

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	23 Hamilton Terrace, London, NW8 9RE,		
Proposal	Excavation of new basement (part 2, part 1 storey) beneath rear garden, demolition of existing rear lower ground floor conservatory and erection of rear lower ground floor extension. Erection of ground floor side/rear extension and external spiral staircase. Installation of ventilation plant. Internal alterations.		
Agent	Mr James Hart		
On behalf of	Mr Ian Glick		
Registered Number	15/10238/FULL and 15/10239/LBC	Date amended/ completed	1 April 2016
Date Application Received	3 November 2015		
Historic Building Grade	Grade II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

1. Grant conditional permission and listed building consent.
2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises a four storey (including lower ground floor) detached dwellinghouse located on the south western side of Hamilton Terrace. This building is Grade II listed and located within the St John's Wood Conservation Area.

Planning permission and listed building consent are sought for excavation of a part single storey, part two storey basement under the rear garden, including a ground level rooflight to the rear garden; demolition of an existing rear conservatory and replacement with single storey rear extension at lower ground floor level; a side extension at ground and first floor level with spiral staircase to the rear garden; and associated external alterations. Internal alterations, including the creation of wall

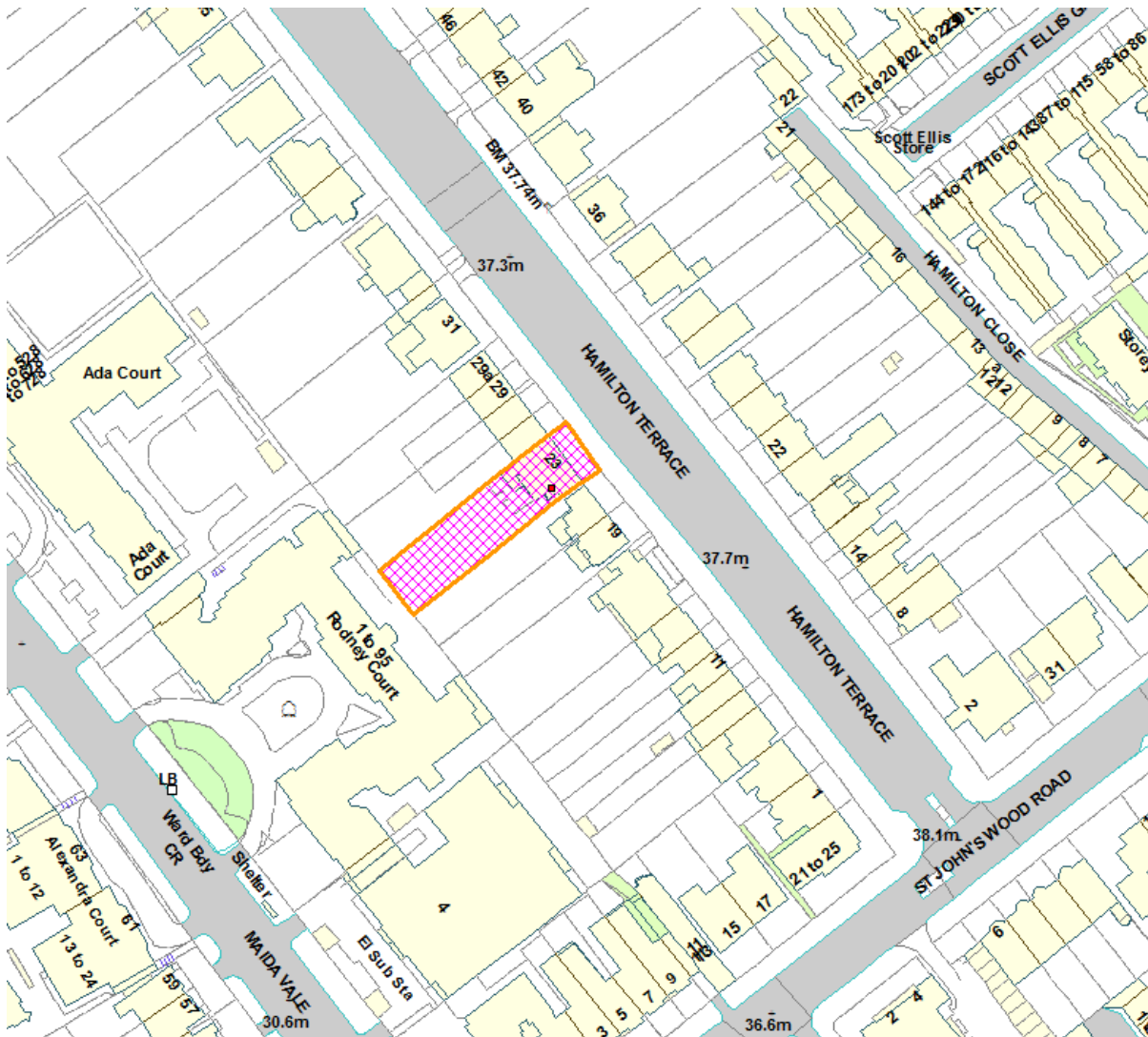
openings at lower ground floor are also proposed.

