

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 5 April 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>40 Ryder's Terrace, London, NW8 0EE,</b>		
<b>Proposal</b>	Demolition of existing building and erection of a single dwellinghouse (Class C3) comprising sub-basement, basement, ground and one upper floor. Associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances.		
<b>Agent</b>	Mr Luke Emmerton		
<b>On behalf of</b>	Mr & Mrs J Bitran		
<b>Registered Number</b>	15/11201/FULL	<b>Date amended/ completed</b>	1 December 2015
<b>Date Application Received</b>	1 December 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application relates to an unlisted building located within the St John's Wood Conservation Area. The building is in use as two residential flats.

The current proposal seeks permission for the redevelopment of the site with a single dwellinghouse comprising sub-basement, basement, ground and one upper floor. Associated works are proposed including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances.

The proposal raises the following key issues:

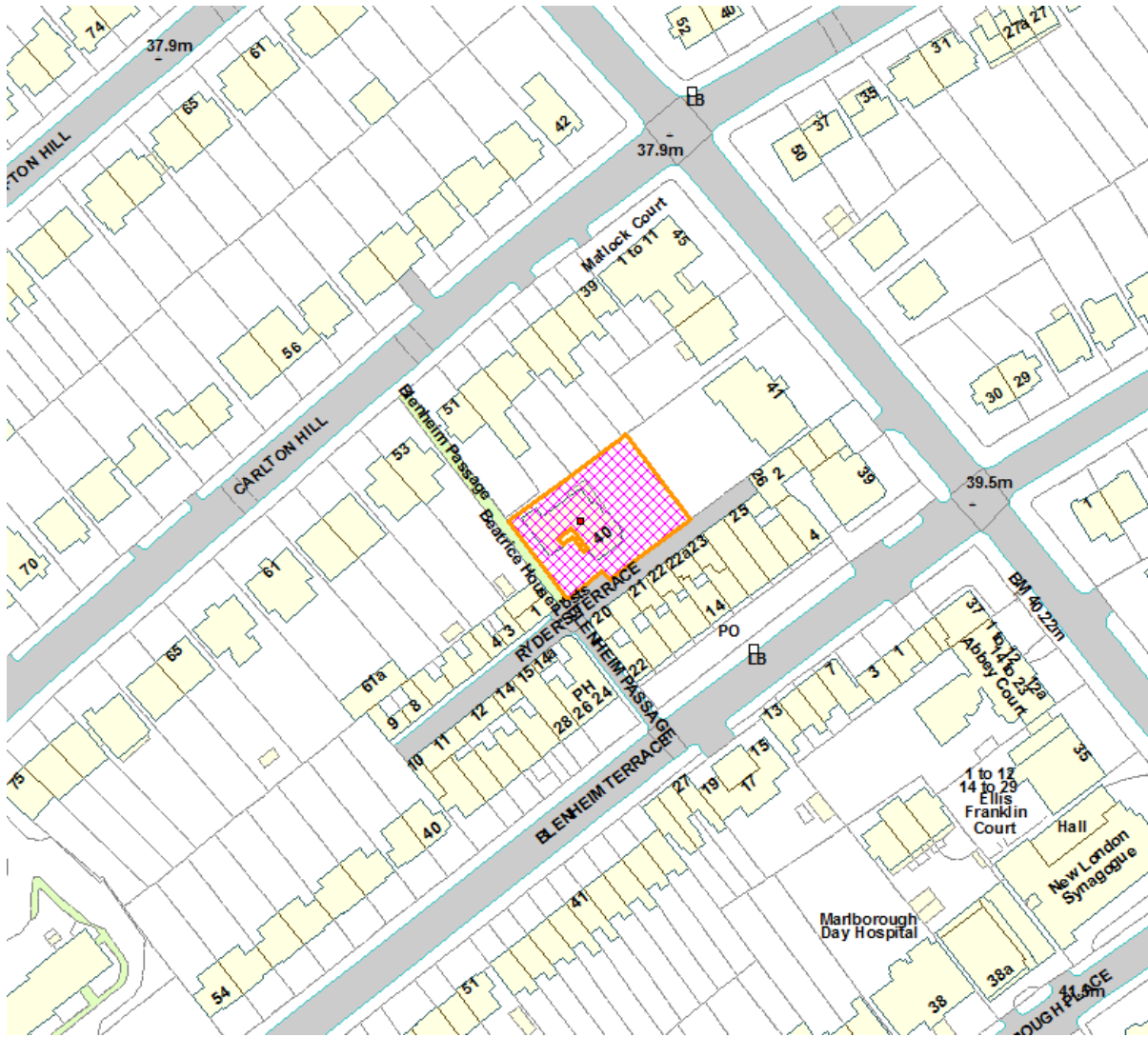
- \* The demolition of the existing building and the acceptability of the proposed replacement building in terms of preserving and enhancing the character and appearance of the St John's Wood Conservation Area;
- \* The impact of the proposal on the amenity of neighbouring residential occupiers;
- \* The impact of the proposal on trees on and adjacent to the site;
- \* The impact of the proposal in highways terms.

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<p>The proposal is considered acceptable in terms of land use, design, amenity, highways, sustainability and trees and is recommended for approval.</p>
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front and Side Elevations



## 5. CONSULTATIONS

### ST JOHN'S WOOD SOCIETY

No objection raised to the redevelopment of the site and support in principle a modern building, however concerns are raised with the quality of design of the proposed building. Objection raised to the size of the proposed basement. An objection is made to the removal of any trees of amenity value and that the proposed green roof will not be properly maintained. It is acknowledged that the footprint, height of the building and the massing of the building has been reduced since the previous application.

### HIGHWAYS PLANNING MANAGER

Undesirable but could be considered acceptable. Excessive car parking provided and if the car lift were removed this would be welcomed, however, the proposal is not contrary to Policy TRANS23. Cycle parking is welcomed. It is noted that the proposals require the a Traffic Management Order.

### BUILDING CONTROL

No objections to structural methodology.

### ENVIRONMENTAL HEALTH

Objection to means of escape and concerns about way in which dwelling may be used with regard to ventilation and natural light for the basement. Conditions recommended with regard to mechanical plant.

### CLEANSING MANAGER

No objection.

### ARBORICULTURAL MANAGER

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 107

Total No. of replies: 33

No. of objections: 33

No. in support: 0

#### Land Use

- Proposal would ultimately reduce the number of bedrooms to what currently exists and therefore the applicant's suggestion that the proposals create more affordable housing is misleading.

