

CITY OF WESTMINSTER			
PLANNING MAJOR APPLICATIONS COMMITTEE	Date 12 November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Abbey Road	
Subject of Report	Development Site At 1 ½ Queens Grove and 12-22 Finchley Road, London, NW8 6EB		
Proposal	Variation of condition 1 of planning permission dated 21 December 2017 (RN: 17/00938/FULL) which itself varied Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements. Namely, to allow the addition of mechanical ventilation and sprinklers at basement levels; smoke extraction and sprinklers within the communal corridors at the upper levels; increase in floor to ceiling heights to 2.6 metres; lowering of the central ground floor slab; disabled access lift added to the ground floor entrances; introduction of escape windows to ground floor apartments; reduction in the floor areas of units 007 and 008; inclusion of photovoltaic panels at sixth and seventh floor roof level; and removal of seventh floor mezzanine.		
Agent	Mr Jake Geczy Gerald Eve		
On behalf of	Finchley Road MMA		
Registered Number	19/03844/FULL	Date amended	14 August 2019
Date Application Received	20 May 2019		
Historic Building Grade	Unlisted		
Conservation Area	Outside a Conservation Area, although adjacent to the boundary of the St John's Wood Conservation Area		

1. RECOMMENDATION

Grant conditional permission subject to the completion of a Deed of Variation to the legal agreement dated 21 December 2017 to reflect this new permission.

2. SUMMARY

This section 73 application seeks changes to the 2017 permission (which varied a 2003 permission) for the redevelopment of this site to create 66 flats including 17 affordable units in buildings between 6 and 8 storeys in height. The 2003 planning permission remains extant, as works took place to implement the permission prior to the expiry of the 5-year time limit.

This proposal seeks approval for a number of design changes to the consented scheme. The main changes involve increasing the floor to ceiling heights which does involve more bulk at seventh floor level fronting on Queen's Grove and Finchley Road, although the overall height of the new building remains the same as the originally consented seventh floor mezzanine floor has been removed. Other changes include the addition of photovoltaic panels at roof level, and minor internal and external changes.

An objection has been received on behalf of the all the residents in Balmoral Court on grounds of increased loss of daylight, sunlight and outlook as a result of the proposed changes to the bulk of the building. Other objections raised relate to the impact on access to their basement car park and loss of trees at the rear.

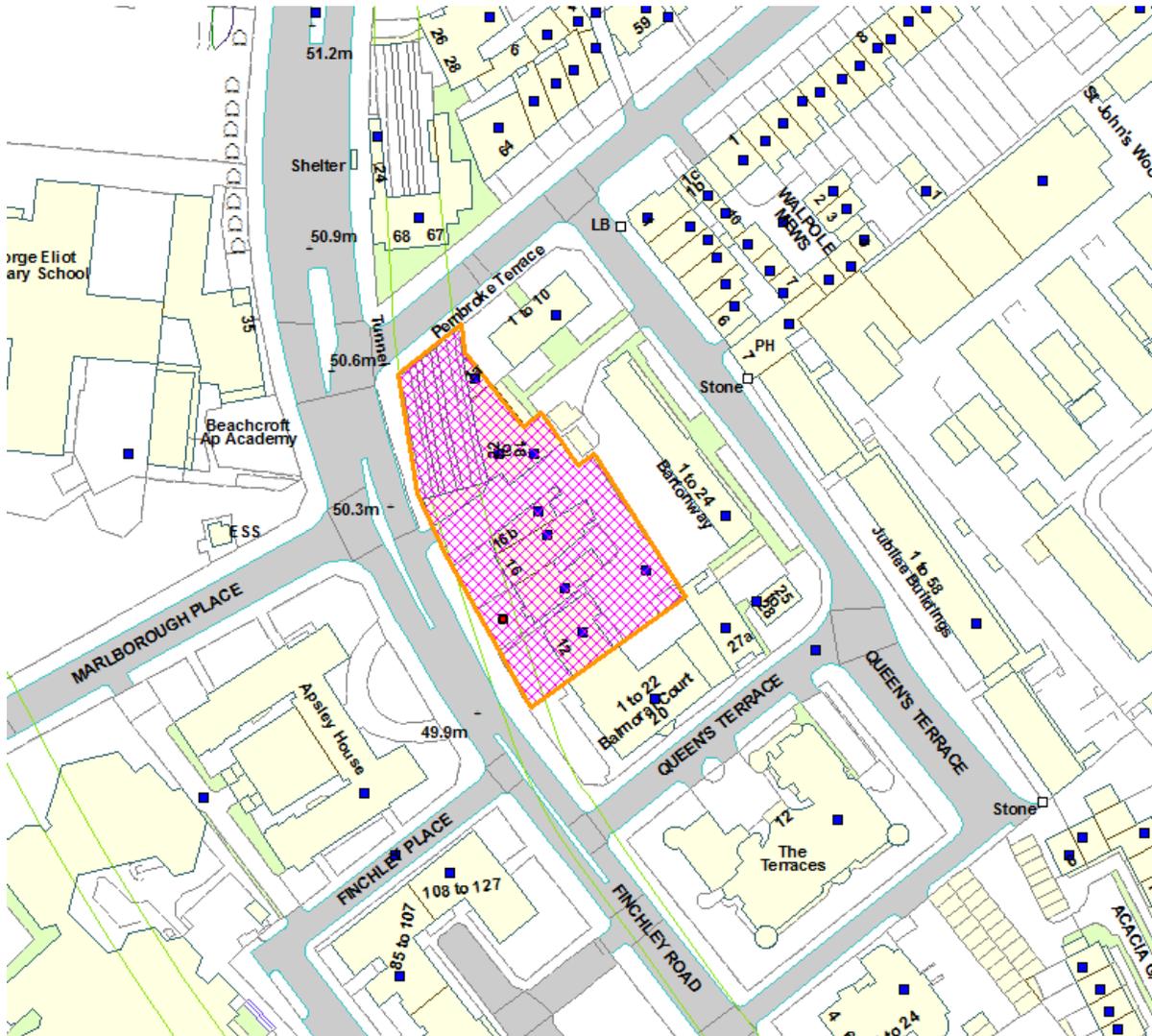
The key issues are:

