

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 1 August 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>383A Euston Road, London, NW1 3AU</b>		
<b>Proposal</b>	Erection of four storey dwellinghouse on land between Nos.379 and 383 Euston Road with terraces and Juliette balconies.		
<b>Agent</b>	Bolsover Street Ltd		
<b>On behalf of</b>	Bolsover Street Ltd		
<b>Registered Number</b>	17/01477/OUT	<b>Date amended/ completed</b>	21 February 2017
<b>Date Application Received</b>	21 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside		

## 1. RECOMMENDATION

Grant conditional outline permission.

## 2. SUMMARY

The application relates to an area of undeveloped land between Nos.379 and 383 Euston Road, which is outside of a conservation area, but is in the Central Activity Zone (wider CAZ). The land is currently permanently fenced off at both ends, preventing access through from Euston Road to a residential block behind.

Permission is sought for outline planning permission for the infilling of the townscape gap with a single family dwellinghouse. Outline applications allow for a decision on the general principles of how a site can be developed. The applicant has requested that all details such as appearance and layout are reserved for approval at a later stage. Detailed consideration is however required in relation to the proposed use and the amount of development.

Drawings have been submitted to demonstrate the approximate size, height and bulk of a building that could accommodate the site, but these plans are for illustrative purposes only and do not form part of the outline planning application.

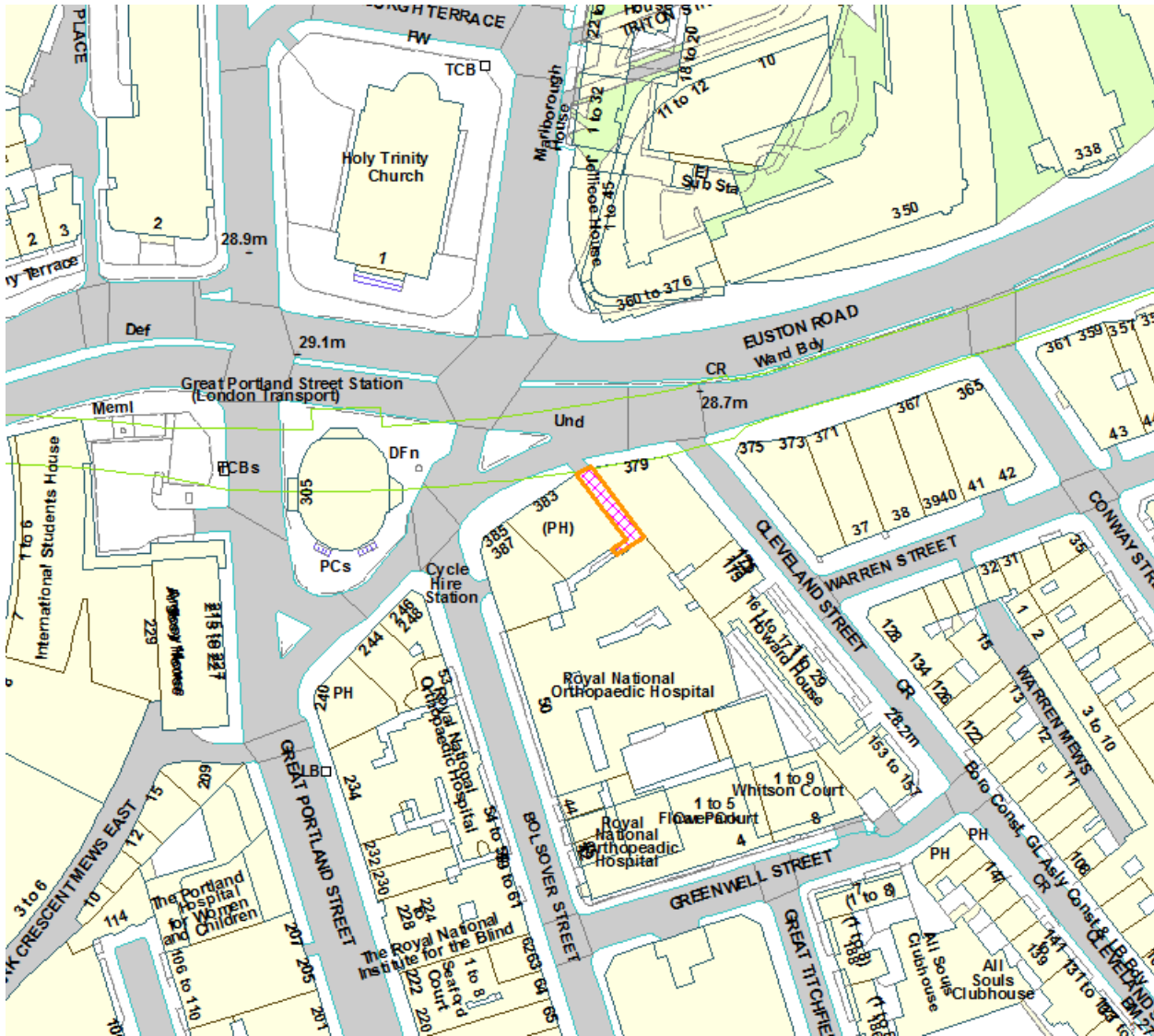
The key issues in this case are:

- Whether the proposed land use is acceptable;
- Whether the height and massing of the proposed building is acceptable;
- Whether the impact of the proposed maximum building envelope on the amenity of surrounding occupiers is acceptable.

It is considered that this outline planning application is acceptable subject to the conditions to secure reserved matters.

Subject to appropriate conditions and reserved matters, as set out in the draft decision letter appended to this report, the development proposals are considered to comply with the relevant policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the outline application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation with site outlined in red (top) and View of rear of No.383 Euston Road (site comprises gap to the right of this building).

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## 5. CONSULTATIONS

### LONDON BOROUGH OF CAMDEN

Comment that it would appear that area proposed for the development is the only servicing access for the block, which would therefore be impacted. Should permission be granted it is recommended it is car-free, a construction management plan is provided, London standards for cycle parking are met and the crossover removed and footway reinstated.

Comment that the height and relationship of the proposal in relation to neighbouring buildings as well as the detailed design, materials and proportions of the front elevation (particularly the ground floor entrance) are unacceptable.

### CLEANSING MANAGER

No objection subject to a condition for further details in relation to waste storage.

### CRIME PREVENTION DESIGN ADVISOR

No objection, however comment in relation to the access to the bin store providing a potential security weak spot.

### ENVIRONMENTAL HEALTH

Object to the application on the following grounds:

1. The arrangements for Means of Escape in Case of Fire appear to be inadequate.
2. The arrangements for ventilation appear to be inadequate. The scheme seems to rely on mechanical air handling systems/plant rather than openable windows. The front rooms have triple glazed windows (presumably for protection against road traffic noise) and may not be capable of being opened for cooling and ventilation. Reliance on mechanical systems is not a sustainable or acceptable method of ventilation for residential dwellings. The applicant will need to show how the scheme will comply with Part F of the Building Regulations, especially purge ventilation.
3. The scheme shows some of the rooms fronting directly onto Euston road - a very busy location with respect to traffic. Insufficient information has been provided to show how occupiers will be protected from external noise or how the councils usual internal Noise Conditions will be complied with.

### HIGHWAYS PLANNING MANAGER

Proposals marginally breach localised parking stress levels, however given the no objection from TfL (the Highways Authority in this location), the proximity of the site adjacent to a tube station and the difficulty of providing parking on site, a recommendation for refusal on highways grounds would be difficult to defend. Should permission be recommended conditions and informatives are recommended.

### TRANSPORT FOR LONDON (TfL)

No objection subject to conditions in relation to development being car free and construction management. They also note that any basement / foundations may impact upon London Underground.

### ADJOINING OWNERS AND OCCUPIERS AND OTHER REPRESENTATIONS

No consulted: 145.

No responses: 1.

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One response received raising objection on the following grounds:

Land Use:

- The proposed use is inappropriate for the site.
- Noise from road will create an unacceptable living environment.

Design:

- Negative impact on the area and adjacent listed building.
- Loss of historic service road to adjacent courtyard as shown on Horwoods Historic Plan dated 1799.

Amenity:

- Loss of light to adjacent buildings and flats.

Highways:

- No car parking provided, therefore car free development should be secured (if approved).
- Disruption of highway from construction vehicles.

Other:

- Insufficient information has been submitted to validate the application.
- The City Council has not fulfilled its obligation to consult with the freeholder of the adjacent building.