The key considerations are:

- Impact on the character and appearance of this building and the conservation area;
- Impact on the residential amenity of the occupants of neighbouring properties
- Impact on trees; and
- Impact of the basement excavation on the structural stability of this and neighbouring buildings.

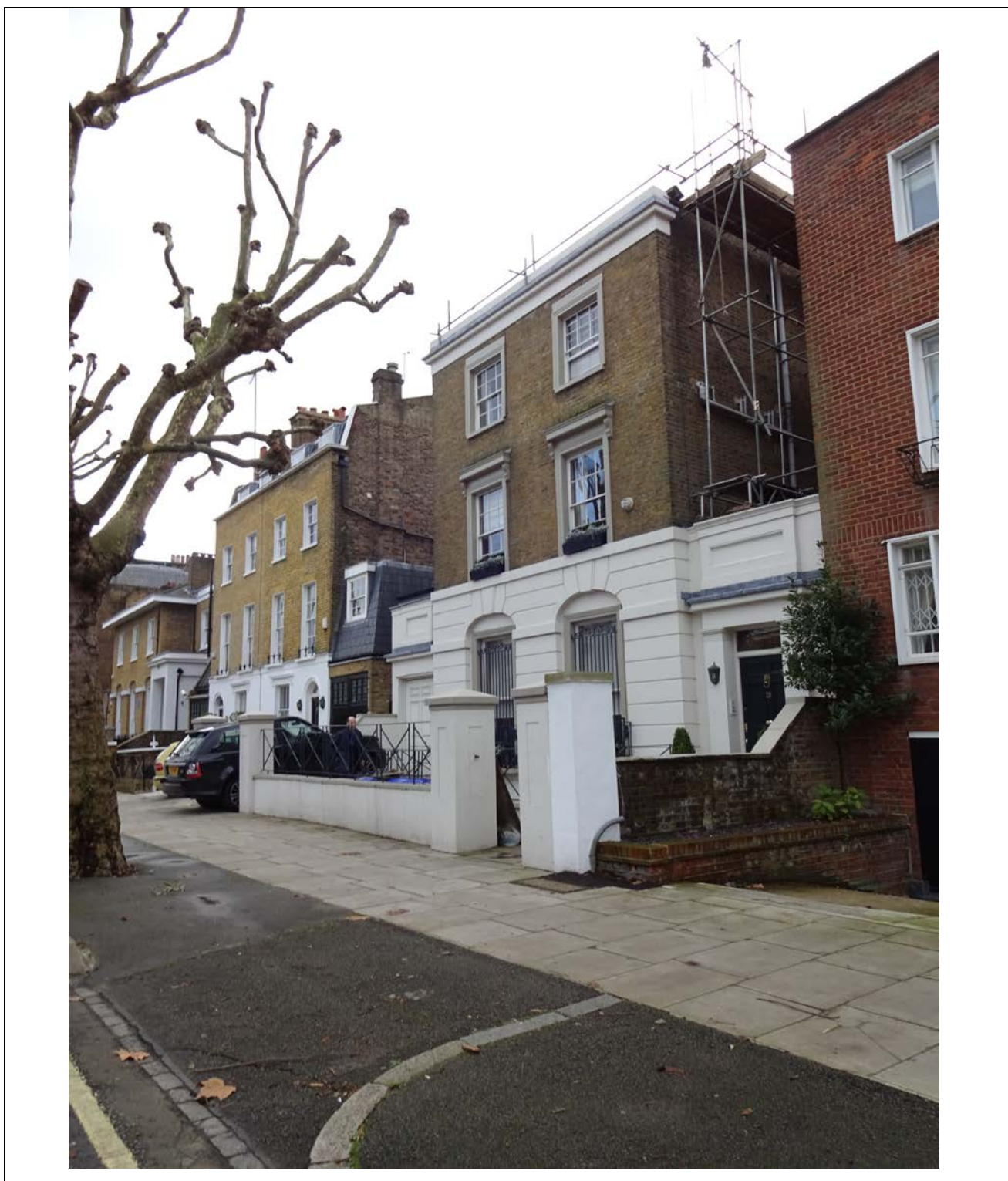
The proposed development would be consistent with relevant operative and emerging development plan policy in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ST JOHNS WOOD SOCIETY

No response received.

ARBORICULTURAL MANAGER

Development has been amended in accordance with their comments. No objection, subject to conditions.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions

BUILDING CONTROL

No response received. Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

Total No. of replies: 1

No. of objections: 1

No. in support: 0

In summary, the issues raised by the objector include the following:

- The proposed rear extension would block light to the rear of 21 Hamilton Terrace;
- The new soil beds may result in the planting of trees that block light to 21 Hamilton Terrace;
- Construction of the basement would result in the loss of two residential parking spaces for the duration of works (i.e. 62 weeks). Request that yellow line restriction in front of 19-21 Hamilton Terrace is removed to compensate;
- The proposed basement is too close to 21 Hamilton Terrace and may result in cracks, flooding and subsidence; and
- The extension of the side wing would result in significant loss of privacy.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a four storey (including lower ground floor) detached dwellinghouse located on the south western side of Hamilton Terrace. This building is Grade II listed and located within the St John's Wood Conservation Area.