#### Design

- The proposals have not taken on board the previous Inspector's findings;
- The demolition of a building in a conservation area is unacceptable.
- The proposed massing and height would be an overdevelopment of the site in this sensitive area;

- The proposed massing and bulk of the proposed is out of scale and character with the area;
- The existing building already exceeds the normal footprint for residential buildings in St John's Wood Conservation Area in terms of volume and square footage related to the plot;
- The proposed architecture is at odds with the surrounding area;
- Extent of the size of the basement;
- The proposed basement contravenes the City Council's guidelines;
- Constant disregard for nearby listed buildings of Carlton Hill;

#### Amenity

- Loss of daylight/ sunlight
- Loss of privacy
- Loss of daylight/ sunlight and overshadowing in particular to 45 and 47 Carlton Hill and their gardens; Loss of light to 22a Ryder's Terrace;
- Loss of light to 18-22 Ryder's Terrace;
- Overshadowing to Beatrice Cottage;
- Given the misrepresentations in the application documents, the sunlight and daylight assessment must be flawed;
- Height from proposed building will dominate the garden of Carlton Hill properties;
- Misrepresentations made with regards to the heights of the parapet wall and the impact this height will have on neighbouring properties;
- Loss of garden area allows for encroachment on neighbours in Ryder's Terrace;
- Noise from proposed mechanical plant
- Sense of enclosure from the overpowering nature of the development;
- Smells from the chlorine of the swimming pool;

#### Trees/Landscaping

- Loss of trees in application site garden to facilitate build is unacceptable;
- Loss of garden area/ open space;
- The landscaping scheme should be conditioned;
- Loss of trees in neighbouring properties as a result of the excavation proposed;

#### Highways.

- Parking bays to suspended during construction will have an impact upon neighbours

#### Other

- Inaccuracies within the application documents with regards to the distances from the proposed building to the windows of the properties in Carlton Hill;
- Drawings difficult to read as there are no dimensions on them;
- Impact of vibration as a result of the excavation;
- Basement construction is now illegal;
- Reference to Westminster Council Basement Policy should be made;
- A full assessment of the basement excavation and its impact upon neighbouring properties should be carried out;
- Impact of basement on old Victorian land drains;

- Noise and disruption during the course of works;
- Damage caused to cobbled streets;
- Disruption caused to Blenheim Terrace and Blenheim Passage will be intolerable;
- Disruption to trade to shop/units on Blenheim Terrace
- Misrepresentations within application documents, including reference to 41 Abbey Gardens being constantly referred to as a 'hostel', when in fact this is a residential care home.
- The application documents differ from the 'flyers' that were issued to neighbours prior to the application being submitted.
- Properties are being redeveloped in the area which do not benefit families in the area or the community and are there any measures the council can put in place to restrict this.
- The proposals will set a precedent;
- SUD's has not been taken into consideration;
- Consultation letter were sent over the Christmas period, and many people did not receive a letter.

#### ADVERTISEMENT/SITE NOTICE:

Yes (including additional site notices placed near the site following concerns raised by neighbours)

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a detached two storey (with small basement) unlisted building located within the St John's Wood Conservation Area. The building was constructed in the 1970s and comprises two residential units (one at ground floor level and one at first floor level), both owned by the applicant.

The entrance to the building is located at Ryder's Terrace, however, the property also has a frontage to Blenheim Passage (which runs from Ryder's Terrace to Carlton Hill). The property also backs onto properties at Carlton Hill (to the north) and Abbey Road (to the east). The site previously formed part of the gardens for the adjacent buildings at Abbey Road. The existing building has a relatively large garden area, mainly to the eastern side of the plot and a garage with further off-street surface parking located to the western side of the plot.

The surrounding area is largely residential; the properties to the north and west at Carlton Hill are large dwellings, the properties to the opposite side of Ryder's Terrace are mews houses and the large building to the east at Abbey Road is a former residential care home, although there is a permission in place to convert this property into flats.

### 6.2 Recent Relevant History

Planning permission for the 'demolition of existing building and erection of a single dwellinghouse (Class C3) comprising lower basement, basement, ground and one upper

floor, associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances and installation of condenser units within enclosure to eastern boundary of site' was refused by the planning committee of 12 November 2014 (14/06107/FULL) on the grounds that the replacement building had a detrimental effect on the character and appearance of the St John's Wood Conservation Area. It should be noted that the refusal was against officer's recommendations.

An appeal was subsequently made (APP/X5990/W/14/3001496) and dismissed on the 7 May 2015 on the grounds that whilst a modern replacement building was considered acceptable in principle, the proposal was considered to result in harm to the designated heritage asset (the St John's Wood Conservation Area). The Inspector specifically noted that there were two elements of the scheme that were unacceptable, i) the extension of the two storey element of the building to a point immediately abutting the boundary wall with Blenheim Passage and 2) the loss of the garden setting to the northeast of the proposed house and its substitution by a single storey extension. A copy of the appeal decision is attached in the back ground papers.

## **7. THE PROPOSAL**

Permission is sought for the demolition and redevelopment of the existing building on the site to provide a single family dwelling comprising ground and first floor levels with the excavation of a part single, part double storey basement. The proposal involves the provision of a car parking space below ground accessed by a car lift and surface level parking, mechanical plant, changes to boundary walls and landscaping. As a result of the widening of the entrance gate, an existing residents parking bay adjacent to the gate at Ryder's Terrace will need to be relocated 1m to the east.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The existing building comprises two residential units, whilst the current proposal is for a single family dwelling.

Policy S14 of the City Plan seeks to resist the loss of residential units or floorspace in the interests of maintaining and increasing the housing supply in the City. In this case, the floorspace would increase, however one residential unit would be lost.

However, it is considered that there are particular circumstances which allow for an exception to the normal policy presumption against the loss of a unit in this case. Policy S14 allows for the loss of residential units in certain circumstances, including when two flats are being joined to create a family-sized dwelling. Although this application is for redevelopment rather than conversion, it is recognised that the applicant could apply for permission to amalgamate the two units under Policy S14 and then apply to redevelop the site. As such, the loss of a residential unit is considered acceptable.

The proposed dwelling will provide a good standard of accommodation and the proposed amenity space for the dwelling is considered acceptable given the garden and roof terrace provision.



## 8.2 Townscape and Design

The existing building at no. 40 Ryder's Terrace covers ground and first floors with a small basement below and it dates from the late 1960's/early 1970's. It is designed in an L-shaped form and is set largely to the western side of this generous garden ground. The building is designed in a distinctly modern style with dark red/brown brick facing and though the architect of the building is unknown, it is not considered a building of any particular design quality and as such the building is considered to have a neutral contribution to the character and appearance of the St John's Wood Conservation Area.

The proposal is to demolish the existing building and replace it with a new single residential property. Given the neutral contribution that the existing building makes to the character and appearance of the conservation area, the principle of its demolition is considered acceptable, subject to a suitable replacement.

As set out in the report above, permission has previously been refused on 12th November 2014 for a redevelopment of the site, with an appeal against that refusal being dismissed on 7th May 2015. The refused application differed from the current scheme in some important respects. Unlike in the currently proposed scheme, the previously refused building was proposed to extend across almost to the east end of the site at ground floor level, it was proposed to rise up to first floor level in a location immediately adjacent to the boundary wall to Blenheim Passage, and the building was designed as a limestone clad structure with markedly modern styling. In dismissing the appeal however, the Inspector noted only two elements of the building proposed as being unacceptable in their opinion; namely, that the two storey element of the building where it immediately abutted the boundary wall adjacent to Blenheim Passage would appear as a dominant and overbearing structure when viewed from the passage, and also that the enclosure of a large area of the garden grounds to the east of the proposed house by a single storey extension would harm the landscaped garden setting of the site. It is also of relevance that the Inspector stated that in their opinion the substitution of the existing 'L' shaped building with an elongated east-west orientated rectangular building would be more in keeping with the terraces nearby. The Inspector also stated that they considered that the architectural approach and the limestone cladding were not reasons for refusal of the scheme in their opinion.

The applicant has sought to overcome the stated concerns of the Inspector in terms of the footprint and bulk of the building, and have also proposed a building of quite different architectural approach and cladding materials than was previously proposed.

The single storey wing at ground floor level of the previously refused building which was to enclose a large area of currently open garden grounds to the east side of the site and which had been considered unacceptable by the Inspector has been omitted from this current scheme, and the east end of the site shall remain as open garden grounds. The most principal change now to the massing of the new building as compared to existing therefore is that the two storey wing projecting out on the south side of the main existing building is proposed to be replaced with a new two storey projection further out to the east of the location of the existing main building, thus giving a more elongated

rectangular building rather than the existing 'L' shaped footprint. Though the footprint of the new building is larger than existing, it is not considered unacceptably so in the context of this site.

