

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 5 July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>3 Albion Close, London, W2 2AT,</b>		
<b>Proposal</b>	Demolition of mews dwelling between retained party walls and construction of replacement mews dwelling with mansard roof and excavation of single storey basement.		
<b>Agent</b>	Mr Dominic Goldfinger		
<b>On behalf of</b>	Mr E.H. Borno		
<b>Registered Number</b>	16/00356/FULL	<b>Date amended/ completed</b>	17 March 2016
<b>Date Application Received</b>	15 January 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

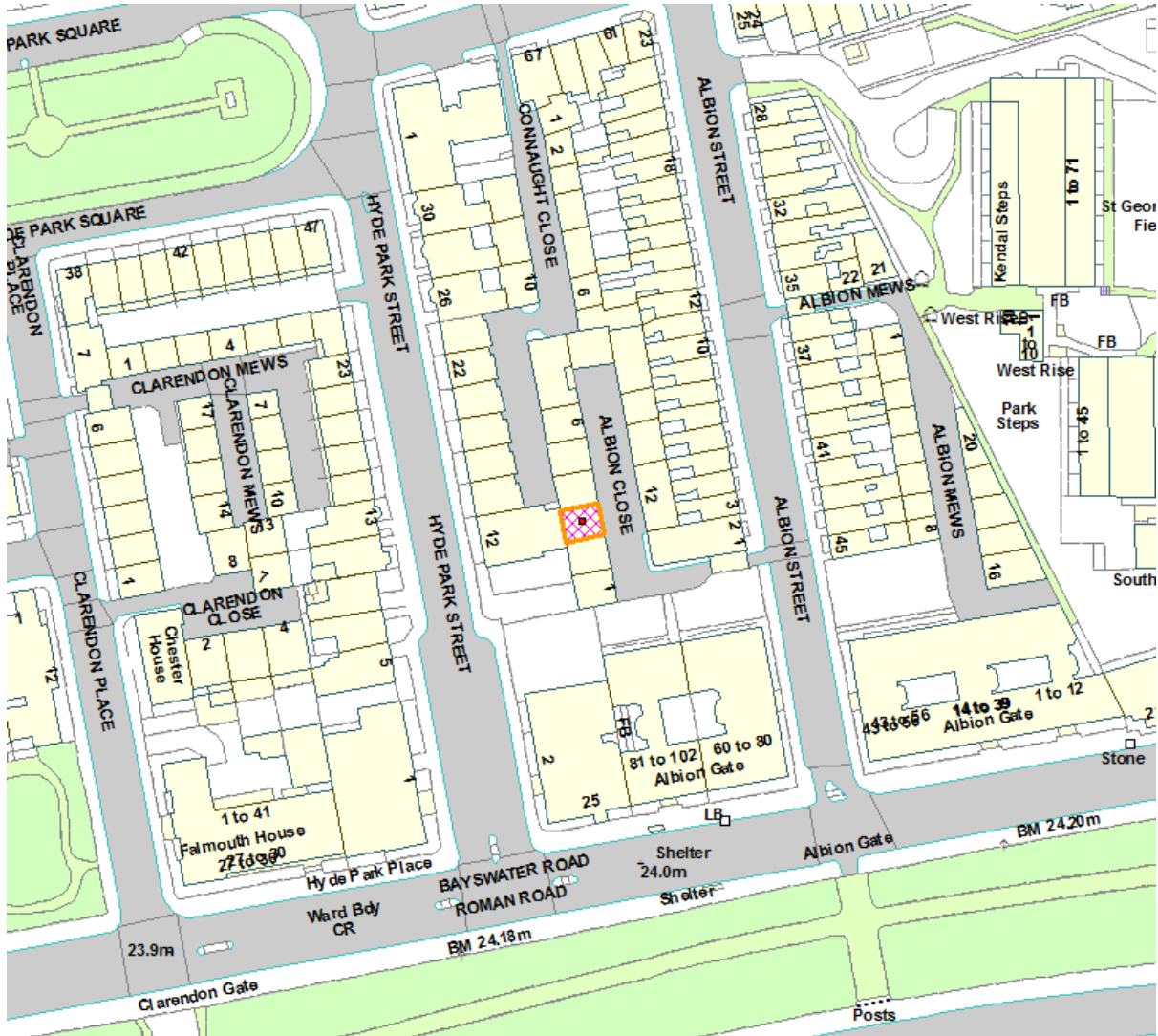
## 2. SUMMARY

The application seeks approval to demolish this 1930s three-storey mews house and build a new mews house with a basement, ground and first floor with a mansard roof above. There is a new staircase enclosure and a lift over run projecting above the mansard. This latest proposal for a traditional mews house seeks to overcome an earlier appeal decision in 2011 for a new house of modern contemporary design which was dismissed on design grounds. It also seeks to address concerns raised by officers in respect of the application withdrawn last year, by removing the roof terrace and associated railings.

Several objections have been received by neighbouring occupiers as well as the Hyde Park Estate Association on the grounds of land use, design and townscape, amenity, structural issues and the impact of construction works.

Notwithstanding the objections received, the proposals are 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

Front elevation



## 5. CONSULTATIONS

### THAMES WATER

Any comments to be reported verbally.

### ENVIRONMENT AGENCY

Any comments to be reported verbally.

### WARD COUNCILLORS FOR HYDE PARK

Councillor Cox has concerns relating to the development of a construction plan without restricting resident' access to a mews which is a no-through road, and where it is understood that parking spaces are allocated by deed and cannot be transferred to anyone other than friends and family.

### HYDE PARK ESTATE ASSOCIATION

The proposals constitute overdevelopment which will damage the important heritage of the Hyde Park Estate and are too big to implement without a huge and unacceptable effect on the quiet enjoyment of this important residential area. These revised proposals do not deal with the objections raised in the earlier proposals. The rebuilding of the mews property is completely unnecessary and will cause an absurd level of disruption to the whole neighbouring area.

The extensive basement works will threaten the structural integrity of the terrace and potentially interfere with the underground watercourses.

Albion Close is one of Westminster's most beautiful mews and still retains many of the fine Georgian and Victorian features that are important to the Hyde Park Estate Association. It is also behind one of the best listed terraces in London. This development will seriously damage the wonderful heritage of this area.

