

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Knightsbridge And Belgravia	
Subject of Report	34 Lyall Mews, London, SW1X 8DJ		
Proposal	Excavation of a two storey basement with lightwell to first basement level and associated plant and landscaping.		
Agent	DP9		
On behalf of	Mr E Bertarelli		
Registered Number	14/08617/FULL	TP / PP No	TP/21954
Date of Application	28.08.2014	Date amended/ completed	14.01.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





34 LYALL MEWS, SW1

2. SUMMARY

No. 34 Lyall Mews is a single family dwelling comprising of lower ground to third floor level. The building is unlisted but lies within the Belgravia Conservation Area.

Permission is sought for the excavation of a two storey basement with lightwell to first basement level and associated plant and landscaping.

The key issues in this case are:

- The impact on residential amenity.
- The impact on the character and appearance of the Knightsbridge Conservation Area.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies and the application is accordingly recommended for approval.

3. CONSULTATIONS

COUNCILLOR ROBATHAN

Size of extension is disproportionate to the existing scale and nature of the mews; overdevelopment; raises significant issues re: construction traffic.

COUNCILLOR DIMOLDENBERG

Request that the application is reposted to Committee for a decision.

ENVIRONMENT AGENCY

Proposal falls within Flood Zone 1, is less than 1 hectare and development is not within 20m of a main river therefore the agency does not need to be consulted on the proposal.

THAMES WATER

Applicant to incorporate within their proposal, protection to the property by installing for example a non-return valve or other suitable device to avoid risk of backflow at a later date.

BELGRAVIA RESIDENTS ASSOCIATION

Any comments to be reported verbally.

BUILDING CONTROL

Structural method statement acceptable.

ARBORICULTURAL MANAGER

No objection subject to conditions to secure hard and soft landscaping.

HIGHWAYS PLANNING MANAGER

No objection subject to a condition protecting the existing garage.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 43; Total No. of Replies: 15.

Land Use

- Concern that basements will be used as a recording studio.
- Basements will not provide good quality accommodation.

Design

- Out of scale and character with host building, mews and conservation area.
- Presence of basement would be visible from private views to the rear of the building along Chesham Place due to the large lightwell.
- Impact on Grade II listed buildings to the rear along Chesham Place.
- Indicative landscaping does not provide enough detail.
- Other houses in mews have permission for single basement only.

Other

- Construction traffic within the narrow mews.
- Structural damage to adjoining properties.
- Risk of ground movement.
- Impact on the water table/geological and soil conditions.
- Only single storey basements should be considered.
- Depth of excavation will cause excessive and prolonged disruption to those living within the mews.
- Concerns about content/details in submitted Construction Management Plan i.e. position of hoardings, skips, use of outriggers etc.
- Failure of applicant to consult with adjoining neighbours prior to submission of application.
- Application drawings inadequate and not consistent with submitted technical documents.
- Completion of Certificate A of the application as opposed to Certificate B.

Amenity

- Impact of appearance of garden.
- No acoustic report submitted.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

No.34 Lyall Mews is an unlisted single family dwelling located within the Belgravia Conservation Area. The building is a three storey building with a basement plant room and wine cellar and a single storey rear extension. The application site has an established rear garden with a mix of soft and hard landscaping.

The application site is bounded to the rear by Nos. 34 and 35 Chesham Place which are Grade II listed buildings. Access into the mews is from Lyall Street.

4.2 Relevant History

Planning permission was granted in 1988 for excavation to the rear garden to provide an underground plant room and store with air vent above and new stair to garden level and new railings to the rear garden.

5. THE PROPOSAL

Permission is sought for the excavation of two storey basement with a lightwell to the first basement level and associated planting and landscaping of the rear garden area.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposed works seek to create a two storey basement. The provision of additional residential floorspace is considered acceptable in terms of Policy S14 of Westminster's City Plan.

Concern has been raised by residents that the use of the basements has not been specified and that they may be used as recording studios and provide little in the way of good quality accommodation, except as a series of basement rooms. The submitted plans indicate that basement 1 will provide a dining room, family room, cinema area and associated store and plant area and basement 2 will provide a kitchen, gym, laundry area and plant area.

Environmental Health have advised that whilst the proposed basement rooms are not compliant with the minimum requirements of the Housing Act 2004 for habitable rooms if they were separately occupied, they are however considered acceptable on the grounds that the principal living rooms at ground floor level and above are compliant with the Act and that the property is to be used as a single family dwelling.

