

Councillors Mohindra and Astaire

| | | | |
|--|--|--|------------------|
| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 14 March 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Regent's Park | |
| Subject of Report | 14 Denning Close, London, NW8 9PJ, | | |
| Proposal | Works of partial demolition of the existing house in connection with its enlargement, including the excavation of a basement and new rear glazed roof to conservatory. | | |
| Agent | Mr Joe McGowan | | |
| On behalf of | | | |
| Registered Number | 15/05949/FULL | Date amended | 20 December 2016 |
| Date Application Received | 1 July 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Outside a Conservation Area, but the boundary of the St John's Wood Conservation Area lies to the west | | |

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

No 14 is a modern 1970's house. The proposal involves partial demolition of the existing front elevation in connection with the erection of a two storey front addition with roof which projects 1.6 m beyond the main front façade. The proposal also involves the excavation of a basement, replacing the rear conservatory and external alterations.

Objections have been received from residents in Denning Close on the grounds of over-development, the cumulative impact of a number of basements taking place in the Close, the adverse impact on the works on existing residents' quality of life and increased traffic congestion. Objections have also been raised to the design of the front extension. Specific objections have been raised to the position of the skip to the side of the house.

The application has been amended to revise the Construction Management Plan (CMP) to locate the skip within the curtilage of the house by demolishing the existing garage, and also to reduce the footprint of the basement so it follows the footprint of the house and under the new front extension. Further objections have been received and Councillor Mohindra supports the residents' objections.

The key issues area:

*the impact of the proposed extensions on the appearance of this house and the setting of the adjoining conservation area

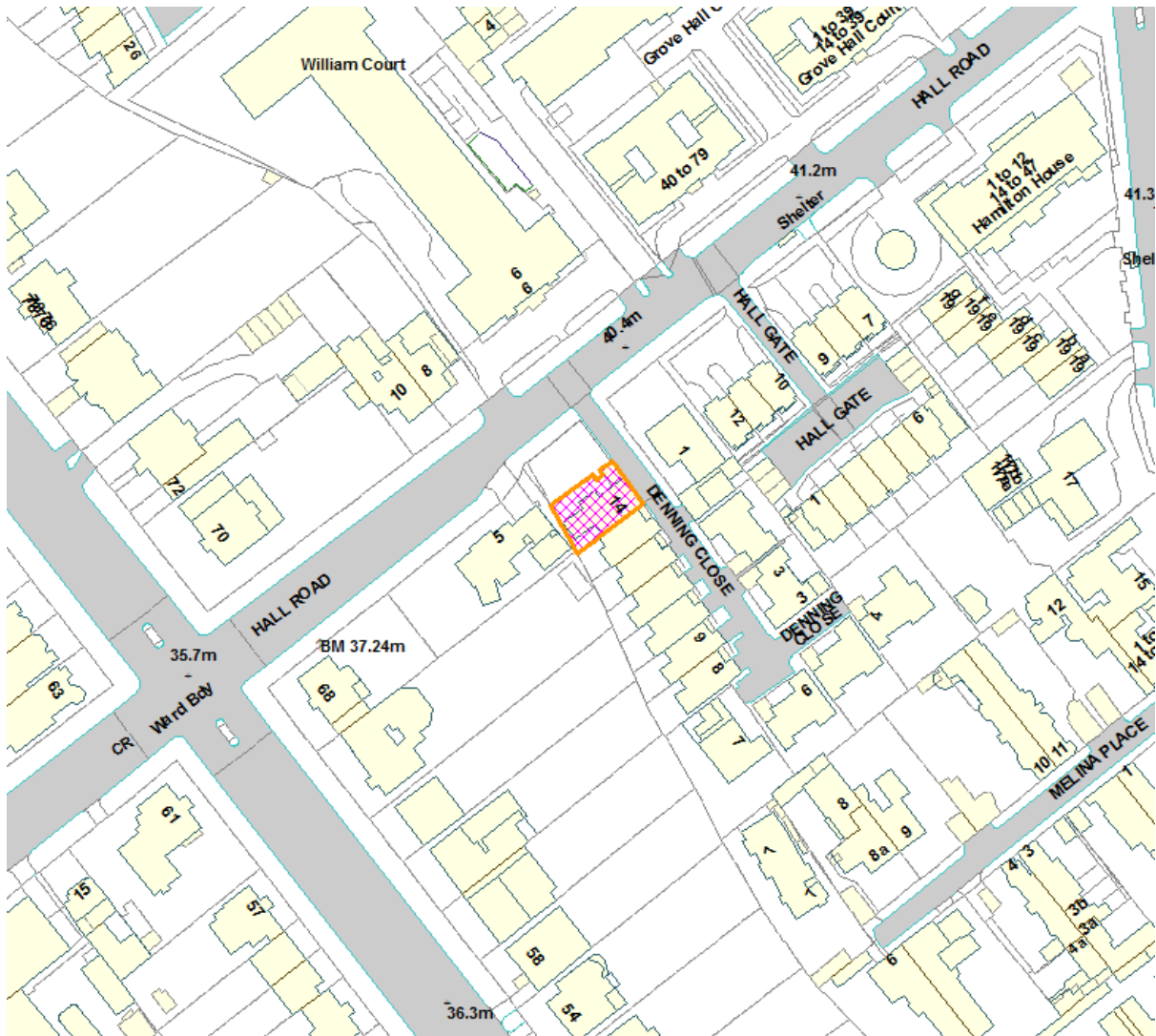
* the impact of the development on the amenities of neighbouring residents

