to consult with neighbours and stakeholders in relation to development proposals, this is not a requirement. It is also appreciated that permission has been granted on previous occasions, which similarly raised objections from surrounding residents.

## 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

124-126 St John's Wood High Street are not listed but are located within the St John's Wood Conservation Area. The buildings are currently in use as retail (Class E) on the basement and ground floor levels, with residential flats on the upper floors.

This application mainly relates to the land and buildings located to the rear of the site which have access from Charles Lane. There is currently a strip of land which is used as a parking space adjacent to 2 Charles Lane. There are also out buildings used for storage and a yard for the retail use. Two existing metal stairs provide access from Charles Lane up to the residential flats on the upper levels of the building.

### 7.2 Recent Relevant History

#### 19/02489/FULL

Erection of a new 3 storey dwelling with terrace (accessed from Charles Lane) including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. Alterations to roof terraces including new lift overrun and fencing. Formation of opening in rear of ground floor retail unit.

Application Permitted                      13 September 2019

#### 18/03653/FULL

Variation of Conditions 1 and 4 of planning permission dated 16 June 2016 (RN: 16/01126/FULL) for the Erection of a new 3 storey dwelling with terrace accessed from Charles Lane including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. NAMELY, alterations to ground floor entrance, the addition of ground floor service cupboard, provision of lift and lift overrun with associated raising of a section of terrace above, change to roof material, alteration to the stair enclosure to provide a rooflight and relocation of door, erection of fence and gate between existing roof terraces, formation of new opening in the rear façade of ground floor retail unit.

Application Permitted                      24 July 2018

#### 18/03648/ADFULL

Details of waste and recycling and plans, sections and elevations of the new garage doors pursuant to conditions 8 and 10 of planning permission dated 16 June 2016

(RN:16/01126).

Application Permitted 29 May 2018

17/01911/FULL

Variation of conditions 1 and 4 of planning permission dated 16 June 2016 (RN 16/01126) for the erection of a new 3 storey dwelling with terrace accessed from Charles Lane including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. NAMELY to vary the approved drawings to amend the entrance arrangement at ground floor and to change the roofing material for the flat roofs.

Application Permitted 27 April 2017

16/09095/ADFULL

Details of waste and recycling storage pursuant to Condition 8 of planning permission dated 16 June 2016 (RN: 16/01126).

Application Permitted 4 October 2016

16/01126/FULL

Erection of a new 3 storey dwelling with terrace accessed from Charles Lane including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level.

Application Permitted 16 June 2016

## 8. THE PROPOSAL

Permission is sought for minor alterations to the retail unit on St Johns Wood High Street, namely to amend the internal stair arrangement down to the basement, and to provide a lift at the rear. Minor alterations are also proposed to the shop frontage. A small amount of retail floorspace is lost through the alterations to the rear onto Charles Lane.

The Charles Lane frontage of the site is tucked away at the corner of the street, and currently has an open air car parking space (for a resident), back of house space, and an external yard for the retail unit and two sets of stairs which lead up to a roof deck, for access to the flats located on the upper levels of the main building on St Johns Wood High Street.

The proposals are to infill this space onto Charles Lane to provide: A new access core up to the roof deck; providing a new access to the upper level flats; to re-provide a small area of yard for the retail unit; for a new garage and a secure bike store; a new residential unit over first and second floor levels also accessed from the ground floor is also proposed. The new unit shall have three bedrooms and a terrace to the side above the garage at first floor level. A heat pump is proposed to serve the new unit, installed on the terrace, in addition to photovoltaic panels on the roof.

**Table: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
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Retail	499	434.8	-64.24
Residential	0	114	+114
Total	499	548.8	+49.76

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### 9.1.1 Commercial Uses

The site is within the St Johns Wood District Centre. Policy 14 relates to units within Town Centres and seeks to ensure that uses enhance and diversify their offer as places to shop, work and spend time.

The current retail unit facing onto St Johns Wood High Street is considered to be Class E, currently in use as a Boots pharmacy. No change of use is proposed. The proposals do however result in a reduction in the amount of retail floorspace through alterations to the back of house space in association with the works to the rear on the Charles Lane frontage. In addition, the proposals are for an internal reorganisation, with stairs moved to the rear of the unit and the provision of a lift. This internal re-arrangement will allow the unit to have a better layout, with more usable floorspace to the front and will allow for better use of the current largely unused and ancillary space at basement level, largely used as storage currently. Through this internal reorganization, the proposals will improve the functional space of the unit, and therefore the small reduction in floorspace is considered acceptable.