6.2 Townscape and Design

The existing mews property is constructed over three floors with a basement plant room and wine cellar under the rear garden area. The existing basement comprises an area of approximately 32m² and is 2.8m deep but does not extend beneath the mews house. There is an existing ventilation shaft that extends above ground which is accessible by stairs from the rear garden area to the basement.

The proposed works seek to provide a two storey basement beneath the main building and rear garden area. The proposed basements will have an overall depth of approximately 7.5m with basement 1 having a floor to ceiling height of 3m and basement 2 a floor to ceiling height of 2.5m. The proposed basement will involve the removal of the existing ventilation shaft, stair access and associated railings and soft landscaping. As part of this, a lightwell is proposed in the location of the planting bed along the rear property line to provide natural light into basement 1. A glazed balustrade is proposed around the lightwell but an amending condition is recommended to secure details of simple black metal railings to the lightwell area, which will be more appropriate to the period of the property and to the character and appearance of the conservation area.

The application site is located to the rear of 34 and 35 Chesham Place, both of which are Grade II listed buildings. Historically the mews properties on Lyall Mews would have been linked to the houses in Chesham Place and would have been used to provide ancillary facilities to the main buildings. The application site is not listed and the proposed basements will be set back from the boundary wall by approximately 0.5m for basement 1 and 0.9m for basement 2. The application site is separated from 34 Chesham Place which is located to the rear of the application property and the neighbouring Lyall Mews properties by existing boundary walls. The only external manifestation of the proposed basement will be the new lightwell which will be located to the rear part of the garden area and will only serve the basement 1 level.

The lightwell area will contain a soil depth of 0.6m and will be planted with a new tree. In design terms this is considered to be a minimal intervention to the garden area as it will not be visible from the public realm, but only in limited views from the adjoining properties and is considered acceptable.

There have been a large number of objections from other residents within the mews. There are seven other properties within Lyall Mews that have had planning permission or Lawful Development Certificates granted for the formation of single storey basement extensions (Nos. 1, 2, 3, 4, 49, 51 and 55) between 2003 and most recently October 2014. The proposal for a two storey basement will be the first within the mews and a number of objectors considered that this represents an overdevelopment of the site and is disproportionate to the scale of the existing building and the function of the mews. However, given the subterranean nature of the proposed two storey basement, which will have a minimal impact on the appearance of the existing building, the development will result in a neutral impact on the Belgravia Conservation Area.

The structural method statement originally submitted with the application indicated that the rear wall, roof and internal floor levels of the house would be demolished in order to facilitate the excavation of the new basements. The applicant has subsequently submitted an addendum to the structural method statement confirming that the proposed basements can be excavated without the need for demolition of the existing building. The City Council is not approving any works of demolition to the building and an Informative is recommended to this effect.

The proposed landscaping of the garden area as a result of the proposed basement works will be subject to conditions to ensure hard and soft landscaping is reinstated.

6.3 Amenity

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

Lyall Mews is a private mews and concern has been raised that the proposals will result in noise, dust and disturbance to properties within the mews particularly to those adjoining the application site. Whilst it is recognised that there will inevitably be an element of disturbance to residents, particularly during the construction of the new basements, conditions are recommended to restrict the hours of building works in order to mitigate the impact on nearby residential occupiers. In terms of disturbance from construction works, it is considered that works can be adequately controlled by use of the City Council's standard hours of work condition. An Informative is also recommended to encourage the applicant to join the nationally recognised Considerate Constructors Scheme as well as keeping residents informed concerning the works.

A Construction Management Plan has been submitted as part of the application. A number of criticisms have been raised by residents regarding the detail of the Construction Management Plan i.e. that it does not adequately address the access and egress of construction traffic into the mews, the existing site constraints of the mews, the fact other properties which have permission for basement extensions could undertake their works at the same time and that Grosvenor own the southern side of the mews (opposite the application site).

In order to address these concerns, a condition is recommended requiring the submission of a revised Construction Management Plan.

6.4 Transportation/Parking

The proposals do not result in any changes to the public highway. The Highways Planning Manager has recommended a condition to ensure that the existing garage is retained. However, as the proposed works are confined to the rear in terms of the formation of the new basements such a condition is not considered necessary in this instance.

6.5 Economic Considerations

The economic benefits generated are welcome.

