

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date 1 March 2016</b>	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>5 Hall Gate, London, NW8 9PG,</b>		
<b>Proposal</b>	Excavation of basement extension including a front lightwell, a rear lightwell and metal bridge to the rear garden from the ground floor and external alterations.		
<b>Agent</b>	Ms Sarah Wardlaw		
<b>On behalf of</b>	Ms Sally Lane		
<b>Registered Number</b>	15/10252/FULL	<b>Date amended/ completed</b>	3 November 2015
<b>Date Application Received</b>	3 November 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>			

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The site comprises a two storey mid-terrace building located within Hall Gate. The site is not listed, within a Conservation Area or subject to an Article 4 Direction.

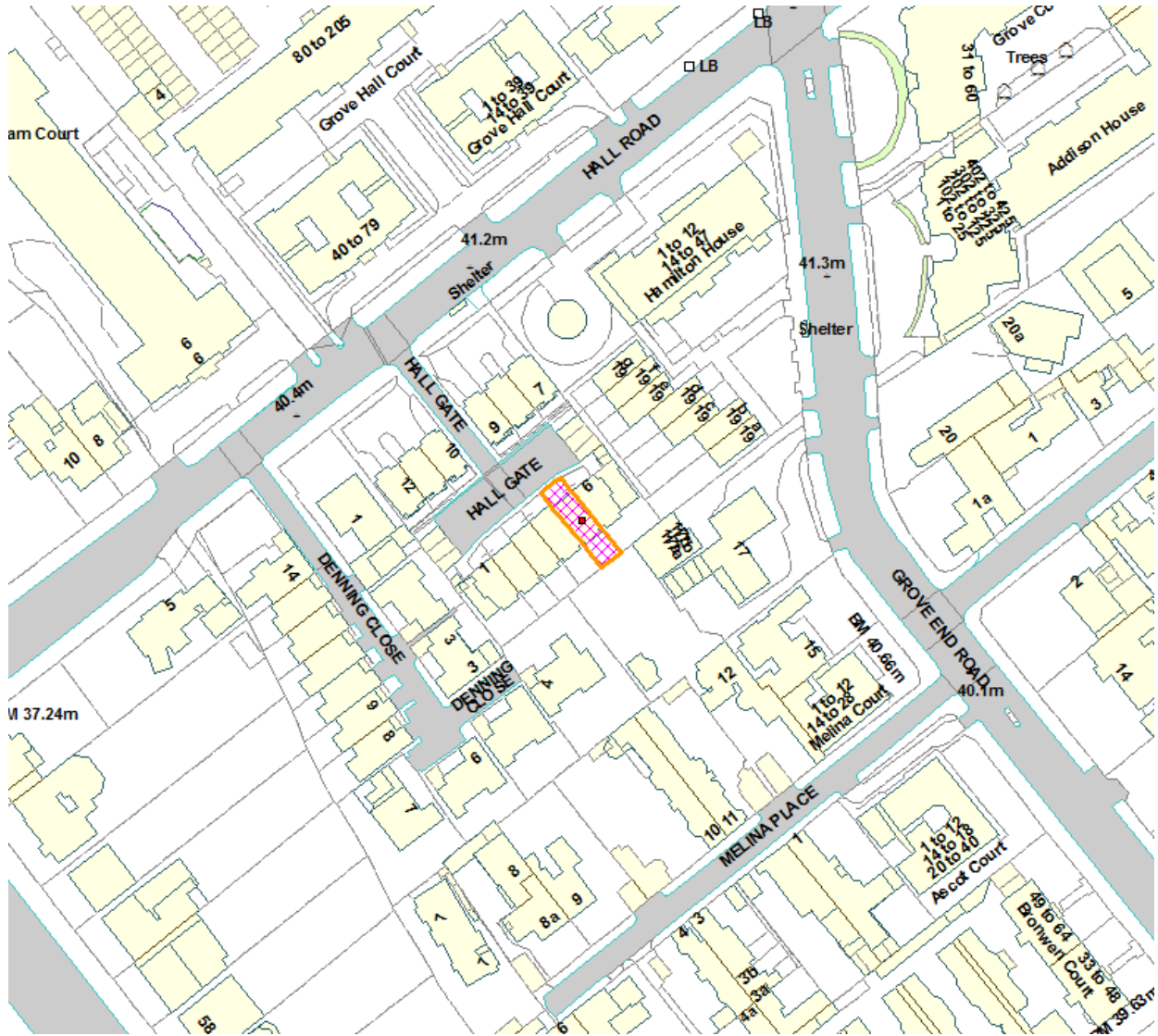
Planning permission is sought for the excavation of a basement extension including a front and rear light wells and a metal bridge from the ground floor and external alterations.

