

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 15 March 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	8 Elm Tree Road, London, NW8 9JX,		
<b>Proposal</b>	Demolition of garage, front portico and front steps, part demolition of side extension, extension of two-storey side wing at first floor level, alterations to façade and fenestration on front, rear and both side elevations, alterations to front garden and boundary wall including car park lift, excavation of basement incorporating swimming pool and associated plant underneath garden, front and rear lightwells and air extract in rear garden.		
<b>Agent</b>	Miss Tori Evans		
<b>On behalf of</b>	Mr Hossein Abedinzadeh		
<b>Registered Number</b>	15/04516/FULL	<b>Date amended/ completed</b>	15 October 2015
<b>Date Application Received</b>	21 May 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

1. Grant conditional permission.

## 2. SUMMARY

The application site is occupied by an unlisted semi-detached dwellinghouse and is located on the south east side of Elm Tree Road in the St John's Wood Conservation Area.

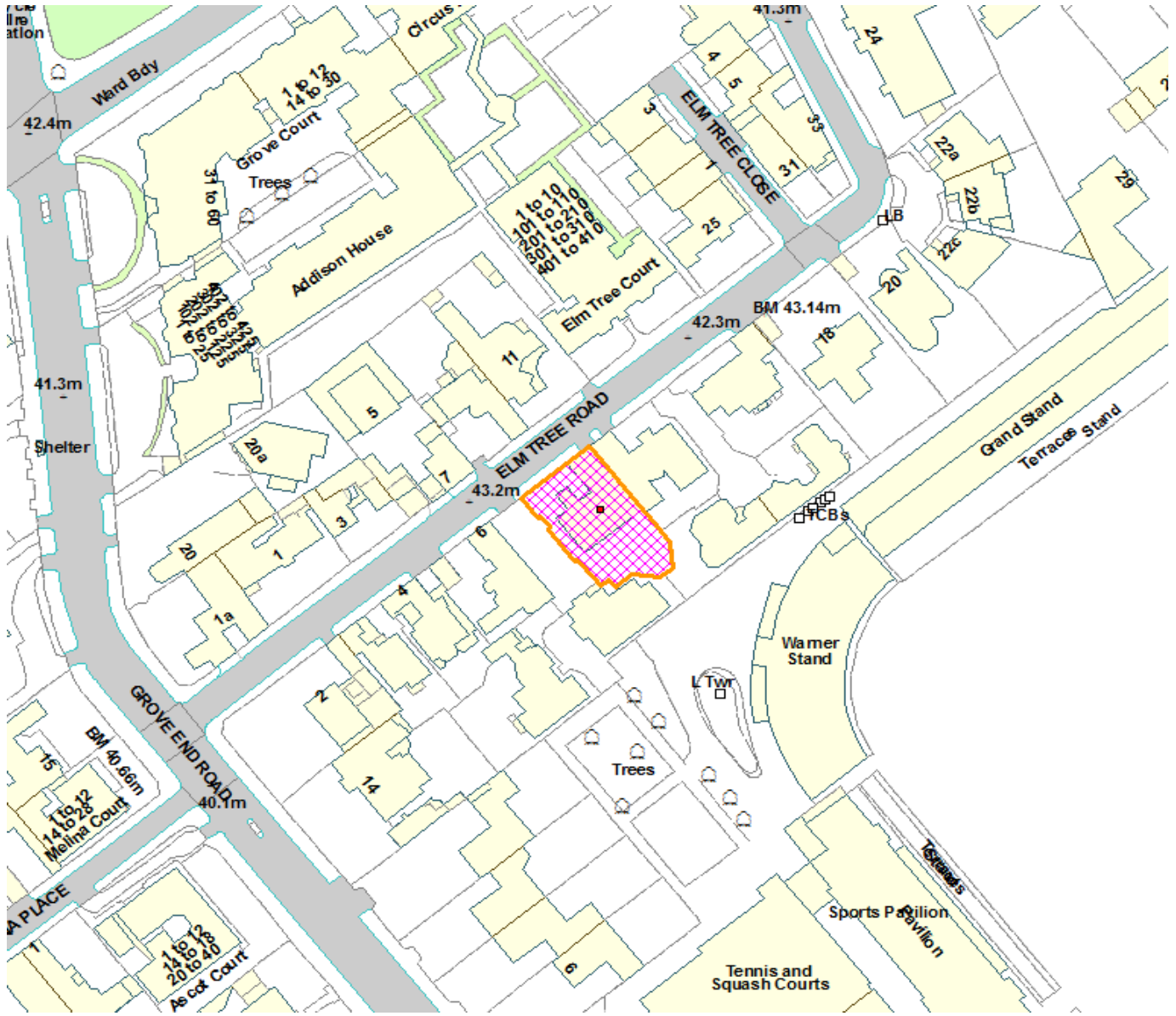
This application seeks planning permission for the demolition of the front/side garage, front portico and front steps, part demolition of the side extension, extension of the two-storey side wing at first floor level, alterations to façade and fenestration on front, rear and both side elevations, alterations to front garden and boundary wall including car park lift, excavation of basement incorporating swimming pool and associated plant underneath garden, front and rear lightwells and air extract in rear garden.