6.6 Other UDP/Westminster Policy Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 Planning Obligations

The proposal does not trigger any requirement for Planning Obligations.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

The substantial private garden that is a part of this property is not typical of mews buildings in Belgravia. However, the existing garden provides an element of soft landscaping which contributes to the character and appearance of the Belgravia Conservation area.

The existing garden area is made up of a paved area and includes various shrubs in planters and beds. There is an existing semi-mature Himalayan Birch to the rear of the garden.

The proposed basement will be located under the main part of the garden area. To the rear of the garden in the area where the Himalayan Birch is located an area of unexcavated soil to a depth of 1.2m will be maintained. It is proposed to replace the Himalayan Birch tree with a new tree. In the lightwell above basement 2, a soil depth of 0.6m is proposed. There are several trees in the neighbouring garden of 33 Lyall Mews. Trial excavations have been undertaken which demonstrate that the tree roots are not growing beneath the foundations of the boundary wall.

Concern has been raised that the submitted drawings show an indicative landscaping scheme and do not provide detailed information concerning the landscaping of the garden area. The Arboricultural Manager has raised no objection subject to conditions to secure hard and soft landscaping details of the garden area.

6.10 Other Issues

Basement extension

The impact of the basement excavation is at the heart of concerns expressed by objectors. They are concerned that the excavation of new basements is a risky construction process with potential harm to the property and adjoining buildings. One neighbour is particularly concerned about the impact on neighbouring listed buildings. Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, 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.

This report together with the objections raised concerning the method of excavation has been considered by our Building Control officers who advised that the structural approach and consideration of the local hydrology appears satisfactory. 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 the 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 decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go

further would be to act beyond the bounds of planning control. A condition requiring more detailed site investigations to be carried out in advance of construction works commencing, together with the written appointment and agreement of a competent contractor to undertake the works is not therefore considered reasonable.

The City Council adopted its supplementary planning document on basement extensions in November 2014. The SPD is a material consideration in assessing basement extensions; however, the document does not include any new planning policy which restricts the extent to which basements can be constructed but supports the implementation of adopted policies in the Council's development plan. It provides guidance on information that needs to be submitted and how planning applications will be assessed in relation to the adopted policy framework. The City Council has yet to formally introduce a basement policy which limits the extent to which basements can be built. The City Council can only assess the proposed basement in terms of ensuring it can be undertaken without causing harm to adjoining properties.

Plant rooms at basement level

The proposed basement plans show a number of rooms which will accommodate new mechanical plant. The application does not include any new external mechanical plant or vents. An Informative is recommended to advise the applicant that permission would be required for either external plant or vents. Environmental Health have raised no objections subject to our standard noise conditions.

Procedural issues

One neighbour is concerned that the applicant has not consulted with neighbours prior to submitting the application. Whilst the City Council undertakes its own form of consultation, it is at the applicant's discretion as to whether they liaise with neighbours prior to the submission of a planning application.

The applicant initially completed Certificate A of the application form. However, as the works involve excavating under the party walls of the adjoining properties notice was required to be served on the adjoining properties. The applicant accordingly amended the application and completed Certificate B.

Concern has been raised that the level of information contained within the technical documents has not been shown on the planning drawings. The drawings have been amended to show the proposed landscaping in more detail. The structural method statement is for information purposes only at this stage and will form the subject of a Building Regulations application in due course.

6.11 Conclusion

Following revisions to the proposals and subject to appropriate conditions, it is not considered that the objections raised can be sustained to warrant refusing the applications. The proposal is considered acceptable in land use, amenity, design and highway terms subject to the conditions set out in the draft decision letter.

BACKGROUND PAPERS

1. Application form.
2. E-mail from Councillor Paul Dimoldenberg dated 4 October 2014.
3. E-mail from Councillor Rachael Robathan dated 4 December 2014.
4. E-mail from Thames Water dated 16 September 2014.