The key issues are:

- Impact on the appearance of the building.
- Impact on the amenity of neighbouring residents.

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### COUNCILLOR RIGBY

Requests application is considered by Planning Applications Committee.

### ST JOHN'S WOOD SOCIETY

No comments to date.

### BUILDING CONTROL

No objection, the structural method statement is considered to be acceptable.

### HIGHWAYS PLANNING

No objection.

### EH CONSULTATION

Additional information required in relation to proposed plant. Information requested from applicant. Outcome of request to be reported verbally.

### ARBORICULTURAL SECTION

No objection subject to additional tree protection details.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 6

No. of objections: 5

No. in support: 1

#### Structural Impacts

- Structural impact on adjoining properties and the terrace.

#### Construction Works

- Traffic and parking congestion during works.
- Disruption due to works occurring alongside other projects in immediate vicinity.
- Vermin as a result of works.
- Access in and out of Hall Gate will be restricted.
- Land stability.
- Drainage.
- Excess material storage.
- Water table.
- Construction cannot take place at the same time as a basement recently approved at 3 Hall Gate.

#### Other

- Rear dormer results in overlooking
- Refuse storage to front
- Rear extension unclear on drawings and results in loss of light.

- Noise front metal bridge
- Light pollution
- Over development
- Party wall concerns

#### Support

- Proposal will contribute to the terrace by updating a currently rundown house to provide quality modern family home.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The site comprises a two storey mid-terrace building located within Hall Gate. The site is not listed, within a Conservation Area or subject to an Article 4 Direction.

### **6.2 Recent Relevant History**

#### 15/10496/CLOPUD

Ground floor rear extension, replacement of existing rear dormer with extended dormer. Alterations to front elevation facade including the replacement of existing modern timber framed glazed door with traditional painted, timber panelled door and replacement of all existing UPVC windows with new traditional double glazed timber framed sash windows.  
Application Permitted                      6 January 2016

## **7. THE PROPOSAL**

Planning permission is sought for the excavation of a basement extension including a front and rear light wells and a metal bridge from the ground floor to the rear garden over the lightwell. External alterations, including replacement of a door in the front elevation with a window are also proposed.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The enlargement of the existing dwelling is acceptable in land use terms and would accord with Policy H3 of the UDP.

Whilst the proposed basement would receive limited natural light, proportionately, it would comprise a limited proportion of the overall floorspace of the dwelling and overall the enlarged dwelling would continue to provide a good standard of residential accommodation.

## 8.2 Townscape and Design

The site is not located within a conservation area. The bulk and scale of the proposed basement floor will be hidden below the footprint of the existing building and consequently would not harm the appearance of the existing building.

The proposed front lightwell would not project significantly beyond the building line and it would be located behind a low height wall which is to be rebuilt to match the existing wall. This wall would obscure the front lightwell from view. This element is considered to be acceptable in terms of design.

The rear lightwell would be located along the rear elevation of the property, adjacent to the boundaries with No. 6 and No. 4 Hall Gate and includes a metal bridge. The lightwell would be discreetly located and limited in scale and therefore are not considered to harm the appearance of the building. The detailed design of the bridge and associated glass balustrade will be secured via a condition.