* the impact of the proposed basement and its construction in respect of access /egress into the Close and the private car parking area at the front.

In design terms, the proposed front extension is similar to that granted in 2012. Although this permission has now lapsed it is a material consideration. Whilst front additions are normally resisted under policy DES5, the proposal will not harm the appearance of this house and will not harm the setting of the adjacent St John's Wood Conservation Area. Nor will the proposal result in any material loss of light or enclosure to neighbouring residents.

The objections received in relation to the basement are well understood, and the CMP has been amended to locate the skip within the curtilage of the house and to use smaller lorries. The applicant has submitted additional information which demonstrates that vehicles can pass along Denning Close , and lorries can reverse into the car park. It is recognised that the car park entrance will be blocked during the collection of the skip but this will be limited to 15 minutes a time. Given the other alternatives investigated, it is considered that the revised scheme is a reasonable solution and the application is recommended for approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front elevation of No 14



Front car park area (application site is on the left)

5. CONSULTATIONS

Original scheme:

ST JOHN'S WOOD SOCIETY:

No response received.

THAMES WATER:

Request that a non-return valve or other suitable device is fitted to the basement.

ENVIRONMENT AGENCY:

No comments to make

HIGHWAYS PLANNING MANAGER:

Acceptable in transportation terms.

ARBORICULTURAL OFFICER :

Raised concerns regarding the removal of the weeping ash from the front garden and it is not clear whether this tree is covered by the Tree Preservation Order. The proposed lower ground floor occupies the whole of the site, including the small courtyard which includes a number of climbing plants. There is no provision for soil depth over the basement or replacement planting.

BUILDING CONTROL:

Initially submitted a holding objection as no structural method statement submitted. Subsequently advised that the submitted structural method statement is considered acceptable and an investigation of existing structures and geology have been undertaken and found to be sufficient details. The existence of ground water including underground rivers has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using piled walls with reinforced concrete underpinning and retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ENVIRONMENTAL HEALTH: No objections on environmental noise or nuisance grounds subject to conditions and informatives.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 103

Total No. of replies: 8

No. of objections: 7 objections from residents in Denning Close raising some or all of the following points:

Land Use

- Over-development of the site.

Townscape/Design

- The house has already been extended in the past, and this proposal results in further loss of front garden to accommodate light wells which is in breach of policy DES5.
- Proposed design is out of keeping with other houses in the street.

Transportation

- The submitted CMP states that the wait and load lorry will reverse into Denning Close and the road is only 4.75m wide, and such the vehicles will have to make a number of manoeuvres, all of which will take place on the busy Hall Road. A swept path analysis is required. If vehicles are parked to the side of No14, it will be very difficult for another vehicle to park, which will affect other residents in the Close.
- Danger to other road users and pedestrians.
- Number of planning applications for basements in Denning Close and the cumulative impact of such works taking place
- Denning Close is too narrow to accommodate construction vehicles and disruption caused to elderly residents in the Close
- Affect access for emergency vehicles.

