

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	14 Acacia Road, London, NW8 6AN,		
Proposal	Demolition of existing dwellinghouse and erection of new four storey dwellinghouse (Class C3) comprising a basement floor extending under part of the front and rear gardens, ground and two upper floors. Associated external alterations, including replacement of front boundary wall.		
Agent	Sacks Maguire Architects		
On behalf of	Mr & Mrs Avi Goldberg		
Registered Number	16/08712/FULL	Date amended/ completed	23 September 2016
Date Application Received	9 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the demolition of the existing three storey dwellinghouse and erection of a larger replacement four storey dwellinghouse comprising basement, ground, first and second floor levels.

Objections have been received from the St. John's Wood Society and two neighbouring residents on grounds relating to the appropriateness of the proposed design, the construction impact, the structural impact and the extent of the basement excavation.

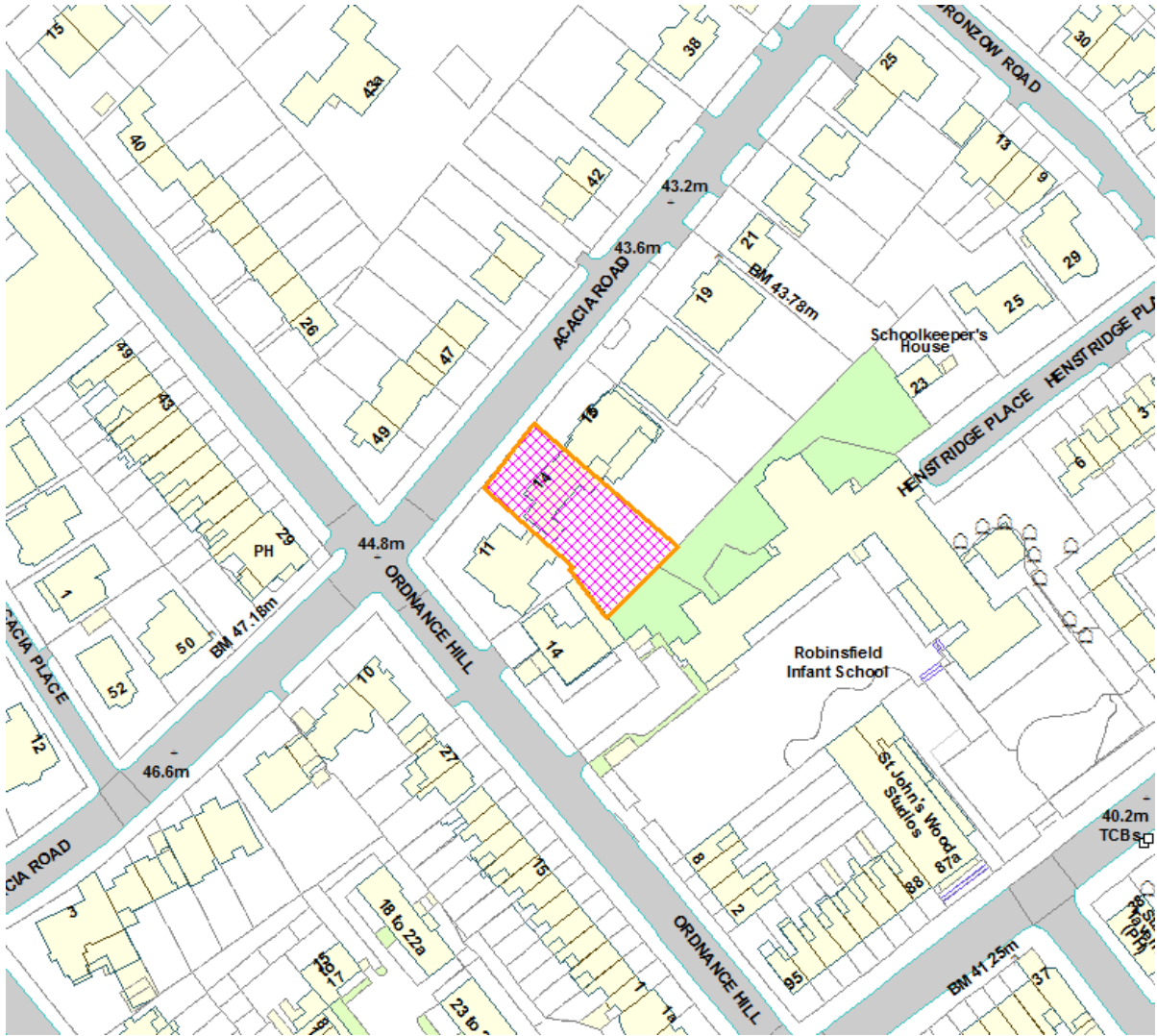
The key considerations are:

- The impact on the character and appearance of the St. John's Wood Conservation Area.
- Compliance of proposed basement with basement policy CM28.1 of the City Plan.