The proposed alterations to the front elevation, including a replacement door and windows are considered to be acceptable in terms of design as the materials will be matching the those used in the surrounding properties.

The proposal is considered acceptable in terms of design as it complies with policy s28 of the City Plan and policies DES1 and DES5 of the UDP.

## 8.3 Residential Amenity

The proposed basement extension would be entirely located below ground level and consequently it would have no adverse impact on the amenity of neighbours in terms of loss of light, increased sense of enclosure or overlooking.

The proposed basement would rely on mechanical ventilation, which has been indicated on the plans. The City Council's Environmental Health Officer has requested the following additional information:

- The existing noise climate in application area ( $L_{Aeq}$  &  $L_{A90}$ )
- Noise emission from plant and measures to be taken to ensure that plant noise do not lead to creeping background noise level
- Assurance that plant will not transmit vibration to adjoining structures or other premises and structures through the building structure and fabric

This information has been requested from the applicant and the outcome of this request will be reported verbally. However, The Environmental Health Officer has also suggested conditions to ensure that resident's amenity is safeguarded in the event the applicant does not provide this information.

Subject to conditions, the proposal would comply with policy s29 of the City Plan and ENV6 and ENV13 of the UDP.

#### **8.4 Transportation/Parking**

The proposal does not result in a change to the number of residential units and no changes to the highway are proposed. The proposal is acceptable on transportation grounds.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The proposal does not have any adverse access implications.

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

##### Trees

No objection was received from the Arboricultural Officer. However, further tree protection details were requested, including details of ground protection of the entire rear garden, and details of the way in which the excavation will be shored up to prevent soil collapse.

#### **8.8 London Plan**

This application raises no strategic issues.

#### **8.9 National Policy/Guidance Considerations**

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

#### **8.10 Planning Obligations**

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

#### **8.11 Environmental Impact Assessment**

Environmental Impact issues are not relevant in the determination of this application.

#### **8.12 Other Issues**

##### Basement

Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers.



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 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 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.

Building Control have assessed the reports provided and consider that the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Consultation on a revised formal policy, 'Draft Basements Policy', has been carried out, and it will form part of the local plan (replacing the UDP) once adopted. The Council is attributing weight to parts of its basement policy for all applications submitted after 1 November 2015. This application, which was validated 3rd November 2015, is therefore expected to comply with the relevant parts of the policy. As it would not extend beneath more than 50% of the garden land, would leave a margin of undeveloped land around the entire boundary, and is not more than one storey below the lowest original floor level, the proposal is considered to be acceptable and in accordance with this policy.

Given the above, and in these circumstances, though noting the strong objections which have been received, the objections on these grounds are not considered sustainable

#### Construction Management

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity.

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan has been submitted with the application. This is considered appropriate and reasonable at application stage. However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation.

#### Objectors comments

The concerns raised by objectors are largely addressed above. The following is also noted.

An objector is concerned about the location of a rear extension and windows in the rear dormer. However, both these types of extension are not proposed under this application.

An objector is concerned that the proposal will result in light spill to neighbouring properties. However, the proposed lightwells would direct light spill up the front and rear elevations of the application property, rather than onto neighbouring properties. Given this and the domestic scale of this proposal, it is not anticipated that light spill would be so significant as to warrant refusal of the application.