6.2 Recent Relevant History

15/08071/FULL and 15/08072/LBC

Excavation of new basement (part 2, part 1 storey) beneath rear garden, demolition of existing rear lower ground floor conservatory and erection of rear lower ground floor extension. Erection of ground floor side/rear extension. Installation of ventilation plant. Internal alterations.

Planning permission and listed building consent were refused on 23 October 2015 for the following reasons:

1. Because of excessive size and inappropriate design, the rear ground level skylight would harm the special architectural and historic interest of this Grade 2 listed building and would fail to maintain or improve (preserve or enhance) the character and appearance of the St Johns Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. It would also not meet guidance in our Basement Development in Westminster Supplementary Planning Document, that we adopted in October 2014.
2. Because of inappropriate detailed design and materials, the rear extension would harm the special architectural and historic interest of this grade 2 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St Johns Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9 and DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
3. Because of inadequate topsoil provision, the proposed basement extension would not provide adequate opportunities for on-site greening and biodiversity enhancements and would fail to maintain or improve (preserve or enhance) the character and appearance of the St Johns Wood Conservation Area. This would not meet policies 5.10 and 7.19 of The London Plan (FALP - March 2015), policy S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and policies ENV 4, DES 1 and DES 9 of our Unitary Development Plan that we adopted in January 2007. It would also not meet guidance in our Basement Development in Westminster Supplementary Planning Document, that we adopted in October 2014.

7. THE PROPOSAL

Planning permission and listed building consent are sought for the following:

- Excavation of a part single storey, part two storey basement under the rear garden, including a ground level rooflight to the rear garden;
- Demolition of an existing rear conservatory and replacement with single storey rear extension at lower ground floor level;
- Side extension on south elevation at ground and first floor level with spiral staircase to rear garden;

- Fenestration alterations, including installation of doors at lower ground floor level on the existing north side extension and installation of a Juliet balcony on the ground floor rear elevation;
- Landscaping works, including construction of a terrace;
- Internal alterations, including the creation of wall openings at lower ground floor

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional residential floorspace would be consistent with policy H3 of the Unitary Development Plan (adopted 2007) ("the UDP") and policy S14 of Westminster's City Plan: Strategic Policies (adopted 2013) ("the City Plan"). Accordingly, the proposed development is supported in principle.

8.2 Townscape and Design

Basement Extension

The proposed basement would be located in the rear garden and not beneath the listed building. It would also be accessed via a staircase in the later extension. Accordingly, the hierarchy of spaces within the existing building would remain intact, which would be consistent with the Basement Development in Westminster Supplementary Planning Document (adopted 2014) ("Basement SPD").

The applicant has reduced the size of the ground level skylight previously refused and it would be located to the side of the rear extension proposed. Accordingly, it would be discreetly located, in accordance with the Basement SPD and this reason for refusing the previous applications has been overcome.

The extent of the rear terrace has also been reduced in comparison to the previously refused applications. Whilst the terrace does not include a soil depth of 1.2 m below it, the area it covers is currently covered in hardstanding. By virtue of its location immediately to the rear of the above ground building, it is unlikely that this area would ever accommodate substantial planting in any event. Accordingly, an objection to the development on this basis would not be sustainable. It should also be noted that the area beyond the terrace does include a 1.2 m soil depth, in accordance with the Basement SPD and emerging policy CM28.1 of the City Plan.

The proposed basement would not underlie more than 50% of this application site's garden land. Whilst part of the basement contains a mezzanine area, this is confined to a part of the overall basement area beneath the terrace and proposed rear extension. Accordingly, this mezzanine does not result in excavation exceeding one storey below the lowest original floor area when the need to provide a 1.2 m soil depth is considered, in accordance with these requirements of emerging policy CM28.1 of the City Plan.

The proposed basement includes a small margin (i.e. 0.4 m) of undeveloped garden land on the site boundary with nos 21 and 25. Whilst this margin is not proportionate to the scale of the basement and below the guidance in the reasoned justification to

emerging policy CM28.1 of the City Plan, the basement underlies less than 38% of this site's garden area, ensuring that opportunities for on-site flood risk are adequately retained. The area on the site boundary with no's 21 and 25 is also largely developed at present due to the existing terrace and paving. Accordingly, an objection to the development on this basis could not be sustained.

Rear Extension

The existing rear extensions are later additions to the building and do not form part of its significance, as such their demolition and rebuild is acceptable.

The proposed extension would be discreetly located at lower ground floor level and would be constructed from white render with a lead roof to match the existing building. The width and height of the extension and the extent of glazing in comparison to the previously refused extension have also been reduced. Accordingly, the proposed extension relates well to the original building whilst remaining subordinate to it and overcomes this reason for refusing the previous applications.

Side Wing Extension

The additional bulk of the proposed extension would be consistent with other buildings in this listed group. It would also be constructed of materials to match the existing extension in this location. The dormer proposed is also appropriately designed and detailed. Conditions have also been recommended to ensure that this extension and its spiral staircase are appropriately designed and detailed.