The works are unnecessary. The mews houses were not built to provide such extensive basement areas and there should be no expectations of a new build on site. This is not a green field situation, but a monstrous demolition of a truly historic important building.

Previous applications have rightly been refused by the City Council and dismissed at appeal.

### HIGHWAYS PLANNING

Objections are raised on the grounds of the loss of the integral garage. The site was the subject of a previous application (07/01844/FULL) that proposed to convert the garage to additional living space which was approved. However the 2007 application at the property indicated a dedicated, demarcated on-street parking space directly in front of the property within Albion Close. The current application does not include this space on the submitted plans. Without the external space the application site has no off-street car parking and as such the proposed loss of the existing garage is contrary to TRANS23.

### ENVIRONMENTAL HEALTH

No objections subject to suitable conditions.

### BUILDING CONTROL

Floor plans by Polyhedron Architecture Ltd – Are in compliance with the Approved Document Part B (fire safety).

Structural method statement by Price and Myers- The basement is to be constructed using RC underpinning in 1m wide sections which is considered to be appropriate for this site, the pins will provide support to excavated face safeguarding adjacent properties during construction, in addition to this, horizontal Wale beams and struts spanning across the excavated area will be added to support deeper excavation.

Desk study and site investigation- Ground condition has been investigated and it has been established that the basement will be constructed in 'sandy gravelly soil', the water table is below the proposed formation level hence, the proposed basement will not be affected by water. However, if at any point water is encountered during the excavations the contractor must stop work immediately and inform the design engineer. The property it is not in a flood zone.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 13

No. of objections: 13

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Objections were received on the following grounds;

Land Use:

- Overdevelopment of a modest property by adding a basement;

Design:

- The application ignores the Bayswater Conservation Area;
- The roof change will all but make invisible this beautiful structure;
- Eradicating the very essence of these types of homes in unfathomable.

Amenity:

- The rear dormer will overlook the garden and balcony of 12A Hyde Park Street and a condition should be imposed to ensure that this dormer, together with the first floor window below are obscure glazed and fixed shut.