The Environmental Sciences Officer (ESO) has requested restrictions in relation to the use to limit noise, however as no change of use is proposed, these are considered to be unreasonable.

#### 9.1.2 Residential Use

The proposals include the provision of a new 3 bedroom residential unit. This is in accordance with Policy 8, which seeks to promote housing delivery within the borough. The new unit is dual aspect and is 115sqm, which is in accordance with the technical housing standards for a unit of this size. It is considered to have suitable outlook and windows to provide an acceptable level of light and air. As requested by the ESO a condition is recommended to ensure that sufficient insulation is installed to mitigate any noise transfer within the building.

The development is of insufficient scale to require the provision of any affordable housing.

## 9.2 Environment & Sustainability

The application is supported by a sustainability statement which confirms that the development will be constructed with a high level of insulation and air tightness. It will be heated through the use of a high performance air source heat pump and will gain energy from solar panels fitted to the roof. Further, it will be fitted with water efficiency



measures to reduce its water consumption. It is recommended that these features are secured by condition.

### 9.3 Biodiversity & Greening

There is limited scope for a green roof to the development, with the main roof of the building being used for solar panels, and any meaningful greenery would require an upstand to be built around the main roof to allow for suitable substrate, which would have design implications. There is however a small area of flat roof to the new stair access structure, which is considered to be more suitable for a green roof, a condition is therefore recommended for details of a biodiverse roof to this area to help meet the councils requirements for green infrastructure as set out in Policy 34.

### 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.

#### Considerations

Objections have been received on the grounds of the impact of the development on the Character of Charles Lane and overdevelopment of the site.

The existing structures on site are quite cluttered and unattractive and have no positive contribution to the site or St John's Wood Conservation Area. The new building presents a generally traditional appearance to the street. The north facing aspect includes timber garage doors with exposed brick piers and rendered lintel above to the ground floor, rendered first floor with windows and doors inset into the elevation, and mansarded second floor, and in these respects it integrates relatively closely to the design approach of the terrace of mews buildings to the immediate east of the site.

As with previous approvals for the site, the building does not turn the corner of this

section of the mews but instead continues projecting back into the site with the area above ground floor level to the west end of this main section of the mews given over to a roof terrace. In arranging the building in this manner the house is able to achieve some outdoor amenity space for the dwelling. The rear is more simply detailed, though does not detract from the surroundings. The air source heat pump proposed is welcomed in sustainability terms and is appropriately discreet to the terrace adjoining the adjacent party wall and set behind a screen. The solar panels to main roof level are low profile and though add a small degree of clutter to this roof capable of being looked down upon from surrounding properties, however the small degree of less than substantial harm which this could give rise to considered solely in itself as a proposal is considerably outweighed by its more careful integration into this new development and by the public benefits of the sustainability benefit of the panels. The planters to the new terrace are welcomed in themselves and allow for the potential for incorporation of greening, in line with City Plan policies 7 and 34. Details are sought to be provided by condition to ensure appropriateness.

Overall, the building will improve on the existing appearance of the site, and it is faced in traditional materials with traditional detailing which will integrate into the area successfully. The new building is considered in line with relevant policy and guidance in relation to conservation and design quality.

The proposals also include a new shopfront to St John's Wood High Street, which is considered an improvement upon the existing. Overall, the scheme is considered acceptable, and the recommendation in line with the statutory duties set out in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Fire Safety**

The development is of insufficient scale to require either a fire safety form as required by the Health and Safety Executive, or to require a London Plan Fire Statement. Concerns have however been raised in relation to the impact of the development on how residents would escape in a fire. As existing there are metal stairs which provide access to the flats above, both stairs run over the application site and exit onto Charles Lane. The proposal includes a new stair core which will also exit onto Charles Lane. The applicant has confirmed that the development proposals were developed to RIBA stage 04. As part of this design development the applicant appointed an approved inspector and they reviewed the design. They provided a plan check report and consulted with the London Fire Brigade. Both were happy that the scheme presented was acceptable in terms of fire egress.

An informative is recommended that the development proposals will need to ensure they provide suitable arrangements for escape for both new and existing occupiers and to meet building regulations.

## **9.5 Residential Amenity**

Policies 7, 33 and 38 (C) seek to protect and enhance the amenity and environment for Westminster's people.