External Alterations

The other external alterations proposed, including the addition of a Juliet balcony, are sensitively and appropriately designed and located. Accordingly, they would preserve the special architectural and historic interest of this listed building and the character and appearance of the conservation area.

Internal Alterations

The applicant proposes retaining the downstand beam and nibs between the 'family lounge' and 'kitchen' at lower ground floor level. Accordingly, this opening would read as a framed opening marking the distinction between these two spaces. The internal walls at first floor level are not original and their replacement would not result in loss of original fabric. Overall, the internal alterations proposed are uncontentious.

Overall, the proposed development would preserve the special architectural and historic interest of this listed building and the character or appearance of the St Johns Wood Conservation Area. Accordingly, it would be consistent with policies DES1, DES5, DES9 and DES 10 of the UDP and policies S25 and S28 in the City Plan, as well as the Basement SPD.

8.3 Residential Amenity

Given its subterranean location, the proposed basement extension would not cause unacceptable loss of amenity for the occupiers of neighbouring properties in terms of loss of light, increased sense of enclosure or increased overlooking.

The proposed single storey rear extension is set away from neighbouring properties. Accordingly, it would not result in unacceptable loss of light or sense of enclosure by virtue of its location relative to its height. The windows proposed within it are also orientated largely toward the rear garden, whilst those in the side elevations would be prevented from overlooking neighbouring properties by boundary walls and fencing.

The side extension would be located wholly to the side of a similar existing extension at 21 Hamilton Terrace. The screening effect of this existing extension would prevent unacceptable loss of light and sense of enclosure for the occupants of that property. This extension would also have a similar outlook to the existing rear windows and balcony, thereby ensuring that it does not give rise to unacceptable overlooking and noise. Accordingly, the objection raised by the occupier of 21 Hamilton Terrace is not sustainable.

The proposal includes mechanical plant. The extracts for this would be located centrally within the rear garden, away from neighbouring properties. Conditions are recommended to limit noise and vibration to appropriate levels.

As such, the proposal complies with policy ENV13 of the UDP and policy S29 of the City Plan.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units or a loss of parking and as such the proposal is not contrary to policy TRANS23 of the UDP.

The objector has raised concerns with the potential suspension of on-street parking to the front of the application site during construction. Given the temporary nature of such a suspension, an objection to the development on this basis would not be sustainable.

8.5 Economic Considerations

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

8.6 Access

The proposals do not alter the access arrangements into or within the building.

8.7 Other UDP/Westminster Policy Considerations

Trees

The development has been reviewed by the Arboricultural Manager who raises no objection to the removal of a line of Holm Oaks, a Bay Tree and a Fig Tree in the rear garden due to their low stature and amenity value. Through the course of the application, the applicant has also amended the development and tree protection

measures to protect trees to be retained. Subject to the recommended conditions, the proposed development would not

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

This development is not subject to the EIA Regulations.

8.12 Other Issues

Basement Policy Revisions

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.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report.

Basement Excavation

The objector has raised concerns with regards to potential instability resulting from basement excavation. However, the applicant has submitted a Structural Methodology Statement by a suitably qualified engineer. The application site is also not located within a flood risk area and this development is not considered high risk. Accordingly, the requirements of emerging policy CM28.1 of the City Plan have been met insofar as they relate to structural stability.

Construction Management

The applicant has submitted a Construction Management Plan (CMP) with the application to outline the likely arrangements during the excavation and construction process.

The information provided is considered to be sufficient to meet the aims and objectives of the Basement SPD. A condition is also recommended to ensure that a revised CMP is submitted that contains further details once a main contractor had been appointed, such as provision of a more detailed and informed construction timetable and 24 hour contact number.