Structural Issues:

- Insufficient consideration has been given to site-specific conditions;
- Impact on structural integrity of foundations of neighbouring buildings.

Construction Impact:

- Because of the physical constraints of the site, the works will have a substantial and prolonged impact on the neighbours in an area wider than just Albion Close;
- The delivery and removal of materials will create a huge inconvenience and a dangerous environment for neighbours;

- Obstruction to emergency vehicles during works as well as access to properties at the end of the mews;
- From experience, builders, suppliers, sub-contractors and specialist contractors are often not informed of, or do not conform to, the rules governing parking;
- Details regarding access, the pavement, car parking and rights of access in the Structural Methodology Statement are inaccurate and affect its credibility. Such matters could have been resolved through consultation with the management company of Albion Close and have been pointed out during previous applications. This report should be independently assessed at the applicant's expense;
- The CMP is comprised of vague promises;
- Limited consideration is given to prolonged noise, dust and general disturbance and no expected timeline for the completion of works is provided;
- The applicant resides in the property for just a few weeks a year and would not have to contend the noise and disturbance caused by the works;
- Previous applications have been refused on the grounds of inadequate information in CMP;
- Permission should not be granted until a revised CMP is submitted.

#### Other Matters:

- The new house does not comply with Lifetime Homes as there is no wheelchair accessible toilet at entrance level;
- The approval of this application would set an unwelcome precedent;
- The proposals are not to suit the applicant's circumstances but to enhance their property portfolio;
- The applicant should be required to set up sufficient funds in escrow to cover costs of licences, damage, compensation etc.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Albion Close is a small mews cul-de-sac off Albion Street. It is a gated community and a private road. This application relates to no.2, a 1930s house on the west side of the mews on ground, first and second floors. This house is out of character with the rest of the mews which are the more traditional brick mews houses with mansard roof extensions. The application site lies within the Bayswater Conservation Area. The house currently has an integral garage. The house backs onto the Grade II listed 12 Hyde Park Street.

### 6.2 Recent Relevant History

A planning application was withdrawn last year (RN 15/05392/FULL) for proposals comprising the demolition of a single family dwelling and replacement with a new family dwelling incorporating the excavation of a new basement and roof terrace. This was as a result of concerns raised by Officers in respect of overlooking caused by the roof terrace and the visual clutter caused by the railings, lift overrun and stair enclosure at roof level.

Planning permission was refused on 16 October 2012 (RN 11/11747/FULL) for alterations including the excavation of a basement on design grounds. The application was refused on grounds of the detailed design of the front elevation.

Planning permission and conservation area consent were refused on 10 March 2011 and an appeal subsequently dismissed by the Planning Inspectorate at appeal on 13 November 2011 (RN 10/00350/FULL & 10/00351/CAC) for the demolition of the existing building and the erection of a new house with a basement. The Inspector concluded that the modern design of the replacement house would perpetuate the incongruity of the property with its neighbours, the mews and the character and appearance of the Conservation Area as a whole and fail to comply with policies DES1, DES4 and DES9. A copy of this appeal decision is set out in the background papers.

Planning permission was granted on 19 June 2007 (RN 07/01844/FULL) for the conversion of the garage to additional living space with associated alterations to the front elevation at ground and first floor level, the erection of a rear extension at first and second floors levels and the installation of three rooflights. This permission was valid for three years and has now lapsed.

An appeal was made against an enforcement notice served in respect of the installation of railings to the rear of the roof and access ladder from the first floor rear roof to the main flat roof. The appeal was allowed on 2 March 1993 in respect of the retention of the ladder and granted planning permission subject to a condition that the ladder shall be used as a means of emergency access to the third floor for the purposes of maintenance of the roof and water tanks. The enforcement notice was upheld in respect of the rear railings.

