

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	30 Mount Row, London, W1K 3SH		
Proposal	Demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and four self-contained residential units on the five upper floors.		
Agent	DP9		
On behalf of	Summerford Ltd		
Registered Number	16/01024/FULL	Date amended/ completed	15 February 2016
Date Application Received	5 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- a) Provision of £457,000 (index linked and payable prior to commencement of development) towards the affordable housing contribution fund;
- b) A car parking space within a local car park for 25 years;
- c) Lifetime membership to a car club for every residential unit for 25 years;
- d) The cost of highways works (prior to occupation); and
- e) The costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

(b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

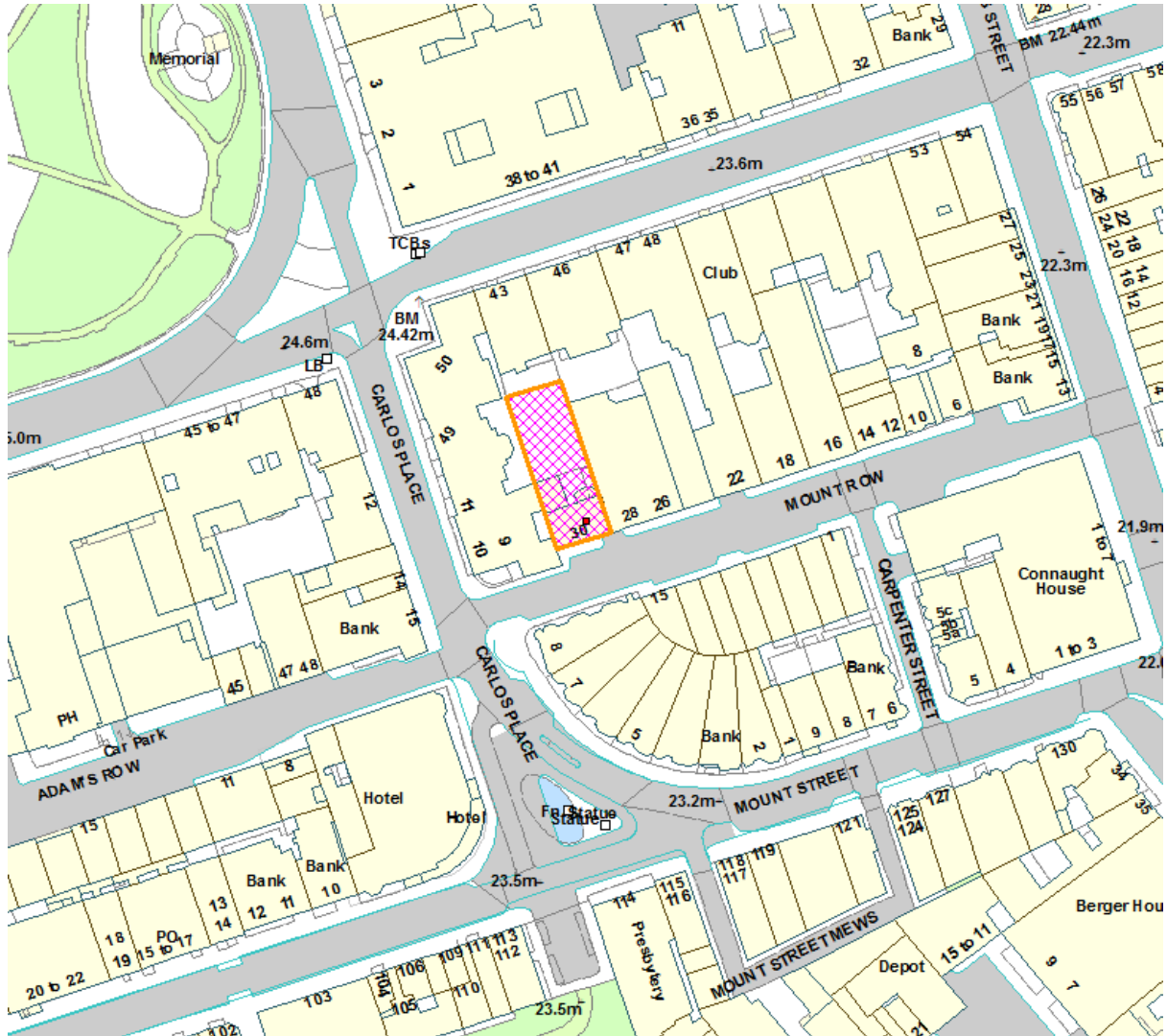
The application site is a two storey (plus basement) single family dwelling house located towards the eastern end of Mount Row, close to the junction with Carlos Place. There have been various permissions granted for the demolition and rebuilding to provide a larger single family dwelling. Permission is now sought for the demolition of the building, excavation to create two sub-basement levels, ground and five upper floors. The lower floors will be used as a retail gallery and first to fifth floor levels will be used as four residential units.

The key issues for consideration are:

- The height/bulk and detailed design of the new building within the Mayfair Conservation Area;
- The loss of the rear garden;
- The introduction of a retail gallery over the lower floors on residential amenity
- The impact of the height and bulk of the new building on residential amenity.

The proposal is considered acceptable in land use, amenity and design grounds and is in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and therefore is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Do not wish to make a representation

HISTORIC ENGLAND ARCHAEOLOGY

No objection

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection

CLEANSING

Objection – no waste/recycling stores shown for the residential part of the development.

BUILDING CONTROL

The structural method statement is acceptable.

ENVIRONMENTAL INSPECTORATE

Scheme is too small to request a Site Environmental Management Plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 105

Total No. of replies: 2

No. of objections: 2

Two objections raising the following:

Land use

- The proposed retail unit should be restricted to ensure that a supermarket does not occupy the floorspace

Other

- Cumulative impact of the building works in the vicinity of the site
- Noise/vibration and dust
- The structural assessment and construction management plan must be assessed by the City Council

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application premises is a single family dwelling house located at the eastern end of Mount Row, adjacent to the junction with Carlos Place. The property, which is currently vacant, comprises basement, ground and first floors and provides one off-street parking space. There is a large rear garden which extends to the rear of other properties which face Grosvenor Street.

