CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date	Classification	
	18 October 2016	For General Release	
Report of		Ward(s) involved	
Director of Planning		Regent's Park	
Subject of Report	4 - 6 St Edmund's Terrace, London, NW8 7QP		
Proposal	Demolition of the existing buildings and redevelopment of the site to provide a six storey building comprising 9 self contained apartments, basement level car parking, the provision of internal plant, cycle, refuse and recycling storage and the provision of roof level photovoltaic panels and brown roofs.		
Agent	Savills		
On behalf of	4 - 6 St Edmund's Terrace Ltd		
Registered Number	16/02747/FULL	Date amended/ completed	19 August 2016
Date Application Received	30 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Not in designated Conservation Area		

1. RECOMMENDATION

- 1. Grant conditional permission, subject to a S106 legal agreement to secure;
- a) Car lift, stacker and turntable maintenance plan:
- b) Highway Alterations including reinstatement of redundant vehicle crossovers (or portion of), new vehicle crossovers and associated work (legal, administrative and physical), all costs to be borne by the applicant;
- Provision of 8 unallocated off street parking spaces for the development within basement to be made available to all residents of the development on an unallocated basis without restriction; and
- d) The costs of monitoring the S.106 legal agreement.
- 2. If within six weeks of the resolution to grant conditional permission the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then:
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

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b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is unacceptable in the absence of the benefits which 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.

3. SUMMARY

Permission is sought for the redevelopment of the site to provide a new building comprising a single basement level, a lower ground floor, ground floor and five upper storeys to provide nine residential units with off-street car parking at basement level.

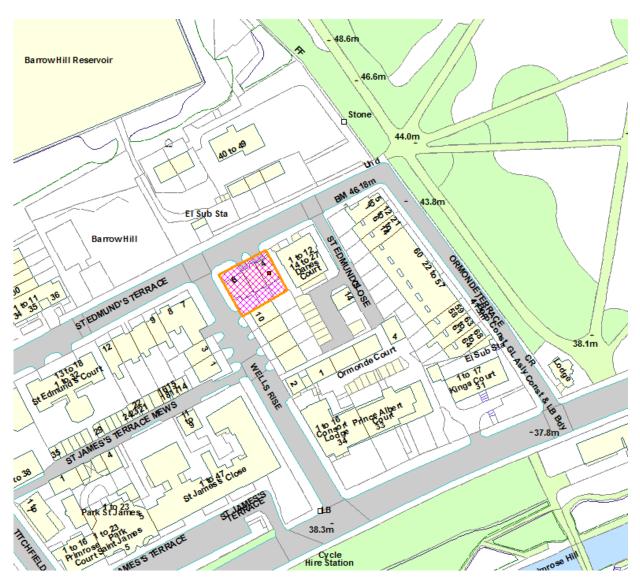
The key issues in this case are:

- The acceptability of the proposed residential accommodation.
- The impact of the proposed building on the character and appearance of this part of the City.
- The impact on the amenity of neighbouring residents.
- The impact of the proposal in transportation terms.

This is a resubmission following the refusal of a previous application for redevelopment of the site providing nine flats and a two storey basement. The reasons for refusal are included in the Planning History section of the report. The revised scheme responds to the reasons for refusal given in respect of the previously refused scheme and the applicant has made further revisions during the course of the application to address officer's remaining concerns. The revisions to the application have been the subject of further consultation with adjoining residents and other consultees.

The revised scheme is considered to have addressed concerns previously raised and as such the redevelopment would accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such, it is recommended for conditional approval.

4. LOCATION PLAN



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5. PHOTOGRAPHS





St. Edmund's Terrace frontage (top) and Wells Rise frontage (bottom).

6. CONSULTATIONS

<u>RESPONSES TO CONSULTATION ON ORIGINALLY SUBMITTED SCHEME – APRIL 2016</u>

WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

ST. JOHN'S WOOD SOCIETY

- The top floor of the building is overly dominant.
- We object to the double level basement.
- We request that the case officer carefully considers loss of light and privacy issues raised by residents in Danes Court and Wells Rise.
- Risk to street tree.
- Construction traffic and impact on St Christina's school.

ARBORICULTURAL MANAGER

- The possibility of root damage in the soil profile adjacent to the piled wall appears to be addressed in the construction methodology.
- Objects to basement curtilage, lack of soil depth, and plant bed for replacement tree in rear garden.
- Other landscape features without maintenance and irrigation details.

BUILDING CONTROL

The structural method statement is considered to be acceptable.

ENVIRONMENTAL HEALTH

- Means of escape appears from the top floor flat appears to be inadequate.
- Notes that further details of plant to follow.
- Recommends conditions to ensure mechanical plant complies with standard noise restrictions.

HIGHWAYS PLANNING MANAGER

No objection, subject to S106 legal agreement to secure the following; (i) maintenance and management plan for the car lift and stackers; (ii) highway works immediately surrounding the site required for the development to occur, consisting of reinstatement of pavement in place of redundant vehicle crossovers; and (ii) provision of car parking spaces on an unallocated basis.

LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

ROYAL PARKS

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

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No. Consulted: 81. Total No. of replies: 14. No. of objections: 12. No. in support: 0.

Land Use

- Increase in private flats would be attractive to overseas buyers.
- Replacement of 3 houses with 9 flats not beneficial in landuse terms.

Design

- Demolition of existing buildings unnecessary.
- Scale of buildings unsightly in comparison to Wells Rise.
- Scale of building unchanged from refused application.
- Most of garden land will be built on as a result of development.
- Danes Court is incorrectly calculated in terms of its height.
- Loss of tree on site is regrettable.