## **7. THE PROPOSAL**

This application seeks approval to demolish the 1930s three-storey mews house leaving the side and rear party walls and rebuild a new mews house with a basement, ground and first floors, with a mansard roof. A staircase enclosure and lift over run are also proposed at roof level. The proposed house is of a traditional mews design and seeks to overcome the appeal decision dated 8 November 2011. It also seeks to address concerns raised by officers in respect of the application withdrawn last year, by removing the roof terrace and associated railings.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Despite the objections raised on over-development grounds, the proposal to redevelop the existing house and provide a basement is acceptable in land use terms and would comply with policy H3 of the UDP and S14 of the City Plan which seek to maximise the amount of land in residential use.

### **8.2 Townscape and Design**

The existing 1930s building is an anomaly in this established mews and is considered to have a neutral impact on the character and appearance of this part of the Bayswater Conservation Area and as such there are no objections to the principle of its demolition subject to a high quality replacement building. The proposed new house follows the

established mews vernacular and will be in keeping with the rest of the mews. It is a suitable replacement building, meeting the policy tests set out in DES4 in the UDP which requires infill buildings in areas of unified and significant townscape quality to replicate their surroundings.

There is an increase in the massing of the new house at the rear as the existing lightwells and lower roof terrace are shown to be infilled, and additional floorspace being created by the excavation of a basement, but it is not considered the proposal will affect the setting of the Grade II listed properties in Hyde Park Street at the rear.

In design terms, the lift over run and the staircase enclosure do represent additional clutter and such features are normally discouraged. However, given their limited visibility in public views, it is considered that a refusal on these grounds would not be reasonable. The development as a whole is considered to be a significant improvement compared to the existing house and would preserve and enhance the character and appearance of the Bayswater Conservation Area in accordance with policies DES 1, DES4 and DES9 of the UDP and policies S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

The terrace above the mansard roof has been omitted since the previous application, which prevents undue overlooking into neighbouring properties in Albion Close and Hyde Park Street.

An objection has been received on the grounds that the proposed rear dormer and first floor window below would overlook the garden and balcony at 12A Hyde Park Street. Given the proximity to these windows it is recommended that a condition is imposed to ensure these windows are obscure glazed.

There is currently a lightwell at the rear of the property which is enclosed on all sides by existing boundary walls. Only the proposed mansard roof will project above the level of this boundary wall. Due to the design of mansards, with a roof which pitches away from the boundary, it is not considered that the proposals would result in a material loss of light or sense of enclosure to the detriment of the amenities of neighbouring occupiers. At subterranean level, the proposed basement would not affect the amenities of neighbouring occupiers.

It is therefore considered the proposals would comply with policy ENV13 of the UDP and S29 of the City Plan.

### **8.4 Transportation/Parking**

The Highways Planning Manager advises that permission should be refused as the proposals will result in the loss of the existing garage. To make the application acceptable, the Highways Planning Manager requires the dedicated demarcated on-street space directly in front of the property within Albion Close to be conditioned for use by any future occupier of this property.

It is regrettable that no integral garage is being proposed for the new house. Albion Close is a private road, but given there is currently an on street space for this house in this



private mews, a refusal would be difficult to defend at appeal. It is not considered reasonable to impose a condition on the use of this space, as it is located outside the red line of the application site.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

An objection has been raised on the grounds that the new house does not comply with Lifetime Homes as there is no wheelchair accessible toilet at entrance level. This is mainly a matter for Building Control and does not constitute grounds for refusing planning permission.

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

#### **Plant and Noise**

A plant room would be located in the basement. No objections have been raised by the Environmental Health Officer in respect of noise and vibration associated with any of the plant. Subject to the imposition of the City Council's standard conditions on noise and vibration, the proposals would comply with policy ENV6 of the UDP and policy S32 of the City Plan.

### **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.

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment (EIA)**

The application is of insufficient scale to trigger the required for the submission of an EIA.

### **8.12 Other Issues**

#### **Basement**

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June. Any further updates will be reported verbally.

The proposed basement would be located entirely underneath the footprint of the existing building, would be limited to a single storey and would have no external manifestations. It would therefore comply with the objectives of the new basement policy. It would also comply with the Supplementary Planning Document 'Basement Development in Westminster' which was adopted by the City Council on 24 October 2014.

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. The Hyde Park Estate Association and residents, including those at several 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 whilst concerns have been raised by neighbours in respect of its accuracy, 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.