### **8.13 Conclusion**

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

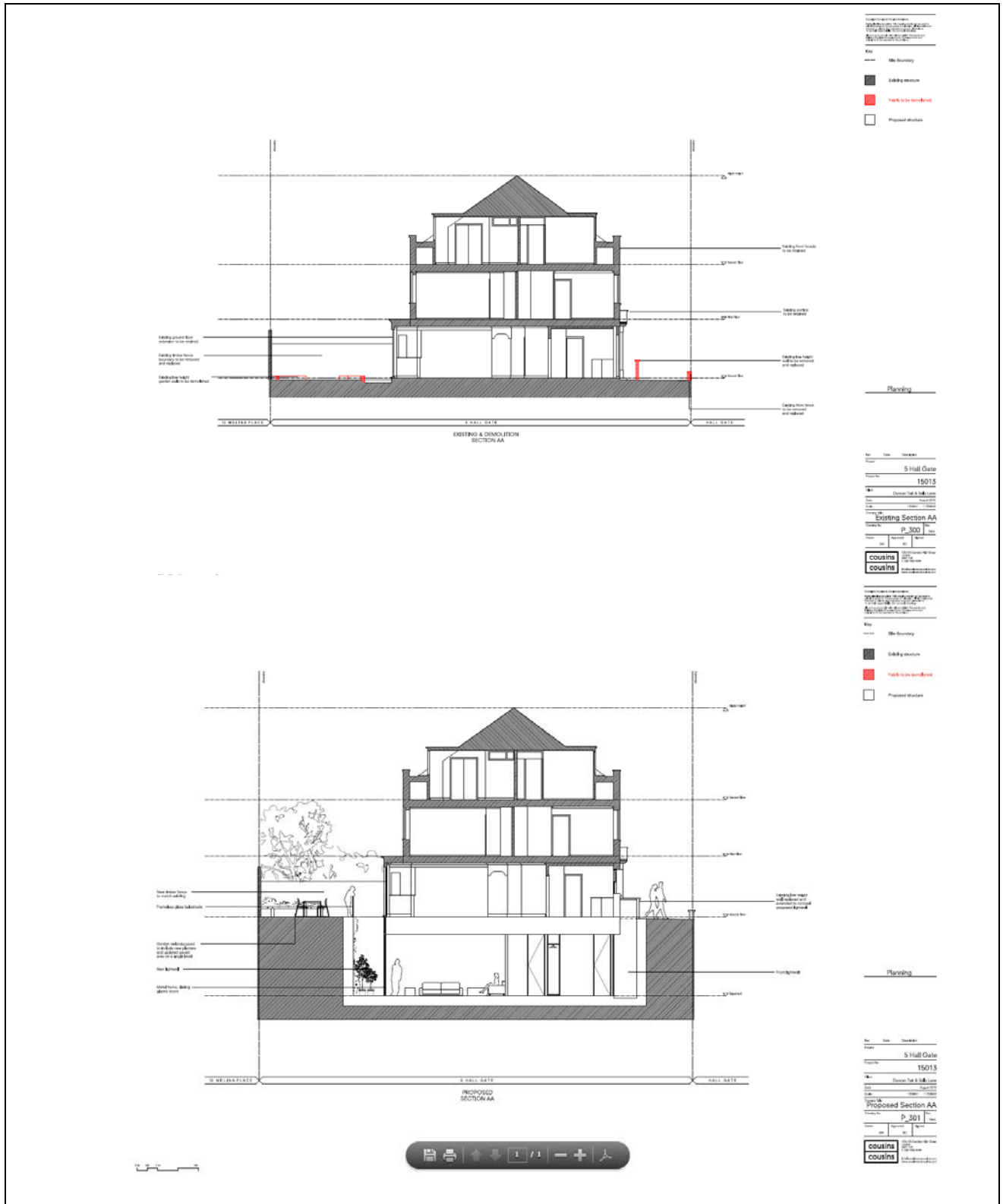
## **9. BACKGROUND PAPERS**

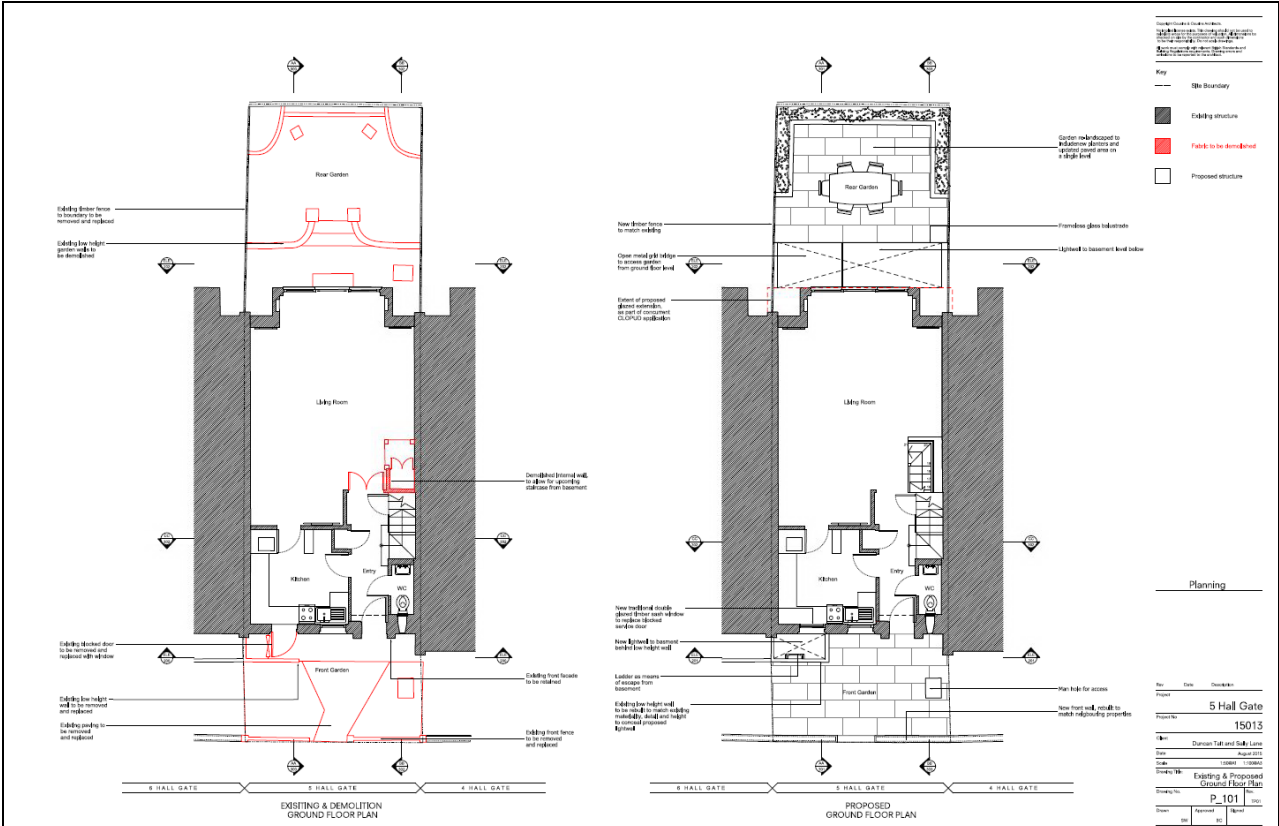
1. Application form
2. Email from Councillor Rigby
3. Response from Building Control - Development Planning, dated 24 November 2015
4. Response from Highways Planning - Development Planning, dated 23 November 2015
5. Response from EH Consultation, dated 1 December 2015
6. Response from Tree Section dated 5<sup>th</sup> January 2015
7. Letter from occupier of 1 Hall Gate, London, dated 24 November 2015
8. Letter from occupier of 2 Hall Gate, London, dated 9 December 2015
9. Letter from occupier of 10 Hall Gate, London, dated 4 December 2015
10. Letter from occupier of 6 Hall Gate, London, dated 10<sup>th</sup> December 2015
11. Letter from occupier of 4 Hall Gate, London, dated 10<sup>th</sup> December 2015
12. Letter from occupier of 3 Hall Gate, London, dated 21<sup>st</sup> December 2015

(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 VICTORIA COELHO ON 020 7641 6204 OR BY EMAIL AT [northplanningteam@westminster.gov.uk](mailto:northplanningteam@westminster.gov.uk)