Amenity

- Loss of daylight and sunlight to adjoining properties, specifically Danes court, Wells Rise and 7-8 St Edmunds Terrace.
- Bulk and scale results in increased sense of enclosure for adjoining residents.
- Poor quality of environment for lower ground floor accommodation in proposed development – should be use for parking negating need for basement.
- Privacy screens do not allay concerns regarding overlooking and could be removed by occupiers.
- Hydraulic car parking machinery would affect neighbouring amenity with respect to noise.

Transportation/ Parking

- Residents bays on 8:30 18:00 Monday to Friday so limited controls.
- New flats would add to congestion despite garages.
- Transportation statement does not factor in additional traffic generated by 50 St Edmunds Terrace.
- Larger vehicles unable to access underground parking.
- Area attracts a lot of visitors parking for the Zoo, Primrose Hill and Regents Park adding to parking pressure.
- Basement parking entrance for 7-8 Danes Court opposite proposed parking access on Wells Rise presents hazard.
- Cycle Superhighway on Avenue Road likely to increase traffic on St Edmund's Terrace.

Construction Impact

- Regents Gate development and St Edmund's Terrace development caused disturbance to residents - unfair to subject residents to disturbances again, in terms of noise, dust and traffic.
- Dust and dirt detrimental to the health of existing resident.
- CMP does not deal with obstruction to driveways on Wells Rise.
- 2 storey basement contrary to basement policy and a risk to adjoining properties.

- Development results in extensive pile excavation. Developer should be liable for any damage to adjoining properties.
- Wells Rise suffered collapsed road and burst water main in the past.

Other

Loss of value to adjoining properties.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes

Following the above consultation, the scheme was amended to incorporate the following changes;

- Excavation of single storey basement only with smaller footprint, providing 8 car
 parking spaces with associated vehicle pivot and stacker, plus cycle parking and
 refuse store;
- Removal of rear projecting element at lower ground level; and
- Reinstatement of drop kerb on St Edmund's Terrace to create 3 on street residential parking spaces.

<u>CONSULTATION RESPONSES TO RECONSULTATION ON REVISED SCHEME - AUGUST 2016</u>

WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY

Welcome removal of lower basement level although reiterate previous concerns expressed as listed above.

ARBORICULTURAL MANAGER

No objection subject to conditions and replacement Cherry Tree in public Highway through legal agreement.

ENVIRONMENTAL HEALTH

Additional information satisfactory to meet Westminster Standard noise conditions.

HIGHWAYS PLANNING

Reiterates originally comments.

THAMES WATER

- Recommend pre commencement condition to provide drainage strategy
- Recommend the use of SUDS
- Recommend condition to secure piling method statement.
- Advise that Groundwater Risk Management Permit from Thames Water will be required

ADJOINING OWNER OCCUPIERS

No. Consulted: 81.

Total No. of replies: 8 (7 objected previously).

No. of objections: 8. No. in support: 0.

Reiterate previous objections as set out above plus additional points;

- Lower ground floor plus single basement contrary to basement policy.
- Lower ground floor should be used for parking avoiding need to excavate basement.
- Parking should be secured for every resident of new development.
- Additional on street parking add to congestion.
- North facing wall moved forwards.
- Key issue of bulk and scale has not been addressed.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes

7. BACKGROUND INFORMATION

a. The Application Site

The application site comprises three, four storey mid 20th century dwellinghouses located at Nos.4-6 St. Edmund's Terrace. The site is located on the south eastern corner of the junction between St. Edmund's Terrace and Wells Rise. These buildings are not listed and are not located within a conservation area.

b. Recent Relevant History

15/04351/FULL

The previous application for redevelopment of the site to provide 9 self contained flats with dedicated 2 storey underground basement parking, was refused by this Committee at the meeting on 17 November 2015. Permission was refused for the following reasons:

- (1) The proposed development would result in harm to the Lime tree located in public highway that is likely to lead to its loss. This would harm the character and appearance of this part of the City. As such, the development would fail to accord with Policy S38 in Westminster's City Plan: Strategic Policies adopted November 2013 and Policies DES 1 (A), ENV 16 and ENV 17 in our Unitary Development Plan that we adopted in January 2007.
- (2) Because of its excessive footprint, bulk and detailed design at lower ground floor level to the rear elevation and lack of top soil and drainage layer over the basement floors, the proposed development would fail to provide a suitable landscaped setting to the rear that maintains the appearance of the site and this part of the City. This would be contrary to Policies DES1, ENV4, ENV15 and ENV16 in the Unitary Development Plan that we adopted in 2007. It would also fail to accord with the guidance set out in our Supplementary Planning Document 'Basement Development in Westminster' (2014).
- (3) The roof terraces and balconies to the rear elevations at ground, first and second floor levels would lead to an unacceptable loss of privacy (in terms of overlooking of windows and gardens) for people in neighbouring properties in Wells Rise. This

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would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

(4) The proposed development would make the people living in 10 Wells Rise and flats in Danes Court between ground and third floor levels with windows facing the application site feel too shut in. This is because of its bulk and height and how close it is to windows in those properties. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

A copy of the officer's report is included in the background papers.

8. THE PROPOSAL

The application is a resubmission following the refusal in 2015. It involves the demolition of the existing buildings and redevelopment of the site to provide a six storey building comprising 9 self-contained apartments, single storey basement level car parking, the provision of internal plant, cycle, refuse and recycling storage and the provision of roof level photovoltaic panels and brown roofs.