On this side of Mount Row and in the adjacent Nos.9-11 Carlos Place the neighbouring buildings are all much taller than the application site. The upper floors of Nos.7-11 Carlos Place comprise a number of residential flats which are known as Flat Nos. 1-15, 49 Grosvenor Square. The building on the other side of the application site, Nos. 26-28 Mount Row, is in commercial use (although it has been resolved to grant planning permission for the use of the upper floors as nine residential units. This permission is subject to a S106 and is pending decision.)

The site is located within the Mayfair Conservation Area and the Core Central Activities Zone.

6.2 Recent Relevant History

The planning history for this building dates back to 2007, when permission was first granted for the demolition of the building and rebuilding to provide a new single family dwelling of basement, ground and three upper storeys. This permission was then renewed in 2010.

Permission was then granted in March 2012 for the demolition of existing two storey single family dwelling and excavation to provide new single family dwelling with double basement, ground floor, and four upper storeys and single storey rear extension; and single storey building at rear of garden. This permission was subject to a S106 to secure a financial contribution (£588,000) towards affordable housing and funding the provision of an off street car parking space in the vicinity of the development.

Permission was refused in October 2012 for the demolition of existing building and redevelopment to provide a single family dwelling house over sub-basement, basement, ground and five upper floors with ancillary accommodation in a new single storey building in the rear garden. This proposal was refused on the following grounds:

- i) Because of its height and detailed design the new building would harm the appearance of the street and fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area;
- ii) The new building would lead to a loss of daylight for the people living in the flats with windows facing the lightwell. This is because of height and bulk of the new building.

The subsequent appeal was dismissed, but the Inspector only upheld the design reason for refusal.

Permission was granted in July 2015 for the demolition of existing building and redevelopment to provide a single family dwelling house with sub-basement, basement,

ground and four upper floors; and single storey building at rear of garden. This was subject to a S106 to secure a payment of £409,810 towards the affordable housing fund and a car parking space within a local car park for 25 years.

26-28 Mount Row

A resolution to grant planning permission for the use of the part basement, part ground and first to fifth floors as nine residential units was agreed in July 2015. A S106 legal agreement has yet to be signed to secure an affordable housing payment; lifetime membership for all flats to a car club; and unallocated car parking for the six car parking spaces.

7. THE PROPOSAL

Permission is sought for the demolition of the existing building and redevelopment to provide a mixed use building with sub-basement, basement, ground and five upper floors. The sub-basement, part basement and part ground floor will be used as a retail gallery (Class A1). The part basement, part ground and five upper floors will be used as four residential flats.

There are distinct changes from the 2015 consented scheme to the building now proposed. These are as follows:

- A single storey extension is proposed at rear ground floor level. This will cover the majority of the garden and will extend up to the boundary with 43 Grosvenor Street;
- Erection of a fifth floor level;
- Introduction of a commercial use over the lower floors; and
- Detailed design of the new building.

As with the previously consented schemes the building is set back from the existing lightwell that serves 9-11 Carlos Place at second floor level and above. The new fifth floor level will be set back from the front of the building and will be in line with the fifth floor level of the adjoining building at 26-28 Mount Row. External amenity space is proposed for all the residential units.

Land use table below

	Existing m2	Proposed m2	+/- m2
Residential	319	1006	+687
Commercial	0	884	+884
Total	319	1890	+1571

8. DETAILED CONSIDERATIONS

8.1 Land Use

Overview

The proposals result in an increase in commercial floorspace of 884m². UDP Policy CENT3 and S1 of the City Plan aim to ensure where there are increases of commercial floorspace over 200m² it is set off by an equivalent amount of residential floorspace, provided this is appropriate and practical. As there is existing residential on-site, this also has to be re-provided. The proposed residential floorspace is proposed to increase by 687m². This represents a 197m² shortfall which is not in strict compliance with policy. The applicants have stated that it is not possible to increase the amount of residential floorspace on-site, and the applicants do not own any other properties in the vicinity where the required residential floorspace could be accommodated. The applicants have therefore agreed to make a policy compliant contribution to the affordable housing fund of £457,000. This payment in lieu of on-site residential provision is deemed to be acceptable in this instance.

Residential use (mix, standard of accommodation)

The proposed increase in the amount of residential floorspace and units is considered acceptable and complies with policies H3 of the UDP and S14 of the City Plan.

The proposed units comprise 3 x 2 bed and 1 x 3 bed units. This represents 25% of the housing development as three bedroom units. Although this falls short of the normal expectation within UDP policy H5, it is considered acceptable in this instance. The existing family sized unit on-site will be replaced and this is considered acceptable.

All the residential units are dual aspect with bedrooms to the rear and the main living area to the front overlooking Mount Row. External amenity space is proposed for all the residential flats.

All the units would meet the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG. The unit sizes are detailed below.

Level	Size (GIA) m ²
First	151
Second	136
Third	134
Fourth/fifth floor maisonette	212

Retail/Gallery use

The introduction of retail floorspace within the Core CAZ is acceptable and complies with S6 of the City Plan. The retail floorspace comprises 884m² and will be used by an international art gallery. There is no specific end user at this time, but the principle of the use is acceptable.

A representation has been received from the freeholder of 12-14 Mount Row raising concerns over the size of the retail unit which could be occupied by a more intensive A1 use, for example a supermarket. These concerns are noted and it is considered that the

mews would not be a suitable location for a supermarket on noise and servicing grounds. A condition is recommended to prevent the retail unit being used as a supermarket.

8.2 Townscape and Design

The existing building is a relatively undistinguished structure comprising a small basement area, ground floor and one upper storey. It probably originated as the mews house linked to No. 48 Grosvenor Street. The front elevation is rendered and has sash windows and a garage doorway. It has a neutral impact on the character and appearance of the conservation area. The principle of demolition is acceptable subject to the replacement building being of sufficient quality, and permission has been granted previously for redevelopment of the site.

