

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 21 July 2015	Classification For General Release	
Report of Director of Planning		Wards involved Abbey Road	
Subject of Report	28 Carlton Hill, London, NW8 0JY		
Proposal	Excavation below existing house and rear garden to create one level of basement accommodation with rooflights to the rear. Demolition of existing rear extension and erection of replacement rear extension over three storeys. Excavation to front of property at lower ground floor level to provide additional accommodation and mechanical plant within enclosure to rear garden.		
Agent	James Lambert Architects Ltd.		
On behalf of	Mr Javed Khan		
Registered Number	14/12434/FULL	TP / PP No	TP/20856
Date of Application	17.12.2014	Date amended/ completed	18.05.2015
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





28 CARLTON HILL, NW8

2. SUMMARY

The application seeks permission for excavation of a basement extension beneath the footprint of the existing dwellinghouse, part of the rear garden and part of the front garden, with lightwells to the front elevation and rooflights to the rear. It is also proposed to demolish and replace existing rear extensions.

The scheme has been revised during the course of the application to delete the originally proposed second basement floor. The application has attracted significant objection from the St. John's Wood Society and neighbouring residents on grounds including overdevelopment, impact on the conservation area, impact on the amenity of neighbouring residents, loss of trees and the impact of construction works on traffic and structure of neighbouring buildings and the water table.

The key issues in this case are:

- The impact on the appearance of the building and the character and appearance of the St John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The impact on trees.

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

3. CONSULTATIONS

CONSULTATION RESPONSES ON INITIALLY SUBMITTED SCHEME (JANUARY 2015)

ST JOHN'S WOOD SOCIETY

Objection raised on grounds that the proposal is overdevelopment of the site; 6, 7 or 11 trees are to be felled; double basement extends over more than 50% of the garden, would be un-neighbourly and environmentally damaging; unclear where plant will be vented; additional rooflights will create light pollution; object to external lift as it should be in building envelope.

ARBORICULTURAL MANAGER

Objection. Insufficient soil planting depth to front garden; loss of trees 5, 6, 8, 9, 10 and 11 is regrettable but they are young and may be replaced; no harm to Magnolias through piling; Yew tree missed off survey; Pear tree at risk of root damage; and basement encroaches into root protection area of London Plane tree at rear, as stem diameter is incorrect.

BUILDING CONTROL

The details received are satisfactory for the basement construction.

ENVIRONMENTAL HEALTH

No objection on environmental nuisance or noise grounds.

THAMES WATER

Advice on foul and surface water drainage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 35; Total No. of Replies: 15.

Fifteen letters/emails received raising objection on all or some of the following grounds:

Design

- Property already developed and development not in keeping.
- Overdevelopment of the site.
- Out of character with house and environs.
- Adverse visual impact on conservation area and listed buildings.
- Extension should be moderated to one storey beneath house.
- Disabled lift should be contained within house.
- Lift enclosure to side creates terracing effect.
- Huge disruption from bulk, height and scale.
- No. 28 already a large house. Wholesale enlargement risks altering character of the street and will establish precedent.
- Proposal will create a seven storey house, doubling the present area, which would be out of keeping with the area.

Amenity

- Detrimental to neighbourhood and environment.
- Mechanical plant in garden should be sound proofed to minimise noise to neighbours.
- Object to side extension encroaching in visibility between houses.

Arboricultural Issues

- Felling trees is unacceptable.
- Long term damage to London Plane tree.
- Diversion of tree roots may affect foundations.
- Loss of mature trees over long term.
- Rear wall (of basement) is in line with RPA of London Plane tree and will restrict future growth to an important tree.
- Tree report does not assess impact on two established trees adjacent to boundary wall in front garden of No. 28 Carlton Hill, or established trees and shrubs in rear garden.

Other Matters

- Flood risk and changes to groundwater, contrary to Policy 6.2 of SPD.
- Underpinning will cause structural damage and threat of subsidence.
- Flood risk hot spot. Solitechnics report states flood risk is not an issue.
- Significant risk to structural integrity of flank walls of Nos. 26 and 30 Carlton Hill.
- High HGV movements will create excessive and unacceptable disturbance.
- Construction impact has been underestimated.
- Safety hazard to pedestrians.
- Hours of construction activity is flouted and not being enforced by Council.
- Carlton Hill is narrow, cars parked either side, traffic calmed and subject to HGV restriction (7.5 tonnes). Road cannot accommodate number of HGV movements.
- Street is used by large numbers of Quinton Kynaston School pupils.
- Continuous refill of lorries will cause movement and cracking to houses.
- No consultation with neighbours at the rear.
- Failure of Council to inform residents.
- No meaningful consultation with residents, contrary to paragraph 4.8 of Design and Access Statement.
- Does not comply with basement policy, which discourages full size basements where large proportion of rear garden is given over to basements.
- Harmful impact on local wildlife and local bird life.
- Attempt to enhance the value of the property.
- No attempt by owners to discuss intentions with those affected.
- Karen Buck MP has brought basement problem to attention of House of Commons and Kensington and Chelsea restrict double basements.

CONSULTATION RESPONSES TO REVISED SCHEME (DELETION OF SECOND BASEMENT FLOOR LEVEL AND SIDE LIFT ENCLOSURE) (MAY 2015)

ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Yew tree still omitted and potential for harm still high, but no objection subject to tree protection. Trial trench excavation to front garden shows that Pear tree is unlikely to be harmed by basement construction. Soil depth over rear basement adequate, but soil depth over some of front garden still inadequate. Trial trench excavation in rear garden for London Plane tree shows that, subject to tree protection and sufficient soil depth, it is possible to pile 10 metres from the rear boundary as shown.

BUILDING CONTROL

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 39; Total No. of Replies: 6.