During the course of the application, following advice from Officers the scheme was amended to incorporate the following changes;

- * Excavation of single storey basement only with smaller footprint, providing 8 car parking spaces with associated vehicle pivot and stacker, plus cycle parking and refuse store.
- * Removal of rear projecting element at lower ground level.
- * Reinstatement of drop kerb on St Edmund's Terrace to create 3 on street residential parking spaces.

9. DETAILED CONSIDERATIONS

a. Land Use

Policy S14 of the City Plan and Policy H3 of the UDP seek to encourage the provision of more residential floorspace, including the creation of new residential units. Accordingly, the proposed uplift in residential floorspace and the number of units on the site is supported in land use terms.

The existing three single family houses would be replaced with a total of nine residential units, the same number as was considered in the previous application. The unit mix has been altered whereby the scheme now provides 3 x 2 bed units 5 x 3 bed units, 1 x 4 bed units, a reduction of 4 bedrooms in comparison to the previous scheme. The mix of unit sizes comprising predominantly family sized units accords with Policy H5 of the UDP and S15 of our City Plan.

The density of the proposed development (calculated using habitable rooms per hectare – hr/ha) would exceed the upper limit for this part of the City. The density rating for this location is low (PTAL 1B) due to the distance from London Underground stations and

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limited bus routes in the immediate vicinity. The London Plan (2015) uses PTAL ratings to define density ranges. As a consequence the density range in the London Plan for this site is between 150 and 250hr/ha. In the UDP Policy H11 sets out that in density Zone 4, in which the site is located along with most of St. John's Wood, the target density range is 120-350hr/ha.

If the open plan kitchen, dining room and living rooms are considered as one habitable room the density of the proposed development would be 788 hr/ha in comparison to the previously refused scheme of 878hr/ha. If these large open plan living spaces are considered as two habitable rooms (i.e. separate living rooms and kitchen/dining rooms), the density of the proposed development would be 946hr/ha compared to the previously refused scheme of 1059hr/ha. This remains well above the low density levels set out in Policy 3.4 of the London Plan and Policy H11 in the UDP. However, it is important to note that both the London Plan and UDP policies identify that the housing density figures they provide are only a starting point and should not be applied rigidly. The density figures are not a definitive measure of whether development amounts to overdevelopment of a site. Policy H11 in the UDP explains that:

'Proposals for new housing developments that are above the density ranges shown on the Proposals Map may be granted permission if they are close to public transport facilities and open space and meet complementary policies, particularly: (1) townscape and design policies; (2) residential amenity, including daylighting and sunlighting controls, for existing residents and new residents in the proposed housing, (3) off street parking spaces, the mix of housing units, including family housing and affordable housing and garden space; and (4) the desirability of maintaining any special feature of the urban fabric in any area'.

In this context it is not considered that the density of the development in terms of the number of units/habitable rooms per hectare is unacceptable, given that the development is in an area of townscape of varying scale and density, which is typically much higher in density than more suburban parts of St. John's Wood to the north west that are also within the same density zone. As set out in Policy H11 of the UDP, the impact of the bulk and form of the building that delivers this density of residential floorspace must be assessed in terms of its design, amenity and other material planning impacts. These impacts of the development are assessed later in this report.

The proposed flats exceed the space requirements set out in the Government's new technical housing standards dated March 2015, are dual or triple aspect, will receive adequate daylight and sunlight, as confirmed in the addendum report dated 18 August 2016 prepared by EB7 Ltd, and amenity space is provided to all but two of the units, flats 1 and 4. Associated car, cycle storage and refuse and recycling storage is located within the basement. Overall, the quality of residential accommodation proposed is acceptable and accords with Policy ENV13 and H10 of the UDP and S29 of the City Plan. Objections raised to the quality of accommodation proposed including levels of daylight are therefore not supported.

The development would result in an uplift of 6 residential units and an uplift of 753sqm Gross External Area (GEA). As this is less than 1,000m2, and less than 10 new residential units the development does not trigger a requirement to provide affordable housing under Policy H4 in the UDP, policy S16 in the City Plan and the guidance set out in the Interim Guidance Note on Affordable Housing Policy (November 2013).

b. Townscape and Design

In building massing terms, the revised development remains largely as was considered previously by members, a building with a perimeter style footprint along St Edmund's Terrace and Wells Rise, stepping up to a maximum height of 6 storeys on the corner, with level access on Wells Rise and lower ground stepped access on St Edmund's Terrace. There have however been some notable reductions to the massing in comparison to the previous scheme, primarily in response to reason 4 (enclosure) of the previous decision. These consist of; a straight rear building line in comparison to the previous splayed building line, removal of the second floor element above the parking access on Wells Rise, a set-back facade on Wells Rise to align with the front building line of Wells Rise to the immediate south. Over the course of the application, revised plans were submitted removing the lower ground floor rear element, so that the building retains a lower ground floor garden for flat 2 and flat 3. The reductions are considered to result in a building that sits more comfortably within the plot in comparison to the previous scheme, and also improves the situation for neighbouring amenity in comparison with the previous scheme which is explained in more detail in the 'Amenity' section of the report.

Members expressed concerns at the previous Planning Committee that the design was not of a sufficient quality in terms of elevation design treatment, details and materials. The fenestration arrangement was considered to be discordant with a high proportion of balconies on the front and rear elevation that cluttered the appearance. Greater attention to detail and materials is evident in this submission. Section 4.7 of the Design and Access Statement provides details of the elevation design treatment and materials palette. The fenestration is more ordered with appropriate reveal depth, solider course and parapet detailing and a number of balconies have been removed. The construction is principally London Stock brick, with all metal work finished with a bronze patina such as; the Juliet and full balconies, window frames, the setback first floor element above the parking access and fourth floor cladding. These amendments are considered to result in a more appropriate overall appearance.