Further to negotiation with the applicant the proposals have been amended. These amendments include the omission of the rear dormer, the lowering of the basement to provide a minimum soil depth of 1.2 metres and the omission of the air condensing units from the roof of the side extension. Other minor alterations were made to the design of the scheme.

Several objections have been received from neighbouring occupiers on the grounds of structural issues, impact of construction works, design and townscape issues, the impact on the amenities of neighbouring occupiers, potential flooding and increased carbon emissions.

Notwithstanding the objections received, the proposed development is considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### ORIGINAL CONSULTATION

Thames Water Utilities Ltd:  
No objections.

Environment Agency (Thames Region):  
Any comments to be reported verbally.

Ward Councillors for Regent's Park:  
Any comments to be reported verbally.

St John's Wood Society:

Overall the proposals are an improvement on the existing. Request that the Arboricultural Manager is consulted to ensure that no trees of amenity value are felled and that trees are properly protected. Regret the loss of a viable garden because of the excessive basement development which extends under both the front and rear of the garden. The proposal should be in line with the Council's emerging basement policy rather than the basement SPD. 1 metre of topsoil above the basement is inadequate for trees and the proposed basement may extend under more than 50% of the garden space after construction.

Arboricultural Section - Development Planning

Objections were initially raised regarding the failure to address the impact on the trees in the rear garden of no.10, the inappropriate replacement tree and the inadequate soil depth above the basement. These concerns have since been addressed and the Arboricultural Officer has no further objections subject to the imposition of conditions.

Environmental Health

Objections are raised on the basis of insufficient information regarding noise and impact on the nearest noise sensitive receptors.

Building Control - Development Planning

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, 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 internal RC retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 8

No. of objections: 8

No. in support: 0



PRESS ADVERTISEMENT / SITE NOTICE: Yes

Objections were raised on the following grounds;

#### Design

- The scale of the proposed development is colossal, increasing the size of the house by 58%, with the majority from the new basement;
- The area below ground would be larger than the area above ground;
- Over-development of the site;
- Unattractive appearance of car lifts which are not in keeping with surrounding area.

#### Amenity

- Constant noise associated with 24 hour use of pump for swimming pool;
- Noise associated with car lifts;
- Security and privacy.

#### Structural Issues

- The foundations of all houses in the area appear to be impacted to some extent by basement works;
- The structural integrity of neighbouring properties has already been affected by works at Lord's Cricket Ground therefore further works are objected to;
- The application contains limited information on how the excavation would affect the structural integrity of neighbouring buildings;
- Vibration and possible ground movement due to deep and large area demolition, excavation and piling.

#### Construction Works

- Noise and disturbance including vibration and dust/dirt during construction, especially given the scale of development;
- Works on a Saturday is culturally insensitive;
- Negative implications for traffic flow along Elm Tree Road;
- Loss of resident parking during construction period;
- Inadequate information on noise generation;
- Elm Tree Road Has seen numerous large construction projects to the detriment of the quality of life of neighbours.

#### Flooding

- Negative impact on surface water infiltration, with it being limited at the application site and diverted to neighbouring properties;
- Inadequate information on drainage.

#### Sustainability

- Increased carbon emissions due to additional requirements for lighting, ventilation and pumps.

#### Other Issues

- The applicant did not serve the requisite notice on neighbours as required by certificate B;

- Inadequate consultation by the City Council.