- The impact on the amenity of neighbouring residents.
- The impact upon trees within the conservation area.

The proposed development would be consistent with relevant land use, design, amenity, transportation and environment policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and rear elevation (bottom).

5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

Objection raised on the following grounds:

- Elevation uninspiring and poorly detailed.
- Welcome basement size reduction in comparison to withdrawn scheme; however, request case officer ensures size is acceptable.
- Arboricultural Officer should ensure no trees of amenity value are felled.
- Design of roof, large side dormers and chimney not befitting for Conservation Area.
- Query how basement plan will be ventilated.
- Lack of light and ventilation to staff accommodation in basement.

ARBORICULTURAL MANAGER

Notes that some trees at No.15 Acacia Road are subject to a TPO. Notes that some neighbouring trees have not been surveyed and therefore tree protection measures may need to be extended further than outlined in the submitted report. No objection to loss of Apple Birch trees to facilitate development. Suggests that proposed soft landscaping proposals for front and rear gardens are improved. The ground protection specified would not be suitable to support a piling rig and it is not clear if tree pruning is required to allow for piling. Recommends that updated and improved tree protection measures and landscaping proposals are secured by condition.

BUILDING CONTROL

No objection. Structural method statement is acceptable.

ENVIRONMENTAL HEALTH

No objection. Conditions recommended.

HIGHWAYS PLANNING MANAGER

No objection. Conditions and informatives recommended.

THAMES WATER UTILITIES LTD

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 23.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

Objections raised on all or some of the following grounds:

- Request control mechanisms to safeguard structural stability of adjoining properties and residential amenity during construction.
- Landscape details should be required including details of replacement tree for any felled.
- Size of basement too great and will cause disruption during construction.

ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The existing dwellinghouse is a post war neo Georgian two storey detached dwellinghouse situated on Acacia Road within the St John's Wood Conservation Area. Acacia Road is characterised by large detached and semi-detached villas in diverse architectural styles, which combine to create an informal and picturesque townscape as described in the City Council's published Conservation Area Audit. Many dwellinghouses on Acacia Road, including No. 42 – 49 opposite the application site, are Grade II listed. No. 14 is noted in the Conservation Area Audit as an unlisted building of merit in terms of its contribution to the character and appearance of the conservation area. It is situated within a stretch of five properties with this designation which have a similar brick front neo Georgian appearance.

6.2 Recent Relevant History

26 July 2016 – Application withdrawn that proposed: Demolition of existing dwellinghouse and erection of new two storey dwellinghouse plus excavation of single storey basement under house and front and rear garden providing ancillary living space; associated alterations to property frontage and rear garden (RN: 16/01898/FULL). Application withdrawn following advice from officers that basement floor and side dormer were too large.

7. THE PROPOSAL

The proposed development comprises the complete demolition of the existing three storey dwellinghouse and erection of a four storey dwellinghouse comprising basement, ground, first and second floor levels. At basement level the proposed basement would extend under the replacement house and part of the front and rear gardens providing ancillary living space, including a swimming pool. Associated alterations to the front boundary wall and the front and rear gardens are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the replacement of the existing dwellinghouse with a new dwellinghouse of increased size in terms of floorspace accords with Policy H3 in the UDP and policies S14 and S15 of the City Plan. The replacement dwellinghouse would provide a good standard of residential accommodation, with a total floor area that would significantly exceed Government's new technical housing standards (March 2015).

The St. John's Wood Society have raised concerns regarding the level of light and ventilation to the staff accommodation shown at basement level. In planning terms this accommodation is ancillary to the use of the site as a single dwellinghouse and therefore

permission could not be refused on these grounds as the dwellinghouse as a whole would be well lit and suitably ventilated.

8.2 Townscape and Design

8.2.1 Existing building

There are a limited number of separate early to mid-20th century buildings between Nos.11 to 19 Acacia Road and the application site falls within this group. The buildings have a good degree of consistency with one another, albeit they differ in many respects from the surrounding 19th century listed buildings.

The group at Nos.11 to 19 are characterised by the use of red brickwork and comprise two sheer storeys detached buildings with additional accommodation provided within an attic storey at second floor level. The buildings have ordered front elevations and steep clay pitched roof profiles incorporating small dormers.

The existing building on the application site generally accords with the prevailing appearance of this group of neo-Georgian buildings, and for this reason it is included in the Conservation Area Audit as an unlisted building of merit. However, the other buildings in the group have larger footprints than the building on the application site and are generally more richly detailed. In this context, and given that neighbouring building No.15 Acacia Road has been redeveloped in a similar Neo Georgian style (RN:03/00316/FULL), the demolition of the building could be considered acceptable, subject to the replacement building being of sufficient design and architectural merit and appropriateness to the conservation area context.

To protect the appearance of the conservation area, a condition is recommended to prevent the demolition of the existing building, except as part of a continuous programme of development to deliver the replacement building.

8.2.2 Proposed development

The proposed development comprises two new sheer storeys at ground and first floor levels, with accommodation also within the roof structure to second floor level and within a newly excavated basement, which would be located beneath the dwellinghouse and part of the front and rear garden. The existing stepped building footprint would be replaced by a building with a larger, much squarer footprint, which would incorporate a front entrance bay and two rear bay windows. In terms of coordination with neighbouring buildings, its overall form responds to the precedent of neighbouring properties at Nos. 11, 15 and 17 Acacia Road, which also exhibit the same principle form, whilst the front building line is consistent with neighbouring buildings.

Objections have been received from the St. John's Wood Society and two neighbouring occupiers raising concerns with regard to the detailed design of the proposed building.

In terms of elevation design treatment, the proposed building would be brick faced with an arrangement of vertically proportioned windows to the front and rear elevations. This is considered an appropriate design. The proposed slate roof form incorporates a steep profile and two dormers on the side elevation and a single dormer to the rear. The St.

John's Wood Society consider the building to be poorly detailed, specifically with regards to the quoins not extending to the roof soffit, the size of the dormer windows and the relationship of the chimney to the house. These points are acknowledged; however, it is not considered they could justify withholding planning permission given that the front elevation is considered to display a clear application of the chosen neo Georgian styling with appropriate detailing, white painted timber sash windows and red brick construction. The dormers are not out of scale with the bulk and form of the proposed roof at second floor level, which itself is consistent with the neighbouring unlisted neo Georgian houses in this part of Acacia Road.

With regards to the proposed roof level "courtyard", the drawings indicate that is open with doors and windows orientated toward it within the roof level accommodation. This is not a typical feature of the neo Georgian building; however, given that it is concealed within the centre of the second floor, it would not be visible from the street so would have limited impact on the appearance of the new building and the conservation area.

The proposed basement would be located beneath the proposed dwellinghouse and would extend beneath part of the front and rear gardens. The proposed basement has been assessed against the requirements of the recently adopted basement development policy, CM28.1 in the City Plan, and the 'Basement Development in Westminster' Supplementary Planning Document (SPD) (October 2014). In accordance with the policy and guidance, the proposed basement would be limited to a single storey, the floor area of the basement would occupy no more than 50% of the garden land beyond the footprint of the building, it would retain a margin of undeveloped land on its perimeter proportionate to the size of the plot, and would include more than 1.2m of vertical soil depth above the basement where it extends beneath the rear garden. The soil depth would be less than 1.2m over the basement where it is below the front garden (it would be 0.8m); however, given that it would extend beneath an area of existing impermeable front driveway and as the remainder of the front garden, including the area to be soft landscaped, would retain existing soil depth, it is not considered that permission could reasonably be withheld on this ground. Furthermore, the new driveway to the front garden is to be constructed using a permeable paving material and this is to be secured by condition.

With regards to the external manifestations of the proposed basement, these would be limited to two modestly scaled lightwells to the front elevation, which would be located in front of the front windows either side of the entrance bay and porch. To the rear a single lightwell is proposed, which sits within the central recess of in the rear elevation and would not project beyond the two raised terraces. In these locations the proposed lightwells would relate well to the host building and would not be out of scale with the proposed building. As such the external manifestations of the basement would accord with part (B) (5) of Policy CM28.1 and the guidance in the basement development SPD.

The proposed alterations to the front boundary wall indicate that the existing wall would be replaced with a wall of greater height, but with similarly scaled piers and capping stones to those installed on the existing dwarf wall. The wall proposed would be inappropriately detailed and misses the opportunity to introduce consistency to the appearance of boundary treatments along this part of Acacia Road. As such, an amending condition is recommended requiring further details of a new front boundary wall, which is more consistent with the neighbouring properties, so that the scheme accords with Policy DES7 in the UDP.

In conclusion in design terms, the proposed development is acceptable, subject to the recommended conditions, and would accord with Policies DES1, DES4, DES7 and DES9 in the UDP and S25, S28 and CM28.1 in the City Plan.

8.3 Residential Amenity

Policy ENV 13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight or sunlight, particularly to dwellings, and that developments should not result in a significantly increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan: Strategic Policies aims to protect the amenity of residents from the effects of development.

The building would occupy an increased footprint and would be bulkier than the existing dwellinghouse. However, given the large plot that the proposed building and neighbouring buildings occupy, a reasonable separation between the properties would be maintained.

The drawings for the new house at No.15 Acacia Road (RN: 03/00316/FULL) indicates that the window in the side elevation of No.15 serves a bathroom, whilst the boundary between the application site and No.11 Acacia Road comprises a high wall. As such, the proposed building would not result in an unacceptable increase in enclosure for neighbours, nor would it cause an unacceptable loss of daylight or sunlight.

In terms of privacy, windows are proposed at first floor level in the side elevations; however, these would replace existing windows in the side elevations at this floor level and as such these would not materially increase overlooking to the two neighbouring properties. At second floor level the proposed house introduces dormer windows to both side elevations. However, these are to be obscured glazed and fixed shut to prevent overlooking and this is to be secured by condition. This can be achieved as the internal courtyard at second floor level, in the centre of the second floor, would provide natural light, outlook and ventilation for the rooms at second floor level.

A condition is recommended to restrict future permitted development rights to prevent future installation of windows or erection of extensions that would result in a material loss of amenity for neighbouring residents. A further condition is recommended to prevent the use of the flat roofs of the building as terraces or for sitting out on, so as to prevent overlooking to neighbouring windows.

Subject to the recommended conditions, the proposed development is acceptable in amenity terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The existing house has a garage and forecourt area providing parking. Policy TRANS23 seeks to resist the loss of existing off-street residential car parking space. The proposed scheme would not include a garage, but would re-provide a forecourt area for car parking and as such, the proposed development would accord with Policy TRANS23 in the UDP despite the loss of the garage.

In terms of refuse storage, a bin store is shown in the front garden and is to be secured by condition. With regard to cycle storage, the proposed house would be of sufficiently large size to enable the storage of cycles without the need for a condition requiring the provision of dedicated storage space.

8.5 Economic Considerations

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

8.6 Access

The proposed dwellinghouse would have level access from the public highway and a lift is proposed, which would provide level access to all floor levels.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Structural Issues

With regard to basement structural impact, objections have been received from adjoining occupiers in relation to potential risk of subsidence and movement as a result of basement works. To address this and the requirements of Policy CM28.1 and the basement development SPD, the applicant has provided a structural engineer's report and supporting geotechnical survey explaining the likely methodology of excavation. Building Control officers have reviewed the submitted details and are content that the requirements of Policy CM28.1 have been met. As such, permission could not reasonably be withheld on structural grounds.

8.7.2 Construction Impact

Concerns from adjoining occupier have been expressed regarding construction related disturbances. To address these concerns it is recommended that a condition is imposed to limit the hours of building works, including additional weekend restrictions on basement excavation works. A further condition is also recommended to require the applicant to carry out the development in accordance with the City Council's Code of Construction Practice, which would include monitoring of the development during the construction period by the Environmental Inspectorate. Subject to these conditions, the requirements of Policy CM28.1 in the City Plan will have been met and permission could not be withheld on construction impact grounds.

8.7.3 Mechanical Plant

The basement includes a swimming pool and associated sauna steam room uses, and identifies a plant and store room. The application is accompanied by an acoustic report assessing the noise implications of proposed plant in relation to adjoining noise sensitive properties. This has been reviewed by Environmental Health and they are satisfied that the mechanical plant would not cause noise disturbance to neighbouring residents and would accord with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan.

A condition is recommended to secure full details of the location and appearance of any vents or flues necessary to ventilate the basement level mechanical plant. This condition would address the concerns raised by the St John's Wood Society.

8.7.4 Trees and Biodiversity

The application is accompanied by an Arboricultural Survey and Tree Protection Plan. The proposed development would necessitate the removal of an apple and a birch tree. Both are of limited amenity value and as such, their removal is considered to be acceptable.

In terms of tree protection for those trees on or close to the site that are to be retained, the Arboricultural Manager has identified that some trees within adjoining sites have not been surveyed and the impact during piling is not currently adequately dealt with in the submitted tree protection methodology. Notwithstanding this, the Arboricultural Manager advises that the impact of the proposed development is likely to be acceptable in principle; provided a condition is imposed to secure more detailed and revised tree protection measures.

In terms of landscaping, a condition is recommended to secure details of the landscaping to be provided over the basement within the front and rear gardens, which should include replacement tree planting to mitigate the loss of the two trees that are to be removed to facilitate the development. A condition is also recommended to ensure the soil depths over the basement are provided in accordance with the submitted drawings.

Subject to the recommended conditions, the scheme would accord with Policies ENV16 and 17 in the UDP and CM28.1 in the City Plan.

8.7.5 Sustainability

Policy S28 of the City Plan requires applicant to demonstrate how their scheme incorporates elements of sustainable design through the submission of an Environmental Performance Statement. The submitted statement confirms the proposed building will achieve a 20% improvement on baseline carbon dioxide emissions, as set out in 2013 Building Regulation Part L. This is to be achieved through incorporating a number of measures into the fabric and fittings of the building and through the installation of photovoltaic (PV) panels to provide renewables energy on-site. The submission drawings do not include details of the appearance and location of the PV panels and a condition is therefore recommended to secure these details and to ensure they are provided and retained on site in accordance with Policy S28.

8.8 London Plan

This application does not raise any strategic issues.

8.9 National Policy/ Guidance Considerations

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

8.10 Planning Obligations

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

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floorspace figures, the estimated CIL payment would be £59,000 for Westminster's CIL (£400 per square metre in the Residential Core Area), and £7,400 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment. Where relevant, sustainability and biodiversity issues are addressed elsewhere in this report.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the St. John's Wood Society dated 24 October 2016.
3. Memo from Building Control dated 27 September 2016.
4. Memo from Environmental Health dated 3 October 2016.
5. Memo from the Highways Planning Manager dated 4 October 2016.
6. Memo from the Arboricultural Manager dated 4 November 2016.
7. Letter from the occupier of 17 Acacia Road dated 12 October 2016.
8. Letter on behalf of occupiers of 15 Acacia Road dated 17 October 2016.

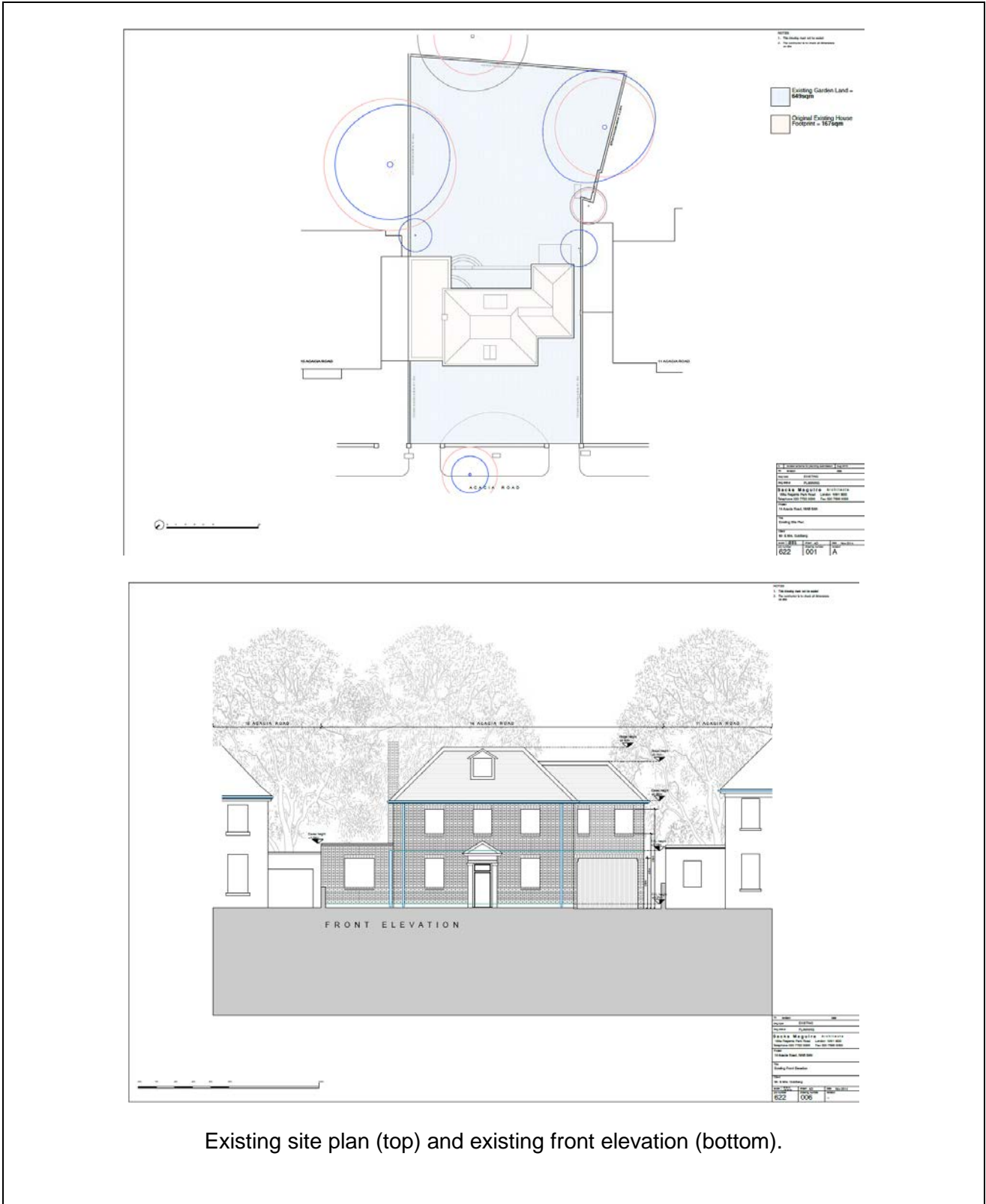
Selected relevant drawings

Existing and proposed plans, elevations and sections.

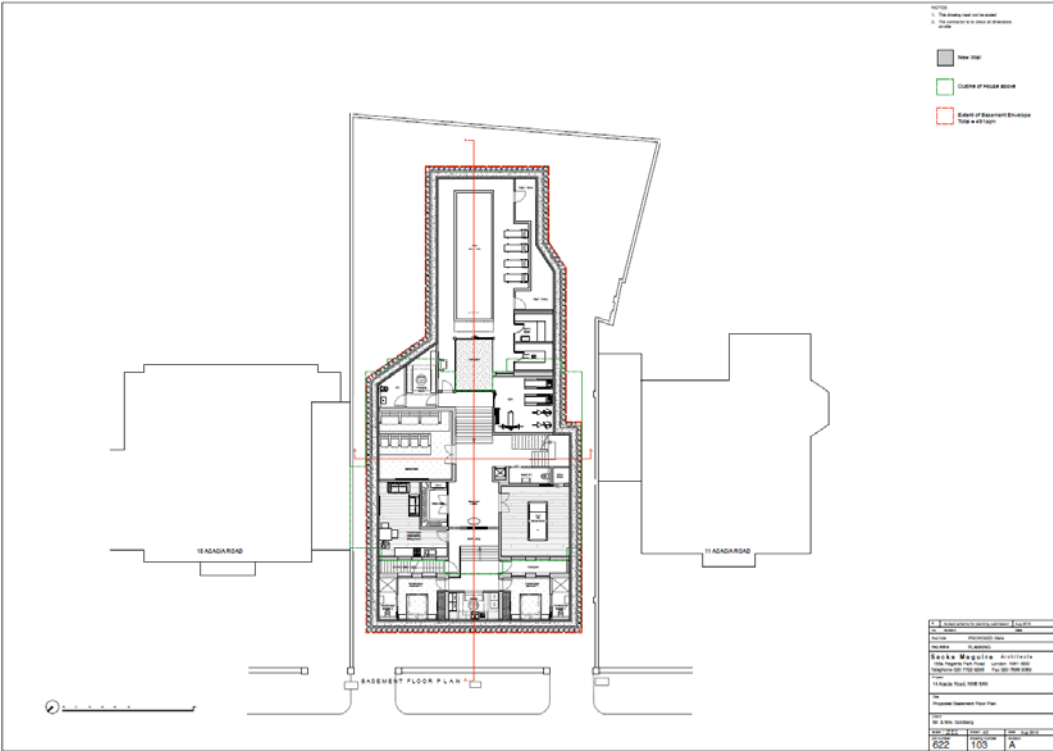
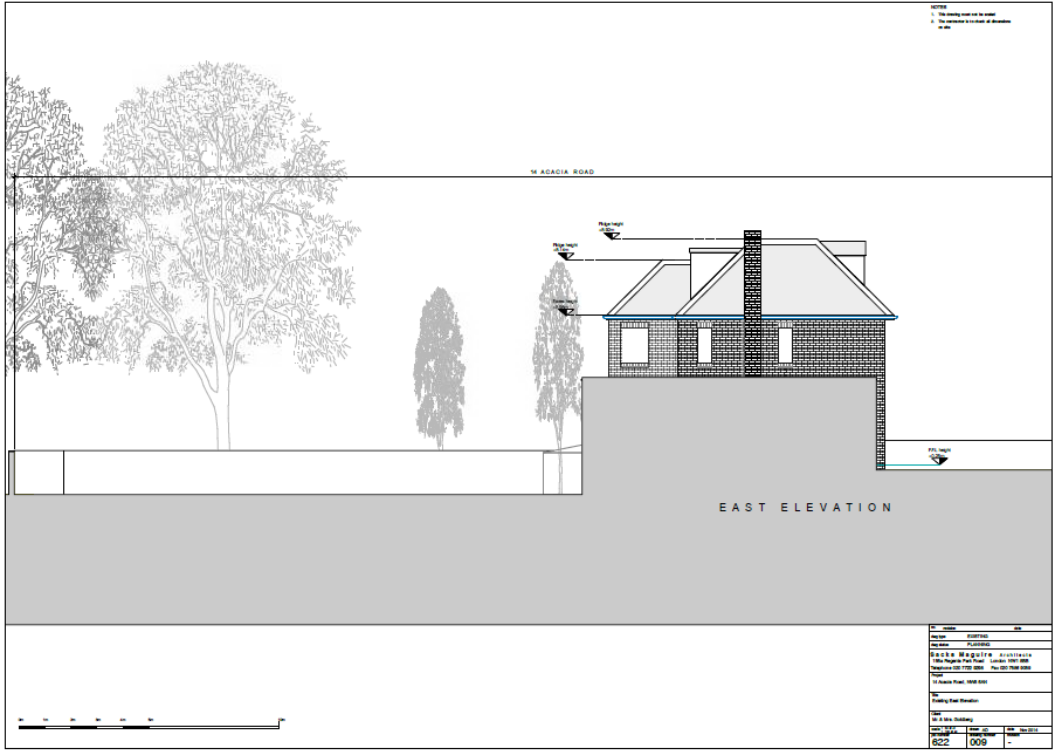
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

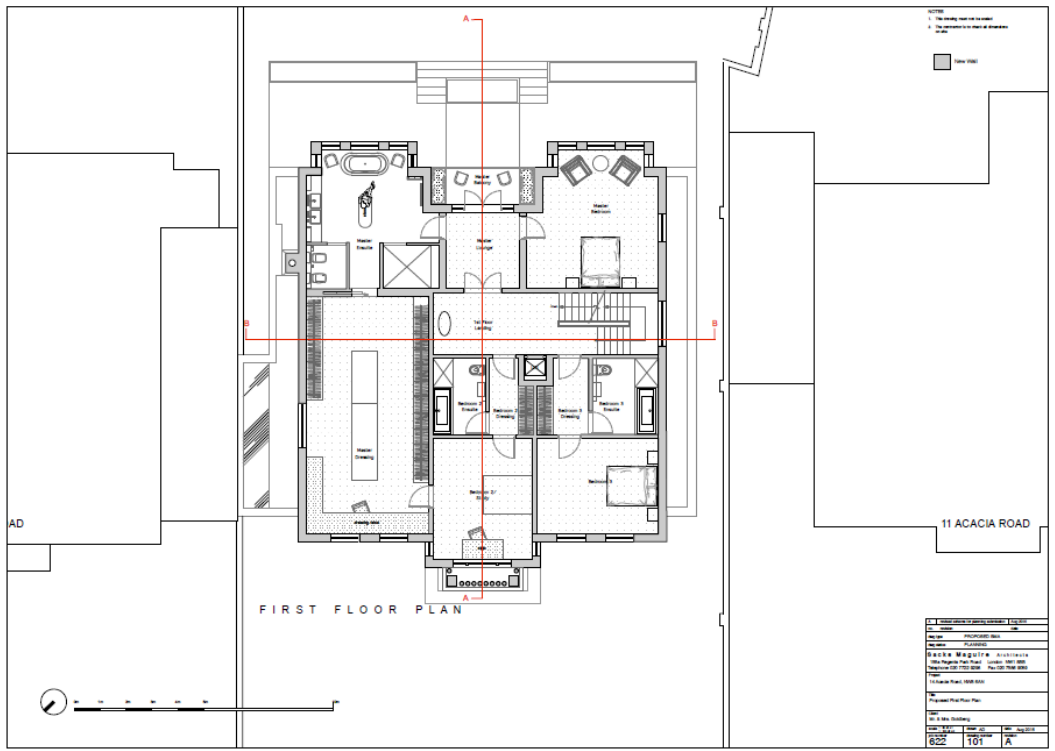
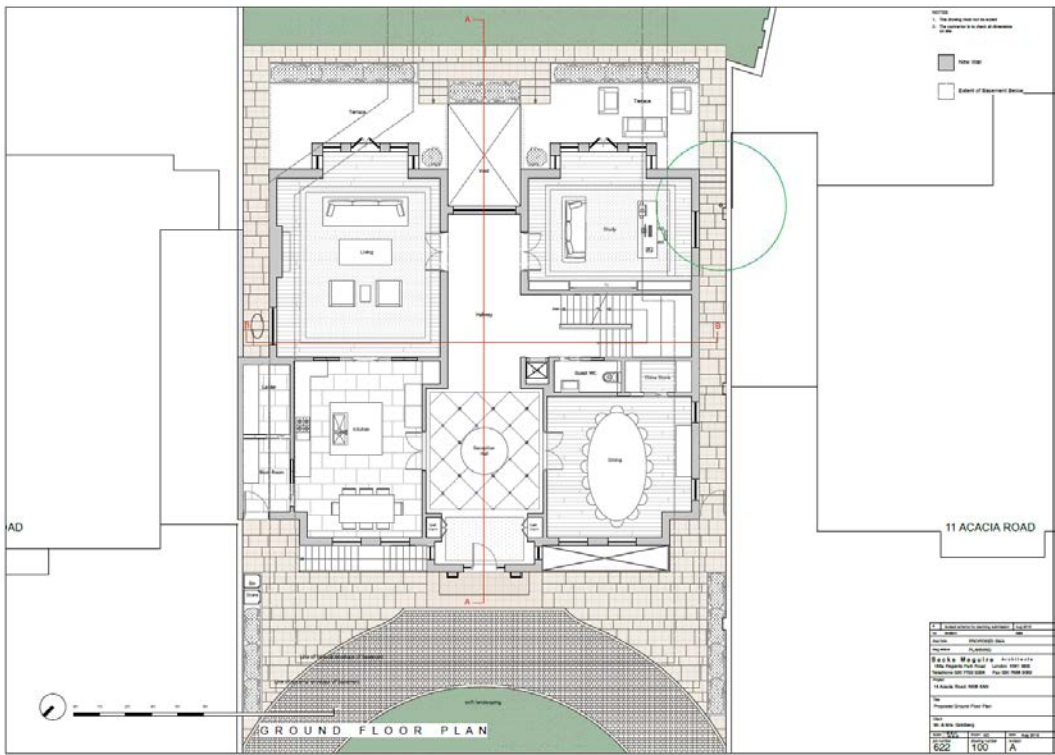
10. KEY DRAWINGS



Existing site plan (top) and existing front elevation (bottom).



Existing north east side elevation (top) and proposed basement plan (bottom).



Proposed ground floor plan (top) and proposed first floor plan (bottom).



Proposed rear elevation (top) and proposed north east side elevation (bottom).

DRAFT DECISION LETTER

Address: 14 Acacia Road, London, NW8 6AN,

Proposal: Demolition of existing dwellinghouse and erection of new four storey dwellinghouse (Class C3) comprising a basement floor extending under part of the front and rear gardens, ground and two upper floors. Associated external alterations, including replacement of front boundary wall.

Reference: 16/08712/FULL

Plan Nos: 622-0001A, 622-001A, 622-002A, 622-003A, 622-004A, 622-005A, 622-006, 622-007, 622-008, 622-009, 622-1000A, 622-100A, 622-101A, 622-102A, 622-103A, 622-104A, 622-200A, 622-201A, 622-202A, 622-203A, 622-204A, 622-205A, 622-206A, 622-207A, 622-300A, 622-301A, 622-500, 8677/01 (Tree constraints plan), 8677/02 (Tree protection Plan) (for information - see Condition 14), Sustainability Report dated 29 April 2016, Design and Access Statement Rev.A dated August 2016, JTK/8677/so (Arboricultural Report) (for information - see Condition 14), Acoustic Report prepared by Ken Collins dated May 2016, Basement Floor Area Schedule 14 Acacia Road, Construction Traffic Management Plan dated January 2016 (for information only - see Condition 12 and Informative 2) and Structural Engineer's Structural Method Statement for Planning prepared by Rob Jones dated October 2016 Rev.3 (for information only - see Informative 10).

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition 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 piling, excavation and demolition 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). (C11AB)

Reason:

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

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

Reason:

To maintain the character of the St. John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 4 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 approved sample. The bricks shall not be rendered, painted or otherwise overlaid. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The new windows and external doors shall be formed in glazing and white painted timber framing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of a sample of the slate roof tiles. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this sample. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 All external metal railings and grilles shall be black in colour, and maintained as such thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:, , (a) Amended proposed plans and elevations showing the locations of any external grilles, vents or flues serving the basement level plant room., (b) Amended proposed plans and elevations showing a front boundary treatment that is appropriately detailed and more consistent in appearance with the front boundary treatments to Nos.11 and 15 Acacia Road., , 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 4, DES 7, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 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 (November 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 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 12 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

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

- 13 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and details of permeable surfacing in the front garden. 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 that form part of the landscaping scheme that we approve, or find that they are dying, severely damaged or diseased within five 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, to make sure that it contributes to the character and appearance of this part of the St. John's Wood 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 (November 2016) 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)

- 14 **Pre Commencement Condition.** Notwithstanding the tree protection measures submitted at application stage, you must apply to us for approval of a method statement explaining the revised and expanded 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 protect the trees and the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) 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. (R31DC)

- 15 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 this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 16 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 622/100 Rev.A. You must clearly mark them and make them available at all times to everyone using the dwellinghouse. (C14FB)

Reason:

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

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 19 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: , , - Amended proposed plans, elevations and sections showing the location and appearance of the proposed photovoltaic panels. , , 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. The photovoltaic panels must be installed prior to occupation of the dwellinghouse and thereafter must be retained on the building. (C26UB)

Reason:

To ensure the building is sustainable and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 20 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved, except where a lesser depth of soil is shown on the approved drawings over the basement where it extends under part of the front garden. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 21 You must apply to us for approval of detailed drawings of the following parts of the development;
- (a) all windows and external doors.
 - (b) brickwork detailing.
 - (c) railing to external lightwells and terraces.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 With reference to condition 12 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 3 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. (150AA)

- 4 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.

- 5 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.
- 6 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 7 Condition 14 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - the order of work on the site, including demolition, site clearance and building work;
 - who will be responsible for protecting the trees on the site,;
 - plans for inspecting and supervising the tree protection, and how you will report and solve problems;

 - how you will deal with accidents and emergencies involving trees;
 - planned tree surgery;
 - how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - how you will remove existing surfacing, and how any soil stripping will be carried out;
 - how any temporary surfaces will be laid and removed;
 - the surfacing of any temporary access for construction traffic;
 - the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - the place for any bonfires (if necessary);
 - any planned raising or lowering of existing ground levels; and
 - how any roots cut during the work will be treated.
- 8 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 9 The development for which planning permission has been granted has been identified as

potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 10 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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.