Details of the safety rail and opening mechanisms for the large French door style windows proposed on the rear elevation have not been provided. A condition is recommended to secure details of this.

Subject to the recommended conditions, the proposed development would be consistent with policy S28 of the City Plan and policies DES 1 and DES 4 of the UDP.

c. Residential Amenity

8.3.1 Sense of Enclosure

To address this previous reason for refusal, the massing of the development has been reduced.

The splayed rear elevation has been consolidated to a straight line that is parallel with the garden boundary with No. 10 Wells Rise whilst during the course of the application the lower ground floor elements serving flats 2 and 3 have been removed. The result is that

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the building is less imposing upon the rear gardens of Wells Rise and more akin to the footprint of the existing building.

With regards to the south west 'L' shaped corner of the building facing Wells Rise, a storey has been removed so that it is now two storeys in height compared to the three storeys proposed previously. This was of concern due to the obstruction to line of sight it would result in for the occupiers of Danes Court at lower level, who currently have a clear line of sight across this part of the site. Its removal creates more open aspect. The building line has also been amended so that it is consistent with 10 Wells Rise, resulting in a more sensitive transition from Wells Rise to the development site.

Whilst it is acknowledged that the building will add height to the site in comparison to the existing buildings, the above reductions in massing have reduced the scale and footprint of the building and results in a building that has a lesser impact with regards to sense of enclosure.

8.3.2 Sunlight and Daylight

The application is accompanied by a daylight and sunlight report prepared in accordance with the BRE 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' Second Edition (2011). It provides an assessment of the impact of the development on light levels to the following properties:

- Dane's Court;
- 10 Wells Rise:
- 1 and 3 Wells Rise; and
- 7 St Edmund's Terrace.

With respect to sunlight, all windows assessed indicate full compliance with the criteria. In terms of daylight, all windows would comply with the Vertical Sky Component (VSC) assessment. In terms of No-Sky Contour (NSC), the results confirm all rooms would retain NSC levels exceeding 0.8 times their former value, with the exception of a single window at fourth floor level identified which would fall marginally outside the target at 0.7 times its former value. Officers visited the fourth floor flat in June 2015. The affected window serves a bedroom and is not a dual aspect room contrary to the assumption in the daylight and sunlight report. Notwithstanding this, the flat itself is dual aspect with principle living room and kitchen windows orientated toward St Edmund's Terrace. As such given the flat complies with the standards in all other respects, as do the rest of the windows assessed, this small deviation in the standards is not considered to result in a reduction to neighbouring amenity that could support a reason for refusal.

8.3.3 Privacy and Overlooking

In comparison to the refused scheme, this current proposal has reduced the extent of balconies on the rear elevation and pulled the envelope of the building closer to that of the existing building. The previously proposed rear balconies at first, second and third floor have been removed in part where they are orientated toward the rear gardens of the Wells Rise properties, and limited to the south west part of the building behind the neighbouring building line of Wells Rise. Privacy screens limiting views toward the gardens and Danes

Court are also proposed. These changes are considered to address this reason for refusal.

As such, the proposed development overcomes the previous reasons for refusal related to sense of enclosure and loss of privacy. Acceptable light levels would also be retained, in accordance with BRE guidance. Accordingly, the proposal complies with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.4 Plant and Machinery

A dedicated area is proposed in the basement for plant with a grille to the front lightwell. Environmental Health has advised that the existing background noise level has been correctly assessed. The revised acoustic report sets out that the number of condenser units in the basement plant room will be 9, which is an increase of 7 units in comparison to the original submission. An additional addendum statement from the Acoustic Engineer has been submitted providing greater detail of the noise attenuation for these items of plant and regard for compliance with the Councils standard noise conditions. This has been reviewed by the Councils Environmental Health Officer who raises no objection.

With regards to other aspects of mechanical plant, the revised details include the addition of a car pivot and car stacker within the basement, in addition to the car lift originally proposed. The noise and acoustic report provides some initial consideration of these elements stating that the risk of airborne noise transfer to the residential dwellings is minimal. Additional technical details from the manufacturer with regards to the stacker and car pivot have been submitted providing detailed design features that reduce mechanical noise associated with the machinery.

Given the above, and subject to the recommended conditions the proposed development is consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

d. Transportation/Parking

The development would provide eight unallocated car parking spaces with electricity charging points within the single basement level, accessed via a car lift on Wells Rise with associated vehicle turntable and car stacker within the basement. The revised transport statement confirms that a further 3 on street residential car parking spaces on St Edmund's Terrace will be provided through returning the existing driveways serving 4-6 St Edmund's Terrace to a drop kerb. This would be secured through legal agreement.

The scheme originally proposed 10 car parking spaces within a two storey basement. This was reduced to 8 spaces during the course of the application due to the loss of a basement level. The number of car parking spaces falls marginally short of the requirements of policy TRANS23. However, and given the scheme also provides 3 new on street car parking spaces, the overall provision would be acceptable.

The Highways Planning Manager recommends car club membership to mitigate the shortfall identified. However, officers consider this unreasonable given the on-street parking spaces created.