### **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.

A Construction Management Plan (CMP) has been submitted with this application, which is considered appropriate and reasonable at application stage. Neighbours have also raised concerns in respect of the accuracy of this information and whilst planning permission cannot be withheld on the basis of these objections, a condition is recommended to secure a more fully detailed CMP prior to the commencement of works. Neighbours would be consulted again once this CMP is received. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation. This should go some way towards mitigating the concerns raised by neighbours.

Neighbours have indicated that the deeds of Albion Close would prevent the construction works being carried out in the manner described in the CMP. However, this would be a civil matter to be enforced by the Management Company for Albion Close and planning permission could not be withheld on these grounds. With regard to the suggested escrow fund, this is not within planning control.

Neighbours note that previous applications have been refused on the grounds of insufficient information relating to construction works however, a review of the planning history for the site demonstrates that this is not the case.

### Other Objections

Neighbours have expressed concerns about the precedent that allowing this development would set. However all future applications would be assessed on their merits and with regard to adopted policy at the time. The applicant's reasons for developing the property are not a matter for planning.

## 8.13 Conclusion

Notwithstanding the objections received, the proposed development, subject to appropriate conditions, is considered to be acceptable in land use, design, amenity 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

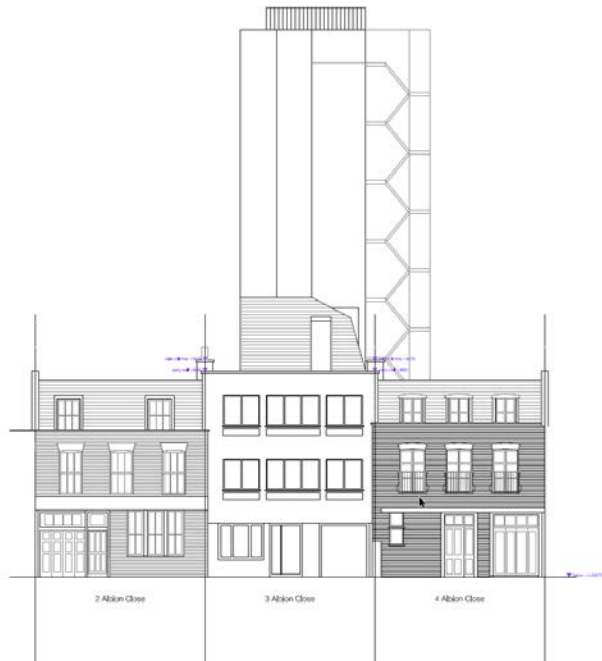
1. Application form
2. Appeal decision, dated 13 November 2011
3. Response from Councillor Cox, dated 14 April 2016
4. Response from Highways Planning, dated 4 April 2016
5. Response from EH Consultation, dated 28 April 2016
6. Response from Building Control, dated 15 June 2016
7. Response from Hyde Park Estate Association, dated 15 April 2016
8. Letter from occupier of 11 Albion Close, London, dated 30 March 2016
9. Letter from occupier of 2 Albion Close, London, dated 3 April 2016
10. Letter from occupier of 8 Albion Close, London, dated 5 April 2016
11. Letter from occupier of Albion Close Management Limited, c/o 6 Albion Close, dated 11 April 2016
12. Letter from occupier of 7 Albion Close, London, dated 13 April 2016
13. Letter from occupier of 9 Albion Close, London, dated 14 April 2016
14. Letter from occupier of 6 Albion Close, London, dated 14 April 2016
15. Letter from occupier of 4 Albion Close, London, dated 14 April 2016
16. Letter from occupier of 6 Albion Close, London, dated 14 April 2016
17. Letter from occupier of 9 Albion Close, London, dated 14 April 2016
18. Letter from occupier of 4, Albion Street, London, dated 17 April 2016
19. Letter from occupier of 12 Albion Close, London, dated 21 April 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RUPERT HANDLEY ON 02076412497 OR BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk)