Changes to the design, in particular the increase in bulk and height at roof level on the appearance of the new building and whether the proposal preserves the setting of the adjoining St John's Wood Conservation Area.

The impact of the proposed changes on the amenity of neighbouring residents in Balmoral Court, Bartonway and Pembroke Terrace in terms of their daylight, sunlight and outlook.

The proposal is considered acceptable in design and amenity grounds and complies with adopted City Plan and UDP policies S25, S28 and S29 and DES1, DES4, DES9, and ENV13. This application is recommended for conditional approval subject to a Deed of Variation to the legal agreement to reflect this new permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation Finchley Road NW8



Junction of Finchley Road and Queen's Grove looking south



VIEW ONE



View of the Jubilee underground line which runs through part of the application site and two aerial shots of the application site.

5. CONSULTATIONS

London Underground Limited: No objection and reiterates the need for the developer to continue working with London Underground engineers and condition.

Transport for London -No objection.

Environmental Health: had this scheme not been a Section 73 would have required air quality assessment to demonstrate the development is Air Quality Neutral, a noise report to ensure that internal conditions meet the Council's noise criteria and a full land contamination condition. No objections to the incorporation of a sprinkler system to the lower floors and the common parts. Such a system should be approved by Building Control and/or the Fire Brigade. Concerns raised about the proposed escape windows in some of the residential units as such arrangements may not be suitable or convenient, and request that the applicant provide a more detailed explanation and justification.

Highways Planning Team: no objections.

Building Control: to be reported verbally

St John's Wood Society: Applicant presented the proposed variations to the Society's planning committee. Although we raised objections to the previously approved scheme regarding the loss of amenity to Balmoral Court residents, we do not have any further objections to these proposed variations. Request that site address is amended as it is incorrect- No 1 Queen's Grove is on the opposite side of the development site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 370

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One objection from a planning consultant acting on behalf of Balmoral Court 20 Queen's Terrace raising the following grounds:

Amenity.

The proposal which includes an increase in height of the northern part of the building and the addition of photo voltaic panels on the roof, and the main objection relates to the loss of daylight and sunlight to existing residents in Balmoral Court.

Applicant's Daylight and Sunlight report fails to address the changes in daylight and sunlight compared to the existing situation and just compares the consented and the proposed.

The VSC in the porter's flat is significantly below 27% value in existing and proposed scenarios

Loss of light to the upper floors on first, second and upper floors which will lose significant levels of daylight.

Impact on the existing top floor flat in terms of outlook, amenity, daylight and sunlight.

Proposal fails to comply with policies S20 and S28 of the City Plan and policy 7.6 of the London Plan.

Access

Proposed intensified use of Balmoral Court access and the impact of the proposed scheme on existing access arrangements to the basement parking of Balmoral Court.

Trees

Loss of trees at the rear.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Further round of consultation following receipt of the Addendum Daylight and Sunlight Report

Adjoining Owners/Occupiers:

No consulted 371

No Replies 1

One further response from the agent acting on behalf of the residents in Balmoral Court on the grounds that the impact on this block is the same and no further comments to make as their previous comments set out above still stand.