### **9.5.1 Light and sense of enclosure**

Objections have been received from the local amenity society and local residents on the

grounds of loss of light and increased sense of enclosure. Given the location of the site, tucked at the top of the lane, adjacent to existing buildings of a similar scale to the infill proposed, it is not considered that the properties on Charles Lane would see a significant loss of amenity as a result of the proposed works, with the most affected properties being located to the rear of the site on Allitsen Road and the rear windows of the residential units above the application site on St Johns Wood High Street.

*31-40 Avenue House, Allitsen Road:*

This property is located to the rear of the new dwelling to the south east of the site. No objection has been received from these occupiers, and it was understood from an adjacent resident with a previous application that these most affected windows serve flats used as hospital staff accommodation.

A daylight and sunlight report has been submitted with the application, which confirms that all windows except for two pass the requirements as set out within the Building Research Establishment (BRE) Guidelines. The two windows which fail are located at lower ground floor level. Both windows have relatively low levels of light as existing with one window's Vertical Sky Component (VSC) reduced from 6.6 to 5.1 (22.7% loss) and the other window reducing from 10.5 to 7.8 (25.7% loss). Due to this existing low level of light, any additional loss will result in a high percentage change. The BRE guide notes that typically a good VSC value would be in excess of 27%, however this is a national suggestion and doesn't take note that levels will be much lower in more dense urban environments such as here. It is apparent that the existing levels are well below this level, and that while a breach of the guidance is indicated, it is considered that the actual loss of daylight is not so severe to warrant withholding permission, given the constrained nature and the existing low level of light. In addition the outlook from the remainder of the blocks is similar to as proposed, with windows in close proximity to the rear building line of Charles Lane, which is to be extended, replicating this relationship.

In terms of increased sense of enclosure, the nearest windows already have quite a limited outlook directly onto the rear of 2 Charles Lane, however they do have oblique views over the existing application site, which is currently relatively unobstructed, with the exception of a ground floor retaining wall. The next most affected windows which look out obliquely across the application site are slightly further set back and appear to have opaque glazing and will therefore be less affected. The remaining windows in properties to the rear of Allitsen Road, in the properties approaching the junction with St John's Wood High Street are further set back, and divided from the application site, by existing single storey extensions at lower ground floor level. In summary, given the most affected windows have limited existing outlook, it is not considered that the impact would be so significant to warrant withholding permission.

*124-126 St John's Wood High Street:*

The existing windows look out onto the rear first floor flat roof and the flank wall of No. 2 Charles Lane beyond. As a result of the development, this flank wall will be brought forward and closer to these existing rear windows. There will also be an access enclosure located in front of this flank wall.

The applicants daylight and sunlight report states that all windows will meet the requirements as set out within the BRE guide as a result of the proposed development. In terms of sense of enclosure, while the new building will bring additional bulk, it is



considered to be sufficiently separated as to be considered acceptable in these terms.

### **9.5.2 Privacy**

A new terrace is proposed at first floor level, which will look down Charles Lane. The provision of this terrace is welcomed, providing amenity space for the new dwelling. Due to level of the terrace, it will not result in a loss of amenity to the occupiers of properties on St John's Wood High Street, and is sufficiently set away from the properties on Charles Lane to be considered acceptable in amenity terms.

The existing flat roofs to the rear of St Johns Wood High Street, provide access to the flats above and could be used as a terrace by residents. The size of this terrace is being reduced in size slightly by the new access enclosure. A fence is also proposed to divide the roof centrally and will feature a gate allowing access to the new access enclosure. Given that the roof could be used as a terrace as existing, it is not considered that these alterations will have any significant impact in amenity terms.

### **9.5.3 Noise & Vibration**

The proposals include the provision of a heat pump on the new first floor terrace. A noise report has been submitted in support of the application, which has been assessed by the councils Environmental Sciences Team, who consider that the unit is satisfactory subject to standard Westminster noise conditions being imposed.

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

The proposals originally included two car parking spaces in two different locations, both located at ground floor level and accessed from Charles Lane. Following officer comments, the proposals have been amended during the course of the application to remove one of the parking spaces. One of the parking bays has been converted from a car parking bay to an area for 10 secure cycle parking bays for the existing flats located above and the retail unit, this is welcomed and will help to promote active travel.