With regard to the car parking operation, the Highways Planning Manager has commented that the spaces are usable and that adequate visibility splays are provided for vehicles leaving the site. The revised transport statement is supported by a draft operational management plan for the car stacker with other examples provided of their installation. Providing a management and maintenance plan can be secured through a Section 106 Agreement, the use of a car stacker would be acceptable in this instance.

Objectors and the Highways Planning Manager note that the car lift arrangement may lead to vehicles waiting on Wells Rise. The applicant has indicated that two vehicles can wait off the carriageway although this would be partly across the footway which at times may obstruct pedestrian movement. However, the trip rates for the development are projected to be low and it is considered unlikely that the car lift would have an adverse effect on the local highway. Accordingly, the Highways Planning Manager does not object to the car lift design or location in this instance.

Cycle storage is proposed within the basement level and is consistent with the requirements of policy 6.19 of the London Plan (FALP - 2015).

e. Economic Considerations

No economic considerations are applicable for a development of this size

f. Access

The proposed development would provide level access to all floors from the residential entrance located on Wells Rise. Only one unit, Flat 3, accessed separately from St. Edmund's Terrace would have stepped access owing to the level changes across the site. All units within the development have been designed to be Lifetime Homes compliant. As such, the development in terms of accessibility is considered to be acceptable and consistent with Policy DES1 in the UDP.

g. Other UDP/Westminster Policy Considerations

8.7.1 Basement

The Basement Revision and Mixed Use Revision to the City Plan was adopted July 2016 and applies to this development. The implications of basement policy are outlined elsewhere in the report. One exception applies in relation to the basement policy, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which applies to all basement applications received after the date of its publication 26 July 2016. As this application was received prior to this date, the Code of Construction Practice document does not apply to this application.

8.7.2 Refuse / Recycling

Waste and recycling storage is proposed within the basement floor. The waste and recycling storage accords with the guidance set out in the 'Westminster Recycling and Waste Storage Requirements' guidance booklet.

8.7.3 Environmental Assessment

In terms of environmental performance and sustainability, Policy S28 in the City Plan seeks to maximise sustainable construction and design that reduces energy use and emissions and reduces waste. The submitted sustainability and energy report demonstrates that the proposed building would be resource efficient through a combination of 'lean and green' measures, consisting of a highly efficient building envelope and provision of photovoltaic panels to provide some on site renewable energy provision. The proposed building would achieve a 19.44% improvement on current Building Regulations. Given the development falls below the size threshold for major development, the energy performance and sustainability of the scheme, which equates to Code Level 4 of the now withdrawn Code for Sustainable Homes, is considered to be acceptable.

The provision of brown roofs is welcomed in biodiversity terms and a condition is recommended to secure it and the aforementioned photovoltaic panels.

h. London Plan

The proposed development does not raise strategic issues. Where relevant, London Plan (2015) policies are referred to in other sections of this report.

i. 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.

j. Planning Obligations

As set out in the Highways section of this report, the following should be secured by section 106 agreement should permission be granted:

- a) A maintenance and management plan for the car lift:
- b) Highway works immediately surrounding the site required for the development to occur, including reinstatement of pavement in place of redundant vehicle crossovers;
- c) Off street parking to be unallocated; and
- d) The costs of monitoring the S.106 legal agreement.

The development would also be liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). The estimated CIL payment would be £414,150.00 for Westminsters CIL (£550 per square metre in designated Prime Area), and £37,650.00 for the Mayor's CIL (£50 per square metre in Zone 1).

Note that this amount is provisional and may be subject to any relief of exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

k. Other Issues

8.11.1 Basement and Biodiversity Issues

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The previous application was refused (reason 2) on grounds of excessive footprint, specifically the scope of the basement extending across the entire site, and the lower ground floor footprint covering much of the site as well, which failed to provide a suitable landscaped setting that maintained the appearance of the site and this part of the City, nor did it provide sufficient layer of top soil in order to support landscaping. In addition, the previous application was refused (reason 1) on grounds that the scope of the basement would result in harm to the Lime tree located in public highway on the corner of St Edmund's Terrace and Wells Rise.

This application originally retained largely the same lower ground floor and basement footprint to that refused previously, notwithstanding a small set back on the North West corner in consideration of the Lime Tree. The scheme also retained the double basement. Officers advised that this would not sufficiently address reason for refusal No.2 although the impact upon the Elm Tree in response to reason 1 was likely to be acceptable. Moreover, the applicant was advised that the scheme would have to have regards for the additional requirements set out in the adopted basement policy. Following discussions with Officers, a set of revised documents were submitted having greater regard for the reasons for refusal and the basement policy incorporating the following changes;

The basement has been reduced to a single storey only. An objection has been received on grounds that the lower ground and basement level would be contrary to policy. However, as the existing buildings have a lower ground floor, there would be no conflict.

The proposed lower ground floor rear element has been removed and the space created used as a private garden for units 2 and 3, with access provided from the ground floor living rooms via external steps. The basement incorporates a vertical soil depth of 1.2m where it extends under the rear gardens providing greater opportunity for landscaping on the site and sustainable drainage. The footprint of the basement has been reduced on; the south east corner so that it does not extend beneath the location of the proposed tree replacement; on the north west corner of Wells Rise and St Edmund's Terrace to give greater separation with the Elm within the pavement. These revisions result in a scheme that responds positively to the previous reasons for refusal and the requirements of the basement policy and is now considered acceptable.

The Arboricultural Manager has requested a contribution toward tree planting based on potential damage to a Cherry tree. However, this damage can be safeguarded against by the tree protection condition recommended and a contribution is not sought.

8.11.2 Basement Excavation

Objections have been raised from adjoining occupiers at Wells Rise who are concerned about the potential impact of the development upon the structural integrity of their properties, particularly in light of the now superseded double basement. A single storey basement is now proposed and is accompanied by a revised structural method statement and construction drawings to reflect the revised scheme. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The submission of this information is a requirement of the adopted basement SPD and basement policy CM28.1 (A).

The report has been prepared by a suitably qualified Structural Engineer. Building Control Officers have reviewed both the originally submitted details and the addendum details, and raise no objection. It should be emphasised that the purpose of commissioning such an analysis at this stage is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. Should permission be granted, this Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

Accordingly, the report has provided sufficient consideration at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations.

8.11.3 Construction Impact

Concerns have been raised by neighbours regarding the potential disruption during demolition and construction works. Residents are concerned having already experienced disruptions during the construction of the development at No.50 St Edmund's Terrace opposite the application site, which is located within the London Borough of Camden.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition and legal agreement. A Construction Management Plan (CMP) has been submitted with the application. An addendum report has been provided to have regard to the revised development incorporating a single storey basement only. This is a comprehensive document detailing vehicular arrangements during construction, including suspended bays on St. Edmund's Terrace for loading/unloading; routing of vehicles consisting of arrivals from Prince Albert Road and departures through Ormonde Road; scheduling of deliveries in designated slots; provision of a two year construction programme; installation of a 2.4m high hoarding around the site; provision of a 24 hour emergency contact telephone number; and provision of dust suppression measures. The CMP also sets out that an application for the closure of the footpath will be made to cover the period for demolition and the substructure construction phase.

The submitted CMP is considered to sufficiently demonstrate that measures have been considered to minimise the impact of construction works on neighbouring residents. A condition is recommended requiring compliance with the submitted CMP.

10. BACKGROUND PAPERS

- 1. Application form
- 2. Officers Report for Previously Refused Application (RN: 15/04351/FULL)
- 3. Response from St John's Wood Society, dated 19 May 2016, 12 September 2016.
- Response from Environmental Health Officer, dated 25 August 2016.
- 5. Response from Building Control, dated 26 April 2016, 08 September 2016.
- 6. Response from Highways Planning, dated 29 April 2016, 31 August 2016.
- 7. Responses from Tree Section, dated 5 May 2016, 9 June 2016, 25 August 2016.
- 8. Response from Thames Water, dated 24 August 2016.

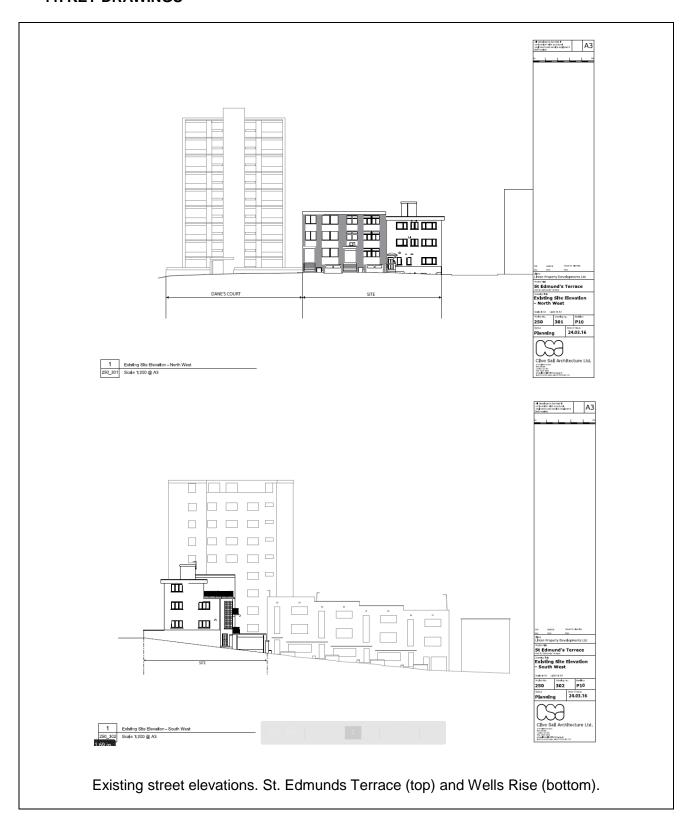
- 9. Letter from occupier of 3 Wells Rise, London, dated 4 May 2016, 7 September 2016
- 10. Letter from occupier of Flat 5 Danes Court, 1-3 St Edmunds Terrace, dated 4 May 2016
- 11. Letter from occupier of Flat 20 Danes Court, 1-3 St Edmunds Terrace, dated 4 May 2016
- 12. Letter from occupier (a) of Flat 16, 1-3 Danes Court, dated 9 May 2016, 8 September 2016.
- 13. Letter from occupier of Flat 2, 7-8 St. Edmund's Terrace, dated 9 May 2016
- 14. Letter from occupier of 10 Oak Lodge, Oak Hill Park, London , NW3 7LN, dated 9 May 2016
- 15. Letter from occupier of Flat 2, 7-8 St. Edmund's Terrace, London, dated 10 May 2016, 3 September 2016
- 16. Letter from occupier of Flat 17 Danes Court, St Edmunds Terrace, dated 10 May 2016
- 17. Letter from occupier of Flat 6 Danes Court, St Edmunds Terrace, dated 10 May 2016, 23 September 2016.
- 18. Letter from occupier of Flat 14 Danes Court, 1-3 St Edmunds Terrace, dated 10 May 2016, 26 August 2016
- 19. Letter from occupier (b) of Flat 16 Danes Court, 1-3 St Edmunds Terrace, dated 11 May 2016, 13 September 2016
- 20. Letter from occupier of Flat 27 Danes Court, 1-3 St Edmund's Terrace, dated 12 May Letter from occupier of 10 Wells Rise, London, dated 13 May 2016
- 21. Letter from occupier of Flat 6, 7-8 St. Edmund's Terrace, dated 16 May 2016, 6 September 2016
- 22. Letter from occupier (b) of Flat 2, 7-8 St. Edmund's Terrace, London, dated 1 September 2016