6. BACKGROUND INFORMATION**6.1 The Application Site**

This application is located on the north east side of Finchley Road at the corner with Queen's Grove. The site is located outside a Conservation Area, but the site is visible from views within the neighbouring St John's Wood Conservation Area which is adjacent to the east and the west. The existing buildings on Finchley Road are 3 storeys plus basement on site are not listed, and the site also includes the single storey hire shop and yard and part of the site includes the open section of the Jubilee line and the Wedge House which fronts on Queen's Grove.

The application sites lie outside the Central Activities Zone (CAZ).

There is an extant permission to redevelop this site to create 66 flats including 17 affordable units granted in 2003. This permission was implemented before the expiry of the 5-year permission and this was confirmed in a certificate of lawfulness issued in 2006 and therefore remains valid.

Finchley Road is a Red Route and Transport for London is the highway authority.

6.2 Recent Relevant History02/06302/FULL

Demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements.

Application Permitted 6 November 2003

This decision was subject to a legal agreement to secure affordable housing.

13/09910/CLOPUD

Confirmation that the planning permission dated 6 November 2003 (RN: 02/06302/FULL) for demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements was implemented by the carrying out of material operations and that the continued development of the site in accordance with the planning permission is lawful.

Application Permitted 22 January 2014

17/00938/FULL

Variation of Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements from RN 02/06302/FULL. NAMELY, to vary the hours of construction works that can be heard at the boundary of the site to allow works around the railway cutting to take place between 01.00 and 05.00 hours for a non-consecutive period of up to 72 nights during the overall construction programme.

Application Permitted 21 December 2017

This decision is the subject to a Deed of Variation to the original legal agreement to secure additional mitigation measures, namely to secure temporary air conditioning and secondary glazing in respect of the night time works.

This application was considered by the Planning Applications Sub-Committee No 1 on 11 July 2017 when Councillor Beddoe was the Chairman.

18/10587/NMA

Amendments to planning permission dated 21 December 2017 (RN: 17/00938/FULL) for the: Variation of Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements from RN 02/06302/FULL. Namely, to vary the hours of construction works that can be heard at the boundary of the site to allow works around the railway cutting to take place between 01.00 and 05.00 hours for a non-consecutive period of up to 72 nights during the overall construction programme. NAMELY, to add a condition listing the approved plans and documents.

Application Permitted 21 December 2018

7 THE PROPOSAL

This Section 73 application seeks a number of changes to the consented design. The main change relates to increasing the floor to ceiling heights to 2.6 metres which results in increases in bulk and massing at seventh floor level to the northern building. This increase in bulk is most visible on the north elevation of the new building where it fronts onto Queen's Grove and along part of the Finchley Road frontage. The proposal also involves the removal of the previously approved seventh-floor mezzanine level to ensure there is no increase in height. The proposal also involves the lowering of the ground floor slab by 0.660m below the prevailing ground floor level at Finchley Road. The lowering of the ground floor slab also results in a small reduction to the floors areas of two flats

(units 007 and 008) to ensure they do not interact with the underground tunnels which runs parallel with these two flats. Escape windows to the ground floor apartments are also shown. At lower ground floor an enlarged plant room is proposed

Other changes relate to the provision of a disabled access to the ground floor entrances and the inclusion of photo voltaic panels at roof level on the sixth and seventh floors. Other minor changes include the introduction of mechanical ventilation and sprinklers at basement levels, smoke extraction and sprinklers within the communal corridors at the upper levels in order to meet Building Regulations.

During the course of this application, the applicant submitted an Addendum to the Daylight and Sunlight Report to show a comparison between the existing situation and the proposed, as the originally submitted report only compared the consented and proposed. This additional information was the subject of another round of consultation with the neighbouring residents.

8 DETAILED CONSIDERATIONS

8.1 Land Use

The principle of the redevelopment of this site for residential use has been previously accepted by the City Council in 2003 and 2017, and the 2003 permission remains extant. The table below sets out the proposed floorspace figures:

Table 1 Floorspace Figures

Existing GIA sq., m	Consented GIA sq. m	Proposed GIA sq. m	Difference between proposed and consented
1,067.93	11,840.57	11,677.91	-162.63

This proposal although it results in more bulk at seventh floor level, overall in terms of proposed floorspace there is a slight reduction in floorspace compared to the 2017 consented scheme of approximately 163 sq. m or 1.3%. This reduction is mainly as a result of the removal of the seventh-floor mezzanine floor and changes at ground floor level. This reduction in floorspace relates to the market housing and not the affordable flats.

There is a small reduction in flats 007 and 008 as a result of these proposed changes, but these two units still exceed the minimum room sizes for two- and three-bedroom flats.

The 2003 planning permission which remains extant will deliver 17 affordable housing units (30%) and this is secured by the legal agreement. This section 73 application raises no new land use issues.