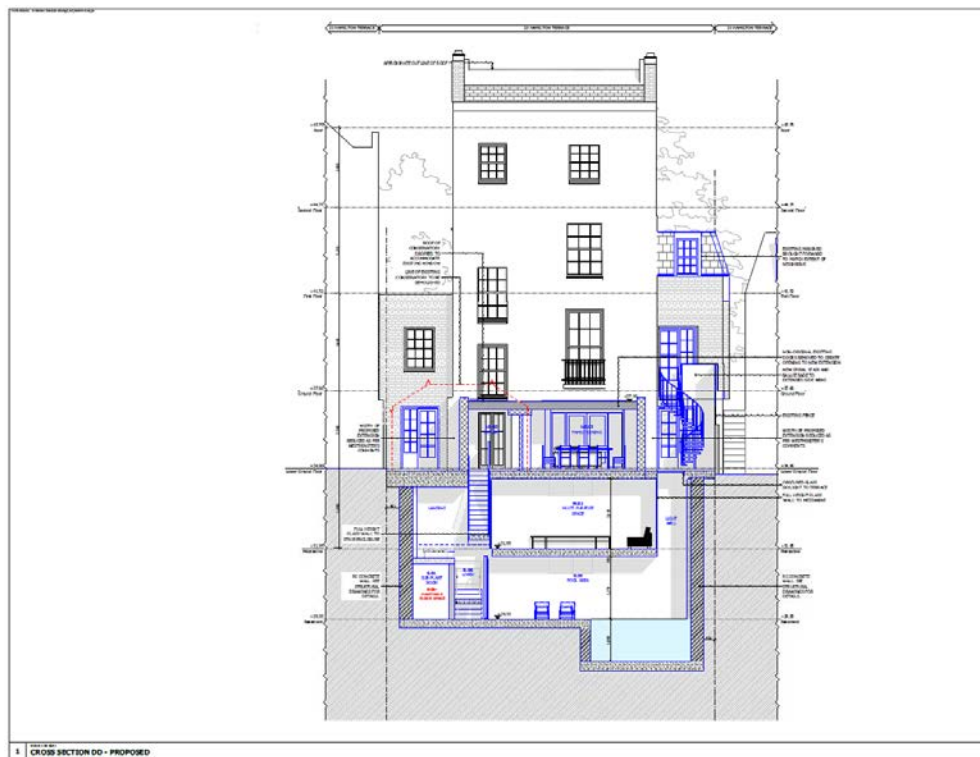
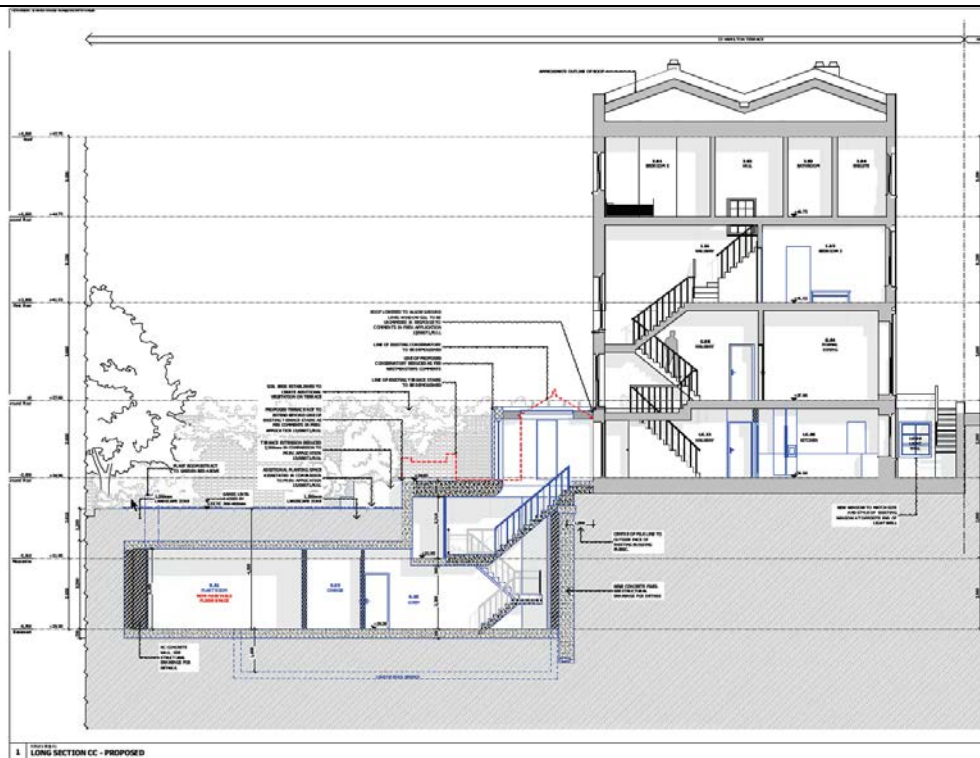
9. BACKGROUND PAPERS

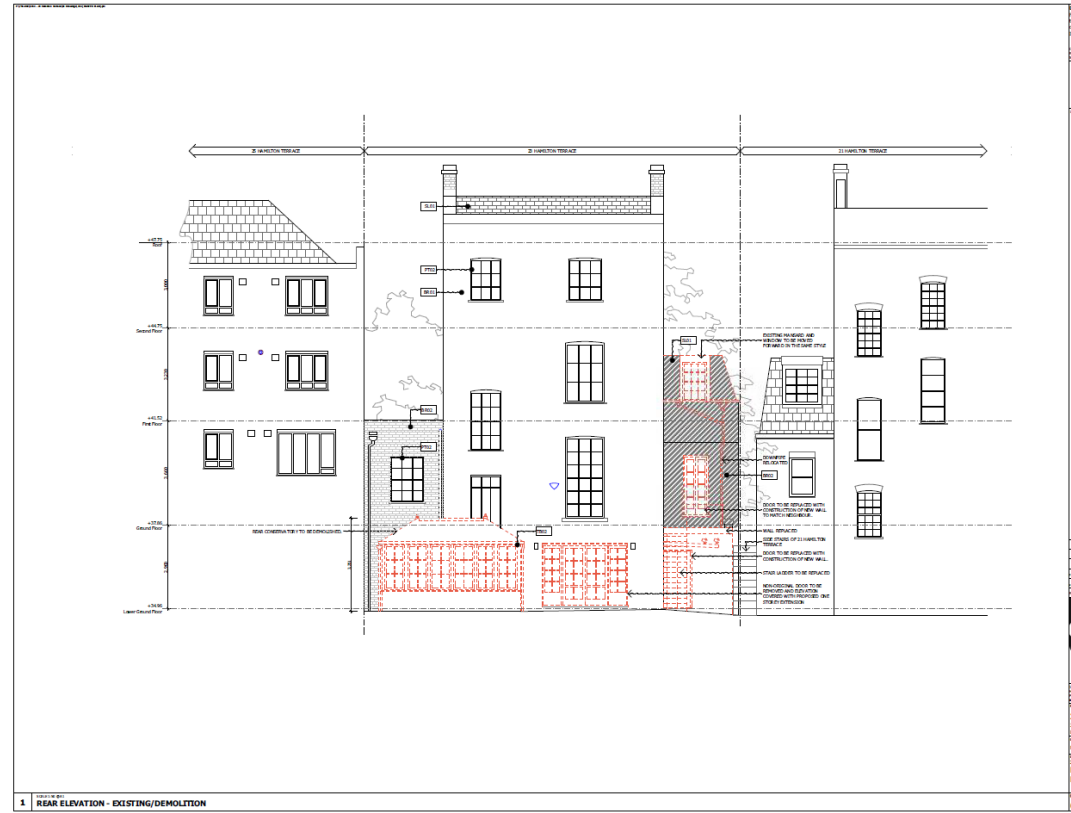
1. Application form
2. Response from Environmental Health Officer, dated 10 December 2015
3. Response from Highways Planning Manager, dated 22 December 2015
4. Memo and emails from Arboricultural Manager, dated 6 April, 16 February, 11 February and 12 January 2016
5. Letter from occupier of 21 Hamilton Terrace, London, dated 29 November 2015

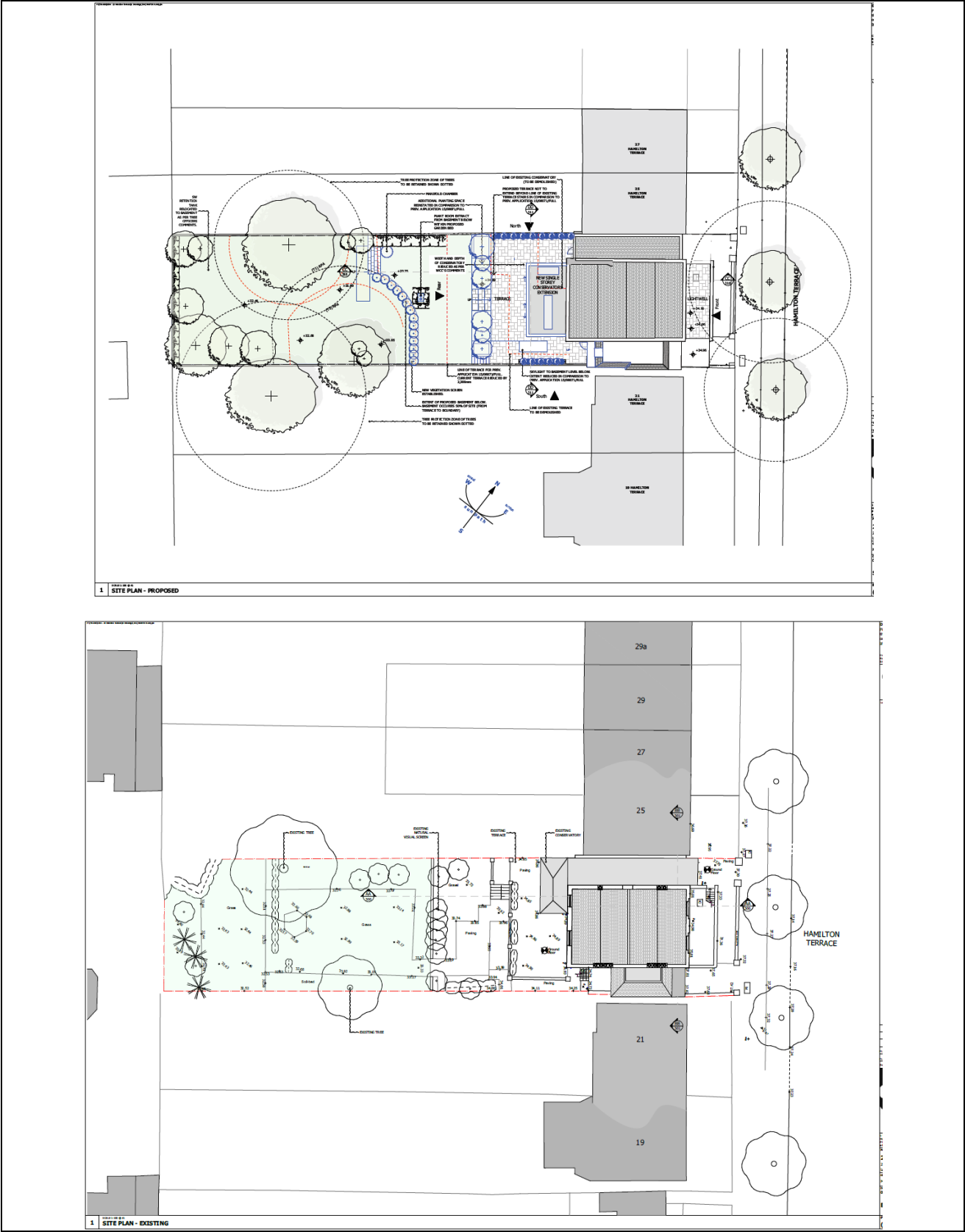
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

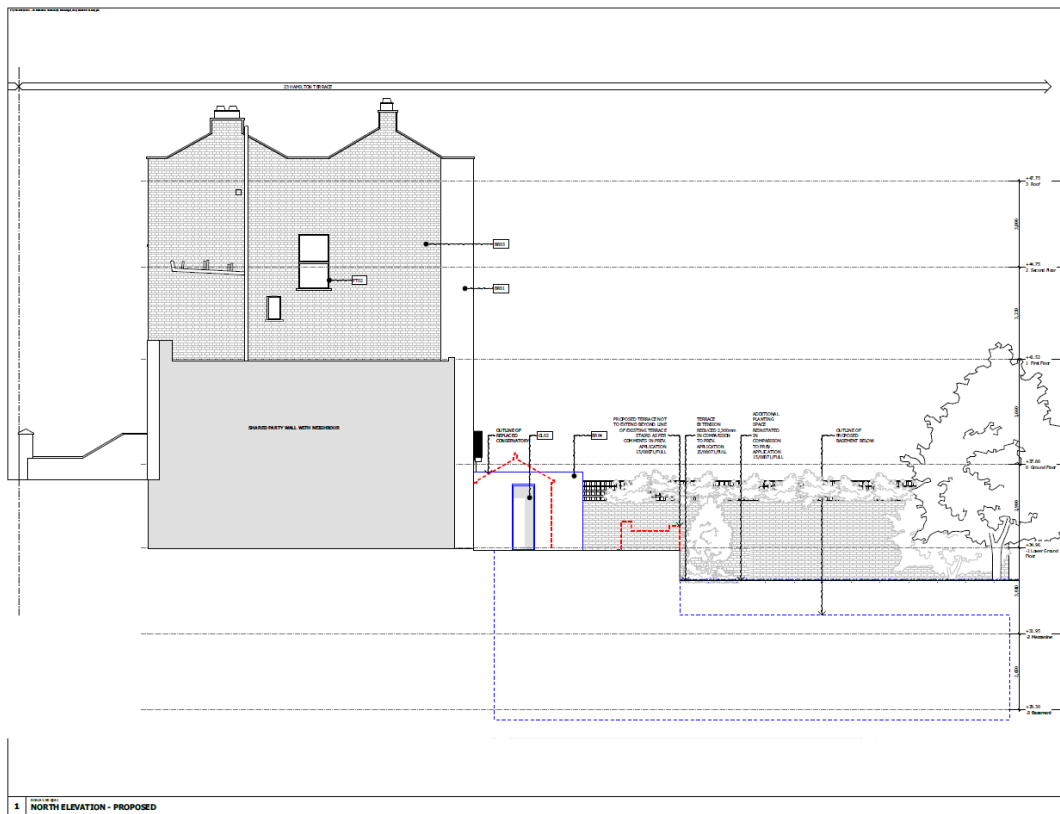
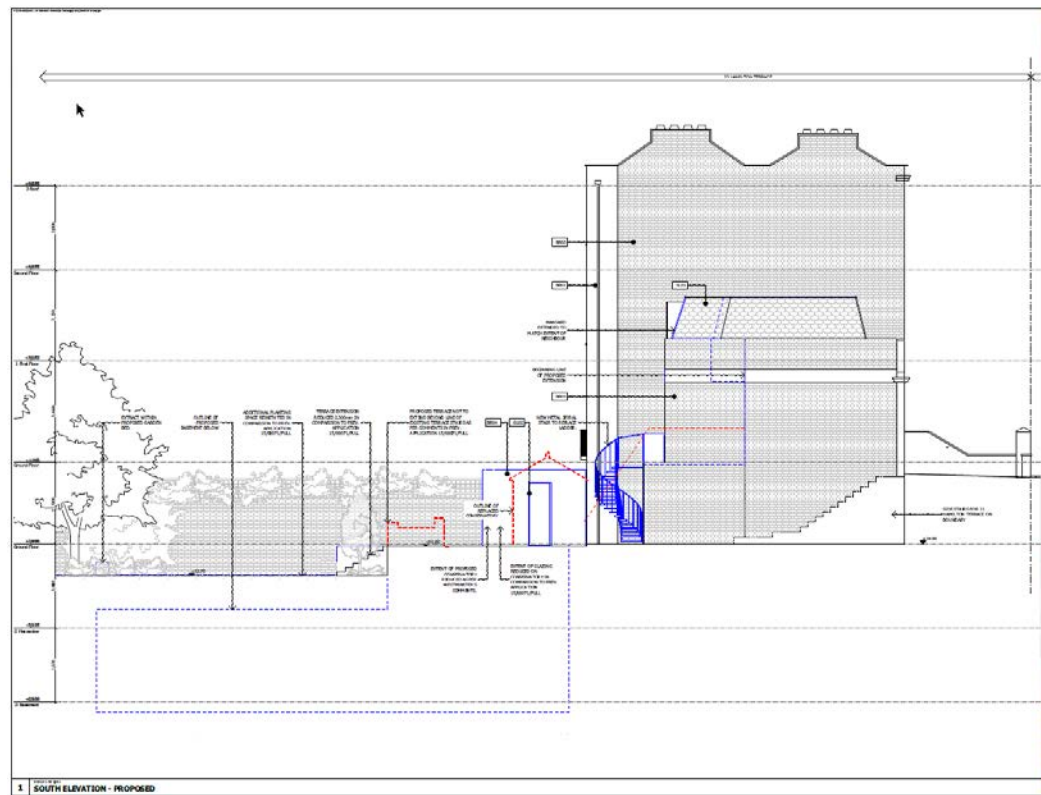
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

10. KEY DRAWINGS









DRAFT DECISION LETTER

Address: 23 Hamilton Terrace, London, NW8 9RE,

Proposal: Excavation of new basement (part 2, part 1 storey) beneath rear garden, demolition of existing rear lower ground floor conservatory and erection of rear lower ground floor extension. Erection of ground floor side/rear extension and external spiral staircase. Installation of ventilation plant.

Reference: 15/10238/FULL

Plan Nos: Drawing numbers (794)001_P02, (794)002_P02, (794)003_P03, (794)010_P02, (794)011_P02, (794)012_P02, (794)013_P02, (794)200_P02, (794)201_P02, (794)202_P02, (794)203_P02, (794)020_P03, (794)021_P04, (794)022_P04 (Depicts Lower Ground Floor Front Part of Site), (794)022_P04 (Depicts Lower Ground Floor Rear Part of Site), (794)023_P03, (794)024_P02, (794)025_P02, (794)026_P02, (794)210_P02, (794)211_P03, (794)212_P03, (794)213_P03, (794)300_P02, (794)301_P02, (794)310_P04, (794)311_P03; Arboricultural Impact Assessment ref: SSH/23HMT/AIA/01a (dated August 2015, received 10 February 2016); Design and Access Statement by SHH (October 2015)

FOR INFORMATION ONLY: Structural Engineer's Structural Methodology Statement by EngineersHRW (Rev A dated February 2016); Construction Management Plan by Construction Planning Associates (Issue 02, February 2016); Ground Investigation Report by Site Analytical Services Limited (September 2015)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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 The external elevations of the new extension at rear lower ground floor level shall be faced in smooth render and shall be painted and permanently maintained in a white colour

Reason:

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

- 5 The new external spiral staircase to the side elevation of the building 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new dormer to the side extension shall be clad in lead to sides, cheeks and roofs, and the window within the dormer shall be formed in glazing and white painted timber framing

Reason:

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

Plan that we adopted in January 2007. (R26BE)

- 7 The new facing brickwork to the rear elevation of the side extension must match the existing original brickwork to the side elevation adjacent of the main building in terms of colour, texture, face bond and pointing.

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 **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.

- 9 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

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, CM28.1 of Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main

Modifications dated June 2016 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive

properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: 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.

- 11 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.

- 12 **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)

- 13 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 5 years 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 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

- 14 You must plant new trees to replace the trees which you propose to remove. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

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 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)

- 3 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the

completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
 More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 7 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)

- 8 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 or visit www.ccscheme.org.uk.

- 9 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)

- 10 Condition 12 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.

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

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.

DRAFT DECISION LETTER

Address: 23 Hamilton Terrace, London, NW8 9RE,

Proposal: Excavation of new basement (part 2, part 1 storey) beneath rear garden, demolition of existing rear lower ground floor conservatory and erection of rear lower ground floor extension. Erection of ground floor side/rear extension and external spiral staircase. Installation of ventilation plant. Internal alterations.

Reference: 155/102398/BOLL

Plan Nos: Drawing numbers (794)001_P02, (794)002_P02, (794)003_P03, (794)010_P02, (794)011_P02, (794)012_P02, (794)013_P02, (794)200_P02, (794)201_P02, (794)202_P02, (794)203_P02, (794)020_P03, (794)021_P04, (794)022_P04 (Depicts Lower Ground Floor Front Part of Site), (794)022_P04 (Depicts Lower Ground Floor Rear Part of Site), (794)023_P03, (794)024_P02, (794)025_P02, (794)026_P02, (794)210_P02, (794)211_P03, (794)212_P03, (794)213_P03, (794)300_P02, (794)301_P02, (794)310_P04, (794)311_P03; Arboricultural Impact Assessment ref: SSH/23HMT/AIA/01a (dated August 2015, received 10 February 2016); Design and Access Statement by SSH (October 2015)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 4 The external elevations of the new extension at rear lower ground floor level shall be faced in smooth render and shall be painted and permanently maintained in a white colour

Reason:

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

- 5 The new external spiral staircase to the side elevation of the building 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new dormer to the side extension shall be clad in lead to sides, cheeks and roofs, and the window within the dormer shall be formed in glazing and white painted timber framing

Reason:

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

- 7 The new facing brickwork to the rear elevation of the side extension must match the existing

original brickwork to the side elevation adjacent of the main building in terms of colour, texture, face bond and pointing.

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 scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Item No.
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