Selected relevant drawings

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

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

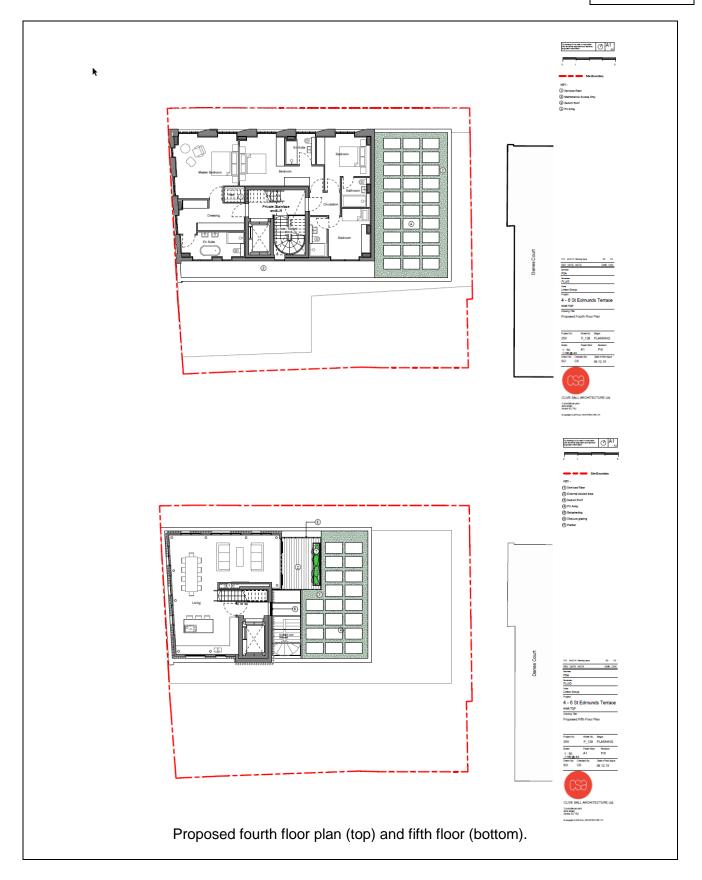
11. KEY DRAWINGS

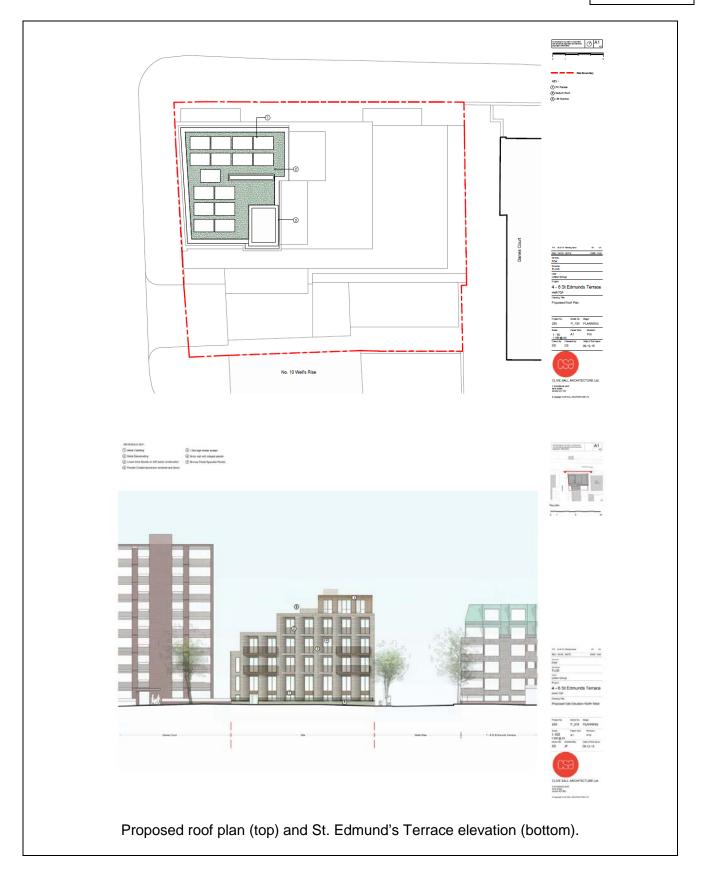




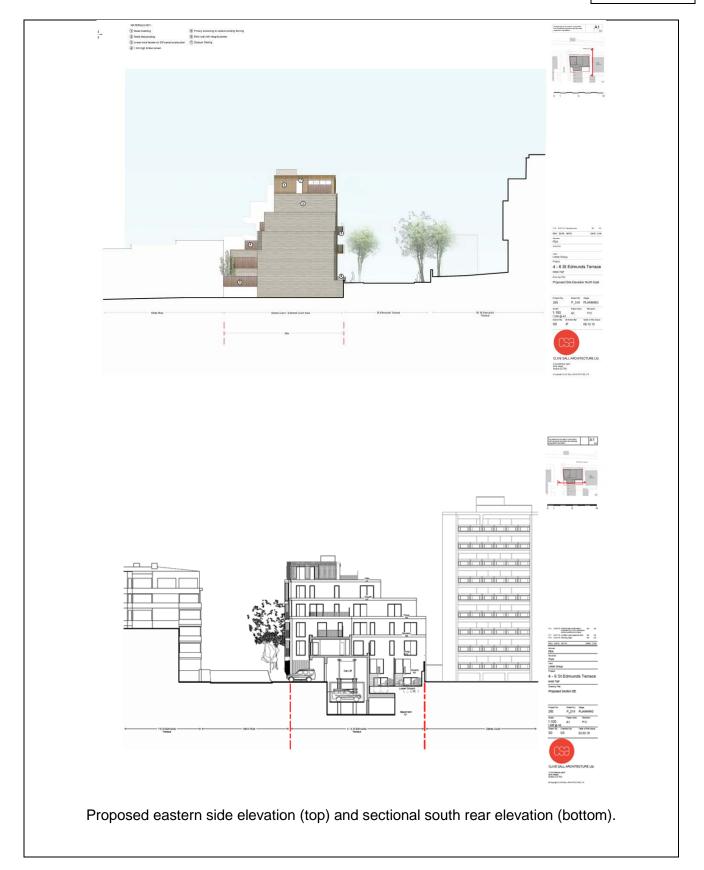












8

DRAFT DECISION LETTER

Address: 4 - 6 St Edmund's Terrace, London, NW8 7QP,

Proposal: Demolition of the existing buildings and redevelopment of the site to provide a six

storey building comprising 9 self contained apartments, basement level car parking (within basement levels 1 and 2), the provision of internal plant, cycle, refuse and recycling storage and the provision of roof level photovoltaic panels and brown roofs.

Reference: 16/02747/FULL

Plan Nos: 250_001 P10, 250_010 P10, 250_011 P11, 250_012 P10, 250_013 P10, 250_014

P10, 250_ 015 P10, 250_ 016 P10, 250_ 020 P10, 250_ 021 P10, 250_ 022 P10, 250_P_ 120 P10, 250_P_ 122 P12, 250_P_ 123 P12, 250_P_ 124 P12, 250_P_ 125 P11, 250_P_ 126 P11, 250_P_ 127 P10, 250_P_ 128 P10, 250_P_ 129 P10, 250_P_ 130 P10, 250_P_ 218 P11, 250_P_ 218 P12, 250_P_ 300 P10, 250_P_ 301 P10, 250_P_ 302 P10, 250_P_ 303 P10, 250_P_ 315 P10, 250_P_ 316 P10, 250_P_ 317

P10, 250_P_ 318 P10, 250_P_ 319 P10, Design & Access Statement (with addendum) rev P12 dated March 2016, Transport Statement dated August 2016,

Construction Management Plan updated with revised layout on page 3,

Environmental Noise Survey 21092/ENS1 dated 9 August 2016, Addendum Noise Criteria Statement dated 25 August 2016, technical details for vehicle turntable and stacker contained in email dated 25 August 2016, Daylight and Sunlight Report dated 21 March 2016, BRE daylight and Sunlight addendum letter dated 18 August 2016, Arboricultural Impact Assessment dated 22 March 2016, Addendum to Arboricultural Impact Assessment report LPD/4EDM/AIA/01a dated 17 August 2016, Sustainability

and Energy Report dated 21 March 2016.

FOR INFORMATION ONLY: Structural Statement Report for Planning dated March

2016 and Addendum dated August 2016.

Case Officer: Samuel Gerstein Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s):

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

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o 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). (C11AB)

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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

4 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 **Pre Commencement Condition**. You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
 - a) Revised rear elevation providing details of safety guard rail serving French windows
 - b) Detailed drawing showing the typical opening mechanism for the French windows on the rear elevation, and details of rail at a scale of 1:10 / 1:20.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to protect the privacy and environment of people in neighbouring properties and buildings. This is as set out in S28 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV13 and DES 1 of our Unitary

Development Plan that we adopted in January 2007.

Pre Commencement Condition. Notwithstanding the details submitted, 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 (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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 the first 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 one year of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

8 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the wild flower planted green roofs, sedum roofs and green wall to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

9 Cycle storage to be provided prior to occupation and thereafter maintained for the life of the development

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.

8

Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P_122 rev P12. You must clearly mark them and make them available at all times to everyone using the development. (C14FB)

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)

Prior to occupation of the development a minimum of 5 of the car parking spaces shall have electric vehicle charging points as shown on drawing P_122 rev P12 available for use within the basement car park and thereafter maintained in working order.

Reason:

To provide electrical charging points to encourage the uptake of electric vehicles in accordance with policy 6.13 of the London Plan March 2016, The Spatial Development Plan for London Consolidated with Alterations since 2011.

You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in this development.

Thereafter the Car parking is to be maintained for the life of the development.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

A vehicle signalling system for the car parking is required to be submitted and approved in writing prior to first use and thereafter maintained in working order for the life of the development.

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)

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)

15 (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.

8

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.

17 The condenser units, vehicle lift, turntable and stacker and 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.

18 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 15 and 16 of this permission, and the plant car lift, turntable and stacker comply with condition 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

To safeguard the amenity of occupiers of within the development and in adjoining properties by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 and the related Policy Application at section 9.76 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

19 The development shall be carried out in accordance with the Construction Management Plan, unless otherwise agreed in writing by the City Council.

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.

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have

been completed.

Reason:

To ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Informative(s):

- 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 (July 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.
- 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)

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

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.