The bulk of the building where it abuts the boundary wall to Blenheim Passage which had been considered unacceptable by the Inspector has also been revised to overcome these concerns. Instead of rising up two sheer floor levels immediately behind the boundary wall as previously proposed, in the current scheme the first floor level is now pulled back 2.5m from the boundary wall which matches the set back of the existing building to this location. The parapet rises approximately 0.9m above the height of the existing, though this is lower than the height of building previously refused, and in itself is not considered to give an unacceptable impression of bulk to the new building proposed.

Overall, the building is not considered notably more bulky than existing, and in many respects, particularly with the greater set back from north and south elevations as compared to the existing building may indeed have a lesser visual impact in views from surrounding streets and buildings. Though noting the concerns of some surrounding local residents, the building is not seen as part of an established street context, and in terms of bulk, height and footprint, the building is considered acceptable.

The new building is considered of significantly improved design quality, both when compared against the existing building on site, and when compared against the scheme previously refused on 12th November 2014. The new building adopts a rectangular form arranged in an east-west arrangement. This is considered to reflect the character of Ryder's Terrace which is characterised by a series of two storey buildings arranged into long E-W runs, and as set out above, the Inspector in the previous appeal decision considered this arrangement to be acceptable in principle. The building is to be faced in yellow or buff London stock bricks which will harmonise well in this principally 19th century townscape and are considered a significant improvement upon the previously proposed limestone cladding. The other principal material is bronze coloured aluminium which will harmonise well with the brickwork. The main south elevation is arranged with a subtly projecting colonnade structure which both provides solar shading to the south facing windows whilst setting up an attractive rhythm of bays to this elevation. The other elevations are more simply detailed with bronze framed windows recessed back into the brickwork elevations giving an appropriate sense of depth and solidity to the elevations. The windows will be flanked by bronze coloured aluminium panels acting as opening vents providing fresh air ventilation.

Design details shown, such as the detailing of the limestone parapet shown floating over the two courses of recessed brickwork, the subtle definition given to the main entrance without loss of harmony to the rhythm to the bays of the building, and the attractive proportioning of the window openings all help to give an impression of a building of particular quality which will sit well in its context. The green roof above first floor will help integrate the building into this garden setting in the numbers of views down from upper floor windows of higher buildings in the surrounding area. Canopies to ground floor are considered well integrated into the overall design of the building.

The lightwells lighting the basement below are set immediately adjacent to the building and are carefully aligned with the rhythm of bays to the building. As these would be the only external manifestation of the large basement, this aspect of the proposal is also

considered acceptable in terms of its impact on the character and appearance of the conservation area. The basement is considered in line with the emerging draft basement policy.

In summary, the building is considered a high quality new development, considered appropriate to its site and which in terms of bulk and massing successfully responds to the concerns set out in the previous refusal and Inspectors appeal decision. The proposal is therefore considered acceptable in design terms, with no adverse impact on the character or appearance of the St John's Wood Conservation Area. The proposals are considered to accord with Policies S25 and S28 of our City Plan; and DES 1, DES 4, DES 9 and DES 12 of our UDP.

### **8.3 Residential Amenity**

UDP Policy ENV13 seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Regard is had to the Building Research Establishment (BRE) guidelines.

The applicant has submitted a Daylight and Sunlight Survey by EB7 in respect of the potential impact of the proposed development on the daylight and sunlight received by surrounding properties. The survey is based on the guidance set out in the BRE's "Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011).

To clarify, objectors have raised concerns that the distances stated in the application documents between the application site and the surrounding properties are inaccurate and this will have an impact upon the daylight and sunlight findings. When carrying out a daylight/ sunlight report as the results are generally created from a laser survey and the results are computer generated, it is considered that the findings will be an accurate representation of the impact of the development upon the surrounding properties.

#### **Daylight**

In assessing daylight, measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The 'No Sky Line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6m<sup>2</sup>) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

The assessment has considered properties 43-53 Carlton Hill, 1 Ryder's Terrace , 20 – 24 Ryder's Terrace, 10-24 Blenheim Terrace, 3a Blenheim Passage and 41-43 Abbey Road.

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution.

### **Sunlight**

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The assessment has considered properties 43-53 Carlton Hill, 1 Ryder's Terrace , 20 – 24 Ryder's Terrace, 3a Blenheim Passage and 41-43 Abbey Road.

The assessment shows that the sunlight results for all the windows meet the recommended guidance.

To note, properties 10-22 Blenheim Terrace do not need to be tested as the windows are all north facing.

### **Overshadowing to neighbouring gardens**

The impact is considered to be acceptable as the assessment indicates that with the proposal in place all gardens will see at least two hours of direct sunlight across 50% of their area, in compliance with BRE guidance.

### **Sense of Enclosure**

The proposed new building on the site would be marginally of an increased height (to the rear bulk of the building), bulk and scale than the existing. As such, it has the potential to impact on the sense of enclosure to neighbouring windows and gardens.

The neighbouring properties with most potential for impact are the mews dwellings at the opposite side of Ryder's Terrace (including 3a Blenheim Passage) and Beatrice House at 1 Ryder's Terrace. It is acknowledged that currently, the outlook from a number of these single-aspect dwellings faces over the garden for the application site and as a result of the proposal, the new building would extend along in front of these houses. However, the distance between the highest (i.e. two storey) part of the new building and the properties opposite would be approximately 14.5m, which is considered to be a reasonable separation and would not unduly impact on the sense of enclosure to these properties. The relationship with some of the properties at Ryder's Terrace would improve as a result of the setting back of the building into the plot, in particular Nos. 20 and 21 which currently face the two storey L-shaped building at a distance of approximately 9m. With regard to Beatrice House, the new building would be set back into the site and therefore would not face the windows to the Blenheim Passage elevation of that neighbouring building; and it is not considered that the bulk of the new building would have any significant detrimental impact on the north facing windows which overlook the rear garden for 53 Carlton Hill (with which Beatrice House is linked).

With regard to the properties at Carlton Hill to the north, whilst the new building would be marginally higher and wider (to the east) than the existing, the relationship is considered acceptable given the circumstances of the case. The Carlton Hill properties are dual aspect and have relatively large rear gardens (ranging between approximately 16m and 19m in depth) and the proposed building would be set off the boundaries (in some locations it would be set further back than the existing building). As such, it is not considered that permission could reasonably be refused on this basis.

The new building would extend further east than the existing, towards the boundary with the former residential care home at 41 Abbey Road by between 3.5m and 6m. The application building would be set off the boundary by approximately 7.5m. The proposal will result in additional bulk when viewed from 41 Abbey Road, however, given the relatively deep rear garden at No.41, the relationship is considered acceptable.

### **Privacy**

As previously submitted, the proposal involves glazing on all elevations. An area of concern previously to neighbours was the roof terrace at first floor level over the single storey element adjacent to the boundary with 41 Abbey Road (i.e. the eastern part of the site). This does not form part of this application.

The main glazing is proposed to the south and east elevations facing Ryder's Terrace and the rear of 41 Abbey Road respectively. The distance between the windows and the mews properties at the opposite side of Ryder's Terrace is considered acceptable, particularly given the much closer relationship between the two sides of the mews further to the west (which is approximately 6m). The windows to the eastern elevation would be within 7.5m of the boundary with 41 Abbey Road, however, as outlined above, that building is a further 20m away and the rear garden is already overlooked by the houses at Ryder's Terrace. As such, the relationship is considered acceptable.