It is an unusual survival of the original scale of building in the street and is now flanked by far taller buildings. While a building of greater height than that existing is acceptable, in principle, in townscape terms the height must be in keeping with the character and appearance of the street.

The north side of the street is effectively 'bookended' by buildings on Carlos Place to the west and Davies Street to the east. Between these high points, the street is of a smaller and more domestic scale. There is a consistent parapet line from No. 16 to No. 28 while the grade II listed buildings at Nos. 6 to 14 are much lower. The parapet line is an important defining feature on the north side of the street and needs to be maintained on the development site in order to meet DES 1(A)4 which requires that development should maintain 'the character, urban grain, scale and hierarchy of existing buildings' and DES 4 which requires infill development to have regard to the prevailing character and quality of the surrounding townscape and in particular (A) '...local scale of development, (B) prevailing overall heights, storey heights and massing of adjacent buildings'.

In design terms this proposal has sought to address previous objections regarding the height, bulk and detailed design of the building (by other designers) which was the subject of a dismissed appeal. The new proposal is unashamedly modern but makes careful use of appropriate materials that will enhance this part of the conservation area.

The street facade is mostly brick but has a set-back section clad in profiled bronze panels. Bronze is also used to frame the windows and as a covering for the mansard roof. The set-back attic floor is also detailed in bronze. The parapet of the facade is almost level with the neighbouring building to the east and the bronze panel cladding sits just below the main cornice of the building to the west. This helps to reinforce the parapet line of the street and is acceptable in design and heritage asset terms. The size and proportion of the windows is characteristic of historic development in the surrounding area and thus helps to improve the appearance of the street and reinforces the character and appearance of the surrounding conservation area.

At the rear, the design of the building is less constrained by its context and a freer architectural approach is adopted. The most visually interesting and appealing part of the proposal is the multi-faceted roof of the gallery space which has been designed to provide natural light to the space and visual interest when seen from the upper floors of surrounding properties. While the development of the former garden space will result in it

being almost entirely covered by the new building, this is acceptable in this unusual case. The garden area has little aesthetic value because of its tightly constrained location and it is remnant that does not contribute much to the conservation area. Furthermore, the visual interest of the proposed building is considered to be significantly greater than the garden remnants.

The proposed basement is acceptable in heritage asset terms, but Historic England notes the site is within an area that it is assumed formed the line of Civil War earthworks. This may be dealt with by a condition requiring an archaeological watching brief.

In design and heritage asset terms the proposal accords with UDP polices DES 1, DES 4, DES 9 and DES 11, Westminster City Plan: Strategic Polices S25 and S28, and the City Council's 'Development and Demolition in Conservation Areas' SPG.

8.3 Residential Amenity

Permission has previously been granted for the demolition of the building and rebuilding to provide two basement levels, ground and four upper levels. The consented schemes were set back from the recessed lightwell at second floor level and above. The proposal includes the addition of a fifth floor extension. The proposal also includes the erection of a single storey extension at rear ground floor level. The ground floor extension will cover the majority of the existing garden, it will be set back from the boundary with 49 Grosvenor and partially to the rear with 43 Grosvenor Street. The form of the roof is unusual and will comprise 'origami' folded roof form. This will be slightly taller than the height of the boundary walls.

Daylight and Sunlight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and this is analysed below.

The nearest residential properties to the proposed development are the flats at 49 Grosvenor Square. No. 49 Grosvenor Square is provided with windows on all elevations and, as a result, it is a well-lit building overall. The elevation facing the application site includes a recessed lightwell with windows to kitchens and utility rooms for some of the flats on the first to fourth floors. These windows are currently advantaged by the fact that the house on the application site is considerably lower than its neighbours and 49 Grosvenor Square's windows therefore look over the existing roof of the house and onto the blank wall of the adjoining building on the other side at 26-28 Mount Row.

The proposed new building would be set back away from this lightwell at second floor level and above - similar to the approach taken in the previous approval granted in July 2015 and the previously consented schemes.

As with the previous schemes, the windows facing the application site would lose significant daylighting levels as a result of the proposed development. This was considered acceptable in the consented schemes as the windows within 49 Grosvenor Square rely on 'borrowed' light from above the low building on this neighbouring site.

However, this proposal includes the addition of a fifth floor level. Permission was refused in 2012 to the impact of the fifth floor on daylight and sunlight to the windows in the lightwell of 49 Grosvenor Square. The appeal was dismissed on design and conservation grounds, but not on daylight and sunlight grounds. In his report the Inspector stated:

"Nevertheless it is clear from what I have seen and read that the proposed development would result in some further loss of daylight to that which was regarded as acceptable when the previous scheme design was considered. However, bearing in mind the plan area of the lightwell, the glazing of some windows with frosted glass and as daylight would already be compromised by the structure of the existing escape stair, existing daylight levels are likely to be low already. I am therefore not persuaded, based on the evidence before me, that the likely further reduction in daylight that would result if this scheme were to go ahead would be so significant as to cause harm to the living conditions of neighbouring residential occupiers, having regard to what I understand to be the overall level of habitable accommodation within the apartments. I therefore conclude in respect of the second main issue that the proposed development would accord with the aims of Policy CS28 and ENV13 as they relate to the protection of residential living conditions".

The submitted daylight and sunlight report has analysed the losses to VSC to the windows within the lightwell of 49 Grosvenor Square. The figures include the consented scheme, the 2012 appeal scheme and as now proposed. These indicate that, although there are losses to VSC more than the consented scheme, these are less than the 2012 appeal scheme, where the Inspector deemed that the losses were not so significant as to cause harm. On balance, it is therefore considered that the losses are acceptable.

The proposed rear extension is set back from the boundary with 49 Grosvenor Square. The roof form will be seen by some of the residential windows above the existing boundary wall, but this is unlikely to have a significant impact on the residential windows.