10. KEY DRAWINGS



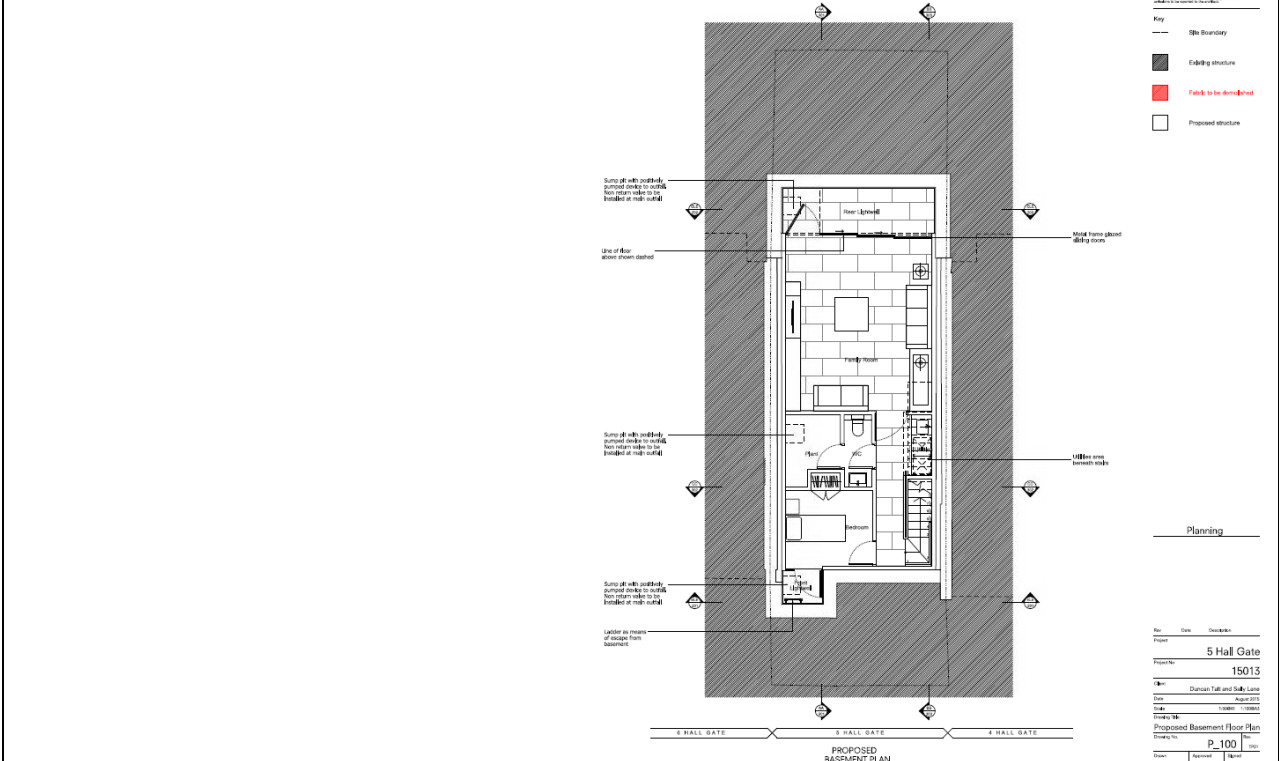


Key

- Site Boundary
- Existing structure
- Fabric to be demolished
- Proposed structure

Planning

Ref.	Date	Description
1		5 Hal Gate
2		15013
3		Existing & Proposed Ground Floor Plan
4		P_101