Two emails received in support of the application from the occupiers of No.26 Carlton Hill and No.41 Clifton Hill. Four letters/emails received raising objection on all or some of the following grounds:

- Whilst relieved that the applicant has withdrawn the double basement remained concerned about the extent of the basement.
- Effects of the proposed lightwells and loss of most of the garden.
- Proposal remains an overdevelopment of the site.
- Revised scheme fails to comply with the City Council's adopted policies or address the objections raised by neighbours to rear.
- Cumulative effect of a number of basements in the area.
- Huge amounts of earth are being removed and additional traffic generated.
- Request hours of building work from 08.00 to 16.00 and introduce regulations to stop/control lorries that damage, pavement and block traffic.
- Impact on residents human rights.
- Trees, plants and wildlife are being destroyed.
- Impact on the water table.
- The proposed basement will involve a huge excavation and this will have possible impact of water diversion from natural streams under St. John's Wood into neighbouring properties.
- Structural damage and movement caused to neighbouring properties.
- If permission is granted it should be limited to the area under the existing house.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site comprises an unlisted detached mid Victorian property located within the St. John's Wood Conservation Area. The property is in use as a single family dwellinghouse. The property is a white painted stucco villa consisting of a lower ground, ground and three storeys.

4.2 Relevant History

1 August 2000 – Permission granted for erection of a basement extension with ground floor conservatory and demolition and reconstruction of existing back addition of dwellinghouse (00/03966/FULL).

22 August 2008 – Permission granted for the erection of a single storey garden building (05/05353/FULL).

11 February 2014 – A Certificate of Proposed Lawful Development was issued for alterations to the front of the property, including the creation of an area of hardstanding (13/11039/CLOPUD).

5. THE PROPOSAL

The current application proposes the excavation of a basement below the footprint of the dwellinghouse, which would extend out under part of the rear garden. In addition, it is proposed to extend the existing lower ground floor below the front garden and demolish the existing rear extensions between lower ground and first floor levels and replace them with an extension that is a facsimile of the existing situation, albeit with the addition of a further single storey extension at lower ground floor level.

The scheme as initially submitted proposed a two storey basement beneath the rear garden and a lift enclosure to the side elevation of the dwellinghouse. During the course of the application the scheme has been amended in response to objection from neighbours and officers to omit the second basement storey beneath the rear garden and delete the lift enclosure to the side elevation.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The extensions and enlargement of existing residential properties is acceptable in land use terms and in accordance with Policy H3 in the UDP.

The additional accommodation would be used in conjunction with the occupation of the existing dwellinghouse, which contains sufficient habitable rooms above ground level with good lighting levels so that the overall standard of accommodation would be acceptable, notwithstanding the lack of natural light that would be received by the new basement accommodation.

Several objectors state that the proposal represents an overdevelopment of the site. However, the proposed basement would not increase the number of residential units on the site and as such, in land use terms the proposed development does not represent overdevelopment and objections raised on this ground cannot be supported.

6.2 Design and Townscape

A significant number of comments have been received from neighbours regarding the design of the extensions and the impact on the St John's Wood Conservation Area.

The main body of the basement excavation will be subterranean. The external manifestation of the basement in the form of small circular rooflights set within the landscaped planter beds to the side of the rear garden is considered to be acceptable. Though the Basement Development in Westminster SPD (2014) suggests that lightwells should be set adjacent to

the building and that they may be resisted if set into the garden, in this case the three rooflights proposed are small in scale and discreetly located within the planted areas, such that they would not have a negative impact on the character and appearance of the building or the St. John's Wood Conservation Area.

However, the lightwells to the front garden are not considered to be acceptable in their current form. They are designed in effect as very large rooflights with glazing over, rather than as open lightwells. On both sides of the garden there are views down into these lightwell areas from street level, which would mean that the immediate setting of the building would be large modern panels of glass which would be inappropriate for a domestic style building of this period. The front glazed rooflights would allow a 'wash' of light up the elevation at night-time when the rooms below were in use. These elements of the scheme would harm the appearance of the building and the character and appearance of the St. John's Wood Conservation Area.

In view of these significant concerns, an amending condition is recommended requiring the covered front lightwells to be redesigned as smaller lightwells with grilles above, rather than glazing, which is in line with the guidance set out in the Basement Development in Westminster SPD.

The extension of the lower ground floor below the front garden is similarly not objectionable in design terms given that it would not be appreciable following completion of the development. Hard and soft landscaping would be reprovided to the front of the building to broadly replicate the existing landscaping arrangement. Accordingly, the appearance of the building and the character and appearance of the conservation area would be preserved.

The new enclosure to accommodate the supply and discharge vents for the basement swimming pool would be discreetly located against the side boundary wall with No.26 and would be sited within planting along this side of the garden. Further details of the detailed design of this structure are to be secured by condition.

The rebuilding of the existing later addition rear extensions to the original building in facsimile is uncontentious in design terms, as is the modest enlargement of these rear extensions at lower ground floor level.

Overall in design terms, the proposal is acceptable and would preserve the character and appearance of the St John's Wood Conservation Area in compliance with Policies DES1, DES5 and DES9 in the UDP and Policies S25 and S28 of the City Plan.

6.3 Amenity

Given the subterranean nature of the proposed basement extension and the limited extent of external manifestations, the development once built, will not result in a significant impact on residential amenity.

The above ground extensions to be rebuilt in facsimile will not materially harm the amenities of neighbouring properties, and the single storey infill extension to the rear will be screened by high boundary walls and planting to the rear garden, with overlooking confined to the rear garden of the application site.

The proposal includes a gym and swimming pool in the new basement and these are proposed to be served by mechanical plant with air intake and extract vents located within a plant enclosure within the rear garden adjacent to the side garden boundary with No.26 Carlton Hill. Environmental Health have reviewed the submitted Environmental Noise Survey and are satisfied that, subject to the recommended conditions, the proposed mechanical plant

would comply with Policies ENV6 and ENV7 of the UDP and Policy S32 of the City Plan, which prevent new development causing noise disturbance to neighbouring residents.

Although concerns have been raised by the St. John's Wood Society regarding light pollution from the rooflights and lightwells, given that these are limited in scale and typical of domestic buildings of this period, it is not considered that the level of light emanating from the lightwells and rooflights would have a detrimental impact on the amenity of neighbouring residents in terms of light pollution.

In summary, in amenity terms the proposal complies with Policies ENV6, ENV7 and ENV13 in the UDP, and Policies S29 and S32 in the City Plan.

6.4 Transportation/Parking

The application does not involve an increase in residential units or loss of car or cycle parking and as such, the proposed development is not objectionable in highways terms.

6.5 Economic Considerations

Not applicable.