In relation to the retained car parking space, while the council would encourage a reduction in parking, as the proposals no longer result in an increase in car parking provision, it is not considered that refusal on these grounds could be sustained. As requested by the Highways Planning Manager, the electric vehicle charger shown on the plans shall be secured by condition.

#### **Servicing and Waste & Recycling Storage**

No change to existing arrangements with the retail unit serviced from St Johns Wood High Street are proposed.

A condition is recommended for additional details of waste and recycle storage to be provided for the new residential unit.

### **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.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

## 9.8 Other Considerations

Objections in relation to lack of consultation have been received, however it is considered that suitable neighbours have been consulted with letters sent to adjacent occupiers. In addition, a notice has been displayed on the street and an advert placed within the press. As such, the council has met its statutory requirements in terms of consultation.

### Construction Impacts

Concerns have been raised by residents in relation to the impact of the proposed development from noise, dust vermin and if any compensation will be given to impacted occupiers.

This development is considered to be a level 3 development and therefore is not subject to a requirement for the applicant to sign up to comply with the Councils Code of Construction Practice guidance. The guidance does note that developments can be upgraded to level 2 development and thereby require a construction contract when they impact on 'sensitive receptors'. It states that "*sensitive receptors' can include, but are not restricted to, schools, care homes, hospitals and GP surgeries, community facilities, and residential areas where there are higher than average levels of health indicators that could be exacerbated by construction and development, such as Chronic obstructive pulmonary disease (COPD) or asthma prevalence*". While constrained, it is not considered that the development is so sensitive as to meet these criteria.

While it may not be considered to require a CoCP to be entered, the councils standard condition in relation to working hours is recommended, and an informative is recommended that the applicant signs up to the Considerate Constructors Scheme. A further restriction has been requested by the local amenity society that no construction work on Saturdays should be imposed. It is however not considered that this development has such significant impacts as to warrant such a requirement as it would elongate the development period of the project and be working to Environmental Health legislation.

The council cannot require compensation payments to affected residents in relation to development proposals and therefore the objection requesting this cannot be sustained.

## 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 estimated Westminster CIL payment is: 82,134.69

No pre-commencement conditions are recommended.

## 10. Conclusion

While the site is constrained, it is considered that the proposed new building suitably ties into the character of the area and will provide a new dwelling, which will help to meet the councils housing targets. The development includes the provision of environmentally friendly features such as solar panels, efficient heating system and water efficiency measures, which will help it reduce its impact on the environment.

As such, whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, which comprise a new dwelling and environmental features, the proposal is considered acceptable in terms of its impact on the designated heritage asset. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is therefore recommended for approval.

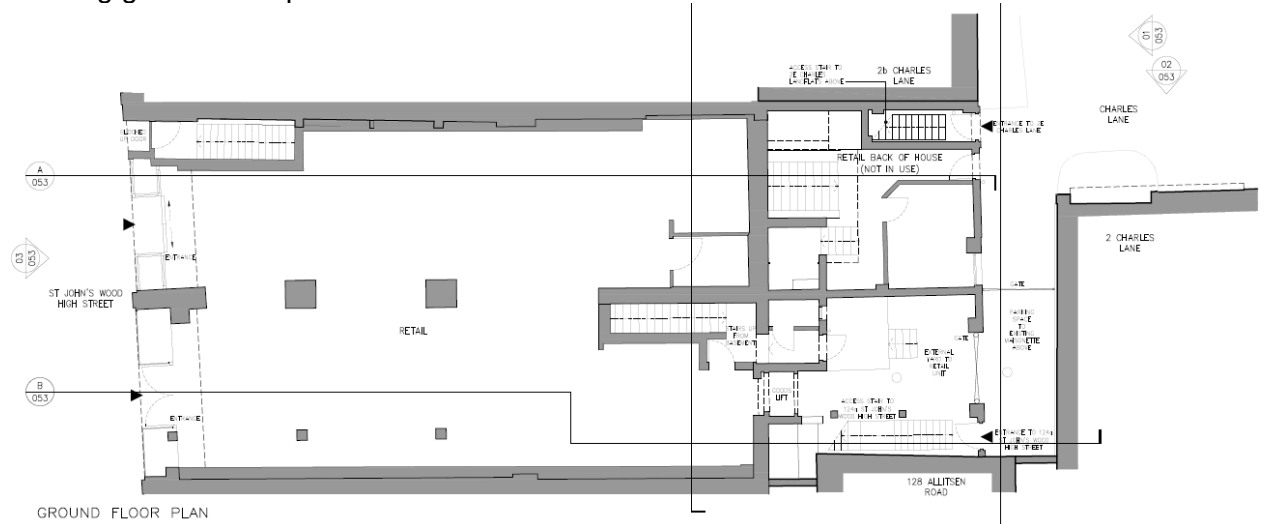
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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)