8.2 Townscape and Design

The key issue is the changes in floor to ceiling height and how this manifests itself in relation to the bulk and massing at seventh floor level to the 8-storey building northern block.

In the consented scheme, a seventh-floor mezzanine level was proposed which was located on the frontage northern block. This mezzanine level has now been removed, and the overall floor to ceiling height has increased to each floor from 2.3m to 2.6 m. The applicant states that this increase in floor to ceiling height is to achieve GLA Housing standards and to accommodate sprinklers and ventilation. The scheme has been designed to ensure there is no overall increase in the height of the building as consented.

There is more bulk and massing at seventh floor level compared to the consented scheme and this change is most evident in views along Queen's Grove and Finchley Road. In dealing with this latest application regard has been had to the statutory tests in respect of the impact of the proposal on the designated heritage assets.

It is considered that the proposed increase in massing is acceptable in townscape terms, and the proposed new building is an appropriate scale and height for its setting. It remains a high-quality design which will preserve the setting of the adjoining St John's Wood Conservation Area.

The other external changes are considered to be relatively minor and will improve accessibility into the building for people with disabilities and fire safety and are an improvement. The proposed photovoltaic panels at roof level will improve the building's sustainability are also welcomed in design terms. They are set back from the roof edge and it is recommended to impose a condition to reserve their detailed design.

Overall the proposed changes comply with policies DES1, DES4 and DES9 in the UDP and policies S25 and S28 In the City Plan.

8.3 Residential Amenity

Daylight

Objections have been received on behalf of the residents in Balmoral Court on grounds of loss of daylight and sunlight and the failure of the applicant to provide a comparison between the existing situation and proposed.

The applicant has now submitted an Addendum Lighting Report which now includes comparison based on the existing and proposed lighting levels in relation to the neighbouring residential properties at Bartonway 1-24 Queen's Terrace, 1-10 Pembroke Terrace, Balmoral Court and Aspley House (which is located on the opposite side of Finchley Road).

The most affected properties as a result of this proposed development are those adjacent in Bartonway, Pembroke Terrace and Balmoral Court.

In respect of the flats in Bartonway, a number of windows on the ground to third floors will experience losses of daylight (VSC) in excess of 0.8 times their former value as a

result of the consented scheme and the losses were in the region of 20% to 27% of their Vertical Sky Component. It was agreed in 2003 that these affected windows would remain adequately well-lit for a central London location.

The proposal does result in further losses of daylight to these windows with losses between 21 to 34% of their VSC as set out in the table below;

Table 2 Loss of daylight: Bartonway 1-24 Queen's Terrace

Window/Level	Existing VSC	Proposed VSC	% Loss
W1/20 Ground	29.68	19.46	34.43%
W2/20 Ground	30.53	20.32	33.44%
W3/20 Ground	31.08	21.05	32.27%
W4/20 Ground	31.52	21.72	31.09%
W5/20 Ground	31.74	22.25	29.90%
W6/20 Ground	31.58	22.73	28.02%
W7/20 Ground	30.57	23.34	23.65%
W8/20 Ground	29.93	23.48	21.55%
W1/21 1 st Floor	33.39	22.09	33.84%
W2/21 1 st Floor	33.49	22.69	32.25%
W3/21 1 st Floor	34.16	23.70	30.62%
W4/21 1 st Floor	34.09	24.10	29.30%
W5/21 1 st Floor	34.41	24.89	27.67%
W6/21 1 st Floor	34.31	25.38	26.03%
W7/21 1 st Floor	33.63	25.98	22.75%
W8/21 1 st Floor	33.15	26.12	21.21%
W1/22 2 nd Floor	36.03	24.79	31.20%
W2/22 2 nd Floor	36.19	25.39	29.84%
W3/22 2 nd Floor	36.42	26.35	27.65%
W4/22 2 nd Floor	36.28	26.76	26.19%
W5/22 2 nd Floor	36.30	27.53	20.63%
W1/23 3 rd Floor	37.21	27.66	22.12%
W2/23 3 rd Floor	37.28	28.18	20.85%

It is considered that this proposal compared to the existing situation will result in further losses of daylight to windows at Bartonway in excess of the BRE Guidelines. In Central London these guidelines do need to be applied flexibility. Whilst it is recognised that they will be further losses of daylight compared to the consented scheme, these losses are considered to be acceptable and the affected windows in this block will remain well lit.

In respect of 1-10 Pembroke Terrace, there are five windows will experience losses between 27.71% to 48.13% of their daylight as a result of this proposal. It is understood that these windows serve bedrooms, which are recognised as being less significant compared to living rooms and kitchens, however these rooms will still be reasonably well

lit. It is considered that the impact on these residents will be similar to the losses already consented.