5. E-mail from the Environment Agency dated 17 September 2014.
6. Memorandum and e-mail from Building Control dated 15 September 2014 and 7 November 2014.
7. Memorandum from Environmental Health dated 22 October 2014.
8. Memorandum from the Arboricultural Manager dated 11 November 2014.
9. Memorandum from the Highways Planning Manager dated 11 February 2014.
10. E-mails from the residential occupier of 12A Lyall Mews, SW1 dated 22 September 2014 and 13 November 2014.
11. E-mails from the residential occupier of 2 Chesham Close, SW1 dated 3 October 2014 and 23 January 2014.
12. E-mail from the residential occupier of 36 Lyall Mews, SW1 dated 6 October 2014.
13. Letters on behalf of the owner/occupier of Flat 5, Chesham Place, SW1 dated 6 October 2014 and 29 January 2015.
14. Letters from TLT Solicitors on behalf of 35 Lyall Mews, SW1 dated 3 October 2014 and 28 January 2015.
15. Letters from Chesham Place Limited on behalf of 30 to 37 Chesham Place, 2 Lowndes Place and 32 Lyall Mews dated 2 October 2014 and 27 January 2015.
16. Letters from Kerman & Co LLP Solicitors on behalf of 32 Chesham Place and 32 Lyall Mews dated 3 October 2014 and 27 January 2015.
17. Letters from Maurice Turnor Gardner LLP on behalf of 35 Chesham Place, SW1 dated 6 October 2014 and 22 January 2015.
18. E-mails from the residential occupier of 33 Lyall Mews, SW1 dated 9 October 2014 and 11 October 2014.
19. Letter from the residential occupier of 14 Lyall Mews, SW1 dated 9 October 2014.
20. E-mails from Grosvenor dated 14 November 2014 and 19 January 2015.
21. E-mails from Austin Mackie Associates Ltd on behalf of the residential occupier of 33 Lyall Mews, SW1 dated 9 October 2014, 13 October 2014 and 23 December 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY E-MAIL – ajackson@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 34 Lyall Mews, London, SW1X 8DJ
- Proposal:** Excavation of a two storey basement with lightwell to first basement level and associated plant and landscaping.
- Plan Nos:** 001, 001 Rev. P1, 000 Rev. P1, 200 Rev. P1, 002 Rev. P1, 003 Rev. P2, 010 Rev. P1, 011 Rev. P1, 020 Rev. P1, 201 Rev. P2, 202 Rev. P2, 203 Rev. P2, 210 Rev. P1, 211 Rev. P1, 220 Rev. P2, 222 Rev. P1, 223 Rev. P2, 226 Rev. P1, 227 Rev. P1, 229 Rev. P1, 230 Rev. P1, 231 Rev. P1, 021 Rev. P1, G421 Rev. P1, 225 Rev. P1, 228 Rev. P1, Planning statement in support of proposed development prepared by DP9 dated August 2014, Design and Access Statement prepared by Boundary Space and Revised Tree Survey - Arboricultural Impact Assessment - Arboricultural Method Statement prepared by Challice Consulting Ltd (ref: CC/1225 AR2230) dated 20 August 2014.

For information purposes: Structural Methodology Statement prepared by Heyne Tillet Steel dated August 2014 and 34 Lyall Mews - Structural Method Statement Addendum (see informative 5) and Construction Management Plan prepared by Knight Harwood (see informative 4).

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless

differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- the glass handrail to the proposed rear lightwell must be replaced with a simple black metal handrail.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start

work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Belgravia Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 7
- (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
 - (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
 - (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
 - (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 8 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 9 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 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.
- 4 For the avoidance of doubt the Construction Management Plan required under condition 4 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 5 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.
- 6 You are advised that this permission does not allow any demolition of the main mews building. Should any demolition works be required in order to implement the works to form the new basements then this will require planning permission.
- 7 The proposed basement 1 and basement 2 plans (201 Rev. P2 and 202 Rev P2) shows the provision of plant rooms. This permission does not permit the installation of any new external mechanical plant or vents that would allow for the ventilation of any internal plant. Therefore a separate planning application accompanied by an acoustic report would be required for either external plant or vents.
- 8 You are advised that the proposed basement rooms are not compliant with the minimum requirements of the Housing Act 2004 for habitable rooms and should not be let or separately

occupied. The scheme is considered acceptable on the grounds that the principle living rooms at ground floor level and above are compliant and that the property is to be used as a single family dwelling.