6.6 Equalities and Diversities (including Access)

No alteration to existing means of access to this private dwellinghouse is proposed.

6.7 Other City Plan/ UDP/ Westminster Considerations

None relevant.

6.8 London Plan

The application does not raise strategic issues.

6.9 Other UDP/Westminster Policy Considerations

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

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

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

6.10 Planning Obligations

The proposal is of insufficient scale to generate the need for planning obligations.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

UDP Policy ENV16 seeks to safeguard and protect important trees in conservation areas. A number of objectors have commented on the potential impact of the proposed basement construction on the health of trees that are of amenity value within and adjoining the site. This includes a mature London Plane tree to the rear of the site, which is located in the rear garden of No.41 Clifton Hill, but which roots beneath part of the rear garden of the application site.

The applicant has submitted a detailed Arboricultural Report that has been assessed by the Arboricultural Manager. The applicant has amended the Arboricultural Report during the course of the application and revised the scheme to address the initial concerns raised by the Arboricultural Manager. Extensive investigation works have also been carried out on site to investigate the location of tree roots to the front (south), side (west) and rear (north) of the site. The amended report concludes that the proposed excavation of the basement would not adversely impact trees. The soil depth over the extended lower ground floor beneath the soft landscaped area to the front garden has been increased as part of the amendments during the course of the application.

The Arboricultural Manager does not object to the removal of trees 5, 6, 8, 9, 10 and 11 in the rear garden of the site (Mulberry, Norway Maple, Acer and Almanchier), as these are young trees or in early maturity that may be replaced subject to a suitable landscaping scheme. Conditions to ensure the provision of replacement landscaping and trees are recommended.

The stem diameter of the mature London Plane tree to the rear, located in the rear garden of No.41 Clifton Hill, is 1350mm, not 900mm as stated in the report, and the proposed rear basement will therefore encroach into the 15 metre root protection area of the tree.

In terms of the trees to be retained, the Arboricultural Manager is satisfied that the Magnolias to the front of No.30 Carlton Hill can be retained without excavation and piling works harming these trees.

Whilst the Yew tree in the front garden to No.30 Carlton Hill has not been appropriately marked and recorded in the submitted arboricultural survey, the Arboricultural Manager is satisfied that it may be possible to push back the tree's canopy for the duration of the development by locating a hoarding close to the basement piling line. On this basis and subject to this approach being considered in more detail as part of a condition requiring details of tree protection measures, the Arboricultural Manager does not object in respect of the impact on this neighbouring tree.

Following the digging of trial trenches during the course of the application, the Arboricultural Manager is satisfied that both the Pear tree and the London Plane tree at No.41 Clifton Hill can be retained without the proposed excavation and piling works causing them harm.

6.12 Other Issues

6.12.1 Basement Excavation

In terms of the progression of our policy towards basements, the City Council recently adopted its Supplementary Planning Document (SPD) 'Basement Development in Westminster' on 24 October 2014. The SPD provides detailed advice on how current policy is implemented in relation to basement development. It does not introduce any additional

restrictions on basement development above and beyond the precautionary approach that the City Council had already adopted in response to such development.

The Draft Basements Policy remains the subject of consultation and has not yet been adopted. It is this document which will provide a specific basement policy and it will form part of the local plan (replacing the UDP) in due course. It has some, but only very limited, legal weight (known as material weight or a material consideration). It will not gain more legal weight until after consultation and amendment and will need to be tested at an independent examination before formal legal adoption.

The new basements policy may introduce restrictions on basement excavations provided there is a valid planning reason for doing so, but, as explained above, it has to go through a formal process including an examination in public by an independent Inspector and then legal adoption and it is not, therefore, likely to be formally adopted until early 2016.

In this case concern has been raised by residential occupiers of neighbouring properties over the potential impact of the basement excavation on the structure and foundations on adjoining properties including party walls. While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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 endeavor 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 NPPF March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

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

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

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques

that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

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

6.12.2 Construction Management

A Construction Management Plan (CMP) has been submitted by the applicant. This sets out in outline form the duration of the construction period and measures to mitigate the impact on nearby residential properties and to limit the impact on the highway network.

The total construction phase associated with the basement excavation, demolition and rebuilding of the extensions, and landscaping is anticipated to be 18 months, with the completion of the basement shell anticipated to take 12 months to complete.

Site welfare facilities are to be established within the site in the rear garden, following the appointment of the principal contractor.

One of the main areas of concern of objectors relates to the basement excavation and the frequency and duration of construction vehicles to and from the site. The excavation of the basement is, at this stage, anticipated to be 26 weeks, with on average, 10 lorries accessing the site per week, or two per day for a duration of 45 minutes. Deliveries to the site will be restricted to between 09.30 and 15.30 hours, to avoid peak congestion, with deliveries marshalled by a banksman on a 'just in time' basis to limit queuing and disruption. The access routes for construction traffic are not set out at this stage. Building materials will be stored on site, with security hoarding erected around the site and only a single point of entrance onto Carlton Hill.

The CMP gives little detail on measures to reduce dust or no 24 hour emergency contact number for residents. It is in outline form only at this stage and falls short of the level of detail normally required. The applicant has, however, carried out consultation with 60 residents in the immediate locality to seek to address their concerns regarding the construction impacts associated with the proposed basement excavation, and an on-going commitment is made by the applicant to continue to keep local residents informed. Although some residents have expressed concerns regarding the wider cumulative impacts associated with basement excavations, the impact on the highway as a result of construction works would not justify withholding planning permission.

A condition is therefore recommended to ensure a robust finalised CMP is submitted that sets out in more detail the sequencing of development, emergency contact details and measures to mitigate noise and dust. The CMP that is submitted pursuant to the recommended condition will be the subject of further consultation with neighbouring residents, given the concerns that have been raised in respect of construction impact to date.

6.12.3 Other Matters

Several objectors state that insufficient publicity has been given to this application. According to Council records, a total of 24 neighbouring properties have been consulted in writing on this application, including all those immediately adjoining to the sides and at the rear, as well as opposite the site in Carlton Hill. Furthermore, the application has been advertised in the local paper and a site notice erected outside the site. Accordingly, the Council's consultation on the application has well exceeded the minimum statutory requirement for consultation on a planning application. As such, the objection raised on this ground cannot be supported.