In respect of Balmoral Court, the objector cites that the ground floor porters flat is significantly below the required 27 %VSC value between the consented scheme and proposed.

The porters flat already has relatively low levels of natural daylight and does not meet the BRE guide 27 VSC. In central London, due to the density of development, many existing windows do not meet these requirements and in dealing with applications a degree of flexibility is required.

The consented scheme will result in losses of daylight to one of the windows in this flat W2/11 in the region of 29.59%. The existing 6.15 VSC will be reduced to 4.33 VSC. Given the existing low existing low levels of light to this flat any loss will be expressed as a high percentage. Despite the objection received, the losses of light to this flat are the same as the consented scheme .There are other losses of daylight in excess of 0.8 times their former value at first floor level to 4 bedroom windows ranging from 22% to 31% and also a number of breaches to a number of windows on the upper floors but it is not considered to be so material to justify refusal of planning permission.

The objector also cites loss of light to the top floor flat and there are three windows affected. These losses are set out in the table below:

Table 3 Loss of light 5th Floor Balmoral Court

Window	Existing VSC	Proposed VSC	%Loss
W5/16	26.40	11.90	52.92%
W7/16	16.27	4.40	72.96%
W11/16	19.63	8.96	54.36%

Although the percentages losses are high, the impact on this flat will be similar to what has already been consented. And these affected windows serve bedrooms which have other windows, therefore the overall loss of light to these rooms is considered acceptable. Whilst it is accepted that some residents in Balmoral Court will see more additional bulk and massing as a result of the changes to the northern block, this proposed building is 16.8metres away. Therefore, the objection received on loss of daylight on behalf of this block cannot be supported.

The applicant's report demonstrates that in respect of Aspley House, the proposed losses within 20% and therefore the proposal is compliant with the advice set out in the BRE Guidelines

Sunlight.

It is recognised that the originally consented scheme resulted in losses of APSH (Annual Probable Sunlight Hours) to residents in Bartonway, Pembroke Terrace and Balmoral Court, and as a result of the proposed changes there are further impacts on sunlight.

In respect of Bartonway, there is no change to the vast majority of windows in terms of Annual Probable Sunlight Hours (ASPH) however there are reductions in the order of one or two sun hours, but all windows will retain sun availability in excess of the BRE Guidelines.

In respect of 1-10 Pembroke Terrace, generally there is no change to the consented values and the same comment also applies to residents in Aspley House.

In respect of Balmoral Court, two-bedroom windows W2/13 at second floor and W2/14 will lose 100% of their sunlight as a result of this proposal. However, these windows currently receive a very small level of sunlight 2.00 ASPH. A bedroom window W7/16 at 5th Floor level will also lose 100% of its sunlight, but again the existing levels of 3 hours ASPH is exceptionally low to start with. Other windows will also lose between 33% to 60% sunlight. Whilst these further losses of sunlight are regrettable, it is not considered that these losses of sunlight are so severe to justify refusal.

Another property, the ground floor of No 64 A Queen's Terrace will lose 21% of its ASPH, but again this loss is winter sun, and again this loss is considered acceptable.

Since the 2003 planning approval, there has been a change of planning circumstance in respect of the St John's Wood Barracks and No's 1-7 Queen's Terrace. There is an extant 2013 planning permission to redevelop the Barracks site for new housing and the upper floors of the Queen's Terrace buildings will be converted and extended to provide 59 affordable housing units. It is not considered that the proposed changes will have any material impact on the light and outlook for these future residents.

Sense of Enclosure

It is recognised that the proposed increase in massing will result in further increases in sense of enclosure mainly to the residents in Bartonway, Pembroke Terrace and to Bartonway, but again it is not to result in such unacceptable impacts to warrant refusal of permission.

Privacy

It is not considered that this proposal will have any additional impacts on neighbour's privacy compared to the recently consented scheme.

Overall, this latest application is considered acceptable in residential amenity grounds and complies with policies S29 in the City Plan and ENV13 in the UDP.

6.4 Transportation/Parking The objection relates to the impact of the proposed development on the access arrangements for Balmoral Court. The proposed redevelopment has a basement car park which is accessed by car lifts which is accessed from the northern part of the application site via Queen's Grove. This arrangement is independent from the access at Balmoral Court which is to the south of the site and accessed from Queen's Terrace. The proposed vehicular access will have no impact on the ability of residents in Balmoral Court to access their car park, therefore this objection cannot be supported. The Highways Engineer and Transport for London raise no objections to the proposal.

8.5 Economic Considerations

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

8.6 Access

The provision of disabled access lift and ramp access to the entrances are welcomed as these changes improve access.

8.7 Other UDP/Westminster Policy Considerations

Trees

Although the objection on behalf of the Balmoral Court residents objects to the loss of trees, this matter has already been addressed in the 2003 permission and the last Section 73 planning application. Therefore, this objection cannot be supported.

Sustainability

The introduction of photovoltaic panels at the sixth and seventh floors improves the sustainability credentials of the new development and these are welcomed. It is recommended that a condition be imposed to ensure these panels are provided prior to occupation.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published and subject to consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There is no Neighbourhood Plan for this part of the City.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a

planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

There are no pre-commencement conditions which require discharging, although the applicant has been given a copy of the draft conditions.

8.12 Planning Obligations

A Deed of Variation will be required to amend the existing legal agreement to include this new permission in order to secure the delivery of planning benefits.

8.13 Environmental Impact Assessment

This application does not trigger an EIA.

8.14 Other Matters

The St John's Wood Society have queried the address of the application site which refers to No 1 Queen's Grove as being incorrect. The application address has been amended to refer to No 1 ½.

Environmental Services have raised concerns about the proposed escape windows in some of the residential units as such arrangements may not be suitable or convenient, and request that the applicant provide a more detailed explanation and justification. The applicant has responded that the escape windows are additional, alternative to the designed protected escape routes within the new development, and it is considered that the applicant has addressed their concerns. Any proposal would require separate Building Regulation approval.

This is a mixed market and affordable housing scheme and all units either have a terrace or small garden area as outdoor amenity space. There are garden spaces at the front of the building, and it is recommended that these spaces be for the use of all residents and this is secured by condition.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER MAX JONES BY EMAIL mjones@westminster.gov.uk

DRAFT DECISION LETTER

Address: Development Site At 1 1/2 Queens Grove And, 12-22 Finchley Road, London, NW8 6EB

Proposal: Variation of condition 1 of planning permission dated 21 December 2017 (RN: 17/00938/FULL) which itself varied Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the: Demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements. Namely, to allow the addition of mechanical ventilation and sprinklers at basement levels; smoke extraction and sprinklers within the communal corridors at the upper levels; increase in floor to ceiling heights to 2.6 metres; lowering of the central ground floor slab; disabled access lift added to the ground floor entrances; introduction of escape windows to ground floor apartments; reduction in the floor areas of units 007 and 008; inclusion of photovoltaic panels at sixth and seventh floor roof level; and removal of seventh floor mezzanine.

Plan No's: DRAWINGS ORIGINALLY APPROVED UNDER RN: 02/06302/FULL: FIN-P-1001A, 002A, 003A, 100A, 102B, 103A, 104A, 105A, 106A, 200A, 201A, 300A, 301A. As non-materially amended by drawings FIN-P-101 Rev H, FIN-P-102 Rev H, FIN-P-103 Rev H, FIN-P-104 Rev.H, FIN-P-105 Rev H, FIN-P-106 Rev H, FIN-P-200 Rev J, FIN-P-201 Rev H and FIN-P-300 Rev H, FIN-P-301 Rev J by virtue of the letter from Westminster City Council dated 26 July 2008.

17/00938/FULL AS AMENDED SUPPLEMENTED BY DRAWINGS AND DOCUMENTS HEREBY APPROVED: Night-time Construction Noise Assessment by Ramboll dated 3 February 2017, Statement of Community Involvement dated January 2017 and letter from Gerald Eve dated 6 February 2017.18/10587/NMA Letter from Gerald Eve dated 14 December 2018.

Documents submitted with this latest Section 73 application 19/03844/FULL

Covering letter dated 17 May 2019, PIN-P-001 A; Approved drawing FINP-101H replaced with FINP-101 I ; FINP-102H replaced with FINP-102I; FINP-103H replaced with FINP-103I ; FINP-104H replaced with FINP-104I; FINP-105 H replaced with FINP-105I; FINP-106H replaced with FINP-106 I; FINP-200J replaced with FINP-200K; FINP-201H replaced with FINP-201I , FINP-300H replaced with FINP-300I; FINP-301J replaced with FINP-301K , Design and Access Addendum , Design Note(Building Regulation) by Ramboll, Daylight and Sunlight and Overshadowing Report May 2019 .Letter dated 14 August 2019. Daylight and Sunlight& Overshadowing Report Addendum August 2019.

Case Officer: Amanda Coulson

Direct Tel No 020 7641 2875

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

1 You must not use the premises as:

(a) temporary sleeping accommodation as defined in Section 25 of the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015; or

(b) holiday accommodation under either a tenancy agreement or any other form of accommodation contract. (C08AA)

Reason:

To make sure the property provides permanent domestic accommodation as set out in Policy H 2 of the Unitary Development Plan we adopted in January 2007. (R08AA)

2 (A) 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 (except where night working is permitted by part (B));

between 08.00 and 13.00 on Saturday; and

not at all on Sundays, bank holidays and public holidays.

(B) Building work that endanger the safe operation of the London Underground railway line around the open cutting or alongside the tunnel, that must take place during the Engineering Hours, may occur between 01.00 and 05.00 Monday to Friday, and may only be undertaken following the implementation of the relevant mitigation measures, as set out in the Ramboll Night Time Noise Assessment dated 3 February 2017, to ensure the noise levels experienced during the Engineering Hours construction period do not exceed the levels as set out in the same report. If alternative mitigation measures are proposed these shall be submitted in writing to us in the form of a Construction Design and Noise Mitigation Assessment and you must not implement the alternative mitigation measures until we approve what you send us.

(C) Any other works must not take place outside the hours set out in (A) and (B) unless we have agreed that there are very special circumstances (for example to meet police traffic restrictions, in an emergency or in the interests of public safety).

D) The building work undertaken in respect of B) above shall take place over a maximum of 72 non-consecutive nights during the overall construction programme and no more than 10 nights of working shall be carried out over any 15-day period.

Reason: To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 You must provide the waste store shown on drawing FIN-P-102 Rev I before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29

of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

5 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

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

6 You must apply to us for approval of samples of the facing materials you will use, including glazing, before you begin any work, unless you carry out the development in accordance with the facing materials that were previously approved on 13 August 2007 (RN:07/03915/ADFULL). You must then carry out the work according to the details we previously approved or the details we approve pursuant to this condition subsequent to the date of this permission. (C26BA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

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

8 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

10 Unless you apply to us and we approve an alternative hard and soft landscaping scheme, you must carry out the hard and soft landscaping in accordance with the details we approved on 10 October 2006 (RN: 06/07473/ADFULL). You must then carry out the landscaping and planting

within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within one year of planting them, you must replace them with trees of a similar size and species. (C30CA)

Reason:

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

11 Unless you apply to us and we approve alternative tree protection measures, you protect the trees to remain on site as shown on drawing FIN P102 I and in accordance with the tree protection measures we previously approved on 12 October 2007 (RN: 07/07332/ADFULL). You must implement the approved tree protection measures before any work begins and you must protect the trees throughout all building work, including demolition and site clearance, by using fences or other suitable enclosures. No building activities must take place within the enclosures. (C31AA)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

12 Unless you carry out the development in accordance with the typical elevations of the development we approved on 13 August 2007 (RN: 07/03915/ADFULL) you must apply to us for approval of detailed drawings of typical elevations of the development at a scale of 1:50 prior to any work on these parts of the development. You must then carry out the work according to the approved detailed drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

13 Unless you carry out the development in accordance with the details of boundary treatments including gates and doors that we approved on 13 August 2007 (RN: 07/03915/ADFULL), you must apply to us for approval of detail drawings of boundary treatments including gates and doors at a scale of 1:50 prior to any work being carried out on these parts of the development. You must then carry out the work according to the approved detailed drawings. (C26DA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

14 Unless you carry out the development in accordance with the amended east elevation approved on 13 August 2007 (RN: 07/03915/ADFULL), you must apply to us for approval of alternative detailed drawings showing the terracotta rainscreen shown on the east elevation on drawing FIN P201 I replaced by cast masonry to match the remaining elevations. If you apply to us for approval of alternative detailed drawings, you must apply to us and we must approve the alternative detailed drawings prior to any works commencing on site above ground floor slab level. You must then complete this part of the development in accordance with the amended

east elevation that we approve.

Reason:

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring residential properties. This is in accordance with H10 and ENV13 of the Unitary Development Plan that we adopted in January 2007 and S29 of Westminster's City Plan that we adopted in November 2017.

15 Unless you carry out the development in accordance with the details of screening to and between balconies we approved on 13 August 2007 (RN: 07/03915/ADFULL), you must apply to us for approval of alternative detailed drawings showing screening to and between balconies prior to any work being carried out on these parts of the development. You must then carry out the work according to the approved drawings. (C26DA)

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)

16 (a) Unless and until the 'maximum noise level' and 'measurement location' are fixed under (b), the plant/machinery hereby permitted shall be operated so as to ensure that any noise generated does not exceed the external background noise level (without the plant/machinery hereby permitted operating) at any time outside any residential property (to be referred to as the 'receptor location/s').

(b) If the 'maximum noise level' and 'measurement location' have been fixed under this condition, the plant hereby permitted shall be operated so as to ensure that any noise generated does not exceed the 'maximum noise level' when measured at the 'measurement location'.

For the purposes of fixing the 'maximum noise level' and the 'measurement location' details of the following noise scheme shall be submitted to and approved in writing by the City Council, namely a scheme including:

- i. A suitable location accessible to the applicant and City Council, close to the plant/machinery hereby permitted, for measuring noise emitted by it (to be referred to as the 'measurement location'); and
- ii. Results of monitoring at the 'measurement location' and 'receptor location/s' when external background noise levels are at their quietest. The results of the monitoring shall determine the highest noise level (to be referred to as the 'maximum noise level') emitted by the plant/machinery hereby permitted when measured at the 'measurement location' which does not exceed the external background noise level at any time (without the plant/machinery hereby permitted operating) at the 'receptor location/s'. The results shall be provided as the maximum sound levels over a 5-minute period expressed as L_{Amax} L_{Aeq} and un-weighted octave band frequency spectra. (C39A)

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. (R46AB)

17 The development hereby permitted shall be fully implemented in accordance with the approved

drawings and shall maintain a minimum distance of 19.6 metres between the new building line to the eastern boundary and the rear building line of 1-24 Bartonway, Queens Terrace, when scaled from the ground floor plan numbered FIN P102 I.

Reason:

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

18 The development hereby approved shall be fully implemented in accordance with the approved plans, including the threshold levels shown on the scaled elevations and sections on approved drawings numbered FIN P300 I, FIN P200 K, FIN P201 I, and FIN P301 K.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

19 Prior to further work in addition to those identified in RN: 13/09910/CLOPUD being carried out on site, including any demolition or construction works, the applicant shall submit an approval of details application to the City Council as local planning authority comprising 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. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

20 You must erect the Temporary Acoustic Screen shown on page 24 of the Night-time Construction Noise Assessment dated 3 February 2017 prior to any demolition or construction works being carried out at night between the hours of 01.00 and 05.00 Monday to Friday. Following its initial erection on site, the Temporary Acoustic Screen shall be retained for the duration of all of the night-time working.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

21 Detailed drawings at a scale of 1:20 of the photovoltaic panels on the roof shall be submitted to and approved by the City Council as local planning authority before works start on this part of the development. The approved photo voltaic panels must be provided prior to the occupation of the development.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to secure the provision of these features which

improves the sustainability of the development. This is as set out in S28 and S40 Westminster's City Plan (November 2016) and DES 1 and DES4 our Unitary Development Plan that we adopted in January 2007. (R26AD)

22. The external amenity space at the front of the development fronting onto Finchley Road as shown on drawing FIN-P-102 Rev I must be provided, maintained and retained and be made accessible for all residents across-tenures within this development.

Reason

To make sure that the communal external amenity space is provided and accessible to all residents across-tenures in accordance with policy H 10 of our Unitary Development Plan adopted 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, neighbourhood plan (where relevant), 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 The development shall be of such a standard that internal structural borne noise levels above 35 dB LASmax (day and night) from the Metropolitan Line shall be avoided where practicable. In this context a desirable design shall be 35 dB LASmax and below. A noise level up to 40 dB LASmax is acceptable in this development given the location and land use, but the applicant must demonstrate appropriate steps have been taken to ensure the desirable standard is met until all possible mitigation has been employed and no further reduction is possible. If the design and mitigation of any residential dwellings cannot meet the minimum standard of 40 dB LASmax from underground train noise then such dwellings would be unsuitable for the intended residential use.

3 No vibration from the Underground Trains shall be transmitted to adjoining dwellings 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.

4 With reference to condition 19 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.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning

authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

5 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet them requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

7 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)

8 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

9 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)

10 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to

occupy all or part of a flat or house for a specified week, or other period, each year).

11 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work. Your main contractor should also speak to our Environmental Health Service before starting

work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

12 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

13 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

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

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

15 This permission is governed by a deed of variation to the legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990 dated 17 December 2017.

**DRAWINGS
ORIGINALLY
APPROVED
UNDER RN:**

02/06302/FULL:

FIN-P-1001A, 002A,
003A, 100A, 102B,
103A, 104A, 105A,
106A, 200A, 201A,
300A, 301A. As

non-materially
amended by

drawings FIN-P-101

Revd., FIN-P-102

Revd., FIN-P-103

Revd., FIN-P-104

Rev.H, FIN-P-105

Rev.H, FIN-P-106

Rev.H, FIN-P-200

Rev.J, FIN-P-201

Rev.H and FIN-P-

300 Rev.H, FIN-P-

301 Rev.J by virtue

of the letter from

Westminster City

Council dated 26

July 2008., ,

17/00938/FULL AS

AMENDED/

SUPPLEMENTED

BY DRAWINGS

AND DOCUMENTS

HEREBY

APPROVED: Night-
time Construction Noise
Assessment by Ramboll
dated 3 February 2017,
Statement of
Community

Involvement dated

January 2017 and letter

from Gerald Eve dated 6

February 2017.,

18/10587/NMA, Letter

from Gerald Eve dated

14 December 2018.