The windows at ground floor level will be largely contained behind the boundary walls and afford no greater views than currently exists at present.

There is one window at first floor level to the rear elevation overlooking the gardens at Carlton Hill and two windows in the the flank elevation facing Blenheim Passage. They serve a landing, an en-suite and a bedroom. It is recommended that the window to the rear is obscure –glazed to prevent overlooking, however this is not considered necessary to the windows overlooking Blenheim Passage.

Concerns have been raised regarding overlooking to neighbouring properties when the green roofs are being maintained, however, this will only occur on a very infrequent basis and would not justify refusal.

A new pedestrian gate is proposed leading from Ryder's Terrace (opposite 22A Ryder's Terrace). It is not considered that the new gate would raise any significant privacy issues in this regard; this is not an uncommon relationship and indeed there are similar distances between the front doors at either side of the mews further west at Ryder's Terrace.

## **8.4 Transportation/Parking**

The submitted plans show off-street parking provision for three vehicles (one within an underground space accessed by a car lift and two at surface level within the driveway). This provision is above the requirement of UDP Policy TRANS 23, however, given the size of the dwelling it would be unreasonable to refuse the application on these grounds.

Provision is made within the front garden for cycle parking, which is welcomed.

The residents parking bay to the front of the site would need to be relocated to allow for the widened entrance gate. This would require a Traffic Management Order, which must be undertaken and completed prior to work starting on the site. This involves a separate application to the Council as Highways Authority and all costs would be borne by the applicant.

There is no objection to the new pedestrian gate off Ryder's Terrace, subject to the gate not opening over the road.

## 8.5 Economic Considerations

No economic considerations are applicable for a development of this size

## 8.6 Access

There is level access to the new house and a lift is proposed internally to provide access to all floors.

## 8.7 Other UDP/Westminster Policy Considerations

### Noise from plant and machinery

Mechanical plant is proposed within the basement with an external intake and extract system and a condenser proposed at garden level (adjacent to the boundary with 41 Abbey Road). An acoustic report has been provided by the applicant and the City Council's Environmental Health officer has not raised objections; subject to conditions to protect against noise and vibration for neighbours. On this basis, the proposals do not raise noise concerns.

### Refuse /Recycling

The provision for the storage of refuse and recyclables in purpose built storage in the garden, adjacent the vehicle entrance is acceptable.

### Trees

#### Trees proposed to be removed

There are no objections to the loss of eucalyptus (2) subject to suitable replacement tree planting, as it is of limited amenity value. The loss of the rowan (3) is regrettable, but it would be difficult to resist the development on this basis, as it is of small stature.

#### Proposed tree surgery.

Tree surgery is proposed for the sycamore (4) and the walnut (1). This would need to be subject to separate tree works applications as the works are not directly required by the proposed development.

#### Impact on retained trees

The arboricultural officer suggests that the line of the basement is no closer to the sycamore (4) tree than that previously submitted in the 2014 scheme. As officers are recommending that a condition to secure tree protection measures is attached, the objection raised is not considered sustainable.

The submitted tree report suggests considerations for tree protection but a site specific tree protection methodology and supervision schedule will be required, and these details will also need to inform the construction management plan. The CMP and tree protection proposals are currently in conflict, so a condition to secure an amended CMP to reflect tree protection proposals is recommended.

#### Proposed landscaping

The additional garden space provided in this scheme, when compared to the previously refused scheme, is welcomed. The lack of sufficient soil volume alongside Blenheim Passage remains regrettable, as meaningful planting here would be difficult to establish. A condition securing landscaping details is recommended which will seek to approve planting appropriate to this location.

The proposals are therefore considered acceptable in terms of tree's and landscaping.

#### **Sustainability & Biodiversity**

The proposals will aim to achieve what would have been Level 4 of the Code of Sustainable Homes. This scheme no longer exists and the proposals must now meet the equivalent standards within the Building Regulations.

The sustainability features proposed include a range of passive and active energy efficiency measures. The measures include the use/installation of glazing to reduce heating requirements and provide natural daylighting, ventilation systems, gas fired condensing boilers and a heat exchanger for the pool plant. A rainwater harvesting system is proposed to irrigate the garden. The applicant is not proposing any renewable energy measures, however, they can achieve the standard without such measures, and there is no policy requirement in this case for renewable energy given that the scheme is not classed as 'major development'. The proposals do not include any Sustainable Urban Drainage Systems. A green roof is proposed to the main building and this will assist in urban water drain-off. The measures proposed are considered acceptable.

### **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

Not applicable.

### **8.12 Other Issues**

#### **Basement**

Objections have been received over the level of excavation proposed and in relation to the structural information provided.

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

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

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

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

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

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



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

Comments have been received on the grounds that the investigation works, the hydrological assessment and details of ground movements are inadequate and that there are discrepancies with the submitted reports.

The applicant's documents have been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

**Construction impact:**

Concerns have been received in relation to the impact from construction vehicles given the sites location within a small mews.

A Construction Traffic Management Plan has been submitted with the application, which sets out the potential impact of the proposed development on the area. This document sets out the logistical requirements in a broad sense as the applicant has not yet formally appointed a building contractor. The report notes that a full construction consultation would take place with local business, residents and parties as necessary to discuss and advise on the redevelopment process. The document has been considered by officers and the programme of work appears acceptable. Whilst the CMP is generally in accordance with the guidance provided in Appendix 2 of the 'Basement Development in Westminster' SPD (2014), in light of the concerns raised by the Arboricultural Manager in respect of the consistency of the CMP with the tree protection measures set out in the submitted Arboricultural Statement, it is appropriate to impose a condition requiring the submission of a revised CMP prior to the commencement of development that is consistent with tree protection measures that are to the Arboricultural Manager's satisfaction.

Should permission be granted it will be the responsibility of Highways Licensing to manage the development and ensure that they are implemented in accordance with their Construction Contracts, which will need to be agreed in consultation with the Council Highways Licensing team prior to commencement.

With regard to the impact in terms of noise and disruption of the works during construction, a standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays.