Other Matters

- Applicant does not have a legal right to park in the car park next to the entrance to the Close, and the proposed construction works will affect residents using this car park.
- Possible damage to parked cars caused by construction vehicles.
- Suggest Westminster adopts the guidelines used by Barnet Council that basements are not allowed beneath terraced, semi-detached or modest houses.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

Revised Scheme

COUNCILLOR MOHINDRA:

Supported resident objections, the CMP report appears to have material deficiencies and further clarification should be sought from the applicant. Not enough thinking has gone into the proposal and no credible plan of execution has been offered.

ST JOHN'S WOOD SOCIETY:

No comment received.

HIGHWAYS PLANNING MANAGER:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS

No consulted 13

No Replies 9 further objections received raising some or all of the following points:

Land Use

- Over development of the site. Proposal occupies too much of the front garden and two light wells further reduce the area of garden

Townscape and Design

- The new windows to the side elevation fronting Denning Close are not in keeping with the homogenous architectural design of the Close, in particular the metal clad windows.
- These side windows are next to parked cars and are likely to be damaged.

Amenity

- Noise generated during construction, which will be very disruptive to residents.
- Question dust control from the skip

Transportation

- Construction vehicles will block access to No 8 Hall Road
- The front car park is likely to be used for the demolition and construction works, and residents will lose the right to park
- There is no proper swept path analysis to show all the manoeuvres a skip lorry will take on this highly restricted road.
- No information on the type, size and weight of vehicles, where will the concrete Lorries deliver. How will this affect access for emergency vehicles?
- Implications for children playing in the road and the safety of residents and visitors, applicant's offer of a banksman is not adequate
- There is no room for hoardings to be erected on the applicant's demise.
- Applicant has no right to park in the car park area (sole use for houses 8-13) and skip is jutting out into the car park and not in the ownership of No 14.
- Not enough width in the road for vehicles to make a turn into the Close and into the car park.
- No information on where the entrance to the construction site will be and also require clarity to ensure no builders vehicles may load/unload in the car park or in the road alongside the property.
- The CMP mentions that vehicles can wait on Hall Road which is already congested.
- CMP fails to address access for fire engines and emergency vehicles.
- Health and Safety issues not dealt with by the CMP
- CMP is grossly inadequate and therefore permission should be refused.

Other Matters

- Risk of structural damage to No 13 as they share a wall with No 14 and just completed renovations and concerned that the basement will cause damage.
- Request that the applicant notify neighbours of their plans.
- Damage caused to walls by construction vehicles. Hall Road has already been damaged by the construction works next to William Court

5. BACKGROUND INFORMATION

5.1 The Application Site

No 14 is a modern two storey house located at the entrance to Denning Close which is a private cul de sac off Hall Road, The building is not listed and lies outside the St John's

Wood Conservation Area. The boundary of the conservation area lies immediately to the west, running along the boundary with No 5 Hall Road.

This house has a small front garden which is largely paved, and a very small patch of rear garden.

To the front of this property, is a private car park , which is screened from Hall Road by a high brick boundary wall. The exiting trees in this car park are protected by a Tree Preservation Order. The car park is used by the owners of No's 8-13 Denning Close.

5.2 Recent Relevant History

11/06254/FULL

Erection of a two storey front extension and an additional storey onto existing garage.
Application Refused on design grounds 22 September 2011

12/01158/FULL

Erection of first floor extension with pitched roof to north (front) elevation, a front single storey extension at ground floor level and associated external alterations.
Application Permitted 17 May 2012 This permission was not implemented and has now lapsed

98/09713/FULL

ERECTION OF 1ST FLOOR EXTENSION
Application Permitted 23 February 1999

Other basement extensions in Denning Close:

Permission was granted in 2013 and 2015 for a basement at No 5. In respect of the 2015 permission, Committee Members requested that the applicant investigate siting the skip within the curtilage of the house rather than on the Close given the strong objections raised by Councillor Rigby and residents. The owners started on the basement last year and implemented the 2013 planning permission and the skip was located in the Close.