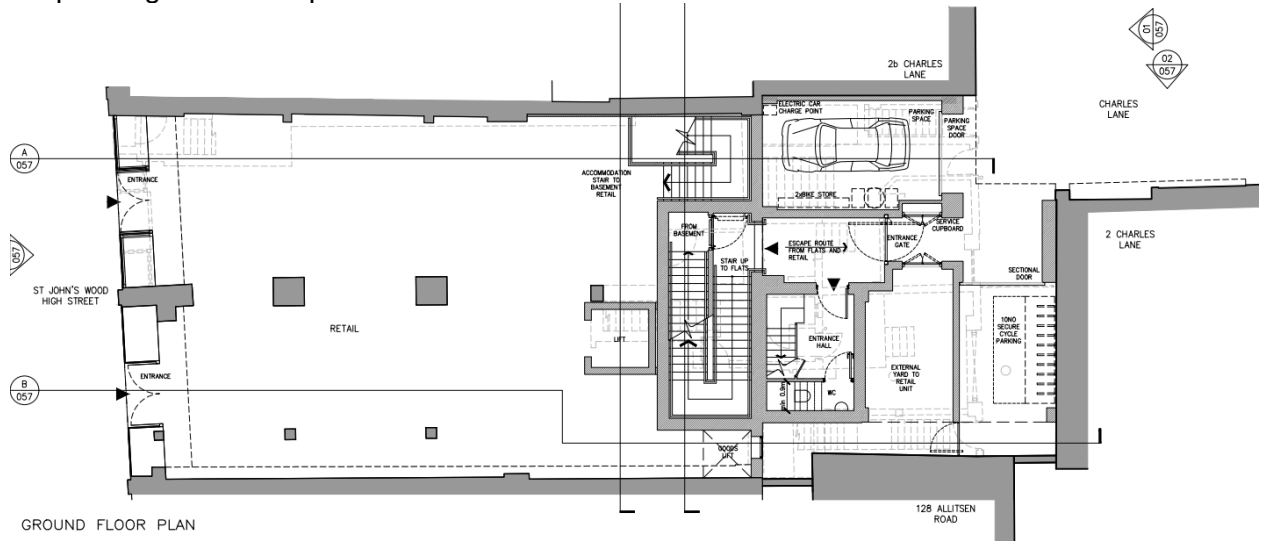


# 11. KEY DRAWINGS

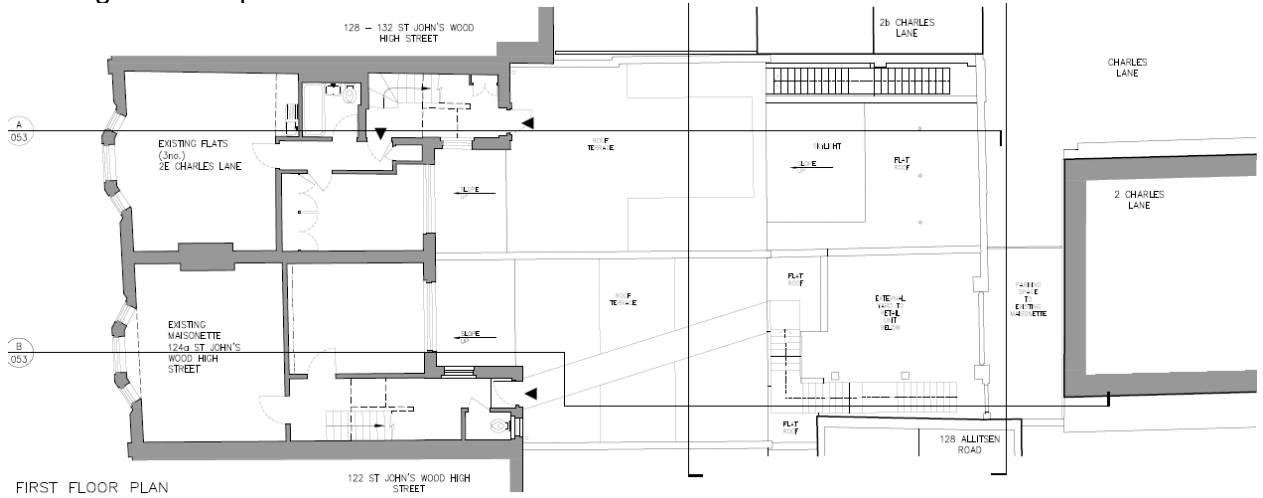
## Existing ground floor plan



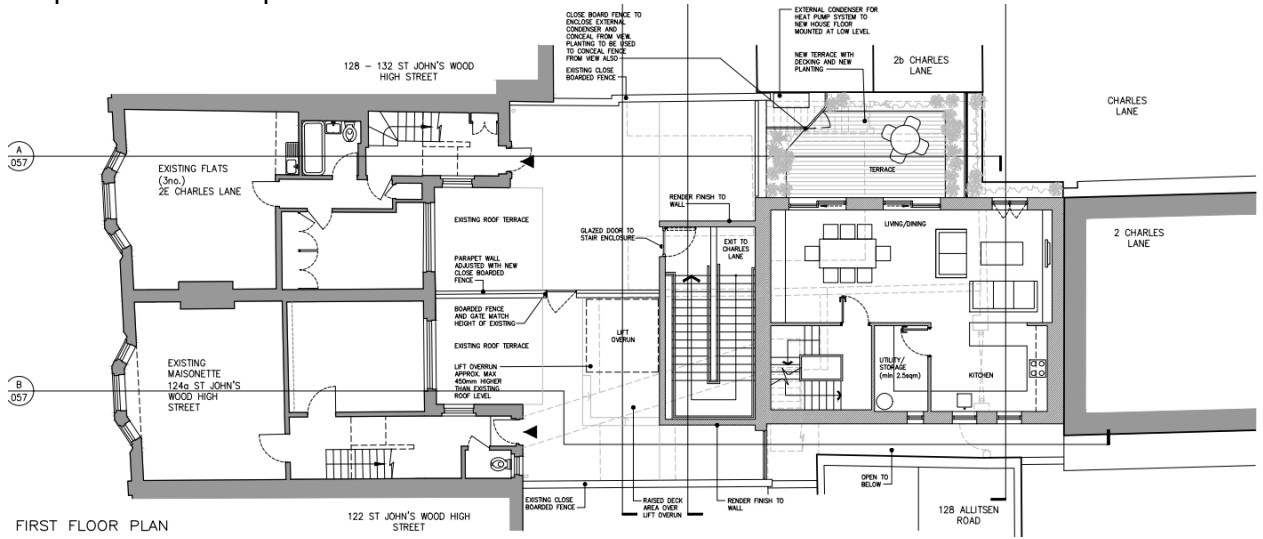
## Proposed ground floor plan



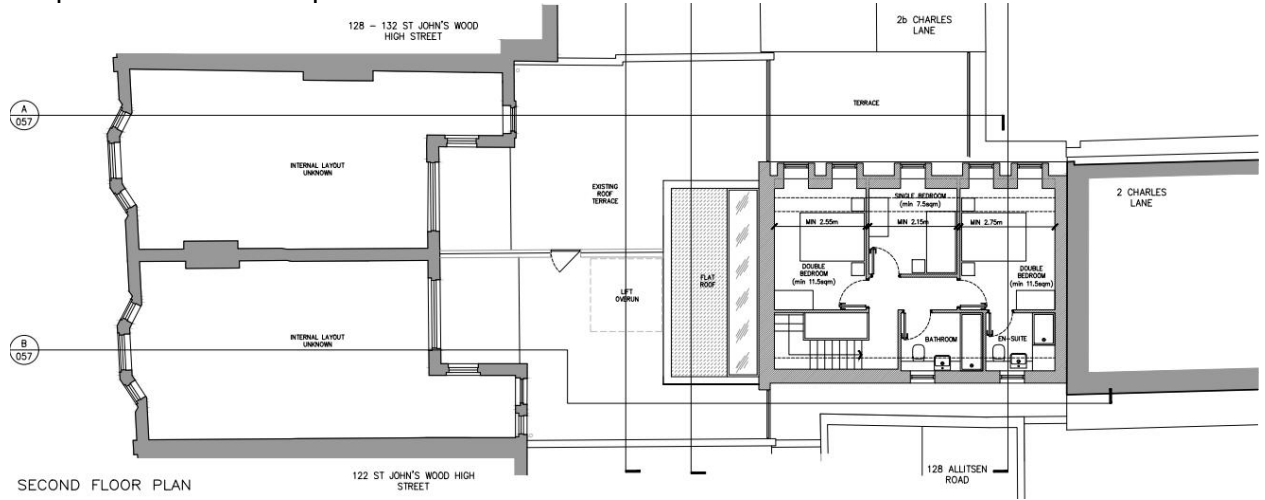
### Existing first floor plan



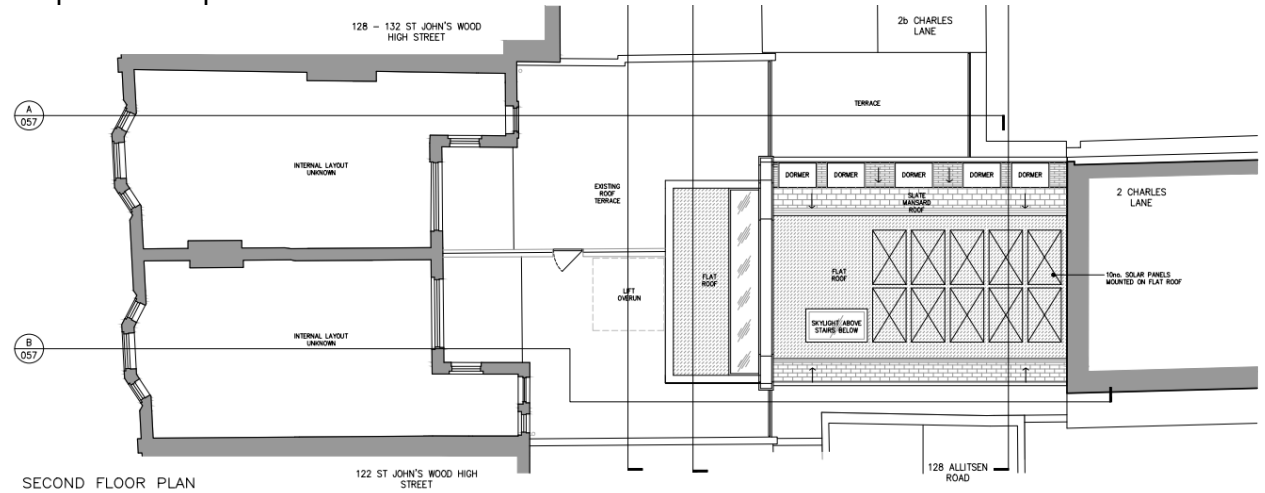
### Proposed first floor plan



### Proposed second floor plan



### Proposed roof plan

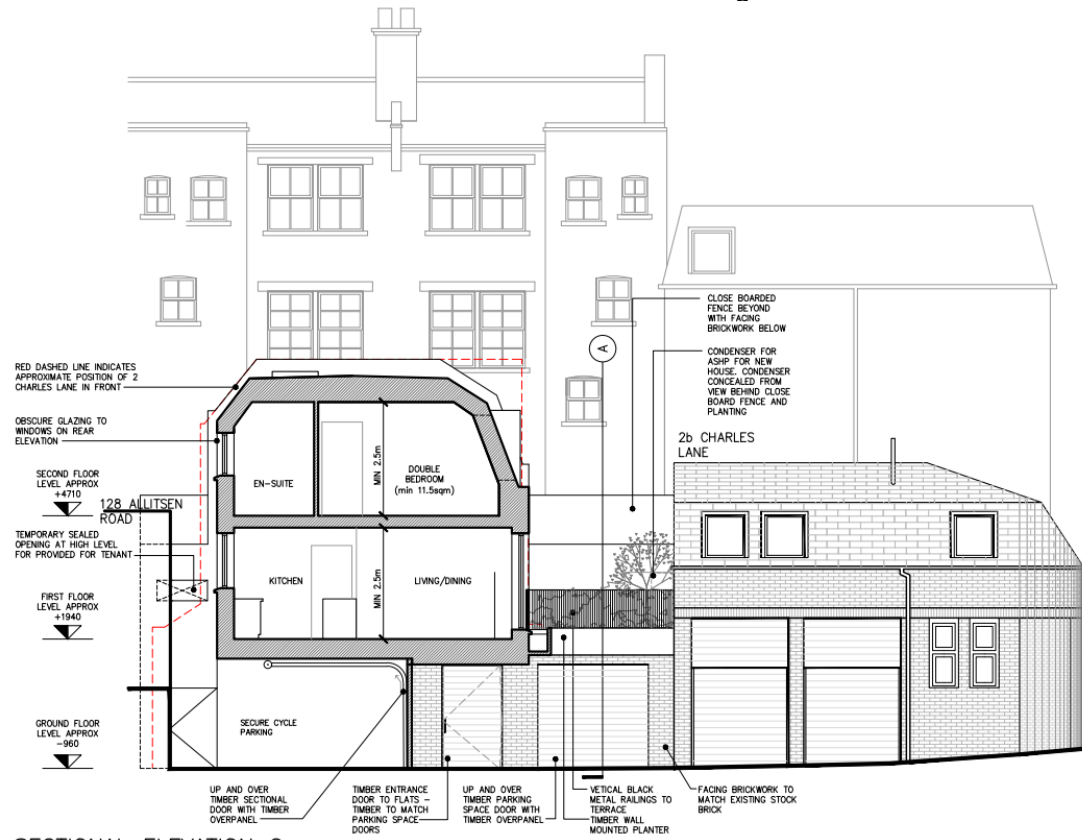


### Proposed Charles Lane elevation



ELEVATION 02

### Section / elevation towards the rear of St Johns Wood High Street



SECTIONAL ELEVATION C

**DRAFT DECISION LETTER**

**Address:** Basement And Ground Floor, 124-126 St John's Wood High Street, London, NW8 7SG

**Proposal:** Erection of a new 3 storey dwelling to the rear of 124-126 St John's Wood High Street, with terrace (accessed from Charles Lane) including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. Alterations to roof terraces including new lift overrun, fencing and installation of ASHP. Formation of opening in rear of ground floor retail unit. Installation of solar panels at roof level.

**Plan Nos:** 1181-050 A; 1181-051 A; 1181-052 B; 1181-053 A; 1181-056 Q; 1181-057 O; 1181-060 C; 1181-061 D; Plant Noise Assessment Report 29 July 2022;

For information: Design, Access and Heritage Statement April 2023; Daylight and sunlight report by CHP; Letter from Savills dated 26 May 2022.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 07866036401