## 9. BACKGROUND PAPERS

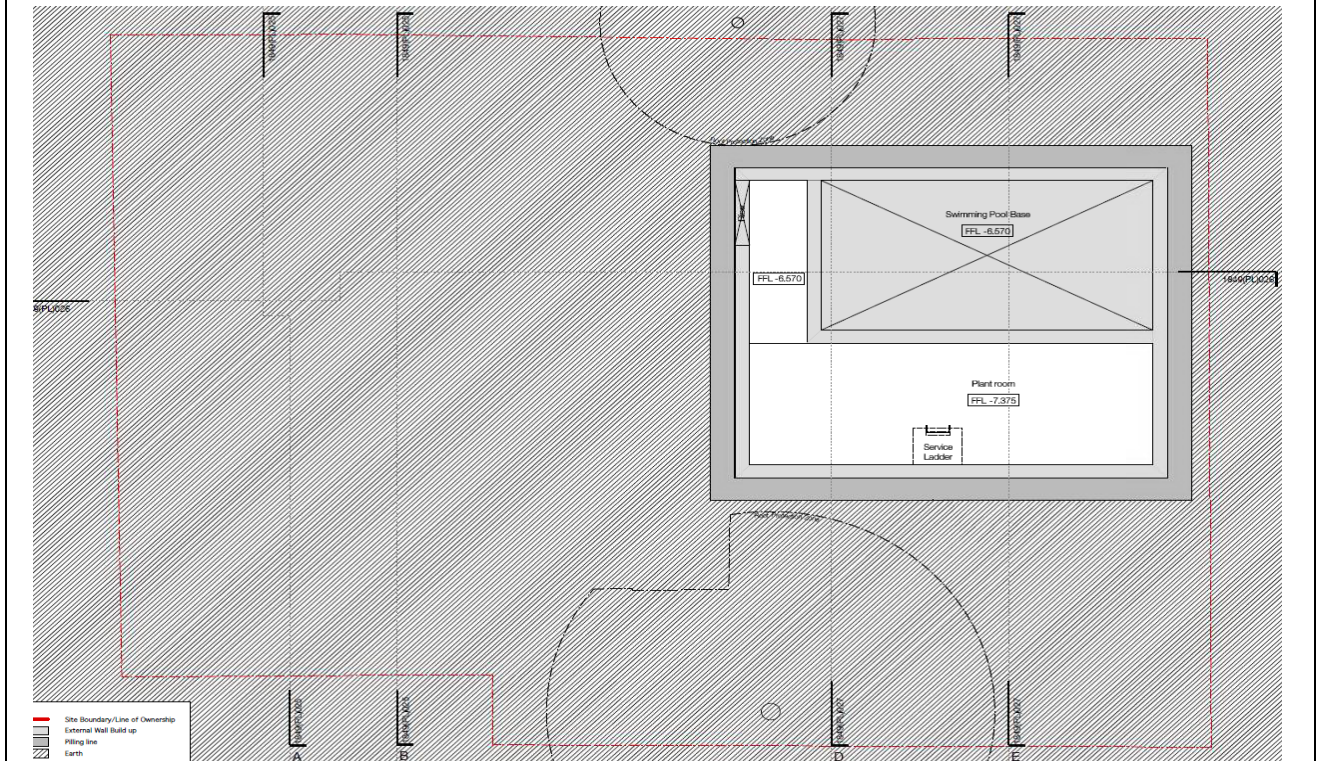
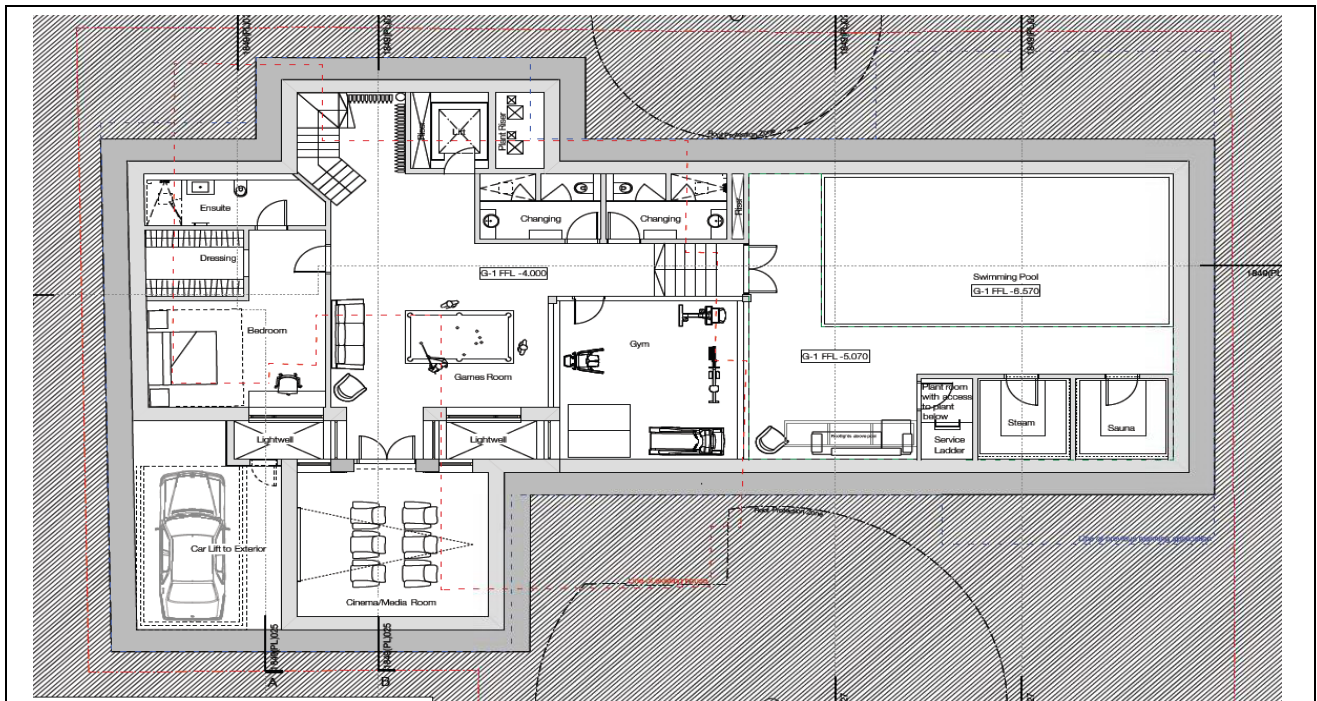
1. Application form
2. Appeal decision
3. Letter from St John's Wood Society, dated 2 February 2016
4. Response from Building Control - Development Planning, dated 23 December 2015
5. Response from Highways Planning Manager, dated 23 December 2015
6. Response from Environmental Health dated 6 January 2016
7. Response from Cleansing officer dated 6 January 2016
8. Response from Arboricultural officer dated 28 January 2016
9. Letter from occupier of 20 Ryders terrace, london, dated 12 January 2016
10. Letters from occupiers of 45 Carlton Hill, London, dated 12 and 28 January 2016 and 3 February 2016
11. Letter from occupier of 6 Beechcroft Avenue, New Malden, dated 13 January 2016
12. Letter from occupier of 22A Ryders Terrace, St Johns Wood, dated 13 January 2016
13. Letter from occupier of 67 Carlton Hill, London, dated 13 January 2016
14. Letter from occupier of 16 Blenheim Terrace, London, dated 20 January 2016
15. Letter from occupier of 105 Clifton Hill, London, dated 21 January 2016
16. Letters from occupier of 47 Carlton Hill, London, dated 22 and 24 January 2016
17. Letter from occupier of 51 Carlton Hill, dated 24 January 2016
18. Letter from occupier of 59 Carlton Hill, London, dated 26 January 2016
19. Letter from occupier of 8 Elizabeth Close, London, dated 26 January 2016
20. Letter from occupier of 23 Ryders Terrace, London, dated 26 January 2016
21. Letter from occupier of 49, Carlton Hill, dated 26 January 2016
22. Letter from occupier of 43 Carlton hill, london, dated 28 January 2016
23. Letter from occupier of 24 Ryder's Terrace, London, dated 28 January 2016
24. Letter from occupier of Beatrice House, 6 Blenheim Passage, dated 28 January 2016
25. Letter from occupier of 50 Carlton Hill, London, dated 28 January 2016
26. Letter from occupier of 44a Marlborough Place, St Johns Wood, dated 28 January 2016
27. Letter from occupier of 48 Carlton Hill, St Johns Wood, dated 29 January 2016
28. Letter from occupier of 3a Blenheim Passage, London, dated 29 January 2016
29. Letter from occupier of 111 Clifton Hill, St John's Wood, dated 29 January 2016
30. Letter from occupier of 10 Denning Close, London, dated 29 January 2016
31. Letter from occupier of 60 Carlton Hill, London, dated 2 February 2016
32. Letter from occupier of 46 Hithermoor Road, Stanwell Moor, dated 2 February 2016
33. Letter from occupier of 53 Blenheim terrace, London, dated 3 February 2016
34. Letter from occupier of 21 Ryder's Terrace, London, dated 3 February 2016
35. Letter from occupier of Flat 2, 20a Blenheim Terrace, dated 7 February 2016
36. Letter from occupier of 79-81 Kempston Street, Liverpool, dated 9 February 2016
37. Letter from occupier of 33 Clifton hill, London, dated 19 February 2016
38. Letter from occupier of Flat 3, 8A Blenheim Terrace, dated 28 February 2016
39. Letter from occupier of 22 Ryder's Terrace, unknown date.