Permission granted on 7 November 2015 for the demolition and rebuilding of No 7 with a basement and a loft conversion (Ref 15/02696/FULL)

An Article 4 Direction in respect of basement extensions came into force on 31 July 2016.

6. THE PROPOSAL

It is proposed to demolish the front facade of the house and extend the house by 1.6 m at the front (similar to the 2012 planning permission). It is also proposed to excavate a basement under the footprint of the house and under the front garden. The new basement will provide a staff bedroom, games room, gym and plant room. Two light wells are proposed at the front, covered by roof lights. At the rear, it is proposed to replace the existing conservatory.

The application has been amended to address officers and residents' concerns. Firstly, the footprint of the basement has been amended and reduces it by no longer extending

under the majority of the front garden area. Secondly; the CMP has been amended in relation to the position of the skip. The initial proposal to locate the skip at the side of the house was not acceptable in transportation terms. As a result the applicant is proposing to demolish the garage in order to locate a skip in its place during construction/demolition. In addition, the applicant has submitted swept path analysis.

7. DETAILED CONSIDERATIONS

7.1 Land Use

There are no objections in land use terms to enlarge this single family house. The City Council in 2012 has already granted permission to extend the house at the front, and the proposed single storey basement will also create additional floorspace. However, it is not considered that the proposal represents an over-development and other houses in the Close have been extended at basement level. The proposal therefore accords with policy H3 in the UDP.

7.2 Townscape and Design

In design terms, extensions beyond the front building line are normally resisted under policy DES5 in the adopted UDP. The proposal is similar to that granted in 2012, and although this permission has now lapsed, it remains a material consideration in dealing with the latest application.

Given the new facade is set back approximately 14m from Hall Road and will be partly screened by the existing high brick boundary wall and trees, it is not considered that the front addition will harm the proportions of this house. Whilst it is accepted that the proposed extension will be visible from views within the St John's Wood Conservation Area along Hall Road, it is considered to be in keeping with the host building and its immediate surroundings. The proposal will therefore preserve the character and appearance of the adjoining Conservation Areas.

The originally submitted basement incorporate two light wells which were far from ideal in design terms, and the reductions of the basement has resulted in their removal. The revised scheme includes two roof lights which are much more discrete additions. Given the height of the front garden wall, these roof lights will be largely hidden from public view. Therefore the physical manifestations associated with the basement are considered acceptable in design terms.

There are no objections to the replacement rear conservatory, or to the two side windows.

7.3 Residential Amenity

Sunlight and Daylight

The proposed front extension follows the same profile as the 2012 permission. There is an existing dormer window in the side elevation of No 5 Hall Road which serves a bedroom. The proposed front extension sits just behind this dormer. It is accepted that the front extension will be visible from the neighbour's bedroom, but it will not result in any material

loss of daylight. There will be some impact on No 1 Denning Close but again any loss of sunlight will be within acceptable limits.

Sense of Enclosure

There will be a small increase in enclosure to No 5 Hall Road and No1 Denning Close, but these losses will be within acceptable limits.

Privacy

The 2012 permission indicated one window in the front extension at first floor level, and two windows are now proposed. Whilst there will be oblique views from these two windows into the side dormer of No 5, given the existing mutual overlooking that exists between the two houses, the proposal is not considered to result in a material loss of privacy.

Objections have been raised to the new side windows onto Denning Close, but these openings are considered difficult to resist given such works constitute permitted development. The proposal therefore accords with policies S29 in the City Plan and ENV13 in the City Plan.

7.4 Transportation/Parking

The Highways Planning Manager raises no objections, as the garage is being re-provided. The majority of the objections on highways grounds relate to construction, and in particular the location of the skip in Denning Close. The originally submitted CMP indicated the skip to be located in Denning Close itself adjacent to the side of the house. Although vehicles currently park next to the house, it was considered that given the width of this narrow road and the presence of bollards in the footway that this was far from an ideal location. The applicant was requested to revise the CMP and to investigate a number of alternative locations for the skip. It is now proposed to demolish the garage and locate the skip on site. In the light of the objections received swept path drawings have been submitted to demonstrate that smaller concrete lorries can enter and leave safely, and this is dealt with in more detail in Section 7.12 of this report.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

Level access is being provided.