7. CONCLUSION

In summary, the proposed development is considered to be acceptable in land use, design, amenity, and environment terms and would accord with the relevant policies in the UDP and City Plan. Therefore, subject to the conditions set out in the draft decision letter, it is recommended that permission is granted.

BACKGROUND PAPERS

1. Application form.

CONSULTATION ON INITIAL SCHEME (JANUARY 2015)

2. Email from the St. John's Wood Society dated 3 March 2015.
3. Email from Thames Water dated 23 January 2015.
4. Memo from Environmental Health dated 5 February 2015.
5. Memo from the Arboricultural Manager dated 12 February 2015.
6. Email from the occupier of 41 Clifton Hill dated 21 January 2015.
7. Letter from the occupier of 32 Carlton Hill dated 26 January 2015.
8. Letter from Boddy and Edwards Chartered Surveyors on behalf of owners of 30 Carlton Hill dated 29 January 2015.
9. Email from the occupier of 43 Clifton Hill dated 29 January 2015.
10. Email from the occupier of the Garden Flat, 45 Clifton Hill dated 31 January 2015.
11. Letter from the occupier of 11 Carlton Hill dated 2 February 2015.
12. Email from the occupier of 19 Carlton Hill dated 2 February 2015.
13. Letter from the occupier of 36 Carlton Hill dated 3 February 2015.
14. Email from the occupier of 29 Carlton Hill dated 3 February 2015.
15. Email from the occupier of 17 Carlton Hill dated 4 February 2015.
16. Letter from the occupier of 31 Carlton Hill dated 4 February 2015.
17. Email from the occupier of 27A Carlton Hill dated 4 February 2015.
18. Email from the occupier of 35 Carlton Hill dated 5 February 2015.
19. Email from the occupier of the Garden Flat, 25 Carlton Hill dated 6 February 2015.
20. Letter from MLM Property Management on behalf of the occupiers of 4, 6, 8 Carlton Hill Ltd dated 13 February 2015.

CONSULTATION ON REVISED SCHEME (MAY 2015)

21. Memo from the Arboricultural Manager dated 17 June 2015.
22. Email from the occupier of 41 Clifton Hill dated 1 June 2015.
23. Letter from the occupier of 32 Carlton Hill dated 7 June 2015.
24. Letter from Boddy and Edwards Chartered Surveyors dated 9 June 2015 on behalf of owners of 30 Carlton Hill.
25. Email from the occupiers of 29 Carlton Hill dated 9 June 2015.

- 26. Email from the occupiers of 26 Carlton Hill dated 9 June 2015.
- 27. Email from the occupiers of 43 Clifton Hill dated 21 June 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 28 Carlton Hill, London, NW8 0JY
- Proposal:** Excavation below existing house and rear garden to create one level of basement accommodation with rooflights to the rear. Demolition of existing rear extension and erection of replacement rear extension over three storeys. Excavation to front of property at lower ground floor level to provide additional accommodation and mechanical plant within enclosure to rear garden.
- Plan Nos:** Site Location Plan, SP01 rev C, EX01, EX02, EX03, EX04, EX05, EX06, EX07, EX08, EX09, EX11, PR02 rev C, PR03 rev C, PR04 rev C, PR05, PR06, PR07 rev C, PR08 rev C, PR09 rev C, PR10 rev C, PR11 rev C, PR12 rev C, PR13 rev C, Environmental Noise Survey, Basement Impact Assessment (Revision 1) (for information only - see Informative 2), Design and Access Statement (Amended) 28CH/DAS 002, Construction Management Plan (for information only - see Condition 9), Combined Geotechnical and Ground Contamination Risk Assessment (for information only - see Informative 2) and Arboricultural Impact Assessment and Method Statement dated 6 May 2015.

Case Officer: Katherine Rawlins

Direct Tel. No. 020 7641 6204

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

Reason:

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

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

(a) Both front lightwells reduced in size so as to each be no larger than 2.5m long by 0.8m wide, with each lightwell to be aligned with the existing windows above to the front elevation at lower ground floor level, and for each open lightwell (i.e. not glass covered) to be covered by a grille, with the grille flush with the top of the lightwell.

(b) Plan and elevation drawings shall also be submitted showing the associated changes to the basement floor plan and elevations.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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)

- 5 The new rear extensions shall be faced to their sheer elevations in smooth render painted and permanently maintained to match the colour of the existing render to the existing rear elevation and the doors and windows shall be formed in glazing and white painted timber framing.

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: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development: The mechanical plant enclosure within the rear garden against the boundary with No.26 Carlton Hill.

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. The enclosure surrounding the mechanical plant equipment must be erected in its entirety prior to the mechanical plant contained within the enclosure being brought into use and the enclosure shall be maintained thereafter in accordance with the detailed drawings that we approve unless or until the mechanical plant within the enclosure is permanently removed.

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: 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)

- 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 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:

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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

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

Reason:

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

- 11 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

- 12 You must plant new trees to replace the trees which you propose to remove as part of this development (Tree Numbers 5, 6, 8, 9, 10 and 11 in the Tree Report dated 6 May 2015) in the first planting season after you complete the development. You must apply to us for approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees in the next planting season with another of the same size and species to the one originally planted.

Reason:

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

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.