### Selected relevant drawings

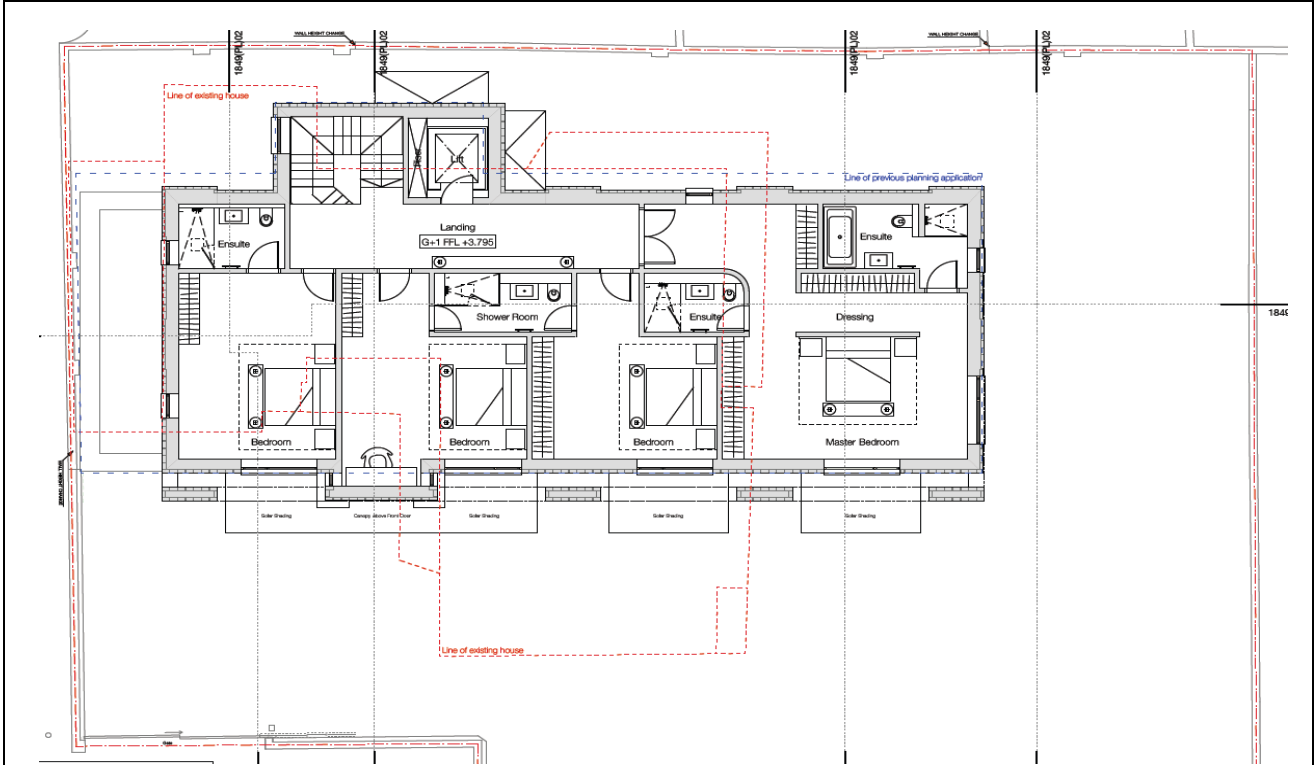
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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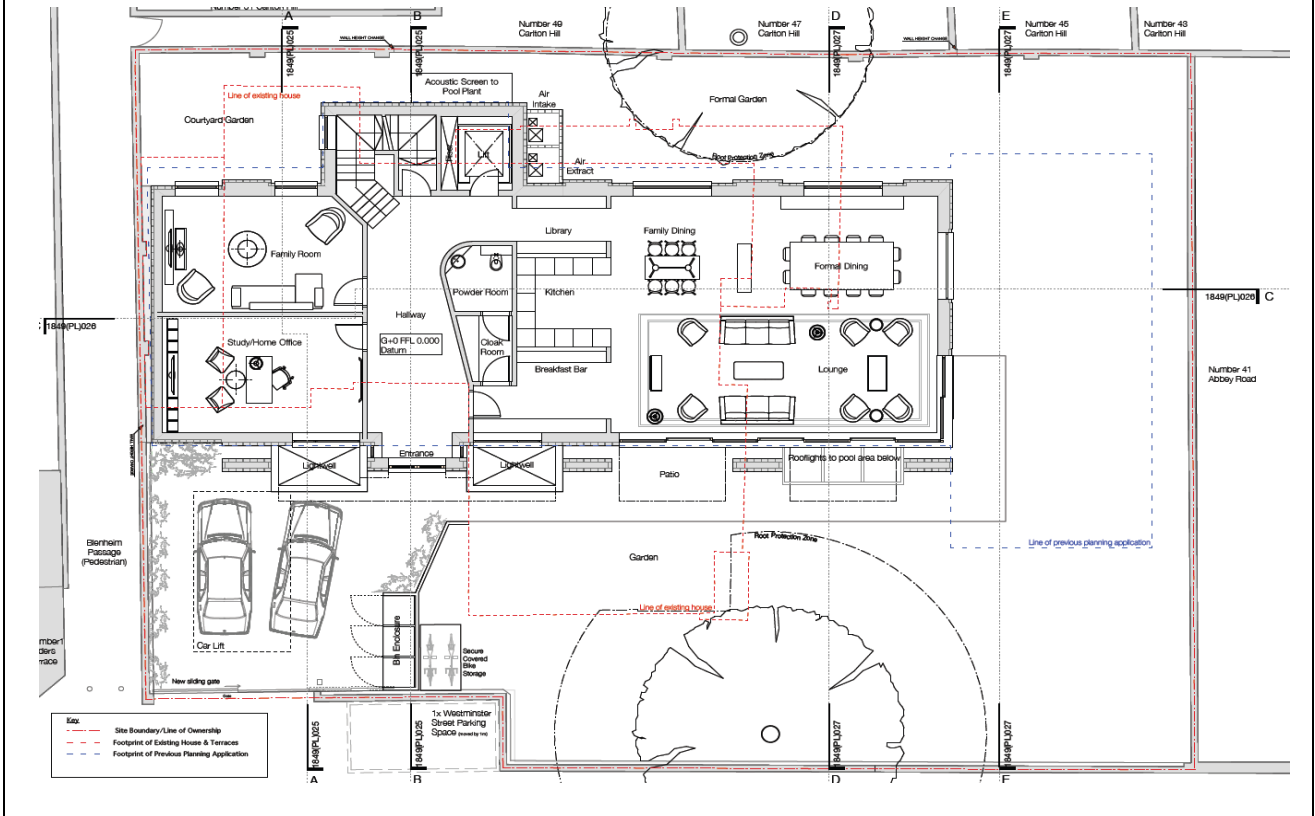
### 10. KEY DRAWINGS