7.7 Other UDP/Westminster Policy Considerations

This application was submitted prior to the adoption of the Council's new basement policy. Regard has been had to the advice set out in the National Planning Policy Framework.

Noise

A plant room is proposed in the new basement and Environmental Health raise no objections on noise grounds subject to conditions.

The applicant's acoustic report refers to a new condenser unit to be located externally at ground floor level on the side of the house opposite the end wall of No 5 Hall Road. This report concludes that in order to comply with the Council's noise condition, the unit will need to be housed in an acoustic housing. However, the application drawings fail to show this condenser unit, nor is it included in the description of development, and therefore the applicant is being advised by way of informative of the need to apply for this plant separately.

Refuse /Recycling

The plans show a refuse area in the front garden and this will be reserved by condition.

Trees

The applicant has submitted an Arboricultural Report in respect of the impact of the basement on the three TPO trees in the car park, and the basement will be outside the Root Protection Area. Although the Arboricultural Officer raised concern that the original scheme had no soil depth above it, the basement has been reduced and is considered acceptable.

The applicant has revised the proposal to include planting beds in the paved front garden area, but given its small size, it is not possible to include significant amount of planting. It is however recommended that a green roof be added to the rebuilt garage, secured by condition.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

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

As this proposal is over 100sqm (approximately 141sqm), the estimated CIL payment is: £77,550

7.11 Environmental Impact Assessment

Not applicable to a development of this scale. .

7.12 Other Issues

Basement

The proposed basement has attracted the majority of the objections, in particular how it will be constructed and the impacts of the works on resident's amenities and access into the Close.

This application was submitted before the adoption of the Council's basement policy CM28.1 and therefore needs to be considered in the light of the policies and guidance in

place at that time. This application was submitted prior to the adoption of the Council's Code of Construction Practice (CoCP) which now applies to all basement applications submitted after July 2016.

The proposal is for a single storey basement under the footprint of the main house which also goes underneath the new front extension. Although objections have been received, other houses in the Close have been similarly extended at basement level, and the revised scheme will not harm the appearance of this house, or the rest of Denning Close.

The structural methodology statement submitted with the application has been assessed by Building Control, who is satisfied with the proposal. This site is not located in an area at risk from flooding and the Environment Agency raises no objections. Building Control also advise that the likelihood of local flooding or adverse effects on the water table have been found to be negligible.

Construction impact

This application has been amended to address the construction impact, as it is recognised that the basement does pose particular issues. The applicant has been requested to look at alternatives and this has taken some considerable time to resolve. The original proposal to locate the skip at the side of the house was undesirable in transportation terms, and this naturally attracted strong objections from other residents in the Close.

Given the applicant does not have a right to park in the car park, it was not possible to locate the skip at the front of the house. The location of a skip on Hall Road was also investigated. This was not possible due to safety concerns , as a skip will need to be sited on a single yellow line and this would cause issues for the development site opposite and to the apartment block opposite. In addition Hall Road is a bury road and a bus route and due to the location of parking bays opposite, a skip placed on the highway would cause traffic congestion. The Traffic Manager for Highways and Public Realm also raised concerns about the visibility on this busy road and of course materials/soil will need to be transported to the skip using a mini digger and this would also raise safety concerns.

The applicant's revised proposal is to demolish the garage and located the skip off site. The revised CMP proposes to use smaller lorries (6mx2.2m) and therefore a lorry can position itself to enable vehicles to pass along Denning Close. The applicant has also demonstrated that concrete trucks can reverse into the car park so that Denning Close is not blocked during a concrete delivery. Whilst it is recognised that the car park entrance will be blocked during the skip-swap , this will be limited to 15 minutes at a time , and if required the lorry can be moved to enable access to and from the car park if required. Whilst this is not ideal, it is considered the most appropriate way to service this site during construction.

Other Matters.

The objectors cite that the applicant has no right to use the car park which is for the sole use of No's 8-13 Denning Close, but this is a private matter and is not a ground to refuse planning permission.

In respect of the objection there is no room for a hoarding to be erected within the demise of the application site, but this is not a ground to refuse permission.

Given that the scheme has been revised, it is not considered that the proposal will adversely affect access for emergency vehicles.

