

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	3 Circus Road, London, NW8 6NX		
Proposal	Excavation of a basement extension, demolition of the existing first floor and erection of a first and second floor level extension, erection of new kitchen extract duct and installation of mechanical plant at roof level within an enclosure. Use of extended building as a restaurant (Class A3) at basement and ground floor levels and as four residential flats (Class C3) on the upper floors.		
Agent	The JTS Partnership		
On behalf of	First Reality Limited		
Registered Number	15/03764/FULL	Date amended/ completed	21 January 2017
Date Application Received	29 April 2015		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is located on the south side of Circus Road between the junctions with Cochrane Mews and St. John's Wood High Street. The building is unlisted, but is located within the St John's Wood Conservation Area.

The site currently comprises a two storey building fronting Circus Road and Cochrane Mews, which is occupied by the Richoux restaurant (a Class A3 use). The application proposes the excavation of a basement extension, demolition of the existing first floor and erection of a first and second floor level extension, with the extended building proposed to be used as a restaurant at ground and basement levels and as four residential flats (3x1 bedroom flats and 1x3 bedroom flat) on the upper floors. It is also proposed to provide a new kitchen extract duct within the rear lightwell, which would terminate above roof level and to provide and mechanical plant at roof level within an enclosure to serve the restaurant use. The new residential accommodation on the upper floors would be accessed from a new

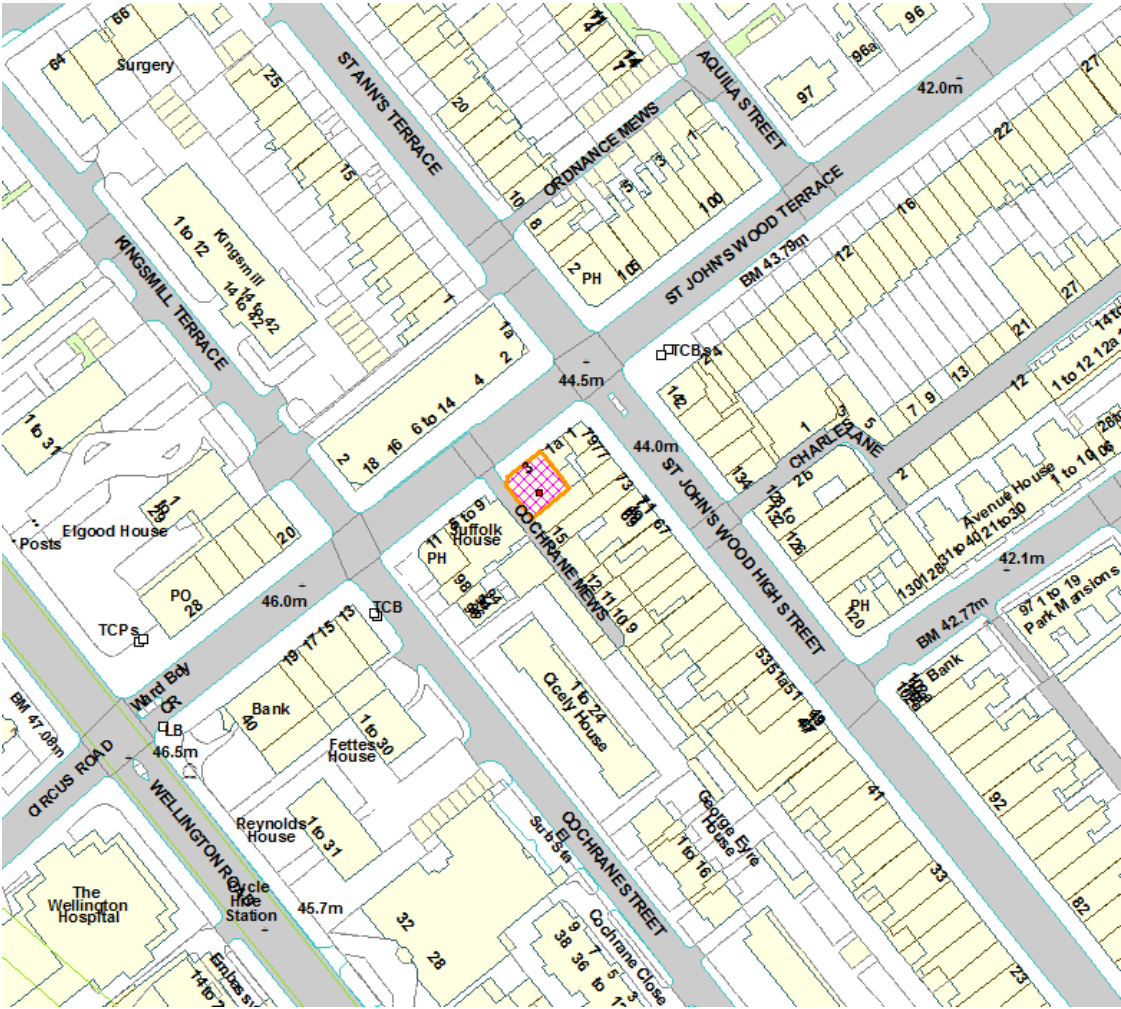
entrance in Cochrane Mews.