## CONSULTATION ON REVISED PLANS

Further consultation with neighbours was carried out following receipt of amended plans. These amendments include the omission of the rear dormer, the lowering of the basement to provide a minimum soil depth of 1.2 metres, the omission of the air condensing units from the roof of the side extension and other minor alterations to the design of the scheme.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17  
Total No. of replies: 1  
No. of objections: 1  
No. in support: 0

Concerns were raised in respect of the growing mechanical noise nuisance in the summertime from plant in the basement of properties in Elm Tree Road, which causes sleep disturbance and is detrimental to health.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is occupied by an unlisted semi-detached dwellinghouse and is located on the south east side of Elm Tree Road in the St John's Wood Conservation Area.

### 6.2 Recent Relevant History

28.05.2015 – Lawful development certificate issued in respect of construction of a 2.58 metre high by 4 meters deep rear extension, constructed from rendered block work with pivot windows. Lowering of the floor level by 50 cm across the rear portion of the main building. Installation of new window and door in the rear elevation (RN: 15/03071/CLOPUD).

01.04.2015 – Lawful development certificate refused in respect of construction of a 2.58 metre high by 4 metres deep rear extension, constructed from rendered block work with pivot windows. Lowering of the floor level by 50 cm across the rear portion of the main building. Installation of new window and door in the rear elevation (RN: 15/00969/CLOPUD).

23.04.1992 – Planning permission granted in respect of garage extension to front of property (RN: 92/00112/FULL).



## 7. THE PROPOSAL

The proposal comprises the demolition of the garage, front portico and front steps and part demolition of the side extension. It then seeks planning permission for an extension to the two-storey side wing at first floor level, extension of the two-storey side wing at first floor level, alterations to façade and fenestration on front, rear and both side elevations, alterations to front garden and boundary wall including car park lift, excavation of basement incorporating swimming pool and associated plant underneath garden, front and rear lightwells and air extract in rear garden.

The extension to the two-storey side wing at first floor level is adjacent to the boundary with 10 Elm Tree Road and would bring it forward by approximately 1.3 metres and introduce a new façade with three sash windows at ground and first floor levels.

The alterations to the façade and fenestration on the front, side and rear elevations comprise the installation of replacement Georgian multi-pane windows and the relocation of the front entrance from upper ground (first) floor level to lower ground floor level.

The proposed basement would be located under the footprint of the original building, under a large part of the rear garden and under part of the front garden. The majority of the basement would be single storey however, the rearmost part would be double storey to accommodate a swimming pool and associated plant whilst the front of the basement would have two-storeys to accommodate a car lift. There would be three lightwells adjacent to the front elevation (two either side of the front porch and a larger lightwell in front of the two-storey side extension) and one lightwell adjacent to the rear elevation. The lightwells would be surrounded by iron railings and mounted on a plinth.

This car lift would provide parking for four cars. Its roof would be covered with Portland and a further two cars could park on top.

Further to negotiation with the applicant the proposal has been amended. These amendments include the omission of the rear dormer, the lowering of the basement to provide a minimum soil depth of 1.2 metres, the omission of the rendering of the front boundary wall and the omission of the air condensing units from the roof of the side extension. Other minor alterations were made to the design of the scheme.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwelling is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP).

### 8.2 Townscape and Design

8 Elm Tree Road is an unlisted detached villa within the St John's Wood Conservation Area. The building comprises lower ground floor, a raised ground floor, first floor and a

converted roof space. There are also later modern extensions (two storey and single storey) to the east side of the building and a stucco porch with conservatory above has been added to the front façade, post 1975. The building is referred to in Mireille Galinou's book *Cottages and Villas: The Birth of the Garden Suburb* (2010), notably at pages 109 and 300-301. Galinou suggests that no.8 Elm Tree Road dates from 1821 and is now the oldest house on the Eyre Estate. Indeed Galinou goes on to describe the building as 'despite the addition of a covered porch, the house has retained much of its original appearance'. It seems reasonable to conclude on the basis of the available evidence that the conservation area audit's assessment of this particular building is inaccurate and that it ought to be regarded as an unlisted building of merit.

The current proposal seeks permission to demolish the single storey garage extension, the addition of a basement extension, modifications to the facades and roof of the existing building and an extension of the two storey side wing at first floor level.