8. BACKGROUND PAPERS

Original scheme:

1. Application form
2. Email from Thames Water dated 14 August 2016
3. Email from the Environment Agency dated 14 August 2015
4. Response from Highways Planning dated 25 August 2015
5. Response from Building Control dated 18th and 21 August 2015
6. Response from Environmental Health dated 20 August 2015
7. Email from the Arboricultural Officer dated 25 August 2015
8. Letters from 9 Denning Close, London, dated 26 August 2015, and 1 September 2015
9. Email from 10 Denning Close, London, dated 1 September 2015
10. Letter from 4 Denning Close, London, dated 7 September 2015
11. Letter from 2 Denning Close, St John's Wood, dated 7 September 2015
12. Letter from 10 Denning Close, St John's Wood, dated 31 August 2015
13. Letter from 2 Denning Close London NW8 dated 2 September 2015

Revised Scheme:

14. Email from Councillor Mohindra dated 28 July 2016
15. Construction Methodology Statement and drawings submitted by applicant June 2016
16. Email from 8, Hall Road, dated 27 April 2016
17. Email from 13 Denning Close, London, dated 1 May 2016
18. Email and letter from 10 Denning Close London NW8 dated 5 May 2016
19. Letter from 4 Denning Close , London NW8 9PJ, dated 7 September 2015
20. Letter from 9 Denning Close London NW8 dated 26 July 2016
21. Letter from 10 Denning Close London NW8 dated 5 May 2016
22. Letter from 2 Denning Close London NW8 dated 14 May 2016.
23. Letter from 9 Denning Close London NW8 dated 26 July 2016
24. Letter from 10 Denning Close London NW8 dated 27 July 2016
25. Amended Construction Management Plan 20 December 2016.

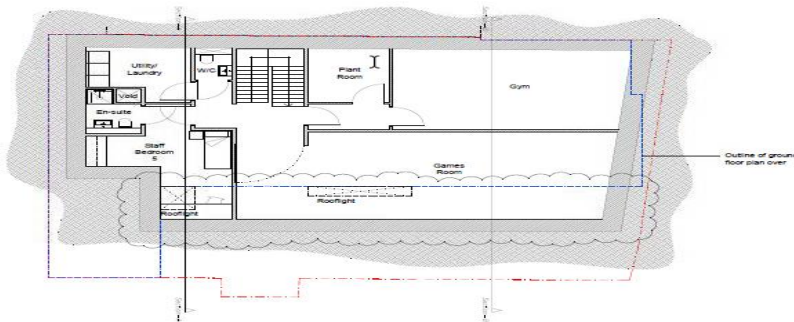
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **RUPERT HANDLEY** BY EMAIL AT rhandley@westminster.gov.uk

9. KEY DRAWINGS

Proposed Basement

NOT TO BE SERVICES COMMENT
 carried out cannot be pre-announced unless.