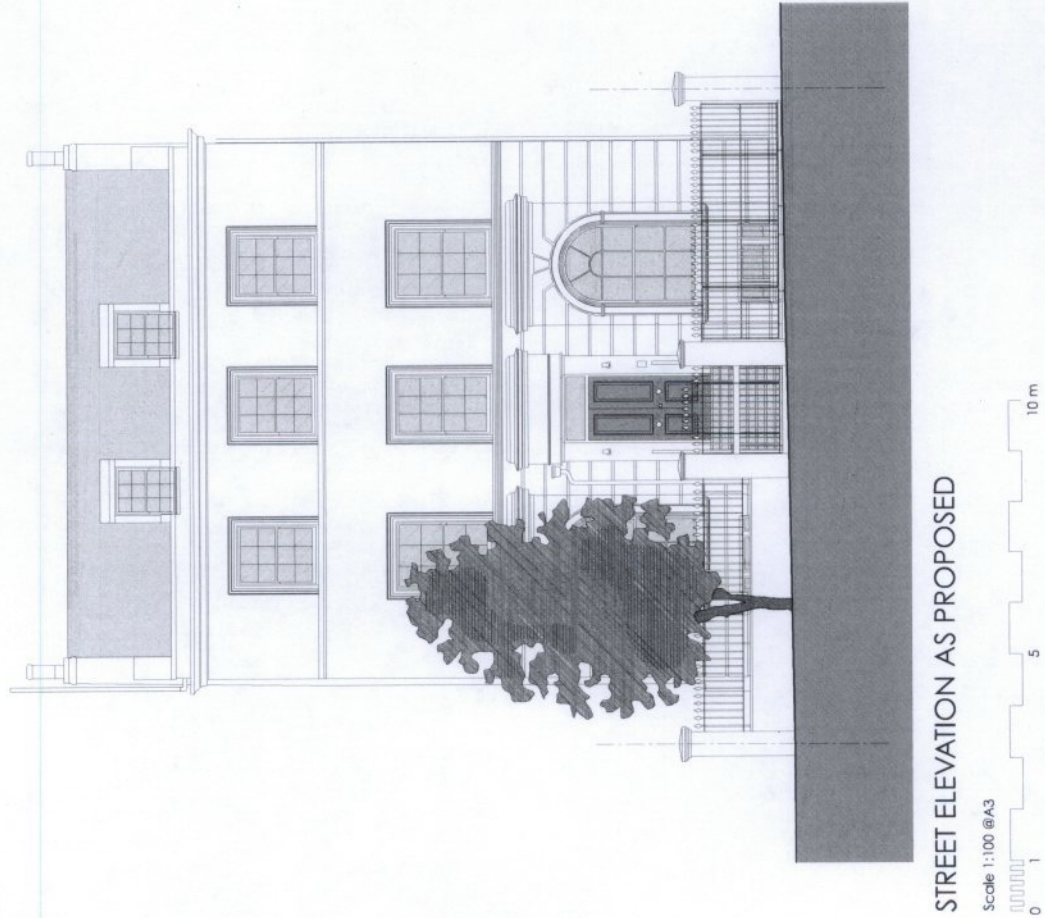
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes 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.

- 3 Condition 11IN requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.

- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

- 5 You should ensure that the details you submit to satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on and adjacent to the site will rely heavily on an appropriate site set up and means of construction.