Key

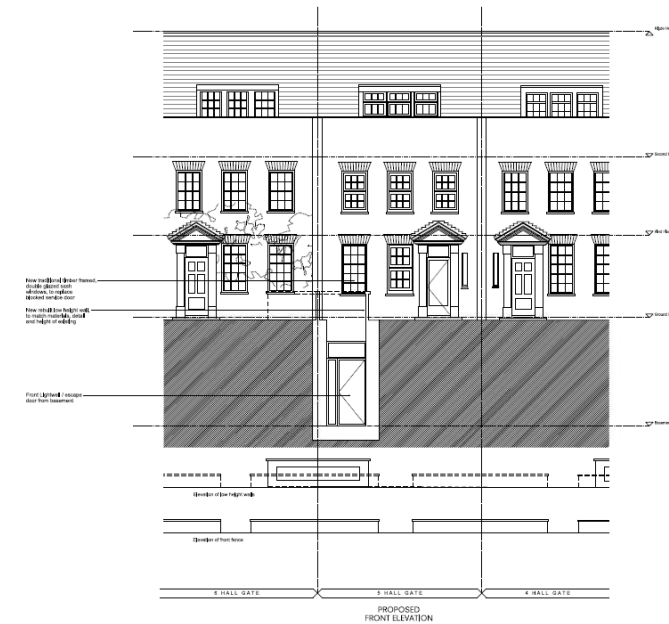
- Site Boundary
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Planning

Ref.	Date	Description
1		5 Hal Gate
2		15013
3		Existing & Proposed Ground Floor Plan
4		P_100







**COUSINS**  
 ARCHITECTURAL & ENGINEERING  
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 Website: www.couins.com

**Key**  
 --- City Boundary  
 Existing structure  
█ Fabric to be demolished  
 Proposed structure

Planning

No.	Date	Description
15013		5 Hall Gate
Project No.	15013	
Client	Division of Public Works	
Drawn by	Checked by	Approved by
Scale	1" = 10'-0"	1" = 10'-0"
Sheet No.	P-200	
Sheet Title	Existing Front Elevation	
Scale	1" = 10'-0"	1" = 10'-0"
Project No.	15013	
Client	Division of Public Works	
Drawn by	Checked by	Approved by
Scale	1" = 10'-0"	
Sheet No.	P-200	
Sheet Title	Existing Front Elevation	
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 --- City Boundary  
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Planning

No.	Date	Description
15013		5 Hall Gate
Project No.	15013	
Client	Division of Public Works	
Drawn by	Checked by	Approved by
Scale	1" = 10'-0"	1" = 10'-0"
Sheet No.	P-201	
Sheet Title	Proposed Front Elevation	
Scale	1" = 10'-0"	1" = 10'-0"
Project No.	15013	
Client	Division of Public Works	
Drawn by	Checked by	Approved by
Scale	1" = 10'-0"	
Sheet No.	P-201	
Sheet Title	Proposed Front Elevation	
Scale	1" = 10'-0"	

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**DRAFT DECISION LETTER**

**Address:** 5 Hall Gate, London, NW8 9PG,

**Proposal:** Excavation of basement extension including a front lightwell, a rear lightwell and metal bridge to the rear garden from the ground floor and external alterations.

**Reference:** 15/10252/FULL

**Plan Nos:** P\_000 - Site Location; P\_010 - Site Plan; P\_100 - Proposed Basement Plan; P\_101 - Existing and Proposed Ground Floor Plan; P\_200 - Existing Front Elevation; P\_201 - Proposed Front Elevation; P\_202 - Existing and Proposed Rear Elevation; P\_300 - Existing Section BB; P\_301 - Proposed Section BB; P\_302 - Existing Section BB; P\_303 - Proposed Section BB; P\_304 - Existing and Proposed Section CC; P\_400 - Proposed Landscape Plan; Construction Management Plan; Design and Access Statement.

**Case Officer:** Victoria Coelho

**Direct Tel. No.** 020 7641 6204

**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 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown in the Arboricultural Impact Assessment Report. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)



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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 4
- (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.

- 5 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.

- 6 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.
- Noisy work must not take place outside these hours. (C11AA)

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)

7. **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.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

9. You must apply to us for approval of detailed drawings at 1:20 scale or larger of the following parts of the development: the metal bridge over the basement to the rear and the balustrade around the front lightwell. You must not start work on these parts of the development until we have approved the details in writing and then carry out the work in accordance with the approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

**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. Please contact our Tree Officer on 020 7641 6096 or 020 7641 2922 to arrange a site inspection before you start digging foundations near the tree referred to in condition 2;. (I34AA)
3. Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)