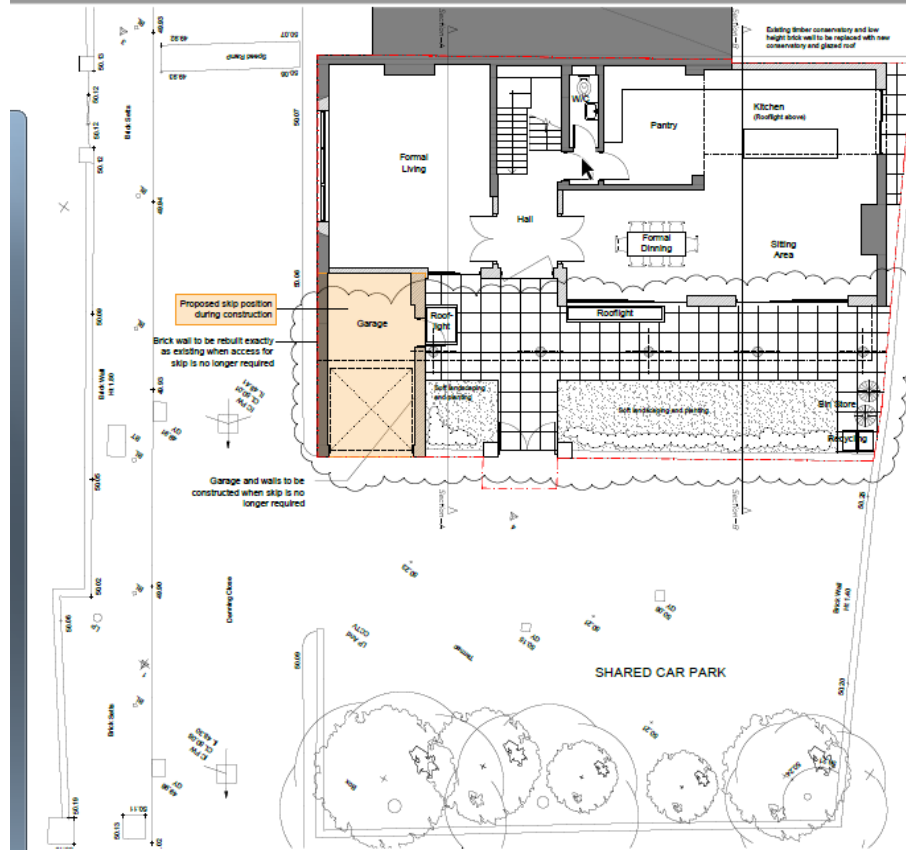


- | C | 20.06.15 | Basement size reduced | J.M |
- | B | 17.02.15 | Bath bedroom revised | J.M |
- | A | 22.06.15 | Underpinning to basement walls | J.M |

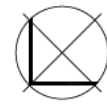
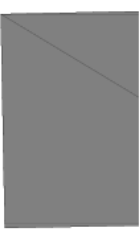
FOR PLANNING

| | | | | |
|---|--|---------------------|---------------------|-------------|
| BB PARTNERSHIP LTD CHARTERED ARCHITECTS Studios 13-14, 10 Hornsey St, London, N7 8EL | Project 14 Denning Close London, N.W.8 | date May '14 | scale 1:100 @ A3 | drawn AH |
| | drawing Proposed Ground Floor Plan | rev. no REV. 106 | rev. | rev. |

Proposed Ground Floor Plan



NOTES:
 SCHEME DESIGN SUBJECT TO
 STRUCTURAL ENGINEER / SERVICES
 ENGINEER, PLANNERS COMMENT
 Detailed dimensional survey carried out
 by others - BB Partnership cannot be
 held responsible for any discrepancies
 and/or inaccuracy that may arise.