### 10. KEY DRAWINGS

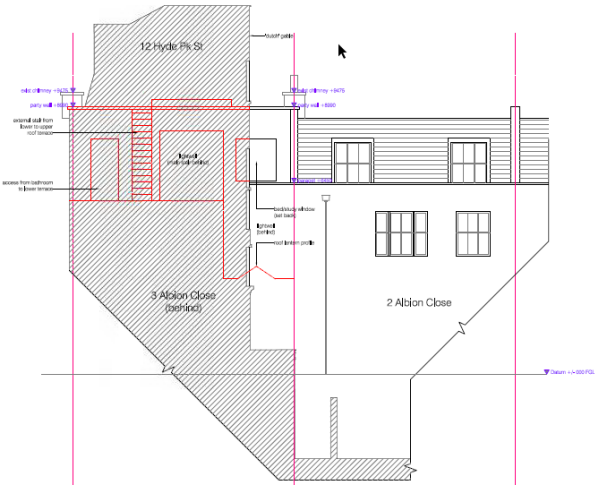
Existing Front Elevation



Proposed Front Elevation

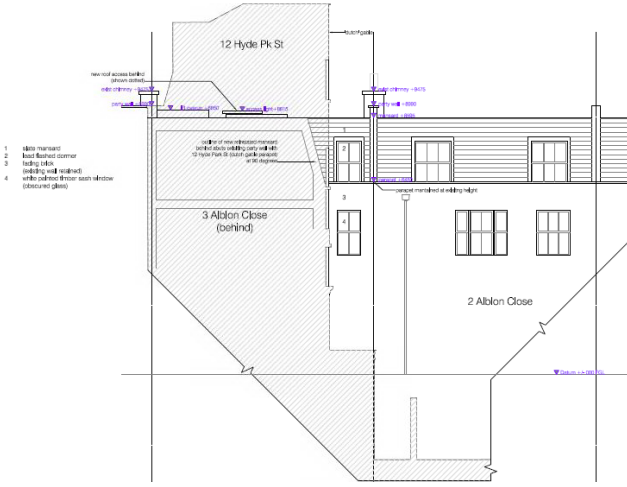


Existing Rear Elevation



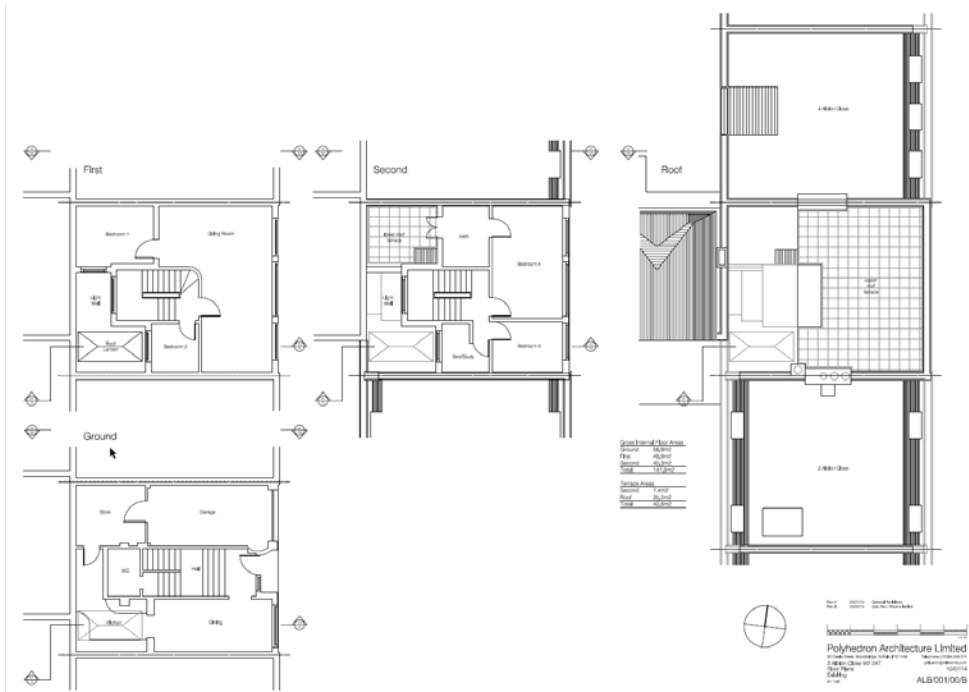
Rev A 2007/14 Final design of Hyde Park (old) extension  
 3 Albion Close W2 5AT  
 Polyhedron Architecture Limited  
 100/7/14  
 ALB/101/00/A

Proposed Rear Elevation

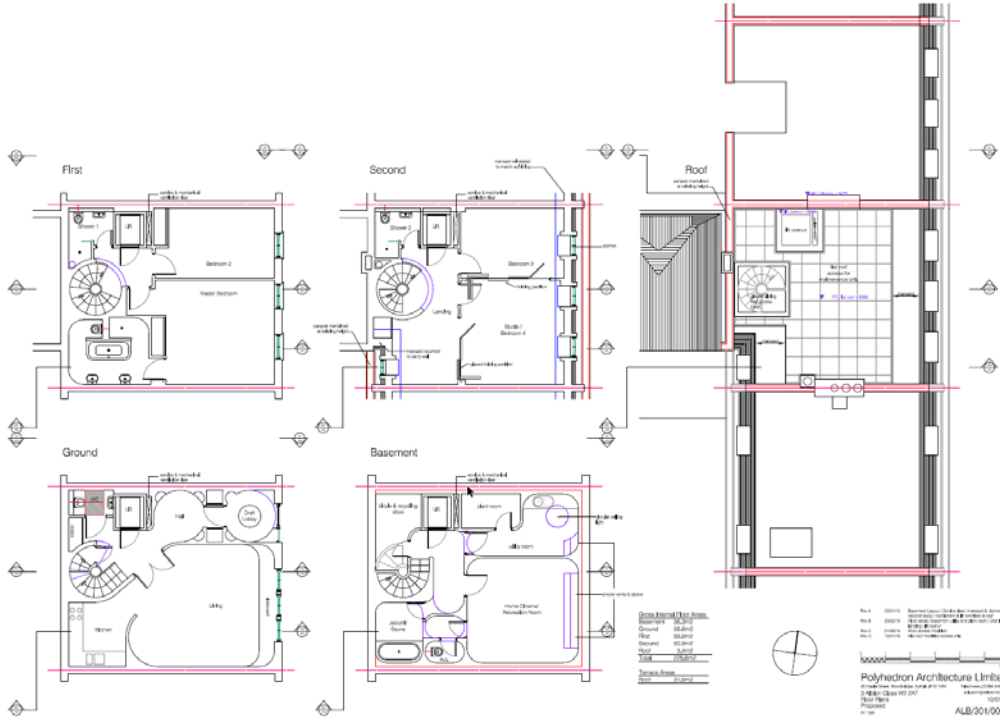


Rev A 2007/14 Final design of Hyde Park (old) extension  
 3 Albion Close W2 5AT  
 Polyhedron Architecture Limited  
 100/7/14  
 ALB/401/00/C

Existing Floor Plans



Proposed Floor Plans



Existing Section



Proposed Section





**DRAFT DECISION LETTER**

**Address:** 3 Albion Close, London, W2 2AT,

**Proposal:** Demolition of unlisted mews dwelling and construction of replacement mews dwelling reinstating mansard roof and excavation of basement. Flank and rear party walls to be retained. Front mews facade demolished and rebuilt.

**Plan Nos:** ABC 001, ALB/001/00/B, ALB/001/01, ALB/100/00/B, ALB/100/01, ALB/101/00/A, ALB/101/01, ALB/200/00/B, ALB/200/01/A, ALB/201/00/B, ALB/301/00/D, ALB/400/00/D, ALB/401/00/C, ALB/500/00/D, ALB/501/00/D, ALB/502/00/B, Noise Impact Assessment (3 August 2015), Noise and Vibration Management Plan (3 August 2015) and Preliminary Planning Compliance Report (3 August 2015).

**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 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. 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)

- 4 The glass that you put in the windows in the rear elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

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)

- 5 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater 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 The new railings to the front elevation shall be formed in black painted metal.

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

- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Reason:

To protect the 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.

- 8 (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.

- 9 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;

- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 10 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.

- 11 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

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.

**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, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

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

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

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

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

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

- 3 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.

- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)