The removal of the single storey garage structure is a welcome alteration. This has a harmful impact on the existing building and upon the wider townscape. The proposal would replace this with a driveway into which a car lift would be positioned. There are no design concerns with this element of the proposal (subject to details), which is generally regarded as an enhancement.

The extension to the side wing involves bringing this forward by approximately 1.3m and then introducing a new front façade, comprising three sash windows to each floor (lower ground and upper ground). Given the current circumstances where the side extensions project well beyond the façade of the main house, the overall effect will be for the modified two storey side extension to appear subordinate and more complimentary to the main house and as such is considered acceptable.

The proposed basement extension is large, located beneath the building and extending to beneath part of the front garden and the greater part of the rear garden. Once completed the physical external manifestations of the presence of this basement storey are three lightwells to the front façade, one lightwell to the rear and the roof of the car stacker. The lightwells to the front include two: one to either side of a new entrance porch, these would be against the front façade and would project from it approximately 1.2m, they would be surrounded by iron railings mounted on a plinth. The third lightwell at the front would be positioned against the side extension and would be similarly detailed. Given that the property is set well back from the road and that there is a high boundary wall, it is considered that these lightwells will have minimal visual impact and are in any case appropriately located and detailed, and as such are considered to be acceptable. The rear lightwell has been significantly reduced in size since the application was first submitted and lies adjacent to the rear wall of the house. As amended it is far more discreet and relates better to the façade and the garden and is therefore considered to be acceptable. The roof of the car stacker would be covered with Portland Stone to match the surrounding areas of hardstanding with the default position of the car stacker being closed. Subject to a condition stipulating the default position of the car stacker, it also is considered to be acceptable in design terms. The proposed basement complies with adopted policy at the time it was submitted, which was before the City Council began attributing weight to the new basement policy on 1<sup>st</sup> November 2015.

The alterations to the front include removing the modern porch, conservatory and entrance staircase. The removal of these elements is broadly welcome, particularly in the case of the high-level conservatory, which detracts from the front façade. The original submission also comprised the transference of the entrance door from the upper ground floor to the lower ground floor, which would have eroded the classical proportions and hierarchy of the façade. However, it is certainly arguable that the removal of the modern elements offsets any harm. It was nevertheless considered that it would be advantageous to maintain an arched opening at ground floor level, instead of replacing the original entrance with a rectangular sash window. The amended plans received which show the modification of the front façade to incorporate the arched window in lieu of the former arched entrance door is considered acceptable.

It was initially proposed to replace the multi-pane sash windows to all facades with 2-over-2 sash windows which lack the elegance and proportions of the existing windows. The subsequent amended plans which retain the Georgian multi-pane windows to the original villa part of the building are welcome and acceptable. The use of the 2-over-2 sashes to the side extension is acceptable as they relate to a later extension.

It was also proposed to retain and render the proposed front boundary wall. While there is some variance in the street, the prevailing boundary treatment is brick and it was considered that the rendered wall would have created an overbearing impact, which the brick wall does not have. The subsequent removal of the proposed render is welcome and acceptable.

The proposals are considered to be acceptable and would comply with the objectives of polices S25 and S28 of the City Plan and policies DES1, DES5 and DES9 of the adopted Unitary Development Plan.

### **8.3 Residential Amenity**

At subterranean level, the proposed basement itself would have no impact on the amenities of neighbouring occupiers in terms of loss of light, loss of outlook or loss of privacy.

The proposed replacement side extension would not project further rearward than the existing side extension and would also be no higher. It would therefore have no impact on the outlook from the rear windows at no.10 Elm Tree Road or the light reaching these windows. It would, however, project further forward than the existing extension but given that this would be below the level of the existing second floor window of the flank wall at no.10 it is acceptable.

The proposed car stacker would be visible from neighbouring properties when fully raised from the ground, but given that its default position would be closed, it is considered that it would not unduly affect the amenities of neighbouring occupiers. As previously stated, a condition is recommended to ensure that the car stacker remains in a closed position and opens only when a car is entering or exiting.

The remaining elements of the scheme raise no other material amenity concerns.

The proposal would therefore comply with the objectives of policy ENV13 in the adopted Unitary Development Plan and policy S29 in the adopted City Plan.