- 9 The applicant will need technical approval for the works to the highway (supporting structure) prior to the commencement of the development. The applicant should contact Andy Foster (0207 641 2541) in Engineering and Transportation Projects to progress the applicant for works to the highway.
- 10 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

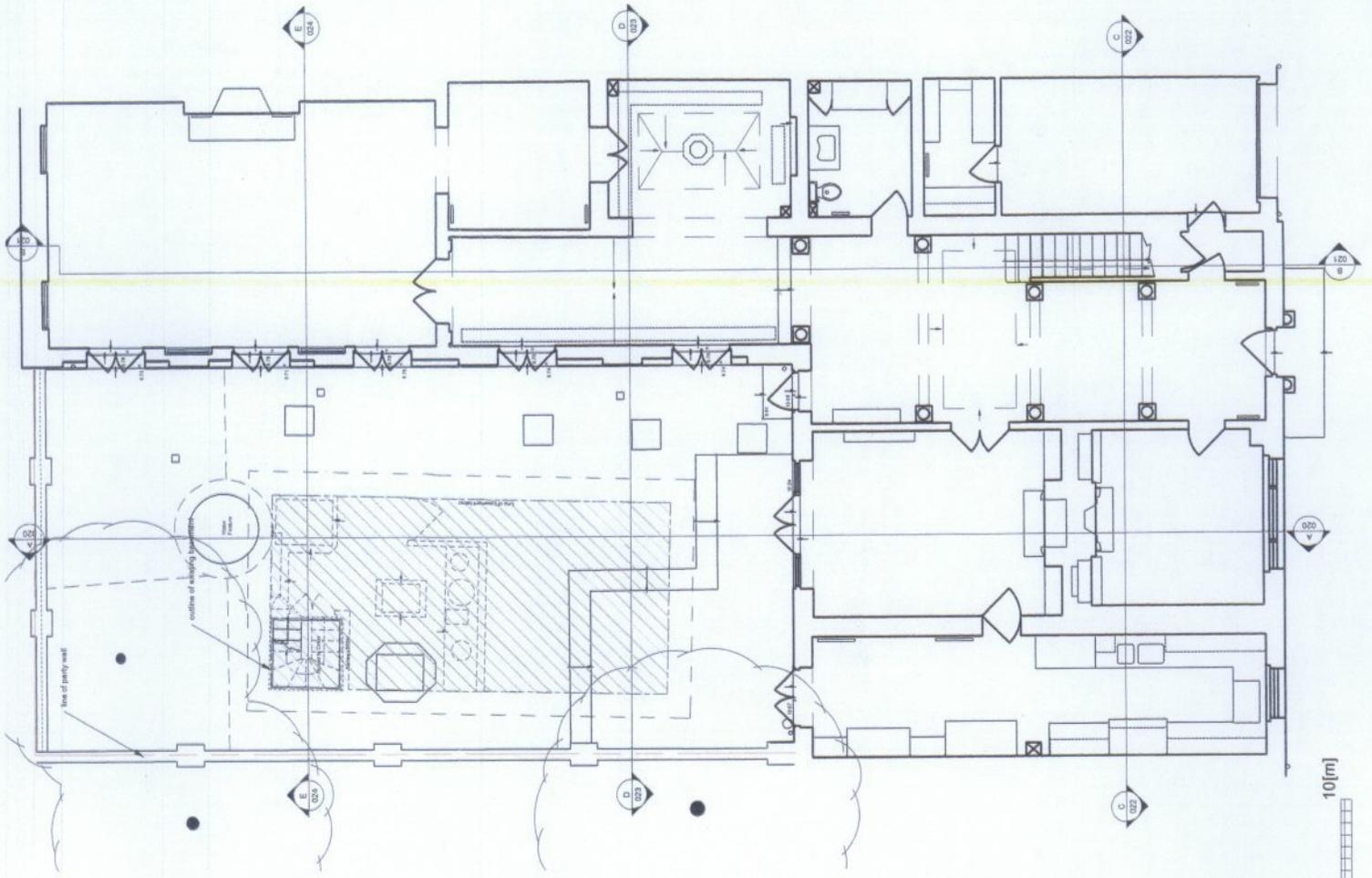
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water requests you to incorporate within your proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 11 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 12 Conditions 7, 8, 9 & 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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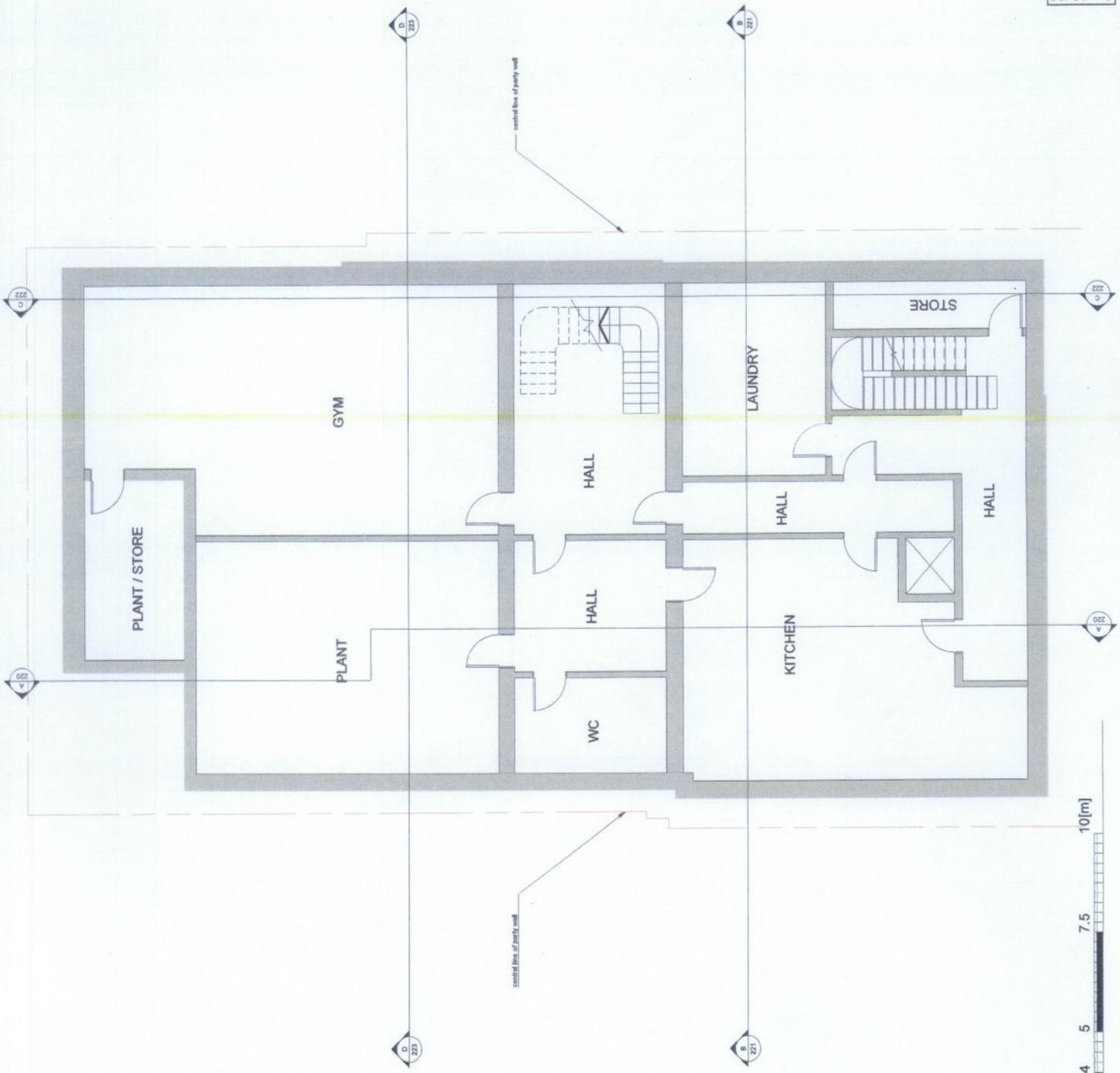


CASE COPY
TP: _____
RN: _____
ADDRESS: _____

DATE: 11.02.15
PROJECT: P2
DRAWING NO: 003
DRAWING TITLE: Ground Floor Plan
DRAWING TYPE: Existing
SCALE: 1:200 @ A3

B BOUNDARY SPACE
ARCHITECTS
1111 BROADWAY, SUITE 100
VANCOUVER, BC V6Z 1Y1
CANADA
TEL: 604.681.1111
WWW.BOUNDARYSPACEARCHITECTS.COM

ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE TO BE VERIFIED ON SITE. ANY DIMENSIONS NOT SHOWN ARE TO BE TAKEN FROM THE FACE OF THE WALL UNLESS STATED OTHERWISE. ANY DIMENSIONS IN THIS DRAWING SHALL BE REPORTED TO THE ARCHITECT.



CASE COPY
 TP:
 RN:
 ADDRESS:

918 Arch	201	P2
341 East Avenue		
144 411 37 3444 5007		
144 411 37 3444 5007		

BOUNDARY SPACE

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 201
 P2

341 East Avenue
 144 411 37 3444 5007
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