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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 19 January 2021 | Classification For General Release | |
| Report of Director of Place Shaping and Town Planning | | Ward(s) involved Abbey Road | |
| Subject of Report | 50 Hamilton Gardens, London, NW8 9PX | | |
| Proposal | Extension and lowering of an existing basement, including increasing the size of lightwell to the rear (Hamilton Garden elevation), alterations to rear access at ground floor, new slate roof incorporating one dormer to each elevation and one sky and replacement double glazed timber frame windows throughout. | | |
| Agent | Mr Uwe Schmidt-Hess | | |
| On behalf of | Namaki | | |
| Registered Number | 20/04317/FULL | Date amended/ completed | 9 July 2020 |
| Date Application Received | 9 July 2020 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | St John's Wood | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to 50 Hamilton Gardens, a single family dwelling house which has its front elevation facing Alma Square and its rear elevation facing Hamilton Gardens. The property is an unlisted building of merit and lies within the St John's Wood Conservation Area.

Permission is sought for the extension and lowering of an existing basement, including increasing the size of lightwell to the rear (to the Hamilton Garden elevation), alterations to rear access at ground floor, new slate roof incorporating one dormer to each elevation and one sky and replacement double glazed timber frame windows throughout. The scheme has been revised during the application to reduce the size of the basement (for tree reasons) which has removed the need for a lightwell fronting Alma Square.

Objections to the proposals have been received on the grounds of the design and impact of the roof works on the conservation area and the impact of basement excavation and roof works upon neighbours, primarily in terms of noise and disruption.

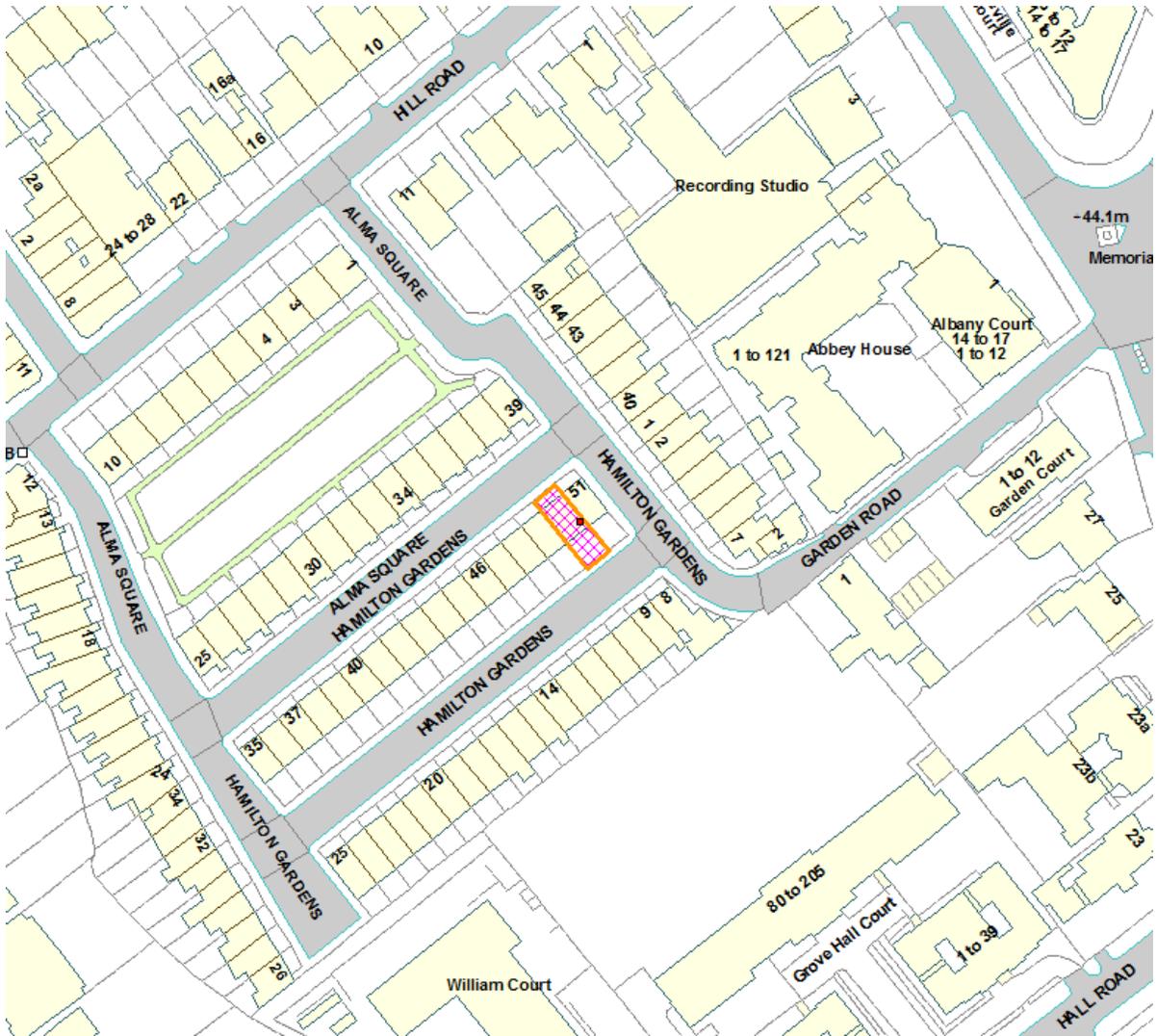
Due to the COVID 19 pandemic it has not been possible to carry out a site visit. However, as the works are primarily external and visible from both Alma Square and Hamilton Gardens via Google street view and given officers knowledge of the area and available photographs from site visits to neighbouring properties it has been concluded that an assessment of the proposals can be made.

The key issues in the determination of this application are:

- The impact of the proposals upon the character and appearance of the St John's Wood Conservation Area.
- The impact of the basement excavation; and compliance with the City Council's basement policy

Subject to the conditions set out in the draft decision letter, the proposals are considered to be acceptable in terms of design, amenity, arboricultural matters and comply with City Council policies as set out in the UDP (adopted January 2007) and City Plan (November 2013). Accordingly, it is recommended that conditional permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Left: Front (Alma Square) Elevation. Right :Rear (Hamilton Gardens) Elevation

5. CONSULTATIONS

WARD COUNCILLORS FOR ABBEY ROAD:

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Request that the conservation officer is consulted on the application, as the audit says roof extensions here should be resisted. A mansard roof would be overly dominant on this roof. Concerns also raised with the front lightwell and increase in size to rear lightwell.

BUILDING CONTROL:

No formal response received to this application. However a response of 'no objection' was received to the earlier withdrawn application and the basement documents supplied to this application are the same.

ARBORICULTURAL SECTION - DEVELOPMENT PLANNING

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER:

Concern raised as to lack of provision of cycle parking and waste storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 50

Total No. of replies: 4

No. of objections: 3 and 1 neutral comment.

No. in support: 0

Three objections have been received on some or all of the following grounds:

Design

- The D&A show that a car parking space is being created to the Hamilton Gardens elevation and that a breaking of the wall to create this space and dropped kerb is harmful to the conservation area

Highways:

- The D&A show that a car parking space is being created to the Hamilton Gardens elevation and facilitating the use of cars is not consistent with climate emergency.

Other:

- The development site should be fully shrouded when works are taking place to deal with dust, noise and fumes;
- Structural concerns from basement excavation;
- Loss of garden space from the creation of an off-street car parking space, as shown in the D&A is being created to the Hamilton Gardens elevation
- All party wall agreements need to be in place;

- Noise and disruption during the course of works;
- Site manager to hold a meeting with affected neighbours and contact details readily available.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to 50 Hamilton Gardens, a single family dwelling house which has its front elevation facing Alma Square and its rear elevation facing Hamilton Gardens. The site has an existing basement, comprising storage and bathroom spaces and this occupies approximately half the rear footprint of the property. The property is an unlisted building of merit and lies within the St John's Wood Conservation Area.

6.2 Recent Relevant History

20/03071/FULL

Extension and lowering of an existing basement, including increasing the size of lightwell to the rear (Hamilton Garden elevation) and provision of new lightwell to the front (Alma Square elevation), a mansard roof extension with two dormers to each elevation and one skylight, the lowering of steps to the rear entrance in order to facilitate continuous level on Ground Floor, and replacement double glazed timber frame windows throughout.

Application Withdrawn 7 July 2020

7. THE PROPOSAL

Planning permission is sought for the extension and lowering of an existing basement, including increasing the size of lightwell to the rear (Hamilton Garden elevation), alterations to rear access at ground floor, new slate roof incorporating one dormer to each elevation and one sky and replacement double glazed timber frame windows throughout. This application has been submitted following the withdrawal of an earlier application due to officer concerns about the proposed roof works.

The proposals have been amended during the course of the application to reduce the size of the basement to overcome concerns from the arboricultural officer.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The creation of additional residential floorspace to this single family dwelling house is acceptable and in accordance with City Council policies H3 of the UDP and S14 of the City Plan.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Roof level alterations

At present the front and rear roof pitches contain a single dormer, centrally located. It is proposed to replace each of these dormers with a larger structure, also centrally located and containing a tripartite window. The dormer will be lead clad and the window constructed in timber. The roof pitch is to be re-laid in slate. The local amenity society has raised concerns with the roof level works, noting the building being identified within the conservation area audit as being unsuitable for roof extensions. They also raise concerns that the mansard will be dominant, however a mansard does not form part of this application.

The proposed dormer windows are considered to be in accordance with DES 1, DES 6 and would preserve the character and appearance of the building and the group appearance of the terrace in the St John's Wood Conservation Area, thereby according with DES 9 of the adopted UDP 2007. The comments of the local amenity society are noted, however the roof is not being extended - the habitable roof is being enlarged - and as such does not depart of guidance within the conservation area audit. The section of terrace the application site forms part of has a variety of dormer's to the front and rear roof slopes, this design approach creates a unified aesthetic with the original roof slope still being identifiable. The proposed dormers will contribute to this regularity and are

considered to be of a form, scale and design that is consistent with the roof profiles along this side of Hamilton Gardens and Alma Square. The use of materials and detailed design of the fenestration is in keeping with the terrace and considered to be appropriate in the conservation area.

Basement

In considering the impact of a basement in design terms of relevance is Part B(5) of policy CM28.1 in the City Plan. Section B(5) seeks to protect the character and appearance of the existing building, its setting and the surrounding area, ensuring external manifestations such as lightwells, skylights and means of escape are sensitively designed and discreetly located.

It is proposed to extend the existing basement under part of the house, enlarging the existing rear lightwell. The local amenity society raise concerns that the proposed front lightwell and increased size of the rear lightwell will have a negative impact on the streetscape. The front lightwell has been removed from the scheme as detailed above.

The enlarged lightwell is located adjacent to the rear elevation, has a shallow projection from the elevations and responds to the form of the fenestration above. It will be covered by a metal grill which will reduce its visual appearance when seen in context with the landscaping, which can be secured by condition. Whilst it is recognised that the building is high prominent within the street scene on both elevations, the scale of the lightwell does not erode the limited garden space and is not considered to visually separate the relationship between building and garden. