

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Development Site At 117 - 125 Bayswater Road, 2 - 6 Queensway, Consort House And 7, Fosbury Mews, London.		
Proposal	Demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House.		
Agent	Mr Nick Delaney, GVA		
On behalf of	Bayswater Road (Holdings) LTD		
Registered Number	15/10671/FULL	Date amended/ completed	4 December 2015
Date Application Received	9 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Queensway Adjacent to Bayswater and Royal Parks Conservation Areas.		

1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee agree to a phased payment of the affordable housing contribution triggered by the sale or occupation of numbers of residential units (whichever is the earliest) and a delay in the provision of public art.
2. Subject to 1.above, grant conditional permission, subject to a Section 106 legal agreement to secure the following:
 - a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below) :
 1. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest)
 2. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the

completion of the sale of the 20th residential unit (whichever is the earliest)

3. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest)

4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)

b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development);

c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest);

d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis);

f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer;

g) Dedication of Highway at no cost to the City Council prior to occupation;

h) The costs of monitoring the S106 legal agreement.

3.If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:

a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

This planning application for the redevelopment of the site was reported to the Planning Applications Committee on 12th April 2016. Due to the nature of the officer's recommendation to Committee, a draft decision notice was not reported. Committee resolved that planning permission be granted subject to conditions, a S106 legal agreement and the concurrence of the Mayor. Furthermore, it was agreed that draft conditions and heads of terms be agreed with the Chairman under delegated powers.

The report to committee dated 12th April 2016 and officer's subsequent delegated report detailing conditions and heads of terms were sent to the Mayor seeking his concurrence to the City Council's resolution (stage 2 referral). Following negotiations between the Mayor and the applicant a revised financial contribution of £11m as a payment in lieu of affordable housing was offered by the applicant. Subsequently the Mayor in his letter of 18th July 2016 has given his agreement for the City Council to determine the application itself.

Following discussions on the S106 legal agreement, the applicant has now requested that consideration be given to a phased payment of the affordable housing contribution and a delay in the provision of public art. Our usual trigger is to require full payment on commencement of the development and provision of public art before occupation. The applicant is seeking to pay the affordable housing contribution in four phases and to delay the provision of public art, as set out under a) and c) below.

S106 Heads of Terms

The following are proposed to be secured through a S106 legal agreement. Parts a) and c) are shown as proposed in bold.

a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below) :

- 1. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest)**
- 2. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 20th residential unit (whichever is the earliest)**
- 3. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest)**
- 4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)**

b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development);

c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest);

d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis);

f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer;

g) Dedication of Highway at no cost to the City Council prior to occupation;

h) The costs of monitoring the S106 legal agreement.

Apart from the proposed phased payment of affordable housing contribution and delay in provision of public art, no other changes are proposed to the proposed heads of terms set out.

The applicant's justification for this request is that there has been a number of changes in circumstances since committee's resolution to grant permission in April 2016, as set out below:-

- The City Council has introduced its Community Infrastructure Levy (CIL) which it is estimated will require a contribution of £4,052,000.
- The Mayoral Crossrail charge has risen due to indexation to £680,000.
- The increase in affordable housing contribution from £8.5m to £11m
- Uncertainties in the financial and debt markets due to Brexit.

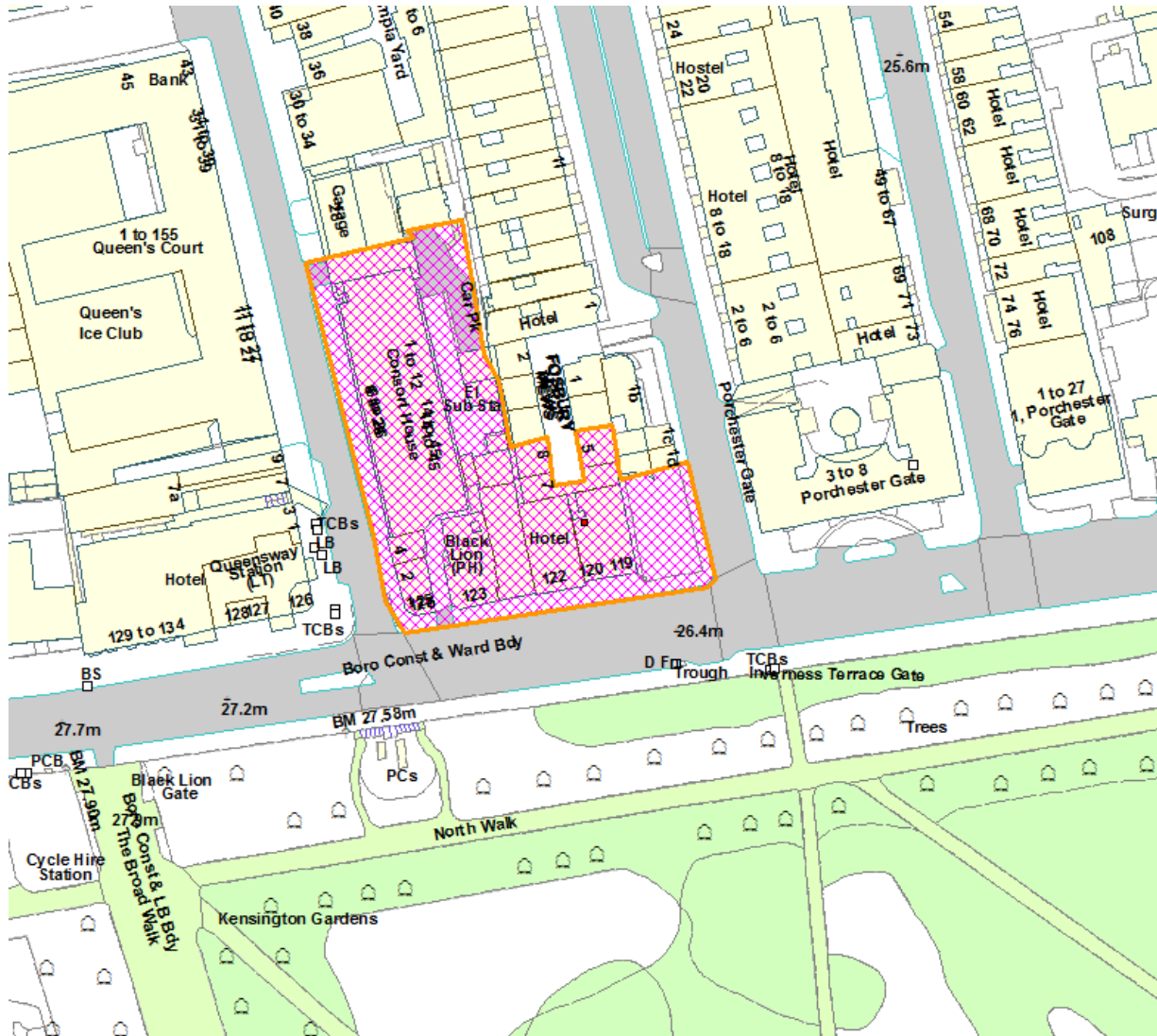
Given the above changes, the combined financial contributions (both S106 and Cil) equate to approx £18.45m. At the time of reporting the application to committee in April, which was prior to Westminster adopting its Cil, the City Council's independent advisor had advised that £8.5m was the maximum viable amount of affordable housing that the scheme could afford. Given the scheme now includes an additional affordable housing contribution of £2.5m and a Cil requirement of over £4m it is considered reasonable to consider the phased payment of affordable housing, which the applicant has indicated, would enable their holding costs to reduce slightly (to fund these additional costs) and deliver the scheme and public benefits.

This phased arrangement would still see the £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project as well as the £4m (approx.) Westminster Cil, paid on commencement of the development. Furthermore the first phased affordable housing contribution of £3m would be paid prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest). In summary these payments equate to £9.5m paid early in the development process.

As a consequence of the delay to the provision of public art an amendment to the related draft condition (No.27) is also proposed. This condition will now require the detailed scheme of public art (including a Tom Harris memorial) to be submitted and approved by the City Council prior to commencement of development, but with its provision prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest) to tie in with the S106.

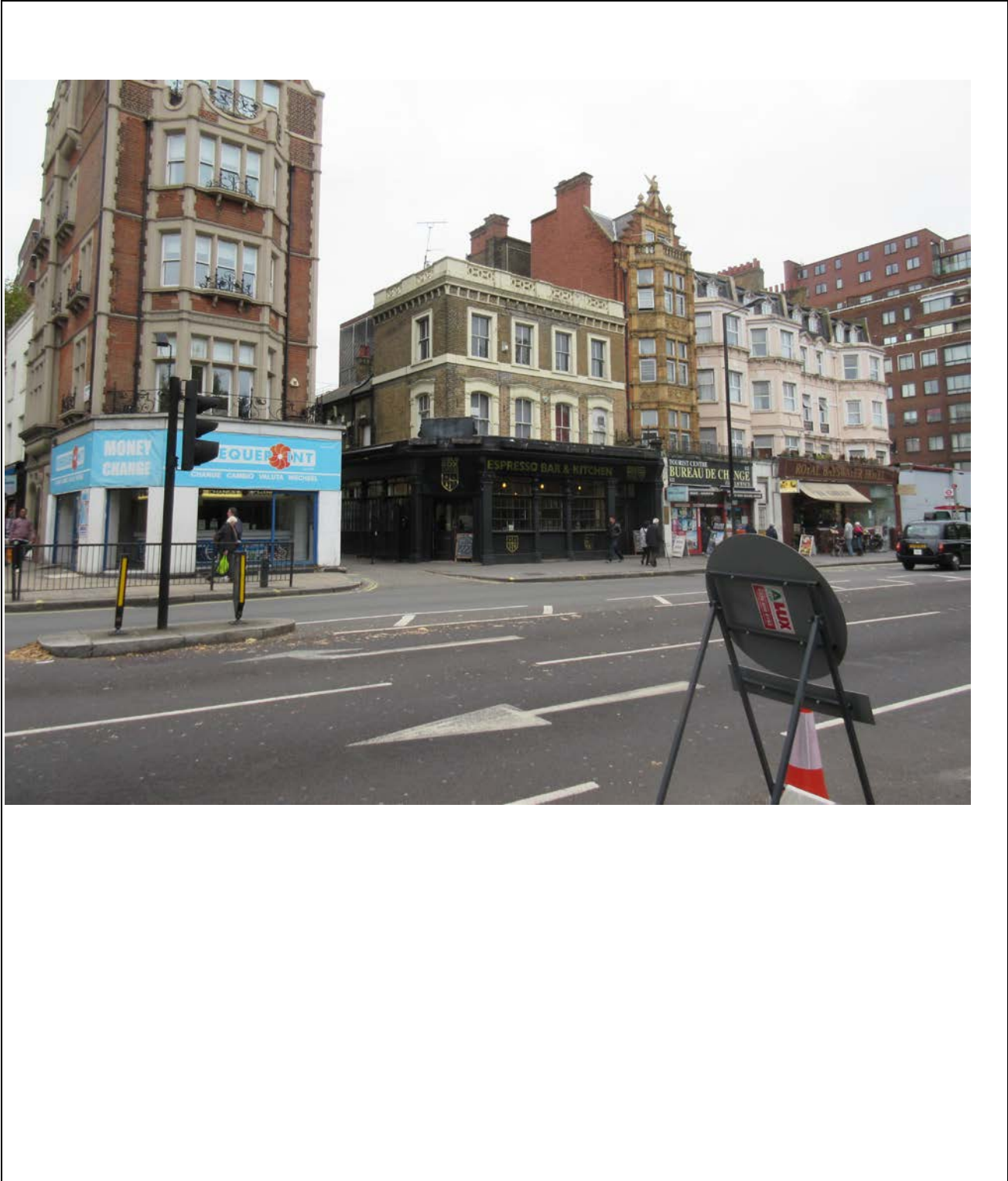
The Mayor has confirmed that it is not necessary for this application to be referred back to him. The application is therefore reported back to committee for members consideration.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Greater London Authority- No need to refer application back.

6. BACKGROUND PAPERS

1. Report to Planning Applications Committee dated 12th April 2016 and associated minutes
2. Delegated Report and draft decision letter.
3. Mayor of London Stage II Referral letter dated 18th July 2016.
4. Email from Mayor dated 04.08.2016

Selected relevant drawings

Visual of proposed development.

(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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Development Site At 117 - 125 Bayswater Road, 2 - 6 Queensway, Consort House And 7, Fosbury Mews, London,

Proposal: Demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House.

Plan Nos: 1328-A-020 Rev 01, 1328-A-021 Rev 00, 1328-A-022 Rev 00; 1328-A-049 Rev 00, 1328-A-050 Rev 00, 1328-A-051 Rev 00, 1328-A-052 Rev 00, 1328-A-053 Rev 00, 1328-A-054 Rev 00, 1328-A-055 Rev 00, 1328-A-070 Rev 00, 1328-A-071 Rev 00, 1328-A-072 Rev 00, 1328-A-073 Rev 00; 1328-A-097 Rev 01, 1328-A-098 Rev 00, 1328-A-099 Rev 01, 1328-A-100 Rev 01, 1328-A-101 Rev 00, 1328-A-102 Rev 00, 1328-A-103 Rev 00, 1328-A-104 Rev 00, 1328-A-105 Rev 00, 1328-A-106 Rev 00, 1328-A-107 Rev 00, 1328-A-108 Rev 00, 1328-A-109 Rev 00, 1328-A-110 Rev 00; 1328-A-201 Rev 00, 1328-A-202 Rev 00, 1328-A-203 Rev 00, 1328-A-204 Rev 00; 1328-A-251 Rev 00, 1328-A-252 Rev 00, 1328-A-254 Rev 00; 1328-A-300 Rev 00, 1328-A-301 Rev 00; 1328-A-150 Rev 00, 1328-A-151 Rev 00. Planning Statement, Design and Access Statement, Townscape, Heritage and Visual Assessment, Statement of Community Involvement, Transport Assessment, including Operational Management Plan and Framework Travel Plan , Daylight and Sunlight Assessment, Acoustic Assessment, Basement Impact Assessment and Structural Method Statement, Waste Management Strategy, Sustainability Strategy and Energy Assessment, Ventilation Extraction Report, Statutory Utilities Supply Report, Sustainable Urban Drainage System and Flood Risk Assessment, Construction Management Plan, all November 2015.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

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 unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11BA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **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 (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 You must apply to us for approval of detailed drawings of ground and basement 1 and rear elevation showing the following alteration(s) to the scheme

- a) Deletion of reference to car showroom from ground and basement 1 duplex unit.
- b) Revised ground floor elevation to Fosbury Mews, so that it is more in keeping with the domestic appearance of Fosbury Mews.

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

(C26UB)

Reason:

To avoid blocking the surrounding streets and to protect the pedestrian environment as set out in S41 and S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and , TRANS1, TRANS2, TRANS3, and TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 5 You must use the three storey premises to No. 6 Queensway only as a Dentist. You must not it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 2015 (or any equivalent class in any order that may replace it). (C10AA)

Reason:

We cannot grant planning permission for unrestricted use within Class D1 because it would not meet, SOC1, SOC4,TRANS1, TRANS2, TRANS3,TRANS20, TRANS21,TRANS22, ENV13, ENV6, ENV7 of our Unitary Development Plan that we adopted in January 2007, and S41, S42, S32, S34 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and because of the special circumstances of this case. (R05BB)

- 6 You must use the Spa (Class D2) shown on the floor plans on basement 2 and part basement 3, with access from ground floor level and staircase and lift access through basement 1, only as a Spa open to the general public. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 2015 (or any equivalent class in any order that may replace it). (C10AA)

Reason:

We cannot grant planning permission for unrestricted use within Class D2 because it would not meet, TACE5, TRANS1, TRANS2, TRANS3,TRANS20, TRANS21,TRANS22, ENV13, ENV6, ENV7 of our Unitary Development Plan that we adopted in January 2007, and S32, S22, S41, S42, S34 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and because of the special circumstances of this case. (R05BB)

- 7 The duplex retail units at ground and basement 1 level shall not be used as a supermarket or other food related retail uses.

Reason:

We cannot grant planning permission for unrestricted use within Class A1 because it would not meet, TRANS1, TRANS2, TRANS3,TRANS20, ENV13, ENV6, ENV7 of our Unitary Development Plan that we adopted in January 2007, and S41, S42, S32, and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and because of the special circumstances of this case. (R05BB)

- 8 Before you begin to operate the non -residential uses, you must apply to us for approval of the following:-

a) Retail (Class A1) Operational Management Plan

- b) Restaurant (Class A3) Operational Management Plan
- c) Spa (Class D2) Operational Management Plan
- d) Dentist (Class D1) Operational Management Plan
- e) Operational management plan for the use of the ground floor doors facing Fosbury Mews

These operational management plans must provide in the case of a,b,c,d, the following details:-

- i) Hours of operation, staff and customers
- ii) Hours of servicing, process, internal storage locations, scheduling of deliveries and staffing.
- iii) Hours of plant
- iv) Procedures to minimise impact on residential amenity and environmental quality.
- v) In the case of b) the Restaurant (Class A3) use, in addition to the details listed above; details of capacity, covers, ancillary bar, control of smoking areas, door supervision, queuing, take away, deliveries, and taxi drop off and collection, contact details for complaints.
- vi) in the case of e) Use of doors to Fosbury Mews, details of nature and hours and frequency of use and details of fire escape strategy in order to minimise the impact on residents of Fosbury Mews.

You must then carry out the uses in accordance with these details approved unless otherwise agreed in writing by us.

Reason:

In order to minimise the impact of the uses on residential amenity, environmental quality and in transportation terms in accordance with

TRANS1, TRANS2, TRANS3, TRANS20, TRANS21, TRANS22, TACE5, ENV13, SOC1, SOC4, ENV6, ENV7 of our Unitary Development Plan that we adopted in January 2007, and S41, S42, S22, S32, S34 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and because of the special circumstances of this case.

- 9 You must not begin the Restaurant (Class A3) use (duplex ground and basement 1 unit) until you have submitted to us and we have approved full details of the location and appearance and operation of kitchen extract ducting ventilation system to get rid of cooking smells, including details of how it will be built and how it will look and any associated mechanical plant including an acoustic report. You must then operate the use in accordance with the details approved.

Reason:

To protect neighbouring residents within and adjacent to the development from noise and vibration nuisance, and to ensure the appearance is suitable as set out in S29, S25, S28 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7, DES1, DES5, DES6, DES9 of our Unitary Development Plan that we adopted in January 2007.

(R13AC)

- 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 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 (July 2016), 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 (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 Retail, Restaurant, Spa and Dentist 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 Retail, Restaurant, Spa and Dentist 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 (July 2016), 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.

- 12 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.

- 13 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 Conditions 11, 12, 13 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 14 You must provide the waste store shown on drawings 1328-A100 Rev01; 1328-A-099 Rev01; 1328-097 Rev01 before anyone moves into the property or operates from the building. You must clearly mark it and make it available at all times to everyone using the building;. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 15 Notwithstanding that shown on the approved drawings. You must submit to us for approval details of cycle parking for each of the proposed uses clearly annotated for each use. You must then provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 16 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

(R23AC)

- 17 No goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the curtilage of the building. (C23CB)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 The projecting canopy and or any other structure over the footway (highway) shall maintain 2.6m vertical clearance from the footway surface at all times and shall not extend closer than 1m to the kerb edge.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 20 You must not put planters, tubs, tables, chairs or adverts on the road or pavement. (C24BA)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 21 Prior to occupation of the residential flats, you must submit for approval a car parking strategy including drawings. This must include the following details:-
- a) Location of no less than 55 unallocated residential car parking spaces
 - b) Disabled access car parking spaces
 - c) Electrical Vehicle charging points (minimum of 20% active and 20 % passive)
 - d) Access arrangements to the car parking area

Each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development and

shall be maintained for such use for the lifetime of the development. (C22BA)

Reason:

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

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

Reason:

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

- 23 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.

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 Queensway 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)

- 24 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development:

i) typical facade bay.

The sample(s) should demonstrate the colour, texture, face bond, pointing and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

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 Queensway 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)

- 25 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following:

- i) windows;
- ii) external doors;
- iii) cills;
- iv) reveals;
- v) fascias;
- vi) shopfronts and canopy, including indicative locations and design principles for display of signage;
- vii) location and size of movement joints;
- viii) step backs in façade;
- ix) interfaces with windows;
- x) interfaces with landscaping;
- xi) interfaces with architectural metalwork;
- xii) ventilation and other services terminations at façade;
- xiii) balconies including method of drainage;
- xiv) railings and balustrades;
- xv) integral lighting.

You must not start any work on the superstructure of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings.

Reason:

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

- 26 The building maintenance unit shall be positioned in its parked positions at all times when not in use.

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 Queensway 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)

- 27 Pre-Commencement Condition:- A scheme of public art including a Tom Harris Memorial must be submitted and approved by the City Council prior to commencement of the development. You must not start work on the public art and Tom Harris Memorial until we have approved what you have sent us. You must then provide the public art including a Tom Harris memorial according to the approved details, prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest). You must thereafter maintain the approved public art and Tom Harris memorial and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we

adopted in January 2007. (R37AB)

- 28 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 and full details of the proposed green walls including construction method, layout, species and maintenance regime. 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 1 planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

29 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (July 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 30 No development shall take place, including any works of demolition, until the following plans have been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:-

- a) Delivery and Service Plan
- b) Construction Logistics Plan

these documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on Bayswater Road (part of the Strategic Road Network)
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:

In order to appropriately manage any potential adverse effects on the local road network and the adjacent bus stop, as requested by Transport for London.

- 31 Before works commence on site, full details of the proposal including all below ground work shall be agreed in writing by us as the local planning authority in liaison with London Underground Limited and Thames Water. You will need to demonstrate that the development will not have any detrimental effect on the tunnels and infrastructure either in the short or long term.