The key issues in this case are:

- The impact of the proposed development on the appearance of the building and the character and appearance of the St John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The impact on the availability of on-street residents parking in the vicinity of the site.

For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from Circus Road.

5. CONSULTATIONS

CONSULTATION ON ORIGINALLY SUBMITTED APPLICATION (MAY 2015)

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

BUILDING CONTROL

The structural method statement is considered to be acceptable. Investigation of existing structures and geology has been undertaken and found to be of sufficient detail. Effects on the water table have been found to be negligible. The method of construction proposed is appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL OFFICER

No objection to the proposal.

HIGHWAYS PLANNING MANAGER

Objection. No off street car parking is provided for a proposal involving the creation of 4 residential units. The area has high on street car park occupancy levels during daytime hours (94%). Occupancy overnight is 55%. Concern raised that the area shown for cycle parking is not of sufficient size to accommodate the 6 cycle spaces required by the London Plan.

ENVIRONMENTAL HEALTH

No objection subject to conditions. Concern regarding lack of details of mechanical plant, including kitchen extract ducting from restaurant.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 54; Total No. of Replies: 3.

Three emails raising objections on all or some of the following grounds:

Amenity

- Overlooking.
- Windows at first floor level would cause particular close overlooking across Cochrane Mews.
- Loss of light.
- Increased sense of enclosure to neighbouring properties in Cochrane Mews.
- Neighbouring windows not shown on plans.
- Daylight and sunlight report does not include assessment of Flat 5, 94-96 Cochrane Street.
- Existing roof terrace will cause noise disturbance to future occupiers of the proposed development.

Transport/Highways

- Increased pressure on on-street parking.
- Greater risk of accidents on Circus Road due to delivery vehicles.

- Proposed residential entrance is located where existing loading/ unloading bay is located for No.65 St. John's Wood High Street.
- Location of entrance to flats is close to manoeuvring space for garage opposite.

Other Matters

- Construction works could obstruct deliveries to the rear entrance to No.65 St. John's Wood High Street and garage of neighbouring property in Cochrane Mews.
- Noise and disturbance from construction works.
- Bin and cycle storage doors should be inward opening and constructed in suitable material to prevent noise disturbance (i.e. not metal).
- Potential pressure development will have on street drainage in the mews.

ADVERTISEMENT/ SITE NOTICE

Yes.

FIRST RECONSULTATION ON REVISED SCHEME (APRIL 2016) - REVISED ACOUSTIC REPORT AND SUNLIGHT AND DAYLIGHT REPORT AND INTRODUCTION OF OBSCURE GLAZING TO WINDOW IN COCHRANE MEWS.

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

BUILDING CONTROL

The structural method statement is considered to be acceptable. Investigation of existing structures and geology has been undertaken and found to be of sufficient detail. Effects on the water table have been found to be negligible. The method of construction proposed is appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL OFFICER

No objection to the proposal

HIGHWAYS PLANNING MANAGER

Objection. No off street car parking is provided for a proposal involving the creation of 4 residential units. The area has high on street car park occupancy levels during daytime hours (94%). Occupancy overnight is 55%. If planning permission is granted then Lifetime car club membership should be secured. Further details are required to show the area designated for cycle storage can accommodate the 6 cycle spaces required by the London Plan (5 for the residential element and 1 for the commercial element).

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 54; Total No. of Replies: 1.

One respondent raising objection on the following grounds:

- Concern that the obscure glazing is openable and when open will give direct views into bedroom of neighbouring property in Cochrane Mews.
- Concern remains that the bin store doors may cause noise disturbance.

ADVERTISEMENT/ SITE NOTICE

Yes.

SECOND RECONSULTATION ON FURTHER REVISED SCHEME (OCTOBER 2016) - ADDITIONAL ACOUSTIC REPORT AND DETAILS OF ROOF TOP PLANT AND SCREENING

ST JOHNS WOOD SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 54; Total No. of Replies: 1.

One respondent raising objection on the following grounds:

- The window onto Cochrane Mews has been shown as obscure glazing but will still be openable. It should be non-openable.
- Doors to new bin and bike storage should use appropriate materials to minimise noise disturbance.
- Request that the mechanical plant be restricted to daytime operation (07.00 - 23.00 hours), as stated in the acoustic report.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the south side of Circus Road between the junctions with Cochrane Mews and St. John's Wood High Street. The building is unlisted but located within the St Johns Wood Conservation Area. The site comprises a two storey building fronting Circus Road and Cochrane Mews with a ground floor and first floor and is occupied by Richoux restaurant (Class A3 use). The site is located within the Core Frontage of the St. John's Wood District Centre.

6.2 Recent Relevant History

20 February 1992 – Permission granted for external and internal alterations including provision of coffee house/ restaurant facilities to ground and first floor and ancillary retail patisserie counters to ground floor and new shop front (91/05730/FULL).

23 April 1992 – Permission granted for removal of Condition 1 of permission dated 20 February 1992 which restricts opening hours to between 10.00am to 11.00pm Monday to Saturday (92/01209/FULL).

6 May 1993 – Permission granted for use of the flat roof over the ground floor front as terrace/ seating area in connection with existing restaurant (93/00943/FULL).

8 July 1993 – Permission granted for removal of Condition 4 (hours of use) of permission dated 6 May 1993 for use of flat roof over ground floor front as a terrace/ seating area in connection with existing restaurant (93/03038/FULL).

7 April 1994 – Permission granted for removal of Condition 5 of permission dated 6 May 1993 (limiting use of terrace for one year only) allowing use of flat roof at first floor level as a seating area for existing restaurant (94/01215/FULL).

15 October 1998 – Permission granted on appeal for enclosure of existing dining area to balcony with conservatory structure and removal of existing railings (98/00994/FULL).

Permission has been granted on 11 separate occasions since 1994 for the placing of four tables and twelve chairs on the public highway outside the premises. The most recent temporary one year permission was granted on 23 November 2015 (15/09483/TCH).

7. THE PROPOSAL

The application proposes the excavation of a basement extension, demolition of the existing first floor and erection of a first and second floor level extension, with the extended building proposed to be used as a restaurant at ground and basement levels and as four residential flats (3x1 bedroom flats and 1x3 bedroom flat) on the upper floors. It is also proposed to provide a new kitchen extract duct within the rear lightwell, which would terminate above roof level and to provide and mechanical plant at roof level within an enclosure to serve the restaurant use. The new residential accommodation on the upper floors would be accessed from a new entrance in Cochrane Mews.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Proposed Residential Accommodation

The provision of additional residential floorspace is encouraged under Policy H3 in the UDP and Policy S14 in the City Plan. Policy H5 in the UDP states that the City Council will normally require 33% of housing units to be family sized units containing 3 or more bedrooms. As only one of the units is proposed to have three or more units (a 4 bedroom unit) the proportion of family sized units proposed would fall short of the policy target (25% would be family sized). However, the UDP does state that this policy will be applied with some flexibility and lower levels of family accommodation will be accepted in very busy or noisy environments. Due to its location above a busy restaurant and on a commercial street it is considered that this site is one of those situations where some flexibility can be

applied. It is also relevant that because of the confined nature of the site and the location of adjacent properties there is limited scope for amenity space provision for the proposed flats. This means it is even less appropriate to require a higher proportion of family sized units in this particular case.

All of the proposed units are above the minimum size standards set out in the Government's Nationally Described Space Standards and as set out in Policy 3.5 of the London Plan (March 2016).

A daylight assessment of the proposed flats demonstrates that they would be sufficiently well lit so as to provide a good standard of accommodation. The report concludes that only one room (a first floor kitchen) fall below the BRE Guidelines for daylight to habitable rooms. This room is actually part of an open plan living space for one of the 1 bedroom flats. Considering the confined nature of the site and as the room is lit by other windows, it is not considered that permission could reasonably be withheld on this ground.

As the proposal would provide less than 10 additional dwellings and involves the creation of less than 1,000m² of additional floorspace (GEA) there is no requirement in this case to provide affordable housing as part of the proposed development.

The scheme would involve the introduction of a residential accommodation directly above a restaurant use. Environmental Health have assessed the proposed development and have no objections in relation to the relationship between the two uses, provided a condition is imposed to require the residential accommodation to be suitably insulated to prevent noise disturbance from the restaurant use below and from external noise sources in this busy location within the District Centre.

8.1.2 Loss of Class A3 Restaurant Floorspace

In land use terms, the replacement of the first floor restaurant space with residential accommodation and the provision of alternative restaurant floorspace in a newly created basement is acceptable in principle.

The majority of the Class A3 floorspace to be lost at first floor level will be replacement by the new floorspace proposed at basement level. However, there will still be a net loss of 87m² (GIA). Nevertheless, this loss is not considered to be so significant so as to adversely impact on the viability of the restaurant use, which will retain a floor area of 334m² (GIA) and a sizable ground floor street level presence. For these reason the loss of Class A3 floorspace within the Core Frontage of the St. John's Wood High Street District Centre is acceptable and would accord with Policy SS6 in the UDP and Policy S21 in the City Plan.

8.2 Townscape and Design

The intention for the scheme is to match the height, design, materials and general massing of the adjoining building at Nos.1-1A Circus Road, immediately to the east of the application site, which was granted permission in March 2000 (RN: 99/10920/FULL).

The existing shop unit with conservatory style extension above at first floor level, which was approved at appeal in 1998, appears somewhat out of character with the general

surroundings. The demolition of the existing first floor and the erection of the two replacement upper floors will provide a more complete and harmonious composition to this section of townscape between St John's Wood High Street and Cochrane Mews. The detailed design proposed would be traditional in style and would accord with the general character of the area.

The plant screen proposed at roof level would be a relatively large structure; however, there is currently plant at roof level that is unscreened and unsightly. The two most visible elevations of the screen are to be angled back at 45 degrees to ensure a low profile so the plant enclosure is less appreciable from street level views. Overall, the proposed development would improve the appearance of this site and would not harm the character and appearance of the conservation area. Accordingly, subject to the conditions set out in the draft decision letter that would ensure the detailed design of the proposed building is well executed, the proposal is acceptable in design terms and would accord with Policies DES1, DES5, DES6 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

An assessment of the impact of the proposal on the levels of daylight and sunlight reaching the windows of neighbouring properties has been submitted with the application. This initially covered flats only within the adjacent Suffolk House and 6-18 Circus Road (Portland House). At the request of officers and in response to concerns raised by objectors, supplementary assessments have been submitted to also cover the impact on Flat 5, 94-96 Cochrane Street and windows in the rear of properties in St. John's Wood High Street.

The submitted daylight and sunlight reports demonstrate that the proposed development would not cause any material losses of sunlight and daylight to neighbouring windows serving habitable rooms in Flat 5, 94-96 Cochrane Street, which are located opposite the application site within Cochrane Mews.

In terms of the impact on properties to the east of the application site, the daylight and sunlight report identifies only one habitable room that may be affected, which is a kitchen window to the rear of 75 St Johns Wood High Street. The assessment demonstrates that the daylight and sunlight losses as a result of the proposed development would comfortably falls within the tolerances of the Building Research Establishment (BRE) Guidelines (2011). There is also a bathroom window to the rear of the second floor of 1 Circus Road/79 St Johns Wood High Street; however, this is not a habitable room and therefore the impact on this window could not be considered as a ground on which to withhold permission. The only other windows to the rear of adjacent properties in St. John's Wood High Street serve a staircase. Officers have visited these rooms to ensure the rooms they serve are not habitable and assess the likely impact of the scheme.

An objection was received in the initial consultation to the impact in terms of daylight and sunlight to Portland House. However, this property is on the opposite side of Circus Road and the daylight and sunlight report demonstrates that there will be no significant impact on this building.

In summary, the losses of daylight and sunlight caused would therefore be within the tolerances allowed for in the Building Research Establishment (BRE) guidelines (2011) and they would accord with the requirements of Policy ENV13 in the UDP and S29 in the City Plan.

8.3.2 Sense of Enclosure

The only window that serves a habitable room and directly looks onto the site in St. John's Wood High Street and Circus Road is the kitchen window to the rear of 75 St Johns Wood High Street. The proposal will result in a one storey extension (at second floor level) 3 metres from this window. Currently this window looks out on to the roof level mechanical plant and associated ducting. The proposed plant screen at the roof level would be angled at 45 degrees and set back from the roof of the second floor extension to prevent any further enclosure to this window. Given the existing outlook of the kitchen window and as the roof level plant enclosure has been designed to prevent additional enclosure at roof level, the impact on this window is not so significant so as to justify withholding permission.

To Cochrane Mews, the rear windows of Flat 5, 94-96 Cochrane Street face the side elevation of the application site. The proposed extension at second floor level would be visible in oblique views from these windows when stood at the window. However, from within the room, which is a bedroom, the additional height and bulk of the extended building would not be appreciable. The enclosure impact would therefore not be so significant so as to warrant withholding permission and the scheme is considered to accord with Policy ENV13 in the UDP and Policy S29 in the City Plan in sense of enclosure terms.

8.3.3 Privacy

The proposed upper floor flats would have windows facing onto Circus Road, Cochrane Mews and a lightwell formed to the rear adjacent to No.1 Circus Road. At first floor level the windows proposed to the new lightwell would overlook existing windows in No.1 Circus Road that serve circulation spaces and therefore these windows need not be obscure glazed or fixed shut.

At second floor level two bedrooms within the proposed development would have windows facing the back of No.1 Circus Road and properties in St. John's Wood High Street. The one window in the rear of No.1 Circus Road serves a bathroom and due to the position of the proposed windows, they would not afford views into this existing neighbouring bathroom window. The kitchen window in the rear of No.75 St. John's Wood High Street would be seen from the southernmost of the proposed bedroom windows and therefore it is recommended that a condition is imposed requiring this window to be obscure glazed and fixed shut to prevent overlooking occurring.

Because of the width of Circus Road no significant overlooking issue will be created by the windows in the front elevation.

The Cochrane Mews elevation largely faces directly onto the flank wall of Suffolk House where the only windows are obscure glazed and serve toilets/ bathrooms. Due to the set back front building line of the upper floors of Suffolk House, the foremost windows in the

Cochrane Mews elevation of the proposed development at first and second floor levels may offer oblique views to the neighbouring bay windows in Suffolk House. However, the degree of overlooking would be greatly reduced compared to the existing fully glazed restaurant façade at first floor level. At second floor level the impact of the foremost window proposed window in the Cochrane Street elevation would be further reduced by it being obscure glazed and fixed shut. This is to be secured by condition.

The proposed window nearest the bedroom window of Flat 5, 94-96 Cochrane Street is to be obscure glazed and a condition is recommended to ensure the window is fitted with obscure glazing and also fixed shut. This condition would address the concerns of the occupier of this neighbouring property in Cochrane Mews.

A condition is recommended to prevent the use of the roof of the building as a roof terrace to prevent overlooking occurring from such a use of the roof in future.

Subject to the recommended conditions the proposed development would not result in a material increase in overlooking and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.4 Noise Disturbance

The applicant has submitted a detailed acoustic report in respect of the new mechanical plant proposed, which comprises a new kitchen extract duct (running up to roof level via the rear lightwell) and restaurant plant located within an enclosure at roof level. Environmental Health have reviewed and assessed the submitted details and are satisfied that the proposed mechanical plant is capable of operating sufficiently below the existing background noise level so as to accord with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan. Conditions are though recommended to control the future operational noise level and vibration from the plant and to restrict the use of the mechanical plant to between 07.00 and 23.00 hours daily. A further condition is recommended to ensure the provision and permanent retention of the enclosure around the mechanical plant at roof level, as well as other noise attenuation measures that are proposed.

8.4 Transportation/Parking

No off-street car parking is proposed due to the limited size of the site, which is already entirely developed at ground level. Policy TRANS 23 in the UDP seeks up to maximum of 4 off-street parking spaces for a residential development of this size if the expected increase in parking demand cannot be accommodated on-street. In this case daytime on-street parking occupancy is at 98% and at 80% overnight. Given the existing high levels of occupancy of on-street parking spaces, throughout the day and night, the Highways Planning Manager objects to the lack of off-street parking provision.

In this particular case, due to the limited number of new units being created, the impracticality of providing off street parking on this site, the good transport links in the area and the offer to provide mitigation measures, specifically the provision of car club membership to all residential occupiers it is considered the benefits of the provision of good standard residential units outweighs the lack of off street car parking. It is therefore recommended that subject to securing the provision of lifetime car club membership for each of the flats on balance the proposal is acceptable.

Objections were received to the original application on the grounds that the doorways onto Cochrane Mews would cause potential conflict with the use of the mews for unloading/loading for the nearby bakery. The mews has restrictions which prevent its use for loading at any time and therefore this is not a valid ground of objection.

The Highways Planning Manager has also objected to a lack of cycle parking provision for the employees of the Class A3 unit; however, as there is no significant increase in the floorspace occupied by this use (indeed it is to be reduced), this is not considered a sustainable ground for refusal. Cycle parking provision for the residential units is provided and it is recommended that this is conditioned so that the London Plan requirement for a development of this size of 6 spaces is accommodated.

There will be no change to the servicing arrangements for the restaurant. Given the proposal represents an overall reduction in the floor area of the Class A3 unit it is considered that the servicing requirements of the site are not likely to significantly increase or have an adverse impact upon the public highway.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access arrangements to the restaurant will not change, with level access to the ground floor level of the restaurant remaining. The access to the proposed residential units will be via stairs, but given the constraints of the site and as this is a small development of private residential accommodation, this is not considered to be objectionable.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.7.1 Basement Development

The proposed development includes the provision of a new basement extension below the footprint of the front part of the existing restaurant premises, to provide replacement restaurant floorspace for that which is currently provided at first floor level. Although the scheme was originally submitted in 2015, prior to the adoption of the Basement Development Policy (CM28.1 in the City Plan adopted in November 2016), it is accompanied a detailed Basement Impact Assessment, which includes an investigation of the existing ground conditions on the site, as well as structural details of how the proposed basement would be constructed. Building Control have reviewed the submitted structural details and are content that the approach proposed is acceptable and suitable for the ground conditions on this particular site.

The proposed basement would be entirely below the footprint of the existing building and would have no external manifestations and therefore no mitigation measures in terms of replacement landscaping are required to comply with Policy CM28.1. The basement would also not increase water run off given its location below the existing building.

In summary, despite pre-dating the adoption of the current basement development policy, the scheme has been developed in accordance with the Basement Development in Westminster Supplementary Planning Document (SPD) adopted in 2014 and given this, and due to the constraints of the site, the scheme accords with Policy CM28.1 which was adopted during the course of the consideration of the application.

A condition is recommended to ensure the construction works are carried out in accordance with the Code of Construction Practice, so as to minimise disturbance to neighbouring residents and lessen the potential for obstruction of the public highway outside the application site. A further condition is also recommended to control the hours of construction works, with additional restrictions for basement excavation work, which can only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays.

8.7.2 Tree Impact

There is an existing street tree in front of the site on Circus Road. The proposal has been assessed by the Arboricultural Manager who has concluded that the tree is not in full health; however, the proposal is unlikely to have an adverse effect on the tree providing it is suitably safeguarded from construction works. The applicant has offered to replace the tree under the supervision of the Arboricultural Manager. Although this offer is noted, as the tree is unlikely to be adversely affected, subject to tree protection measures being secured by condition, it is not considered that the replacement of the existing tree is necessary.

8.8 London Plan

The 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

The proposed development would provide 313.6m² (GIA) of residential floorspace. The Westminster CIL liability based on the floorspace figures in the applicant's CIL form and assuming that the application does not qualify for any CIL exemptions, would be £182,027. The Mayoral CIL liability again based on the floorspace figures in the applicant's CIL form and assuming that the application does not qualify for any CIL exemptions, would be £20,110.

8.11 Environmental Impact Assessment

The application does not require an Environmental Impact Assessment. Where relevant, environmental issues are covered in other sections of the report.

8.12 Other Issues

An objection has been raised in relation to the potential noise that might be generated by the use of the doors to the new bin and cycle store in the Cochrane Mews elevation. The objector suggests that an appropriate material, such as timber, should be used to minimise noise disturbance. The applicant has agreed to a condition requiring that these doors are constructed in timber and a condition is recommended to secure the provision of these doors in timber so that the noise impact of their use would be lessened.

9. BACKGROUND PAPERS

1. Application form.
2. Memos from the Highways Planning Manager dated 20 May 2015 and 4 April 2016.
3. Emails from Building Control dated 20 May 2015 and 4 April 2016.
4. Email and memos from Environmental Health dated 27 August 2015, 25 October 2015 and 26 January 2017.
5. Email and memo from the Arboricultural Manager dated 13 November 2015 and 18 April 2016.
6. Letter from the occupier of 10 Portland House, 1A St Ann's Terrace dated 16 May 2015.
7. Letter from the occupier of 65 St Johns Wood High Street dated 28 May 2015.
8. Letter and emails from the occupier of Flat 5, 94-96 Cochrane Street dated 4 June 2015, 11 April 2016 and 4 October 2016.

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

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

10. KEY DRAWINGS

Client: First Ready	Drawn: GH	Project No: 13.491.D
Project: 3 CIRCUS ROAD	Date: JUNE 13	Emp No: AD02
	Scale: 1:100 @A1	Revision:

Drawing

EXISTING FLOOR PLANS

Client: First Ready

Project: 3 CIRCUS ROAD

Drawn: GH

Date: JUNE 13

Scale: 1:100 @A1

Project No: 13.491.D

Emp No: AD02

Revision:

A. & J.P. ALTON LTD

Architects

Drawing

EXISTING ELEVATIONS AND DEMOLITIONS

Client: First Ready

Project: 3 CIRCUS ROAD

Drawn: GH

Date: JUNE 13

Scale: 1:100 @A1

Project No: 13.491.D

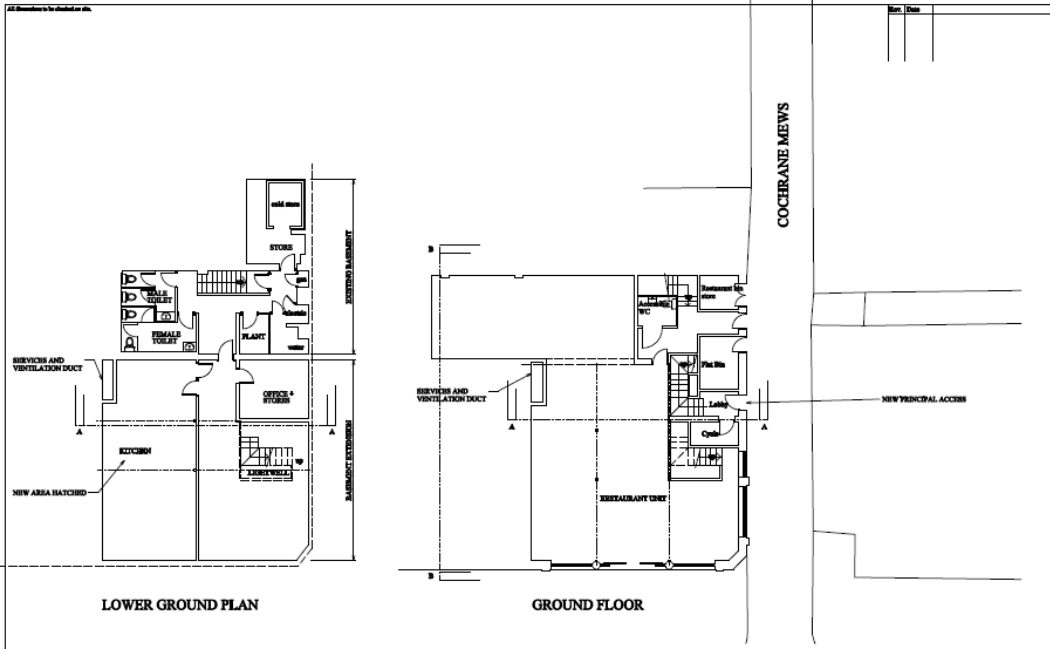
Emp No: AD03

Revision: A

A. & J.P. ALTON LTD

Architects

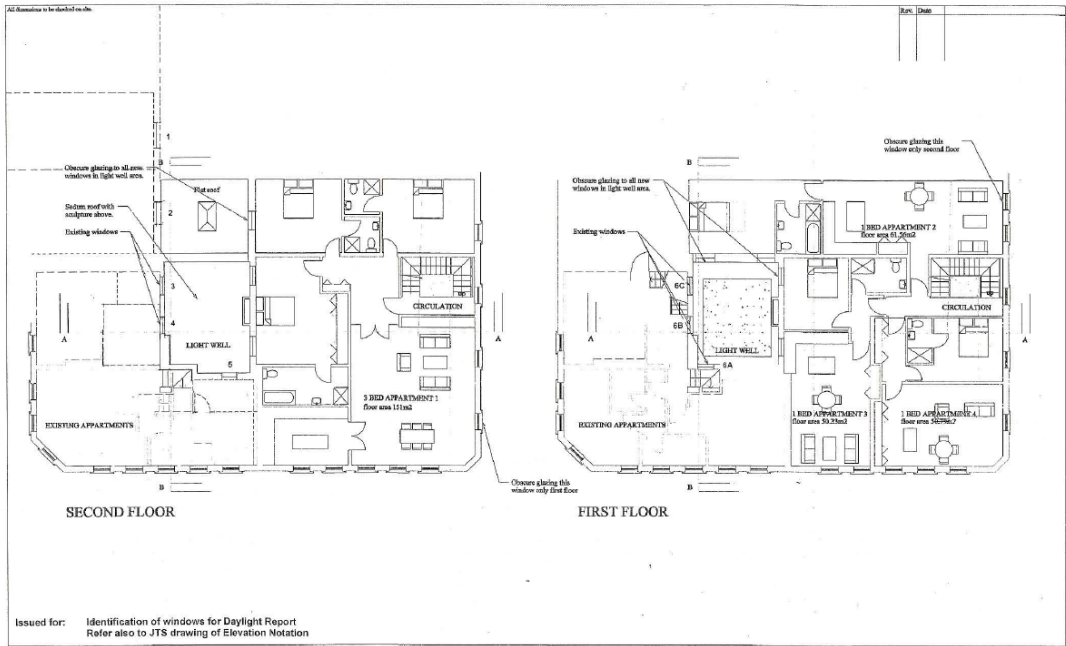
Existing floor plans (top) and existing elevations (bottom).



PROPOSED LOWER AND GROUND FLOOR PLAN

Client: First Realty	Drawn: GH	Project No.: 13,491,13
Project: 3 CIRCUS ROAD	Date: JUNE 13	Drawn By: AD04
	Scale: 1:100 gtd	Revision: E

A. & J. DALTON LTD
ARCHITECTS
 100, NEW BRIDGE ROAD, NEW BRIDGE, DUBLIN 7, IRELAND
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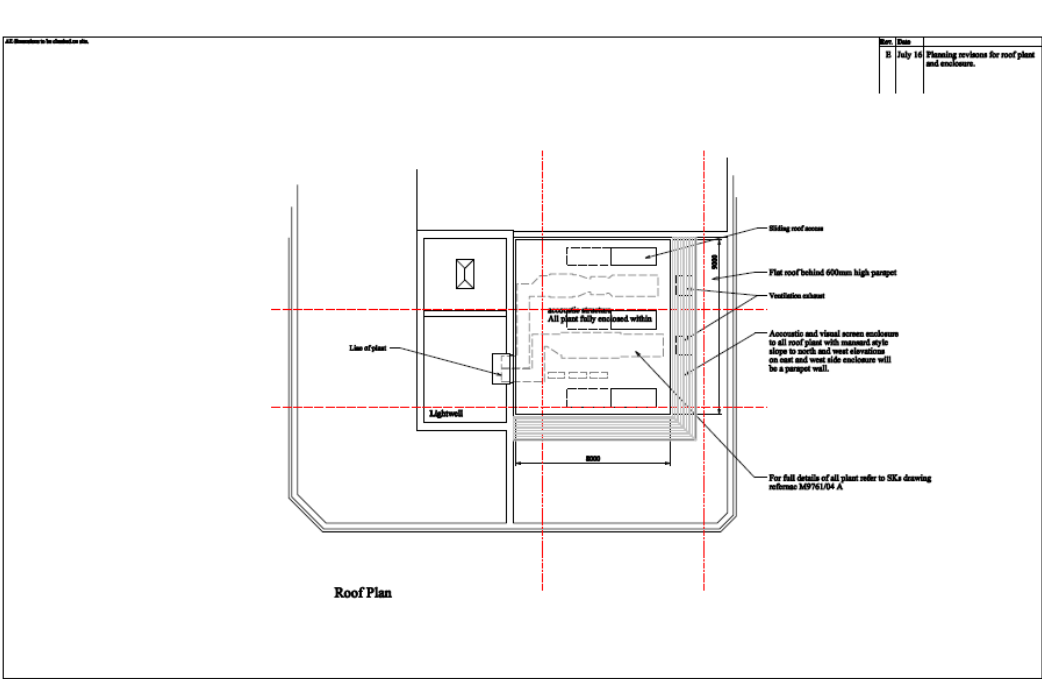


PROPOSED FIRST AND SECOND FLOOR

Client: First Realty	Drawn: GH	Project No.: 13,491,13
Project: 3 CIRCUS ROAD	Date: JUNE 13	Drawn By: AD05
	Scale: 1:100 gtd	Revision: E

A. & J. DALTON LTD
ARCHITECTS
 100, NEW BRIDGE ROAD, NEW BRIDGE, DUBLIN 7, IRELAND
 TEL: 01 454 4444 FAX: 01 454 4445 EMAIL: info@ajdalton.com

Proposed basement and ground floors (top) and proposed first and second floors (bottom).



Drawing Roof Plan	Client: First Realty	Drawn: GH	Project No.: 13-091.D	
	Project: 3 CIRCUS ROAD	Date: JUNE 14	Drawn: AD13	



Drawing PROPOSED CIRCUS ROAD ELEVATION	Client: First Realty	Drawn: GH	Project No.: 13-091.D	
	Project: 3 CIRCUS ROAD	Date: JUNE 13	Drawn: AD06	

Proposed roof plan (top) and proposed Circus Road elevation (bottom).



Drawing PROPOSED COCHRANE MEWS ELEVATION	Client: Flint Rusky	Drawn: MR	Project No.: 13.691.D
	Project: 3 CIRCUS ROAD	Date: JUNE 13	Eng. No.: AD07
		Scale: 1:50	Revision: II

A. & J. DALTON LTD
Architects, Surveyors, Quantity Surveyors, Planning Consultants, Engineers, and Interior Designers

Proposed Cochrane Mews elevation.

DRAFT DECISION LETTER

Address: 3 Circus Road, London, NW8 6NX,

Proposal: Excavation of a basement extension, demolition of the existing first floor and erection of a first and second floor level extension, erection of new kitchen extract duct and installation of mechanical plant at roof level within an enclosure. Use of extended building as a restaurant (Class A3) at basement and ground floor levels and as four residential flats (Class C3) on the upper floors.

Reference: 15/03764/FULL

Plan Nos: 100; AD01; AD02; AD03RevA; AD04RevE; AD05RevE; AD06RevF; AD07RevF; AD09RevF; AD10RevF; AD11; AD12; AD13F; AD15; Design and Access Statement; Basement Impact Assessment (for information only); Planning History; Daylight and Sunlight Report; Supplementary Sunlight and Daylight Report dated 19th December 2016; Parking Stress Survey; Plant Noise Assessment dated 25 August 2016; Noise Survey Report (revised 25.08.2016); Average Daylight Factor and Room Depth Criteria Report; Tree Report.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

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:
- 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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)

- 4 The facing brickwork to each elevation must match the existing original brickwork to the front elevation of the adjoining building to the immediate east side of the application property (which fronts onto both Circus Road and St John's Wood High Street) in terms of its colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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)

- 5 Drawings (at scale 1:10) of typical details of the following part(s) of the development shall be submitted to and approved by us before any work is commenced on the relevant part of the development: , (a) window joinery (and including section drawings at 1:5 showing the relationship between the glazing bars and glazing, and between the window surrounds and window frames); , (b) gauged brick arches; , (c) cornice; , (c) window surrounds., , You must then carry out these parts of the development in accordance with the details we approve.

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)

- 6 No flues, ductwork, soil stacks, soil vent pipes, or any other pipework, other than rainwater pipes, shall be fixed to the street elevations of the building other than those shown on the drawings hereby approved. (C26M)

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)

- 7 No mechanical plant, ductwork, tanks, satellite or radio antennae or other structures shall be located on the roof other than those shown on the drawings hereby approved. (C26P)

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)

- 8 The external brickwork to first and second floors shall not be painted, rendered or otherwise covered over.

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)

- 9 You must apply to us for approval of samples of the facing materials you will use for the cornice and parapet above second floor level, for keystones to window arches and for window surrounds, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 10 The windows to first and second floor levels 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 (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)

- 11 The doors to the bin and cycle storage in Cochrane Mews shall be constructed in painted timber and maintained in that material and finish.

Reason:

To maintain the appearance of the development and to minimise noise disturbance to neighbouring occupiers from the use of the doors. This is as set out in Policies DES1, DES5, DES9 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must install the plant screen at roof level in accordance with the drawings hereby approved prior to use of any of the mechanical plant located at roof level. You must then retain it in the form shown on the approved drawings for the lifetime of the development.

Reason:

To safeguard the noise amenity of neighbouring residents 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, S28, S29 and S32 of Westminster's City Plan adopted November 2016 and ENV 6, ENV 7, DES 1, DES 6, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 You must apply to us for approval of a detailed typical elevation and section (or manufacturer's specifications), showing the design of the roof level plant screen. 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 drawings or specifications and the plant screen shall be painted or otherwise finished in a dark grey colour and maintained in this colour 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 (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)

- 14 (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.

- 15 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.

- 16 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily.

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.

- 17 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:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 19 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following:

- Reduce the impact of the development on on-street residents car parking in the vicinity of the application site.

In the case of the above benefit, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013 and in STRA25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007.

- 20 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must

then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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.

- 21 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number AD04 Rev.E. You must clearly mark them and make them available at all times to everyone using the restaurant and residential parts of the development. (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)

- 22 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the street tree outside the property on the pavement of Circus Road. 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. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. 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)

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

Reason:

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

- 24 The glass that you put in the bedroom rear window at second floor level facing adjacent window '2' on drawing AD05 Rev.E, the window at first floor level serving the living room of Apartment 2 (annotated 'Obscure glazing...' on AD05 Rev.E) and the window at second floor level serving the living room of Apartment 1 (also annotated 'Obscure glazing...' on AD05 Rev.E) must not be clear glass and you must fix these 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)

- 25 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)

- 26 Prior to use of any of the mechanical plant at roof level or the kitchen extract equipment, you must provide all of the noise attenuation measures set out in Section 3.1 of the Plant Noise Assessment Report by Auricl Acoustic Consulting dated 25 August 2016. Thereafter you must permanently retain these mechanical plant noise attenuation measures.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

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 You are advised that it is an expectation that the samples and details required under Conditions 4 and 5 would match exactly those materials and detailing to the building to the immediate east of this site.
- 3 Under Condition 19 we are likely to accept a legal agreement under Section 106 of the Town and County Planning Act to secure an undertaking to provide one car club membership for each residential unit within the development for a period of not less than 25 years from the date of first occupation. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.
- 5 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)
- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 8 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 9 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.

- 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.
- 11 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.**
- 12 Conditions 12, 14, 15, 16 and 26 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 With reference to condition 25 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.

- 13 With reference to condition 25 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.

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.