ADVERTISEMENT/ SITE NOTICE

Yes.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application relates to an area of undeveloped land between Nos.379 and 383 Euston Road, which is outside of a conservation area, but is in the Central Activity Zone (wider CAZ). Euston Road is also a Transport for London Road Network (TLRN) road and is therefore maintained by Transport for London (TfL), rather than by the City Council.

It is understood that the land is under the same ownership as the residential block located directly to the rear of the application site. The land is currently permanently fenced off at both ends, preventing access through from Euston Road to this residential block behind.

### **6.2 Recent Relevant History**

Development Site at 41 - 51 Bolsover Street (located to the rear of the application site)

Permission was granted on 16 March 2007 (RN 06/04986) for the demolition of all existing buildings on the site including the listed consulting rooms and operating theatre, retention of listed waiting hall and the erection of lower ground (basement), ground plus part four, part five, part six and part seven storey building. Mixed use scheme for residential accommodation

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(100 flats), orthopaedic clinic (Class D1) business (Class B1) use, plus basement parking and cycle parking. This scheme has been built out.

Permission granted on 3 May 2011 (RN 10/06984) for Variation of Condition 25 of planning permission dated 2 July 2007 (RN: 07/03638) for the variation of Conditions 11,12, 13, 18, 23, 27 and 33 of planning permission dated 16 March 2007 (RN: 06/04986) for demolition of all existing buildings on the site including the listed consulting rooms and operating theatre, retention of listed waiting hall and the erection of lower ground (basement), ground plus part four, part five, part six and part seven storey building. Mixed use scheme for residential accommodation (100 flats), orthopaedic clinic (Class D1) business (Class B1) use, plus basement parking and cycle parking: NAMELY, to allow for the addition of more cycle spaces and to relocate and vary the current location of the cycle spaces.

## 7. THE PROPOSAL

An outline planning application has been made in this case. These are generally used to find out, at an early stage, whether or not a proposal is likely to be approved by the planning authority, before any substantial costs are incurred. This type of planning application allows fewer details about the proposal to be submitted. These details may be agreed following a "reserved matters" application at a later stage. Reserved matters can include:

- Appearance - aspects of a building or place which affect the way it looks, including the exterior of the development
- Means of Access - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site
- Landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- Layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- Scale - includes information on the size of the development, including the height, width and length of each proposed building

The applicant has submitted indicative drawings (floor plans, elevations and sections). These indicative drawings have been submitted to demonstrate the approximate size, height, and bulk of a building that could be accommodated on the site, but these plans are for illustrative purposes only and do not form part of the outline planning application. These parameter plans help to establish the maximum height, width, and length of the proposed building in relation to its surroundings.

The indicative parameter plans show a proposed replacement building of four storeys, which has a building height ranging from 13.2m at the front to 15m at the rear, a depth which ranges from 16.5m at ground floor level, 10.7m on the first to third floor levels and 6m at fourth floor level (set back from the front elevation). The new building is 3m-3.1m wide.

The plans show that the building is capable of providing cycle parking and refuse storage on the ground floor. No off-street parking is shown.

The supporting information submitted with the application states that outline planning permission is only sought for the principle of infilling the land with a residential single family

dwellinghouse. All matters outlined in the bullet points earlier in this section of the report would therefore remain reserved and would require separate reserved matters approval at a later date.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Policies S14 within Westminster's City Plan and H3 within the Unitary Development Plan (UDP) seek to prioritise housing delivery within Westminster. The proposals result in an increase in the amount of residential floorspace and are considered to comply with these policies.

Policy S14 also seeks to optimise the number of units on development sites. The indicative plans only show a single family dwellinghouse; however, given the constraints of the site as a result of it being very narrow and limited to between the two adjacent buildings, a single dwelling is considered to be acceptable in this instance.

Environmental Health have objected to the proposals on the grounds of the mechanical means of ventilation and due to the location of the site on a busy road which will impact on the internal living environment. The submitted indicative drawings do not indicate any mechanical plant to provide heating and cooling. The supporting statement notes that the Euston Road frontage will have a high acoustic performance and that ventilation will be gained through opening windows and low velocity fans from the 'quiet rear courtyard'.

Given the lack of information, it is recommended that conditions in relation to the submission of details of ventilation and noise insulation to be submitted prior to the commencement of development, to ensure that it can be demonstrated that the development proposals will be acceptable in these regards. While this is not an ideal arrangement given the location of the site on a busy road and adjacent to a public house, it is not considered that refusal on the grounds of insufficient information could be upheld, given that there are numerous other examples of residential accommodation in similar locations and as dull details of ventilation and noise insulation can be secured by condition prior to the commencement of development.

### **8.2 Townscape and Design**

The applicant is seeking to reserve the layout, scale, design, and appearance of the new building for approval at a later stage. However, indicative drawings have been submitted with this outline application, which provide some details on these issues. The drawings give an indication of the size, height and bulk of a building that could be accommodated on the site, but these plans are for illustrative purposes only and do not form part of the outline planning application. The exact layout of the proposed building, its detailed design, external appearance and landscaping will be the subject of a separate Reserved Matters application.

The principle of infilling the gap between Nos.379 and 383 Euston Road with a new residential dwelling is considered acceptable in principle in design terms subject to the building being of appropriate design and scale. Given the size of the site and the degree of separation from the north side of Euston Road, it is not considered that the infill of this gap site would have any adverse impact on the setting of the adjacent Grade I listed former Holy Trinity Church, nor



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would it have an adverse impact on the setting of the Regent's Park or Harley Street Conservation Areas, which lie a short distance to the west.

The plans indicate a four storey building, with the fourth floor set back from the front elevation to provide a terrace. The proposed height of the building is considered to be acceptable. Given the buildings on the western side of the pub and immediately to the east are of a larger scale, the provision of a taller building on the application site, which frames No.383 Euston Road is considered acceptable.

In relation to the buildings depth, this is considered to respond to the character of the rear of the terrace, with a larger ground floor level, and setback upper floors. Given the location of the site outside of a conservation area, and the existing character of the rear, the proposed depth of the building as shown on the indicative plans is therefore considered acceptable.

The proposed plans indicate a very marginal setting back of the building on the front elevation and while a greater set back would have been preferred, given that the site has an angled front elevation, the minor setback proposed is considered acceptable in this instance.

It is recommended that a condition is imposed that restricts the maximum height and depth of the proposed building so that it is no higher than four storeys (15m from pavement level) and no deeper than shown on the plans (16.5m at ground floor level and 10.7m on the first to third floor levels).

### **8.3 Residential Amenity**

Policies ENV13 in the UDP and S29 in the City Plan seek to protect residential amenity and state that developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings whether in residential or public use.

The site is bounded by high party walls of the office building to the west (No.379 Euston Road), which has both blind and open windows located in the flank wall overlooking the development site. As these windows serve an office building and will not be covered by the proposed development, it is not considered that these windows will be so adversely affected as to justify a reduction in bulk.

No.383 Euston Road to the west is in use as a public house on the ground floor with associated offices at first floor level and what appears to be residential accommodation on the floors above. The public house has raised objection to the proposals on the grounds of loss of light to adjacent buildings as a result of the infill development.

The depth of the building has been set so that it does not project over the existing windows to the adjacent office building, which is a projection of approximately 5.8m from the existing rear elevation of the pub building at second, third and fourth floor levels. The upper floors of No 383 are recessed from the main building line of the rest of the building, which is set at approximately the same level as the building proposed.

There are windows in both the side and rear elevation of No.383 and in the rear wall of the new residential development to the rear (41-51 Bolsover Street), which look out onto the development site and these will therefore be affected.

### **8.3.1 Sunlight and Daylight**

The application is supported by a letter from a daylight and sunlighting specialist who concludes that any transgressions in relation to the Building Research Establishment (BRE) guidance are likely to be minor, with the most affected windows being those in the rear of Nos.41-51 Bolsover Street. An investigation of the plans indicates that these windows serve dual aspect living/kitchen/dining rooms, with the other windows not being affected as they do not look toward the development site. In this context, the proposals are therefore considered acceptable in relation to the Bolsover Street development.

Due to the orientation of the site and the existing aspect of the windows on the upper floors of No.383 Euston Road, it is not considered that the impact on these windows will be significantly affected.

### **8.3.2 Sense of Enclosure**

The residential windows to the rear of Bolsover Street and No.383 Euston Road will be the most impacted. The Bolsover Street windows currently look on to the rear of properties facing Euston Road and have views through the existing gap where the house is proposed. While these windows will experience some increased sense of enclosure as a result of the infill, given their separation (approximately 15.8m), the narrow nature of the site (approximately 3m wide) and the character of the rear of the terrace with buildings of a similar size and bulk, it is not considered that the increased sense of enclosure would be so significant so as to reasonably warrant withholding permission.

The windows to the rear and side of the upper floors to No.383 Euston Road will experience a greater sense of enclosure as a result of the development as they will look out onto the blank flank wall of the new building (if built to the maximum depth). However, it is not considered that refusal on these grounds could be justified given that these windows are already affected by the existing larger, blank flank wall of the office building at No.379 Euston Road, which rises approximately a storey and a half above the proposed height of any new building on the application site.

### **8.3.3 Privacy**

The indicative plans show windows and terraces to both the front and rear, including a courtyard at rear ground floor level, a terrace at rear first floor level and a terrace at front fourth floor level. The impacts in relation to privacy are hard to assess without formal layout plans being provided. As such an informative is recommended to advise the applicant that this can only be assessed as part of a reserved matters application and that any terraces should be located so that they do not cause undue overlooking or loss of privacy to neighbouring properties and include appropriate screening where necessary.

A condition is also recommended to ensure that windows are not proposed within the side elevation of any new building, overlooking No.383 Euston Road as these would be 'bad neighbour' windows, located on the boundary and would directly overlook the rear of No.383 Euston Road.

### **8.4 Transportation/ Parking**

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Both Camden and TfL have requested that this be a car free development; however, Westminster does not currently actively promote car free developments. Policy TRANS 23 of the UDP requires car parking as part of residential development schemes. Car parking is not proposed as part of the scheme. The Highways Planning Manager has not raised objection on these grounds given the location of the site within close proximity to excellent public transport links and given constraints of the site. The lack of car parking is therefore considered acceptable in the particular circumstances of this case.

The indicative plans indicate cycle parking for two bikes at ground floor level. A condition is recommended for the submission of details of cycle parking to be agreed prior to commencement of works once the layout of the building has been finalised. Similarly details of waste storage are shown on the plans and are to be secured by condition once the layout has been finalised.

### **8.5 Economic Considerations**

Any economic benefits of the development proposals are welcomed.

### **8.6 Access**

An objection has been received on the grounds of the loss of the service road.

The site sits on an area of land which is under the same ownership as the recently completed residential development located to the rear (facing Bolsover Street) and is currently fenced off at both ends, preventing public access from the street to the rear courtyard and visa versa. The applicant advises that this access is not required for access to the development and this is confirmed by the planning records for the redevelopment scheme to the rear of the application site. It is therefore not considered that the loss of this service road is sustainable ground for objection and therefore refusal of the application could not reasonably be sustained on this ground.

### **8.7 Other UDP/ Westminster Policy Considerations**

None relevant.

### **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 estimated Westminster CIL liability for the development as shown on the indicative plans would be £56,800 and the Mayoral CIL liability would be £7,100.

### **8.11 Environmental Impact Assessment**

The development is of insufficient scale to require the submission of an Environmental Impact Assessment.

### **8.12 Other Issues**

#### **8.12.1 Construction Impact**

TfL and Camden have requested the submission of a Construction Management Plan given the location of the development on a TLRN. Whilst these comments are noted, given that the development is not a 'major development' and does not include basement excavation, it is not considered that such a condition could reasonably be justified. A condition to limit the building works to daytime hours and an informative to recommend that the developer joins the Considerate Constructors Scheme.

#### **8.12.2 Crime and Security**

Concerns have been raised in relation to the proposed bin store by the Crime Prevention Design Advisor due to the design of the proposed door and as it provides an alternative and less secure means of access to the building. As the plans are indicative only, an informative is recommended to advise the applicant that the bin store should only be accessible from within the building.

#### **8.12.3 Other Matters**

TfL have noted that foundation works may impact on tube lines below, given the location of the site above the Circle, Hammersmith and City and Metropolitan Line. As the site is within the 'safeguarding' zone for underground infrastructure of this type; notwithstanding the lack of response from London Underground, a condition is recommended for further details to be submitted to clarify that the development will not cause harm to this subterranean transport infrastructure.

The objector does not consider that the council should have validated the application due to insufficient information and that they have not undertaken sufficient consultation with the freeholder of the adjacent building. In relation to validation, given that the application is for outline permission rather than a full planning application, it is considered that sufficient information has been submitted to validate the application. In relation to consultation, letters have been sent out to all immediately adjacent occupiers, a site notice displayed on the street close to the application site and an advert published in the local paper. This is considered to meet and indeed exceed the statutory requirements in relation to consultation and the undertaking given in the City Council's 'Statement of Community Involvement in Planning' (2014). The City Council does not and indeed cannot reasonably keep records of who holds the freehold or leasehold ownership of buildings across the City. Rather it is reasonably

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expected that occupiers of neighbouring buildings will pass on relevant details of an application to freeholders when they are notified of an application (note that neighbour consultation letters ask occupiers to alert the owner of the building when they are notified of an application).

## **9. BACKGROUND PAPERS**

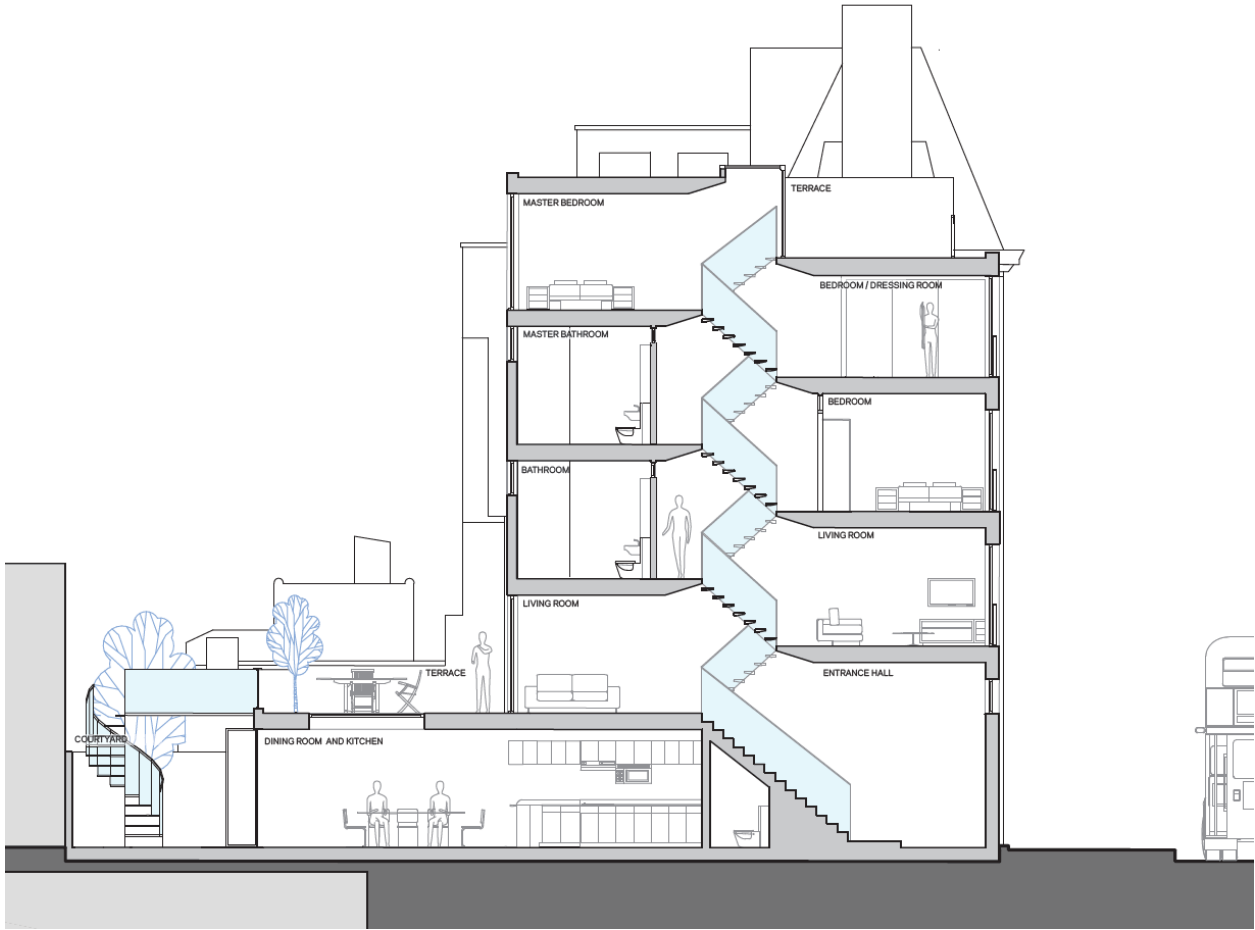
1. Application form
2. Letter from the London Borough of Camden dated 30 March 2017.
3. Email from the Designing Out Crime Advisor dated 3 March 2017.
4. Email from Transport for London dated 16 March 2017.
5. Memo from Environmental Health dated 6 March 2017.
6. Memo from the Cleansing Manager dated 8 March 2017.
7. Memo from the Highways Planning Manager dated 5 May 2017.
8. Letter on behalf of the freeholder of 383 Euston Road dated 3 April 2017.

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

<b>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT <a href="mailto:ogibson@westminster.gov.uk">ogibson@westminster.gov.uk</a></b>
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10. KEY DRAWINGS

Indicative section





Indicative proposed floorplans.

Indicative front elevation.

Indicative rear elevation.





**DRAFT DECISION LETTER**

**Address:** 383A Euston Road, London, NW1 3AU,

**Proposal:** Erection of four storey single family dwelling house on land between 383 and 379 Euston Road with terraces and juliette balconies.

**Plan Nos:** A-01; Planning Statement by HoK. For information only: A-02; A-03; A-04; A-04.2; A-04.3; A-05; Letter dated 27 January 2017 from GIA.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

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

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

Reason:

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

- 2 **Pre Commencement Condition.** You must apply to us for approval of all the reserved matters within three years of the date of this outline permission. You must not start work until we have approved what you have sent us. You must then carry out the work in line with what we have approved. (C01BB)

Reason:

To meet the requirements of the Town and Country Planning Act 1990. (R01BA)

- 3 **Pre Commencement Condition.** You must apply to us for approval of the layout, scale, design and outside appearance of the buildings and of the access to and landscaping of the site (the 'reserved matters'). You must not start work until we have approved what you have sent us. You must then carry out the work in line with what we have approved. (C01AB)

Reason:

To meet the requirements of the Town and Country Planning Act 1990. (R01BA)

- 4 The main roof level of any new building shall not exceed a maximum height of 15 metres (from pavement level).

Reason:

To ensure that the new development respects the surrounding townscape and the heights of the surrounding buildings and protects the privacy and environment of people in neighbouring properties. This is as set out in S28 and S29 of the Westminster City Plan adopted November 2016 and, ENV13, DES 1 and DES 4 of the Unitary Development Plan adopted January 2007.

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- 5 The maximum depth (front to back) of the proposed building at each floor level shall not exceed that shown on the indicative drawing A-02.

Reason:

To ensure that the development is carried out in accordance with the submitted indicative parameter plans.

- 6 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start work 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.

- 7 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the house. (C14EC)

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)

- 8 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:

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.

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

Reason:

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

- 10 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 8 and 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in 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.

- 11 (1) Where noise emitted from any plant and machinery provided as part of this development 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 any plant and machinery provided as part of this development 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

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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.

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

Reason:

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

- 13 You must not form any windows or other openings in any side elevation wall of the building facing No.383 Euston Road.

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)

- 14 Pre-Commencement Condition

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures
- demonstrate access to elevations of the building adjacent to the property boundary with

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- London Underground can be undertaken without recourse to entering our land
- demonstrate that there will at no time be any potential security risk to our railway, property or structures
  - accommodate ground movement arising from the construction thereof
  - mitigate the effects of noise and vibration arising from the adjoining operations within the structures

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 15 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)

### **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,

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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 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 You are advised that the proposed direct street access to the bin store as shown on the indicative plans is considered unacceptable by the crime prevention officer as it provides a secondary and less secure means of access to the building. You advised that this should be omitted from any details plans application.
- 6 You are advised that the amenity implications in terms of overlooking and privacy can only be considered as part of a reserved matters application which details the location of windows and any terraces. Any terraces should be located so that they do not cause any undue overlooking into neighbouring windows and are adequately screened.
- 7 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)
- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This

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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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 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](http://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](mailto: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.**