Reason:

To ensure that the proposed works do not have any detrimental impact on the tunnels either in the short or long term on London Underground Limited or Thames Water facilities.

- 32 You must apply to us for approval of details of the ventilation system to get rid of fumes associated with the Spa (Class D2) use, and the Combined Heat and Power Unit (CHP) including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 33 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. Inside bedrooms 45 dB L Amax is not to be exceeded no more than 15 times per nighttime from sources other than emergency sirens.

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.

- 34 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise 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 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 35 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions; 10, 11, 12, 13, 33, 34 of this permission. Particular attention shall be given to the issues of low frequency noise and vibration through Structure-Borne pathways and the design and mitigation shall also ensure that room modes (standing waves) are not created within the new residential dwellings as a result of low frequency noise from the substation.

You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 36 Rubbish must only be collected from the off street collection point at the rear of the site and not from the public highway.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 37 The residential properties must not be occupied until evidence in the form of a statement from a suitably qualified engineer to confirm that the Electro Magnetic frequency (EMF) levels associated with the substation are in accordance with current legal requirements and/or appropriate guidance.

Reason:

To safeguard the amenity of residents in accordance with S28 of Westminster's City Plan: Strategic Policies adopted November 2013

- 38 The design of the separating wall should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFMax in the octave bands of 63 Hz & 125 Hz.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 39 A scheme of mechanical ventilation should be provided to the residential properties. Details of the scheme must be submitted to and approved by the Local Planning Authority prior to the occupation of the residential units. The approved scheme shall be installed and maintained. The mechanical ventilation system installed shall ensure the internal noise levels of the residential units do not exceed the noise levels outlined in condition C49 BA.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 40 An air quality assessment and air quality neutral assessment shall be provided to the local planning authority for approval and if the air quality assessment requires it, an air pollution and mitigation plan providing details of the air pollution mitigation measures to be provided to the residential dwellings shall be submitted to and approved by the local planning authority. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

To ensure that the occupiers of the residential units do not ENV5 of the Unitary Development Plan adopted January 2007 and S31 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 41 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:-
 - a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below) :
 1. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest)
 2. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 20th residential unit (whichever is the earliest)
 3. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest)
 4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)

 - b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development);
 - c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest);
 - d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

- e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis);
- f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer;
- g) Dedication of Highway at no cost to the City Council prior to occupation;
- h) The costs of monitoring the S106 legal agreement.
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 5 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 6 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be given at the premises, you should ring our Licensing Service (on 020 7641 7822 or 020 7641 8549) about getting a licence for those treatments. You should also contact our Environmental Health Consultation Team (on 020 7641 3161) to make sure any treatment rooms meet the environmental health standards of construction. (I07BA)
- 7 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 8 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)

- 9 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 11 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 12 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 13 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 14 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 15 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)

- 16 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.
- 17 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 18 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 19 You may need separate licensing approval for the restaurant, Spa, Dentist premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 20 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the corner duplex shop unit at ground and basement 1 level can change between the Restaurant (Class A3) and Retail (Class A1) uses we have approved for

10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

- 21 We want to preserve the archaeological remains on site. Your detailed design and method statement should include relevant drawings, technical notes and methods to show how you will do this. You should pay particular attention to the design of the foundations and new groundwork including piling, underpinning, new slab levels, slab construction, lift pits and new service trenches. Please contact Historic England's Archaeological Officer on 020 7973 3732 to discuss the details we need.

You should also contact our District Surveyors' Services to make sure that you meet their requirements under the Building Regulations. (I65AA)

- 22 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 23 When you apply to us to approve the details under the above conditions, we will be able to deal with your application more quickly if you send us a copy of this permission and the relevant approved drawings. (I79AA)

- 24 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.

- 25 Conditions 10,11,12,13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 26 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.
- 27 You are reminded of our policy to control advertising hoardings and shrouds around building sites, this is set out in DES 8 of our Unitary Development Plan that we adopted in January 2007. The policy resists large displays above ground floor level but can allow well designed shrouds which respond sensitively and appropriate to their surroundings, provided of course that express advertisement consent is first obtained from the City Council. We believe that your building site could be a suitable one for the provision of a temporary decorative shroud and you are invited to contact the planning department to discuss a suitable proposal. (I90BA)
- 28 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:
- Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk
- 29 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 30 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However,

any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 31 Condition 41 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 32 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 33 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.
Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances
BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)