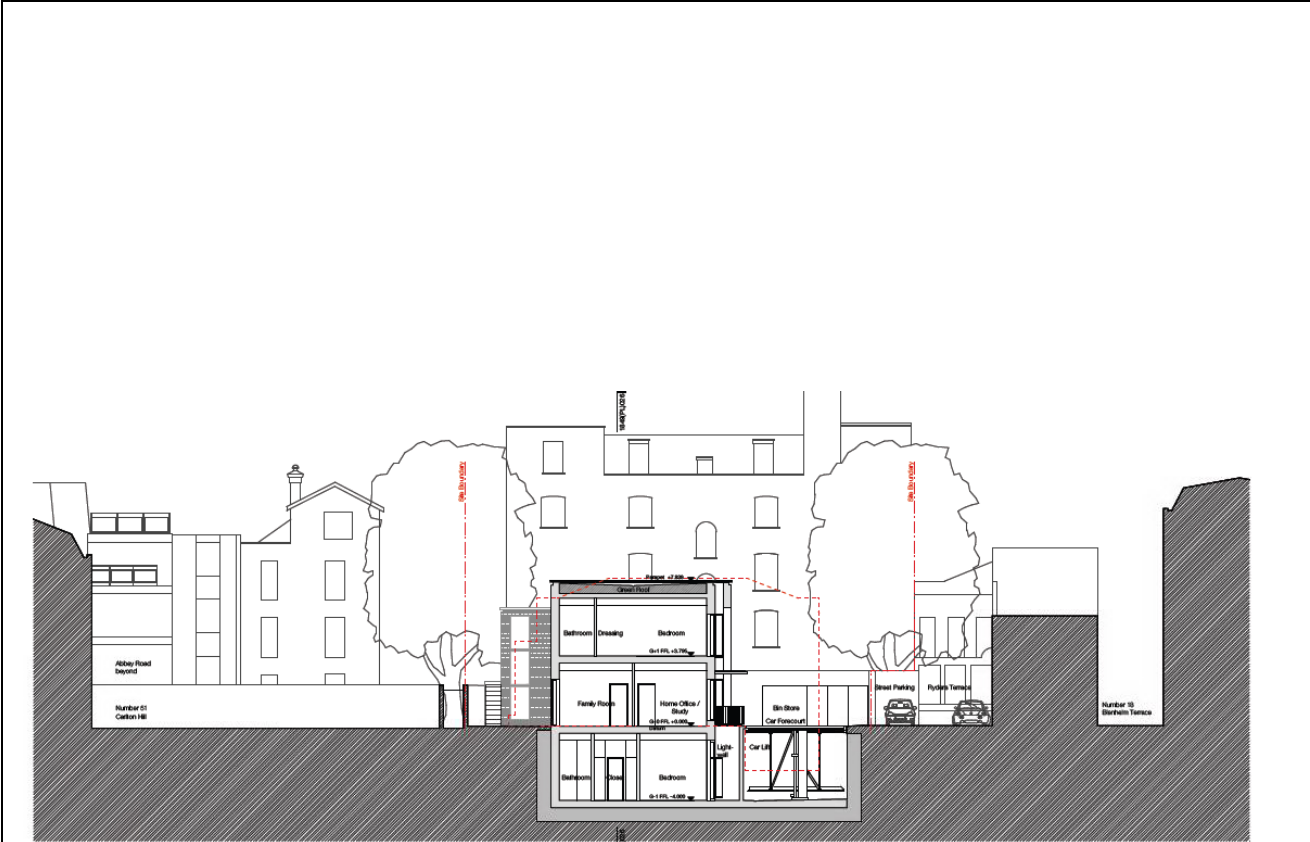


**Proposed Basement Levels**

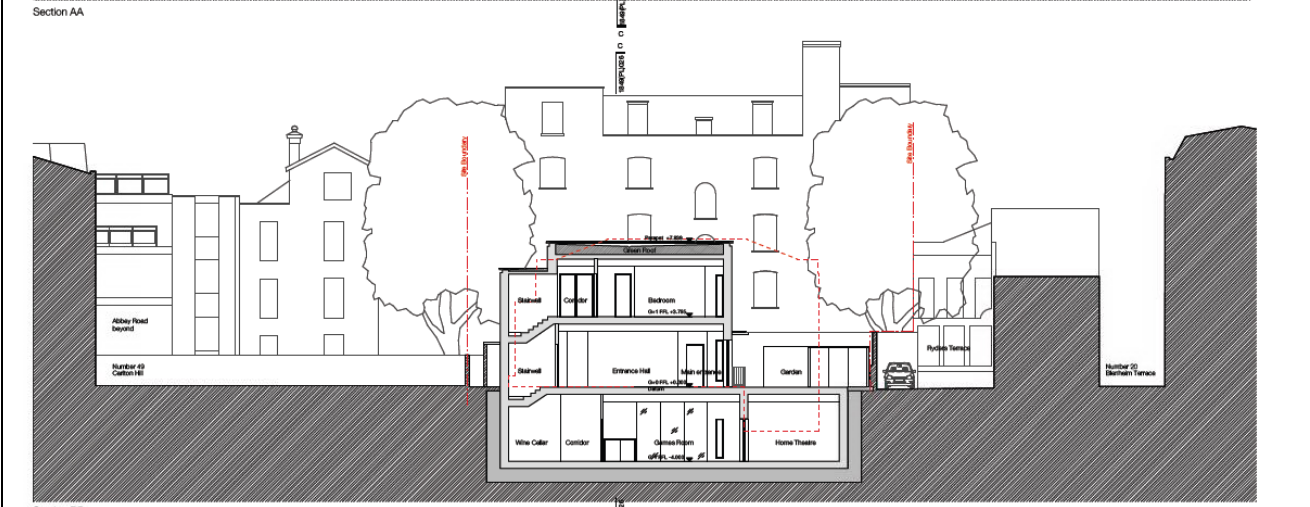


**Proposed Ground and First floors**





Section AA



Section BB

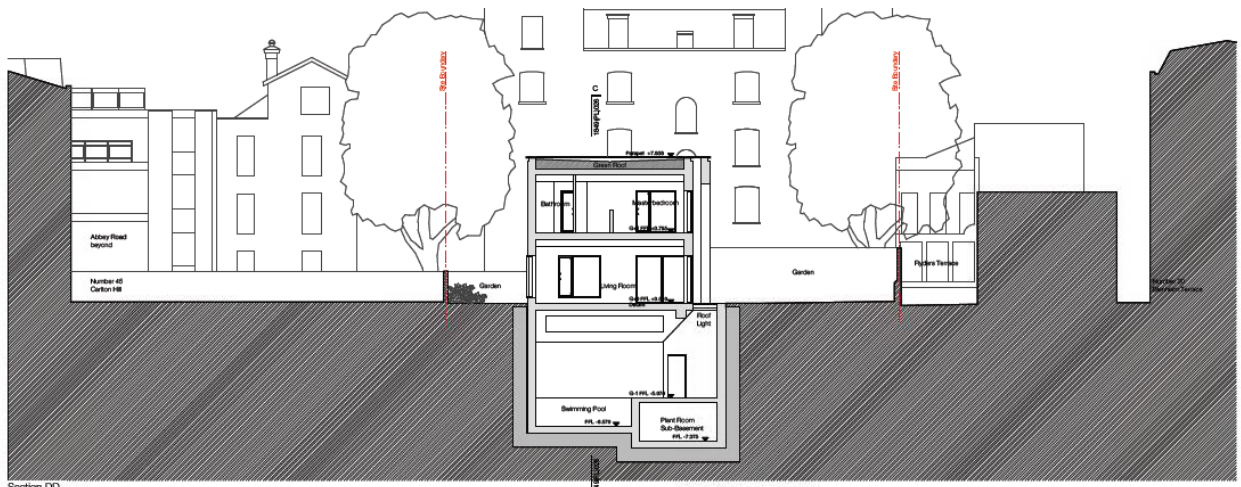
**Proposed Sections AA & BB**

### Proposed Sections CC, DD & EE

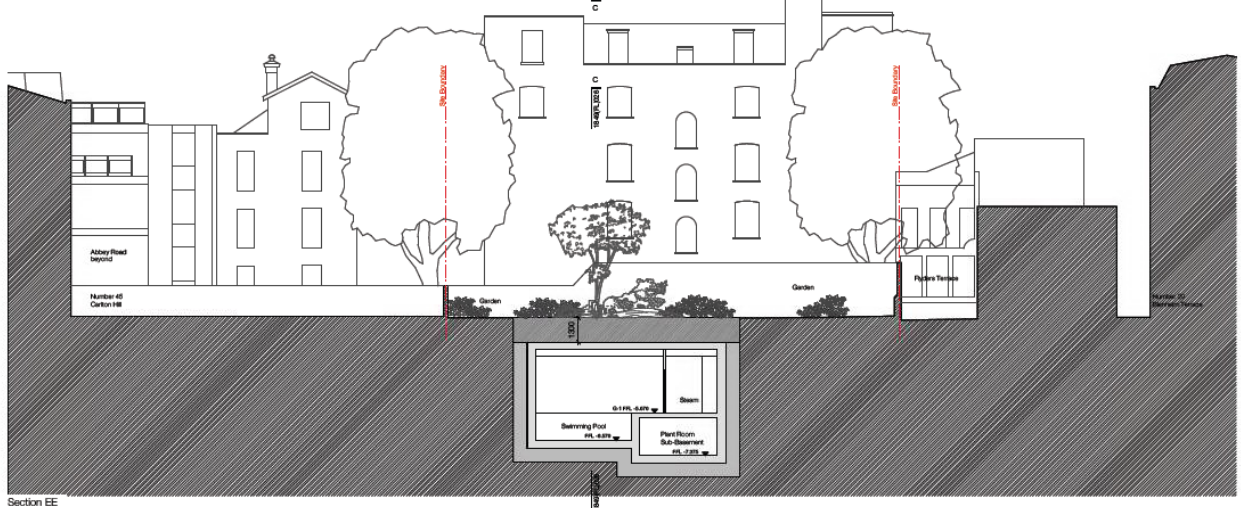
proposed section



Section CC



Section DD

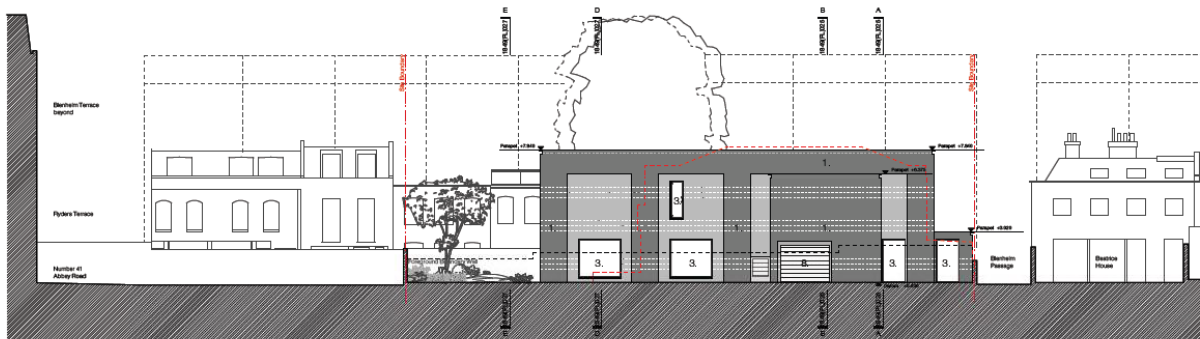


Section EE

### Proposed Front and Rear elevations



Southeastern Elevation



Northwestern Elevation



Visual Images of front and rear elevations



**DRAFT DECISION LETTER**

**Address:** 40 Ryder's Terrace, London, NW8 0EE,

**Proposal:** Demolition of existing building and erection of a single dwellinghouse (Class C3) comprising sub-basement, basement, ground and one upper floor. Associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances.

**Reference:** 15/11201/FULL

**Plan Nos:** 1849 (PI): 001; 002; P1; 011 P1; 012 P1; 013 P1; 014 P1; 015 P1; 016 P1; 019 P1; 020 P1; 021 P1; 022 P1; 023 P1; 025 P1; 026 P1; 027 P1; 028 P1; 029 P1; 030 P1; 031 P1; 032 P1; 033 P1; 034 P1; 035 P1; 036 P1; 037; P1; 041 P1; 042 P1; 043 P1; Planning Statement; Design and Access Statement dated 27 November 2015; Heritage Report dated December 2015; Acoustic Report dated 24 November 2015; Daylight and Sunlight Report dated 13 November 2015; Planning Sustainability Statement including Code for Sustainable Homes Report; Construction Management Plan dated Nov 2015; Trees and Construction report 13892/A2\_Rev.B including plans 13892/TPP/01 and 13892/TPP/02; Landscaping Report by Kate Gould Gardens Ltd; For information only: Structural Methodology Statement dated November 2015.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

**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 not put up an extension or form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our permission. This is despite the provisions of Classes A, B, C, D, E, G and H of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it). (C21HA)

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)

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

Reason:

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

- 6 You must apply to us for approval of samples of the facing materials you will use, including glazing and including a sample panel of brickwork which shows the colour, texture, face bond and pointing of the brickwork, and elevations and roof plans annotated to show where the

materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: 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 You must apply to us for approval of detailed drawings of the following parts of the development - 1) Canopy structures to elevations, 2) Railings to lightwells, 3) Ventilation panels adjacent to window openings. 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 drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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)

- 8 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings, and you must not put any machinery or associated equipment, ducts, tanks, canopies, fences, loggias, trellises or satellite or radio aerials on the elevations or roof, except those shown on the approved drawings.

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)

- 9 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

## 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)

- 10 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:- Green Roof. Once installed you must not remove this feature. You must also apply to us for approval of details of a biodiversity management plan in relation to the green roof. You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building.

## Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 11 You must apply to us for approval of details of the ventilation system to get rid of fumes from the internal carparking, including details of how it will be built. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

## Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 12 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

## 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)

- 13 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

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

- 14 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1849(PL)021 P1. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise

level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 17 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.

- 18 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 19 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 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 \*\*\*\* of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 20 **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)

- 21 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:., - identification of individual responsibilities and key personnel. - induction and personnel awareness of arboricultural matters., - supervision schedule, indicating frequency and methods of site visiting and record keeping, - procedures for dealing with variations and incidents. You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule. (b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is



being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

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)

- 22 **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 trees that are to remain in site, the environment of residents and the area generally as set out in S29 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5, ENV 6, ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

**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 need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 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.
- 5 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are**

**reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)
- 7 Condition IN 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.
- 8 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 means of construction
- 9 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any trees. Notwithstanding the proposal in your tree report, we cannot agree the proposed tree surgery as part of this planning permission as (a) one or more of the trees is outside the site boundary, and (b) the works are not required in order to implement the planning permission. You must make a separate section 211 notification for any proposed tree works. You are advised to obtain the permission of the owner of the tree prior to submission to the section 211 notification.

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

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