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

The loss of the garage does not result in any additional need for on-street parking. There are four car parking spaces within the car stacker at basement level and a further two cars can park on top and this is acceptable in parking terms.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

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

##### Noise and Plant

The City Council's Environmental Health Officer has raised concerns in respect of the insufficient information regarding noise and impact on the nearest noise sensitive receptors. These concerns relate to both the proposed car lift and the proposed plant. In this instance, given their location away from rooms within the neighbouring properties, it is recommended that additional acoustic reports are sought by pre-commencement conditions. This would ensure that the amenities of neighbouring occupiers are protected in accordance with policies S32 of the adopted City Plan and ENV6 and ENV7 of the adopted Unitary Development Plan.

##### Trees

Objections were initially raised by the City Council's Arboricultural Officer regarding the failure to address the impact on the trees in the rear garden of no.10, the inappropriate replacement tree and the inadequate soil depth above the basement. These concerns have since been addressed and the arboricultural officer has no further objections subject to the imposition of conditions. The proposal is accordingly in compliance with policy ENV16 of the adopted Unitary Development Plan.

The provision of the 1.2m soil depth would also go some way towards preventing an increased risk of surface water flooding, which has been raised as a concern by neighbouring occupiers.

##### Sustainability

An objection has been received on the grounds of increased carbon emissions. Given the proposal relates solely to a single family dwellinghouse, it is considered that the associated increase in emissions would not be significant and would not sustain a reason to refuse the application.

#### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 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.

### **8.9 Planning Obligations**

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

### **8.10 Environmental Impact Assessment**

Environmental Impact issues have been covered in section 8.7 above.

### **8.11 Other Issues**

#### **Consultation**

Neighbours have stated that consultation by the City Council was inadequate. The City Council met its statutory obligations by sending letters to all those considered to be directly affected by the proposal as well as displaying both site and press notices. It must further be noted that as a result of the revisions to the proposals, further consultation was carried out with neighbours.

#### **Certificate of Ownership**

A neighbour has stated that the requisite notice was not served on neighbouring owners in accordance with the completion of certificate B. This has been queried with the applicant who maintains that the requisite notice was in fact served. It is not within planning control to investigate any further than this. On the basis of the information provided by the applicant, officers are satisfied that the interests of neighbouring landowners have not been prejudiced.

#### **Basement**

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents, including those of two of the neighbouring properties in this instance, are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

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

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

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

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

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

A construction methodology statement has been provided as part of the application and the City Council's Building Control Surveyors have raised no concerns regarding this statement. 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, cited above. To go further would be to act beyond the bounds of planning control.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. Consultation on the formal policy, 'Draft Basements Policy', is currently underway, and will form part of the local plan (replacing the UDP) once adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Weight will be afforded to parts of the new basement policy for applications submitted after 1st November 2015. The policy

is therefore not relevant in assessing this application. Requiring that the basement is limited to 50% of the garden area in accordance with the new policy, as suggested by neighbours and the amenity society, would be unreasonable.

### **Construction impact**

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

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

### **8.13 Conclusion**

Notwithstanding the objections received, the proposed development, subject to appropriate conditions, is considered to be acceptable in land use, design, amenity, arboricultural and environmental terms and would therefore accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 and the Unitary Development Plan adopted in January 2007.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from The St John's Wood Society, dated 5 June 2015
3. Response from Thames Water, dated 8 June 2015
4. Response from Plant And Equipment, dated 11 June 2015
5. Response from Building Control - Development Planning, dated 17 June 2015
6. Response from Arboricultural Officer, dated 25 June 2015 and 8 February 2016
7. Letter from occupier of 8A Elm Tree Road, London, dated 3 July 2015
8. Letter from occupier of 12 Elm Tree Road, London, dated 17, 23 & 30 October 2015
9. Letter from occupier of 12A Elm Tree Road, St John's Wood, dated 16 & 20 November 2015
10. Letter from occupier of 41 Elm Tree Road, London, dated 17 November 2015
11. Letter from occupier of 18 Elm Tree Road, London, dated 19 November 2015
12. Letter from occupier of 10 Elm Tree Road, London, dated 20 November 2015 and 5 December 2015
13. Letters from occupier of 107 and 109 Elm Tree Court, Elm Tree Road, dated 25 November 2015
14. Letter from occupier of Flat 104, 12A Elm Tree Road NW8 9JX, dated 1 December 2015
15. Letter from occupier of 41 Elm Tree Road, London, dated 22 February 2016