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

- 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 this part of the St Johns Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The pitched roof structure to second floor level shall be clad in natural slates to pitched roof slopes, grey coloured membrane or grey coloured bituminous finish to flat roofs, and with dormers clad in lead to sides, cheeks and roofs

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 The new railings to the first floor roof terrace shall be formed in black metal

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)

- 6 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

- Air source heat pump
- Solar panels
- water efficiency measures

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 7 You must apply to us for approval of a photograph of a sample of the colour to stain the timber fencing. 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 the colour sample. (C26DB)

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)

- 8 You must install the acoustic attenuation measures as shown on the approved drawings and in accordance with the requirements set out within part 5 of the Plant Noise Assessment Report, before you use the air source heat pump. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and 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 7 and 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 9 Notwithstanding the submitted drawing, you must apply to us for approval of elevation and section drawings (and clarifications of materials) for the upper part of ground floor level on the front elevation, including showing the relationship of any planters to the building. 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 and clarifications. (C26DB)

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)

- 10 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. 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 provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the house. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 12 You must provide the electric vehicle charging point shown on the approved drawings prior to occupation of the development. Thereafter the electric vehicle charging point must be retained

and maintained. (C22FC)

Reason:

To provide electric vehicle charging for people using the development in accordance with Policy 27 of the City Plan 2019 - 2040 (April 2021).

- 13 (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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 14 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 15 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 16 Prior to works on the relevant part of the development, you must apply to us for the following amendment to the scheme: The provision of a living roof to the flat roof of the new stair enclosure.

The details shall include detailed drawings and a bio-diversity management plan in relation to the 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.

Reason:

To increase greening and the biodiversity of the scheme, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 17 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our written permission. This is despite the provisions of Classes A, AA, B, C, D, E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EC)

**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 Johns Wood Conservation Area, to prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

**Informative(s):**

- 2 With regards to condition 7, you are advised that the strong expectation is that the timber is stained a brown colour and in a toned down and restrained appearance seeking to minimise the visual impact of the fencing

3 **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)

- 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.