existing structure
 proposed structure



STREET ELEVATION AS PROPOSED

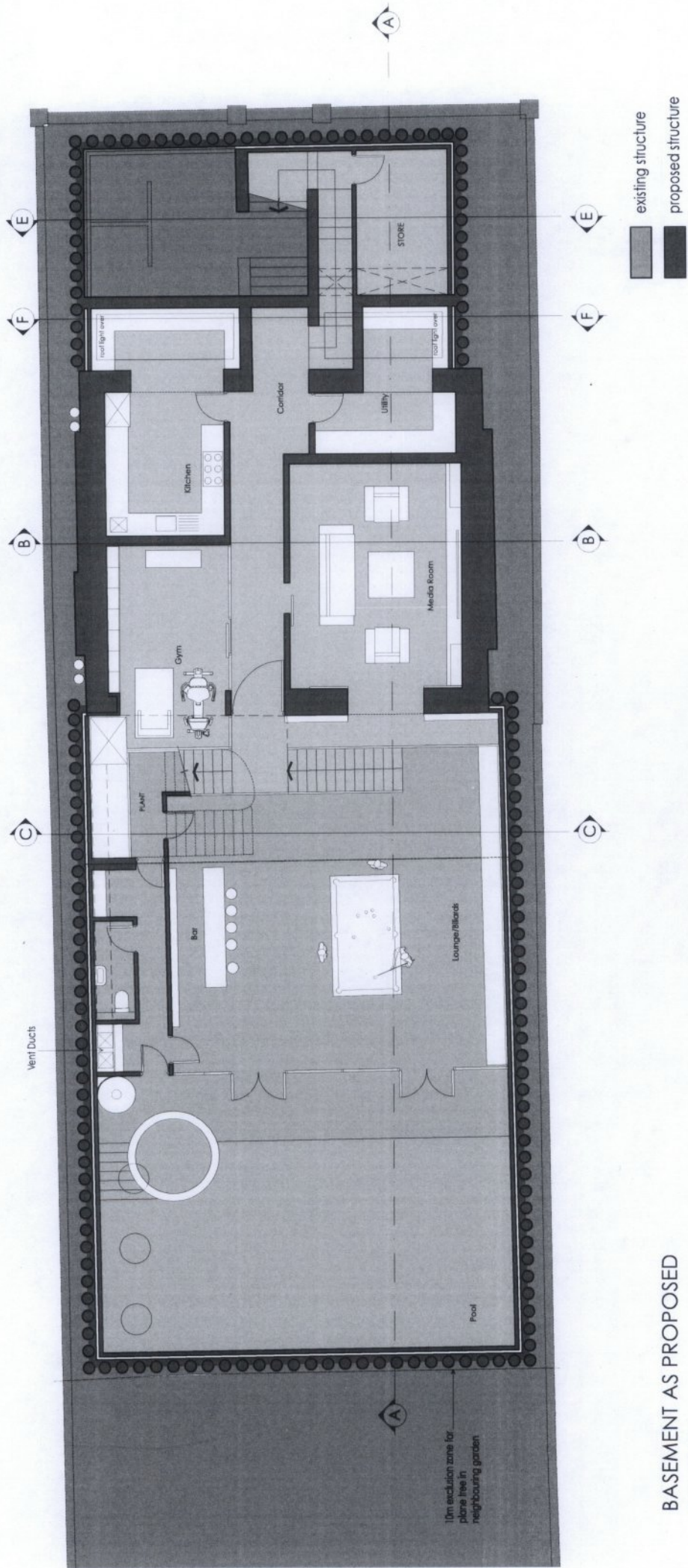
Scale 1:100 @A3



FRONT ELEVATION/SECTION EE AS PROPOSED



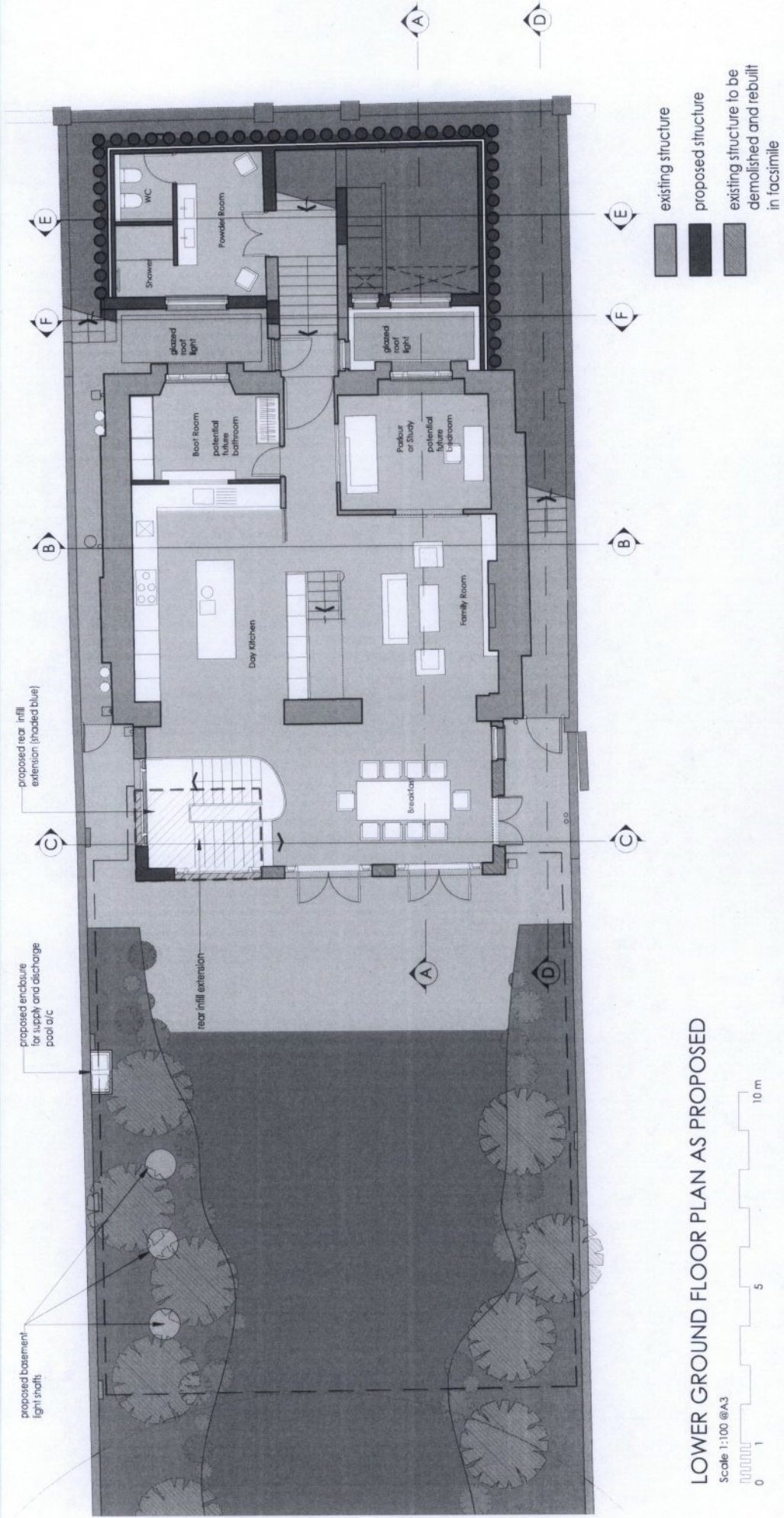
GIFA:
 existing basement 17.5 m² or 188 sqft
 proposed basement 280.0 m² or 3013.9 sqft