Privacy

A courtyard is proposed at rear ground floor level and this will be used by the gallery use. As mentioned previously there are high boundary walls around the existing rear garden area and therefore is not considered that there will be any increase in the amount of overlooking from the existing situation.

New amenity space is proposed for the new residential units. At first to fourth floor levels the amenity space will take the form of inset balconies close to the boundary of 26-28 Mount Row, therefore set away from 49 Grosvenor Square. The balconies will not extend beyond the rear elevation of 26-28 Mount Row, therefore the potential residential use will not be affected.

At fifth floor level, terrace areas are proposed to the front and rear. The front terrace is a similar size to the existing terrace at 26-28 Mount Row and subject to adequate screening, is considered acceptable. The rear terrace is also considered acceptable as there will not be any direct views to residential windows in 49 Grosvenor Square.

8.4 Transportation/Parking

The existing single family dwelling has one off-street car parking space, but there is no proposal to provide parking facilities in the proposed development.

The loss of the existing off-street car parking space is contrary to Policy TRANS23, which states the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances. In the previously consented schemes, an off-street car parking space within a local car park was secured via S106. The City Council need to ensure that this is secured for 25 years from the date of occupation. A S106 is required to secure this parking space.

This proposal differs from the previous consents as there are four residential units proposed rather just one. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require a maximum of one parking space per residential flat. As one space will be provided in a car park elsewhere, this would amount to a maximum of three spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night-time is 34%. During the day, the uptake is 85% meaning that on-street parking is already at 'stress levels'. The absence of any off-street parking provision could exacerbate existing parking stress levels in the vicinity of the site. However, it is acknowledged that the site has a high level of public transport accessibility.

In order to address the lack of car parking provision in the new development, the applicant has offered to provide free lifetime car club membership (25 years) for all four flats. Lifetime car club membership is the strongest mechanism that it likely to reduce car ownership of the future residential occupiers. It is considered on this basis, and subject to the legal agreement securing car club membership the proposal is acceptable in highways grounds.

Four off-street cycle parking spaces are proposed for the residential part of the development and these will be secured by condition. No off-street cycle parking is shown for the commercial part of the development. A condition is recommended to secure these spaces.

Servicing

The gallery use is speculative; therefore it is difficult to confirm the number of deliveries that would be required. The transport statement has estimated that there will be two deliveries per day by a light good vehicle. This number does seem large considering the size of the gallery. Notwithstanding this estimation, the number of deliveries per day is

considered acceptable, subject to a condition to ensure that these are undertaken between 10.00 and 18.00 hours, excluding Sundays and Bank Holidays when no deliveries are permitted.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided at ground floor level and throughout for the residential and gallery uses.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed within the two basement levels, ground and at roof level. Environmental health has no objection to the new plant and it is likely to comply with the City Council's standard noise conditions.

Refuse /Recycling

The Cleansing Manager has no objection to the areas indicated for the waste and recycling for the gallery use. However, he has objected to the lack of waste and recycling areas for the residential flats. It is considered that this can be addressed by a condition.

Sustainability

Photovoltaic panels are proposed at roof level; these are considered acceptable and are secured by condition.

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

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure a combination of some the following:

- Provision of £457,000 (index linked and payable upon commencement of development) towards the affordable housing contribution fund;
- Provision of one car parking space in a local car park for 25 years;
- Car Club Membership for 25 years for all the flats;
- Highways alterations required for the development to occur (at no cost to the City Council); and
- Costs of monitoring the legal agreement.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required for this scale of development

8.12 Other Issues

Basement

Permission was granted in July 2015 for the excavation to create two sub-basement levels and this is a material consideration in the determination of this application. The emerging basement policy has some weight in the assessment of applications after 1 November 2015. The proposal is for a mixed use scheme and therefore CM28.1 A which states; *“basement development to existing residential buildings or building originally built for residential purposes will not extend beneath more than 50% of the site curtilage”* is not applicable. CM28.1 C relates to the same restriction for non-residential development, but this part of the emerging policy does not have any weight in the determination of this application. Therefore the principle of the two sub-basement levels is acceptable.

A representation has been received requesting that the structural implication of the double basement is fully assessed and to ensure that the Construction Management Plan is robust to deal with the construction phase. This will be addressed below.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. 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.

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 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 has been considered by our Building Control officers who advised that the structural approach 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 integral 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.

The City Management Plan will include policies specifically dealing with basement and other subterranean extensions. This is at an early stage of development and will not carry any weight as a material consideration in determining planning applications until it has progressed significantly along the route to final adoption.

Construction impact

An objection has been received from a nearby commercial occupier on the impact of cumulative building works being carried out in the area. These concerns are noted, but planning cannot withhold planning permission on these grounds, or dictate when works are started. A construction management plan has been submitted and this is in line with Appendix 2 of the Basement SPD. The CMP will be secured by condition.

Archaeology

Historic England Archaeology has commented that a desk top assessment should be carried out before a decision is made on the planning application. The application site is not located within an archaeological priority area, but it does lie close to or on the predicted location of a Civil War fort which formed part of the Civil War defences. It is considered that this could be dealt with by a suitable worded condition to ensure that no works are undertaken until desktop studies (or further investigation works) are carried out in consultation with Historic England.

9. BACKGROUND PAPERS

1. Application form

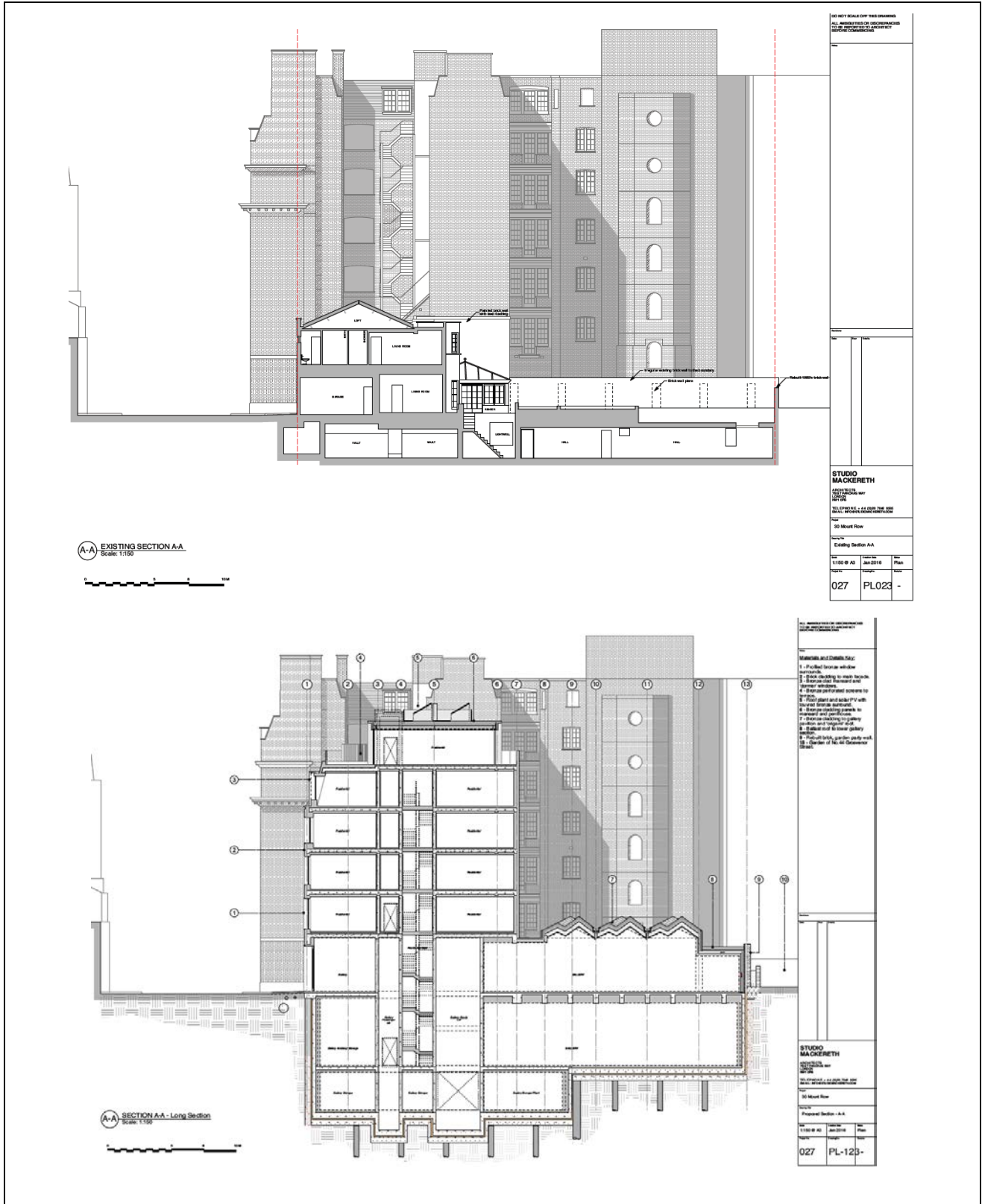
2. Response from Historic England (Listed Builds/Con Areas), dated 17 February 2016
3. Response from Historic England (Archaeology) dated, 8 March 2016
4. Response from Cleansing - Development Planning, dated 24 February 2016
5. Response from Environmental Inspectorate, dated 18 February 2016
6. Response from Environmental Health, dated 4 March 2016
7. Response from Building Control, dated 22 March 2016
8. Letter from occupier of Knight Frank LLP, 55 Baker Street, dated 8 March 2016
9. Letter from occupier of 12 Carlos Place, London, dated 3 March 2016

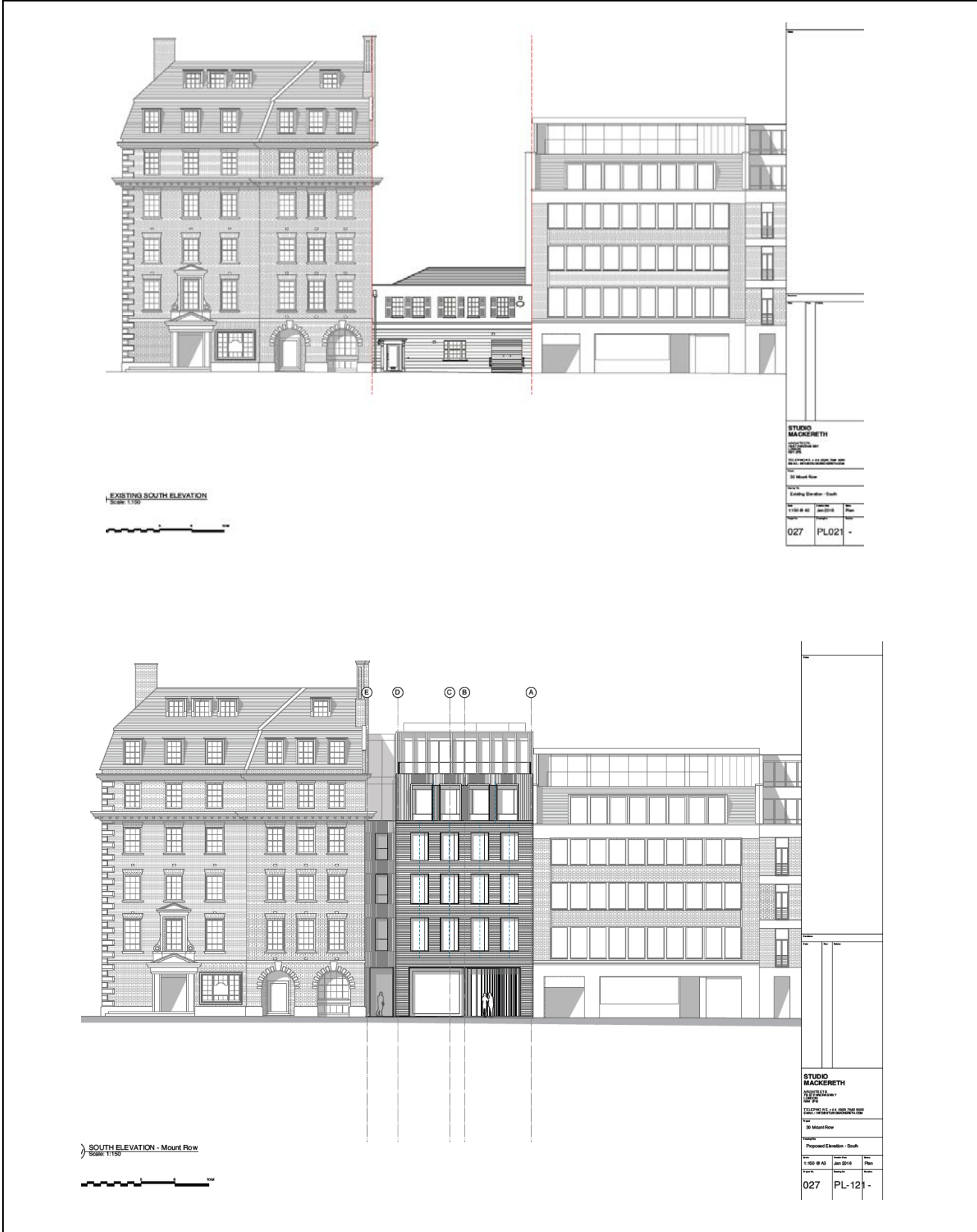
Selected relevant drawings

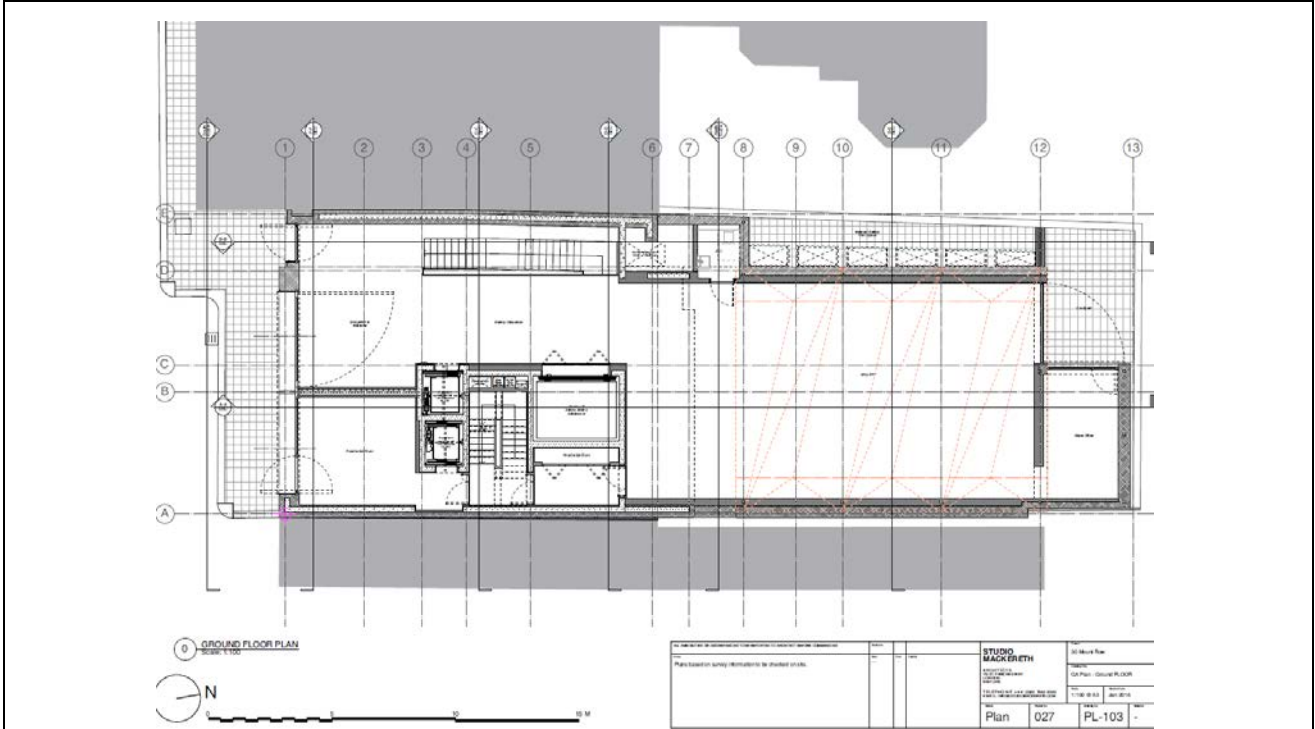
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MARK HOLLINGTON ON
BY EMAIL AT mhollington2@westminster.gov.uk

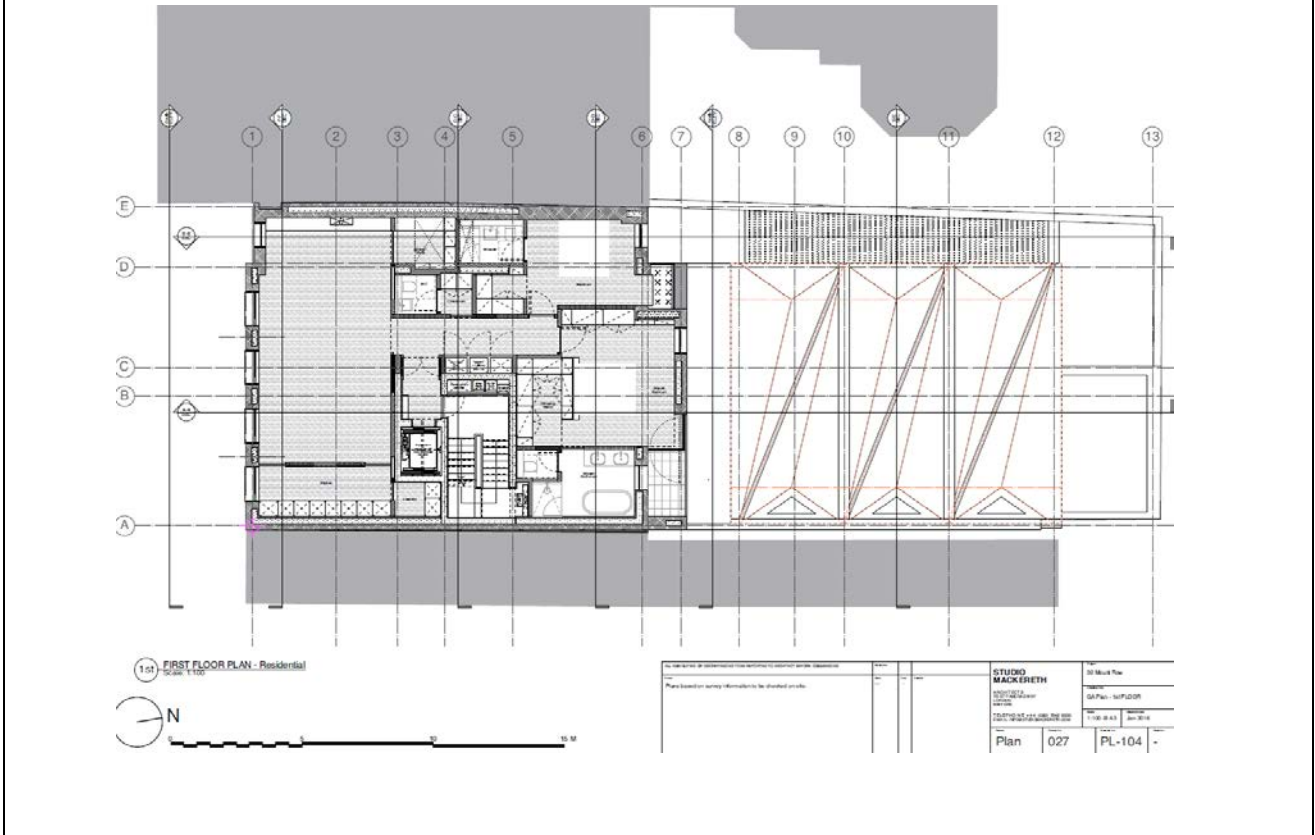
10. KEY DRAWINGS

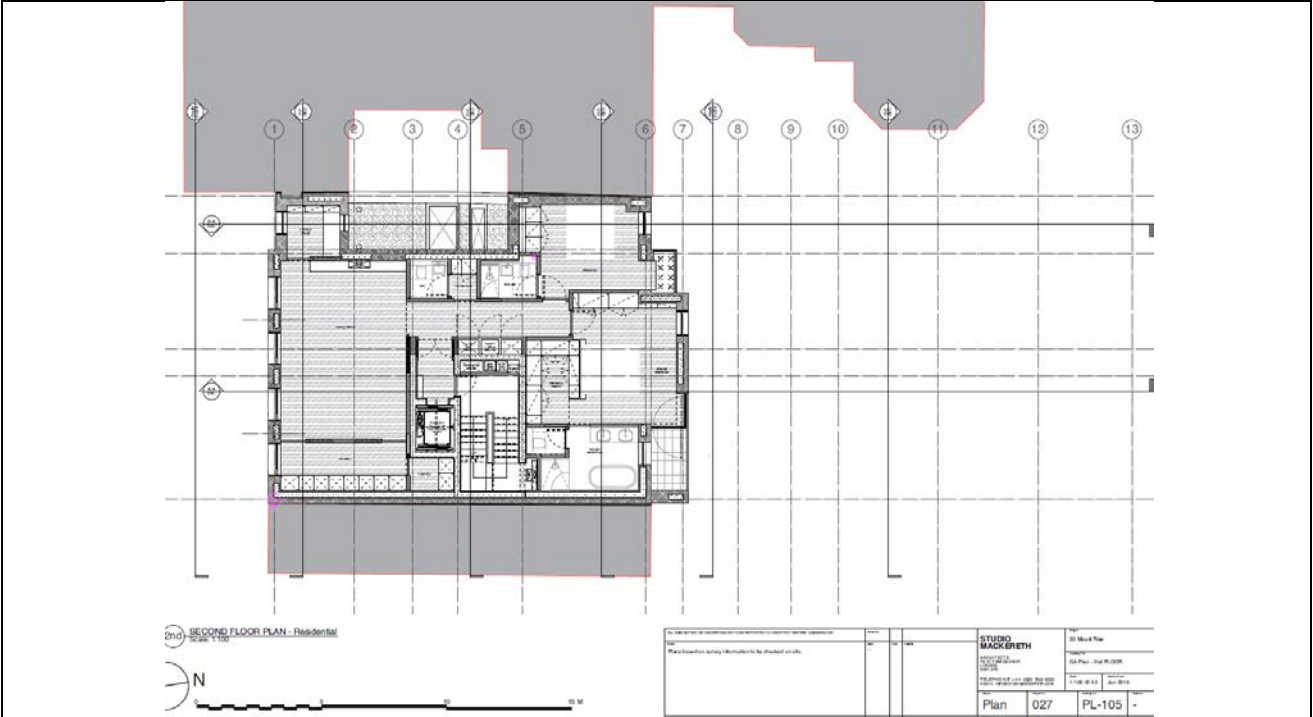




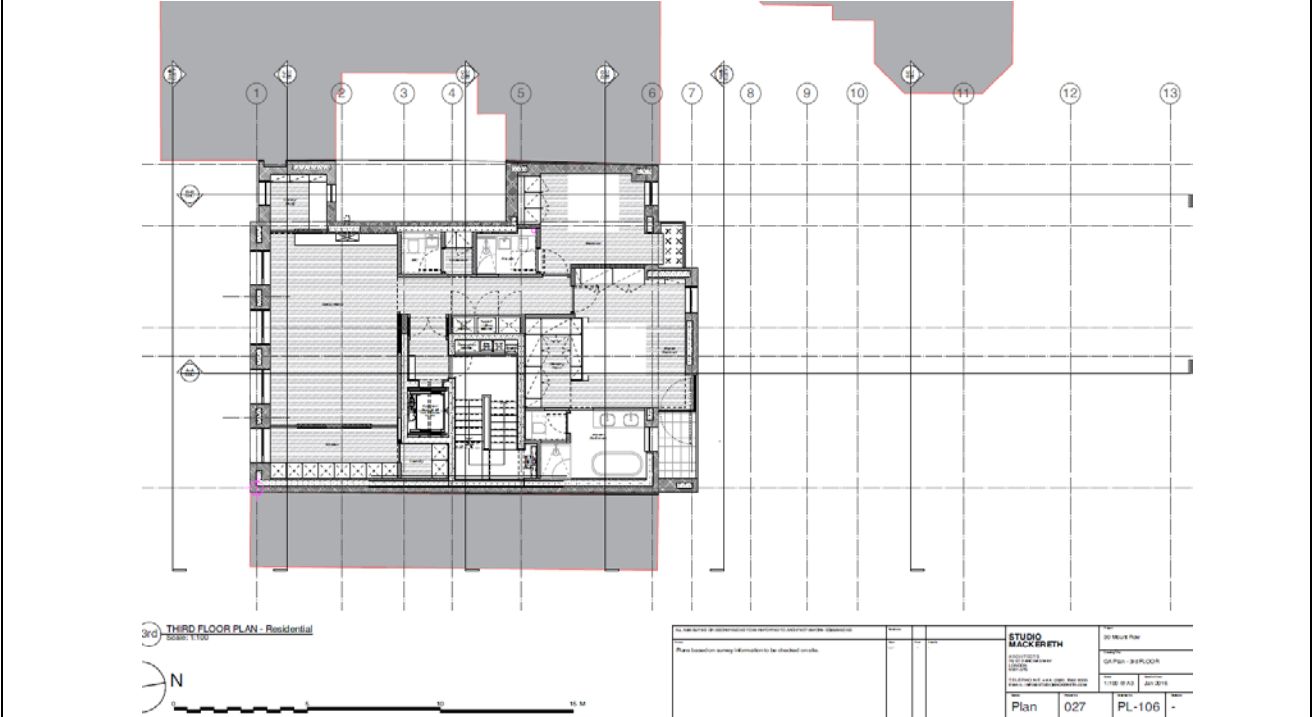


Proposed ground and proposed first floors





Proposed second and third floor levels.



DRAFT DECISION LETTER

Address: 30 Mount Row, London, W1K 3SH,

Proposal: Demolition of the existing building and the erection of a six storey building and lower ground and basement levels to provide retail/gallery (Class A1) floorspace over basement, lower ground floor and ground floor levels, and 4 self-contained residential units on the five upper floors

Reference: 16/01024/FULL

Plan Nos: PL-101, PL-123, PL-124, PL-125, PL-126, PL-163, PL-162, PL-161, PL-127, PL-128, PL-108, PL-104, PL-107, PL-103, PL-102-2, PL-102-1, PL-122, PL-109, PL-105, PL-121, PL-106, Construction management plan dated December 2015, Structural Methodology Statement by Heyne Tillett Steel (INFORMATION ONLY)

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)
- Reason:
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)
- 4 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.
- Reason:
To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.
- 5 You must apply to us for approval of detailed drawings of the following parts of the development - the location of the off-street cycle parking for the retail part of the development. 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 detailed drawings (C26DB)
- Reason:
To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.
- 6 All servicing for the retail part of the development must take place between 10.00 and 18.00 on Monday to Saturdays and not at all on Sundays and Bank Holidays.
- 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. (R22CC)
- 7 You must provide the waste/recycling store for the retail unit shown on drawing 027 PL-101 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the retail unit. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)
- Reason:
To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)
- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how

materials for recycling will be stored separately for the residential part of the development. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential units. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 9 The three bedroom residential unit shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 10 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. (C26BC)

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 Mayfair 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)

- 11 You must apply to us for approval of detailed drawings of the following parts of the development - a typical example of each different type of window and external door. 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 detailed drawings. (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 Mayfair 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)

- 12 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Mayfair 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)

- 13 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Mayfair 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)

- 14 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 Mayfair 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)

- 15 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 16 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 17 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

Photovoltaic panels

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 S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 18 The floorspace identified as 'retail/gallery' on the approved drawings shall only be used for that purpose but not as a foodstore(s) or supermarket(s).

Reason:

To ensure maximum retail provision is made of the appropriate type that does not involve the use of large delivery vehicles which cannot be accommodated on site and may block surrounding streets. This is in accordance with policies CS5, CS7, CS20 and CS41 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and STRA25, SS4, TRANS20 and TRANS21 of our Unitary Development Plan that we adopted in January 2007.

- 19 (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.

- 20 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.

21 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the retail/gallery use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the retail/gallery use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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.

- 22 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.

- 23 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.

- 24 You must carry out the development in accordance with the Construction Management Plan by Knightbuild dated December 2015 (or an alternative Construction Management Plan submitted to and approved by the City Council).

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.

- 25 You must apply to us for approval of detailed drawings of the following parts of the development - the perforated screens at front fifth floor level. 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 approved drawings prior to occupation of the residential units. (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 Mayfair Conservation Area and to protect the privacy and environment of people in neighbouring properties. This is as set out in S25, S28 and S29 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 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

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 Conditions 19 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)
- 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 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non

compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 6 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 7 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.

Item No.
8

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.