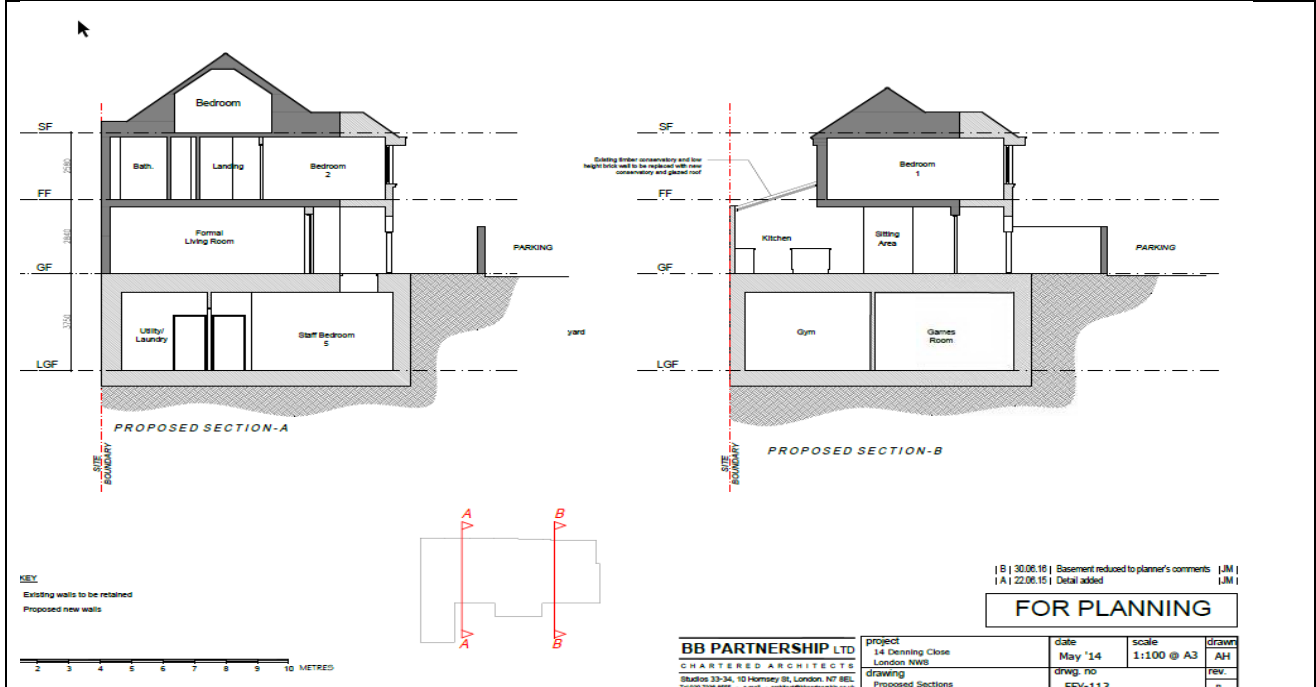


- | E | 26.06.15 | Landscaping to front added | J.M |
- | D | 17.02.15 | Skip position during construction shown | J.M |
- | C | 27.07.15 | Conservatory replaced with new construction | J.M |
- | B | 22.06.15 | Existing walls shown retained, detail added | J.M |

FOR PLANNING

| | | | | |
|---|---|---------------------|---------------------|-------------|
| BB PARTNERSHIP LTD CHARTERED ARCHITECTS Studios 13-14, 10 Hornsey St, London, N7 8EL | project 14 Denning Close London N.W.8 | date May '14 | scale 1:100 @ A3 | drawn AH |
| | drawing Proposed Ground Floor Plan | rev. no REV. 106 | rev. | rev. |

Proposed Sections



Proposed Front elevation



DRAFT DECISION LETTER

Address: 14 Denning Close, London, NW8 9PJ,

Proposal: Works of partial demolition of the existing house in connection with its enlargement , including the excavation of a basement and new rear glazed roof to conservatory.

Plan Nos: FFY-100, 101 rev A, 102, 103, 104 rev A, 105 rev A, 106 Rev C 107 rev A, 108 rev A, 109 rev A, 110 rev A, 111 rev A, 112 rev A, 113 rev A, 50 rev B, 51 rev A, Arboricultural Report September 2014 ; Structural Engineers Structural Method Statement for Planning(for information only) Desk Study and Ground Investigation Report (for information only) Environmental Noise Survey Report & Plant Noise Assessment, Environmental Performance Statement , Construction Management Plan revised 20.12.2016 , Design and Access Statement

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The development hereby approved shall be carried out in accordance with the Construction Management Plan revised December 2016, unless an alternative Construction Management Plan has been submitted to and approved by the City Council before any works start on site

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA)

- 6 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 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 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.

(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 LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 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.

- 9 You must provide the waste store shown on drawing FFY -106 rev C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the house. 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 11 The flat roof of the rebuilt garage shall be covered with a green roof, details of the green roof shall be submitted to and approved by the City Council before works start on this part of the development. The development shall be carried out in accordance with the green roof and you shall not occupy the basement until the green roof has been installed.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

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 (November 2016), 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 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 5 For the avoidance of doubt the Construction Management Plan required under condition 4 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 7 Our approval is based on Sinclair Johnston structural engineering scheme dated August 2015. Because of the professional qualifications of this company we have not done any

double-checking or appointed our own consultant engineers. We are relying on the knowledge and qualifications of your consultants. You and the consultants are responsible for carrying out the work in a way that will cause as little disturbance to the listed buildings as possible.

You must send us any changes you want to make to the approved structural engineer's scheme so that we can approve them under the terms of condition 1. (I89AA)

- 8 You are advised that this decision letter does not authorise the installation of a condenser to the side elevation of the house .Whilst the acoustic report refers to this plant, it is not shown on any of the submitted floor plans, elevations or sections. You are reminded of the need to make a separate application .
- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.