10m exclusion zone for
 phone free in
 neighbouring garden

BASEMENT AS PROPOSED
 Scale 1:100 @A3
 0 1 5 10 m

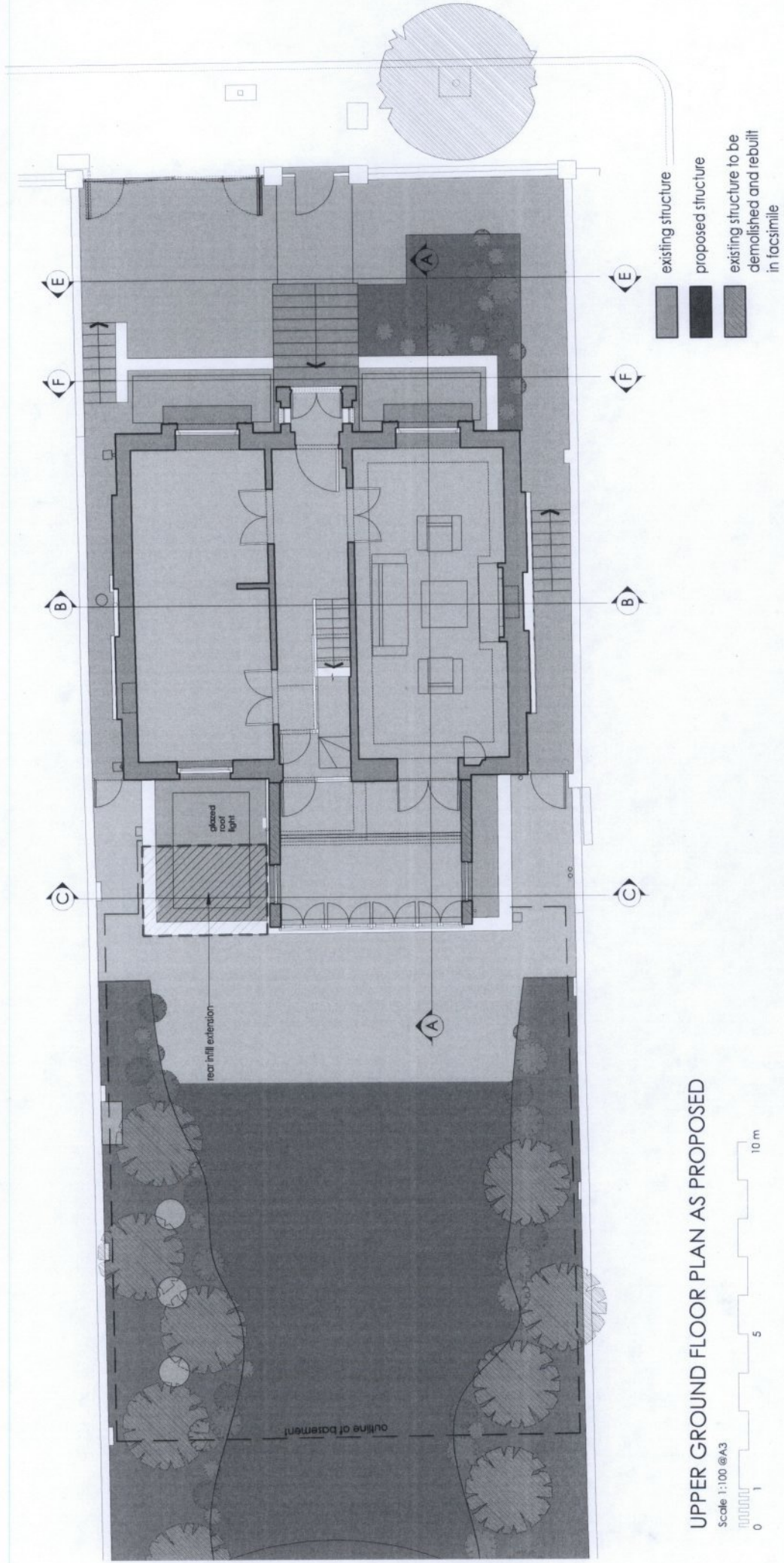
GIFA:
 existing lower ground floor 115.0 m² or 1237.8 sqft
 proposed lower ground floor 152.0 m² or 1636.5 sqft



LOWER GROUND FLOOR PLAN AS PROPOSED

Scale 1:100 @A3
 0 5 10 m

GIFA:
 existing and proposed upper ground floor 99.5 m² or 1071.0 sqft



UPPER GROUND FLOOR PLAN AS PROPOSED

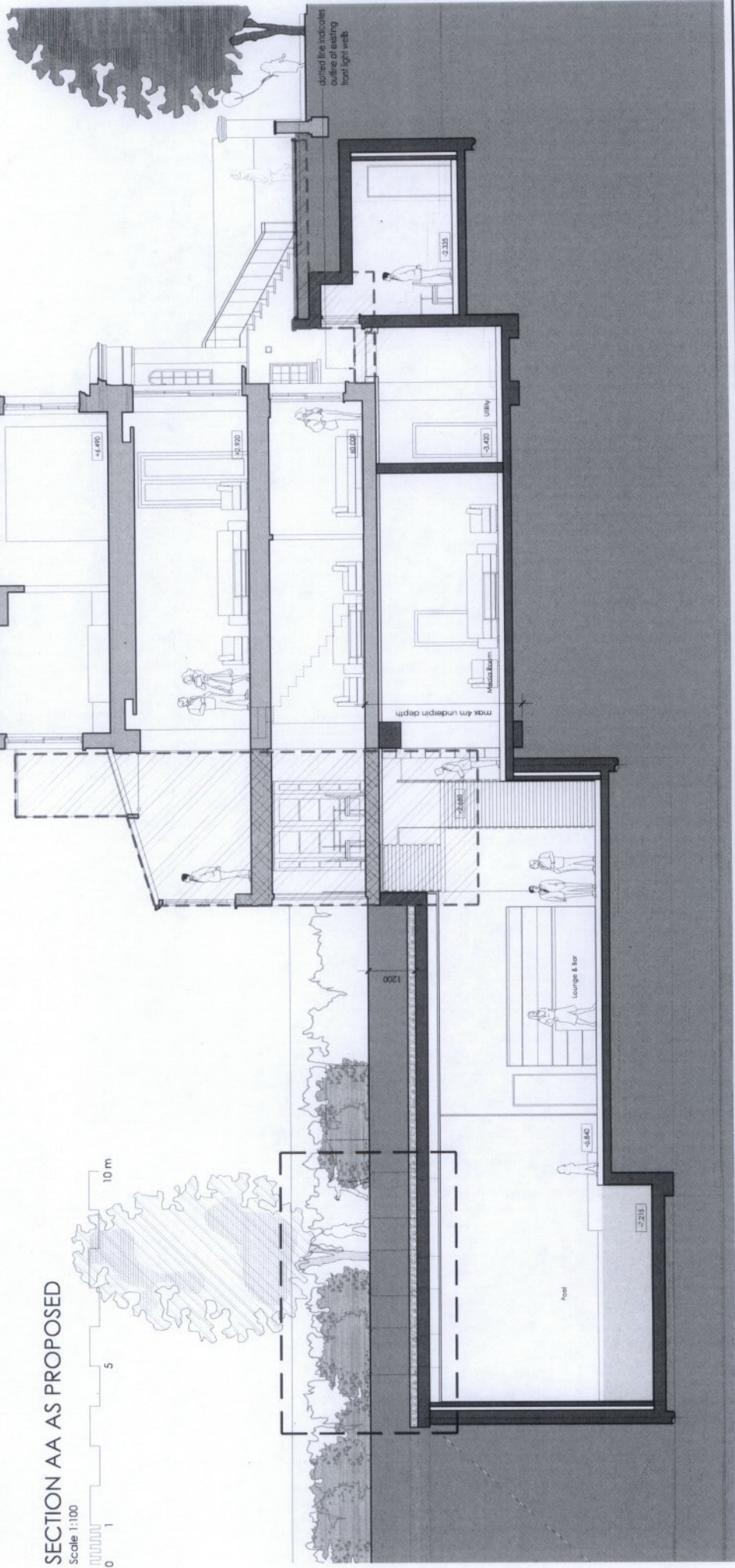
Scale 1:100 @A3
 0 5 10 m






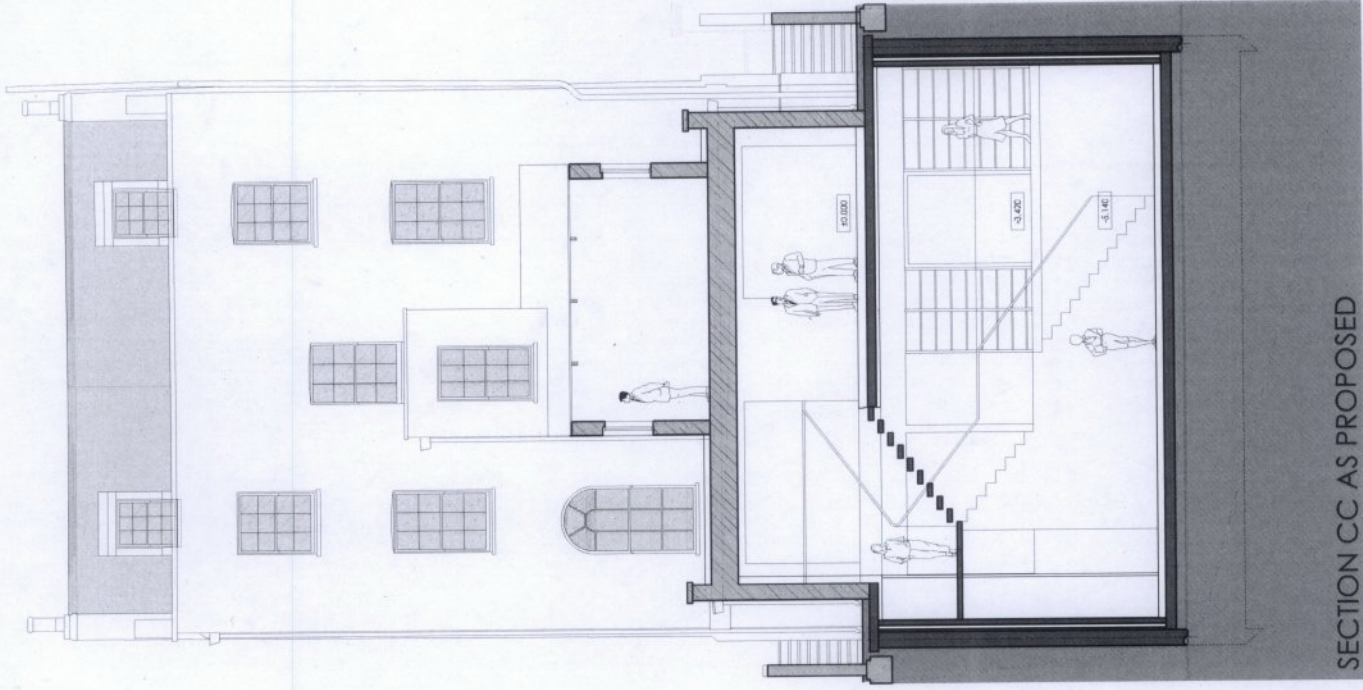
SECTION THROUGH POOL LIGHT SHAFTS
Scale 1:75

SECTION AA AS PROPOSED

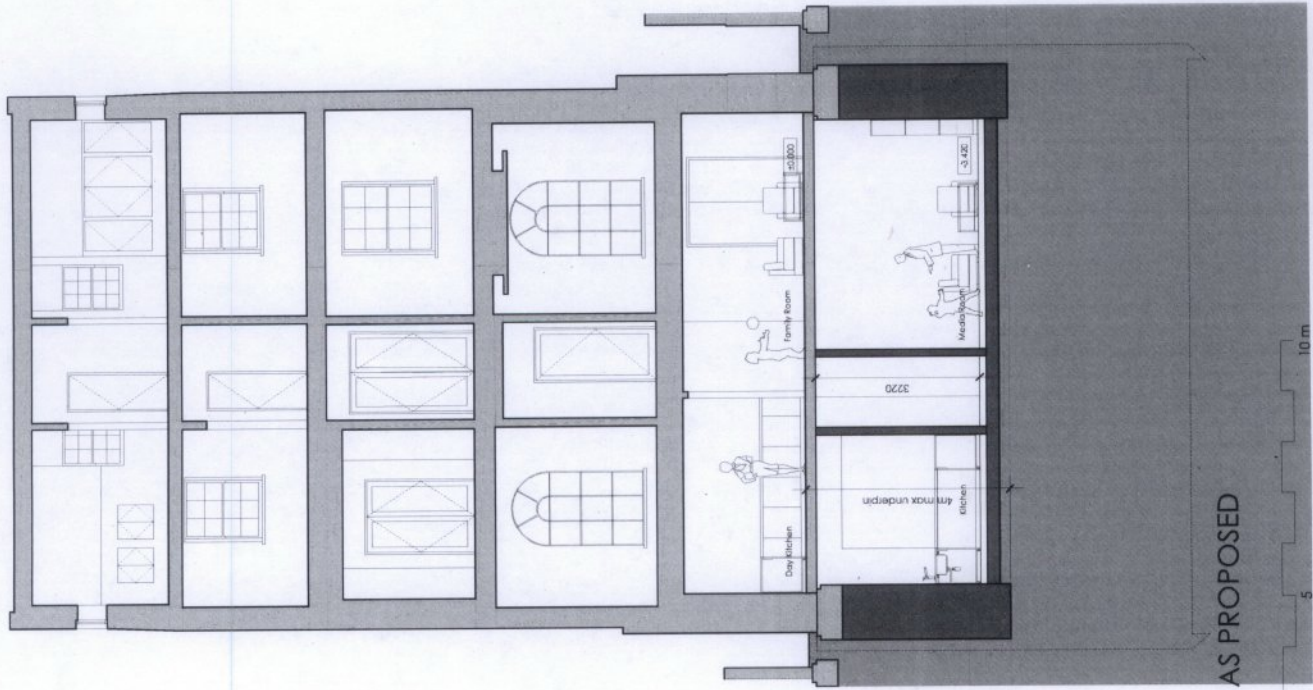
Scale 1:100



-  existing structure
-  proposed structure
-  existing structure to be demolished and rebuilt in facsimile after construction of basement



SECTION CC AS PROPOSED



SECTION BB AS PROPOSED

Scale 1:100 @A3