### **Selected relevant drawings**



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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT <a href="mailto:northplanningteam@westminster.gov.uk">northplanningteam@westminster.gov.uk</a>
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**PLANNING**  
14040

Project: Historic Rehabilitation  
Site: 1300 W. 82<sup>nd</sup> St. in CD  
Scale: 1/8" = 1'-0"

Project Name: Proposed First Elevation Street View

Sheet No.: P-101

Mark Wójcicki Architects

**PLANNING**  
14040

Project: Historic Rehabilitation  
Site: 1300 W. 82<sup>nd</sup> St. in CD  
Scale: 1/8" = 1'-0"

Project Name: Historic & Proposed Lower Ground Floor Plan

Sheet No.: P-102

Mark Wójcicki Architects

**DRAFT DECISION LETTER**

**Address:** 8 Elm Tree Road, London, NW8 9JX,

**Proposal:** Demolition of front/side garage, front portico and front steps, part demolition of side extension, extension of two-storey side wing at first floor level, alterations to façade and fenestration on front, rear and both side elevations, alterations to front garden and boundary wall including car park lift, excavation of basement incorporating swimming pool and associated plant underneath garden, front and rear lightwells and air extract in rear garden.

**Plan Nos:** P\_00A, D\_07A, D\_08A, D\_09A, D\_11A, D\_12A, D\_13A, D\_14A, P\_00A, P\_01B, P\_02B, P\_03B, P\_04D, P\_05B, P\_06B, P\_07D, P\_08C, P\_09C, P\_10B, P\_11B, P\_12D, P\_13A, P\_14C, P\_15C, Design and Access Statement Rev A, Arboricultural Report (15 July 2015), 1011338-SKM-001 (Basement - Third Floor), Performance Specification, Noise Assessment and Wohn Manufacturer Specification.

**Case Officer:** Claire Berry

**Direct Tel. No.** 020 7641 4203

**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 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 of the following parts of the development:

- i) typical new windows and external doors;
- ii) new railings and entrance gates;
- iii) new entrance portico.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

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 Notwithstanding the drawings hereby approved, the piers to the front boundary walls shall be in brick to match the retained treatment to the rest of the boundary wall.

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 (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.

- 7 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.

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant and car stacker will comply with the Council's noise criteria as set out in Condition 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 9 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 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)

- 10 You must apply to us for our approval of the ways in which you will protect areas of soil which are to be unexcavated, as recommended in Section 6.2.1.2 of British Standard BS5837:2012. You must not start any work until we have approved what you have sent us. The ground protection must then be carried out according to the approved details.

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 You must apply to us for our approval of the specification of the proposed growing medium which is proposed to cover the basement area, and the method by which you will infill this area. You must not start any work until we have approved what you have sent us. The installation of the



growing medium must then be carried out according to the approved details.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the 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)

- 12 **Pre Commencement Condition.** Notwithstanding the Construction Management Plan submitted, no development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
  - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

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

- 13 The car stacker installed must be the 462 Double Parklift as shown on the Wöhr Manufacturer Specification and the roof must be covered with Portland Stone to match the surrounding hard landscaping. It must remain in its closed (down) position at all times other than to allow cars to enter and exit.

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)

- 14 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

**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 You are advised that the installation of a dormer window to this property would require planning permission.
- 3 Thames Water have provided the following advice;

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

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk).

We would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203 557 9483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1. The pool to be emptied overnight and in dry periods. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/second into the public sewer network.

Any property involving a swimming pool with a volume exceeding 10 cubic metres of water will need metering. The applicant should contact Thames Water on 0800 316 9800.

- 4 On 22 October 2013 conditional consent was granted for the removal of a large Tree of Heaven at the front of the property, on the basis of its condition (13/07005/TPO). The condition required a replacement tree to be planted within 12 months of the removal of the existing tree. The owner confirmed in writing that the new tree would be a New Horizon Elm (*Ulmus New Horizon*), 18-20cm girth at the time of planting. This tree has not been planted and you are therefore advised that it is now open to the City Council to take enforcement action.
- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 In respect of condition 8, you are advised that this acoustic report should address both the car lift and any other plant/machinery.

Item No.
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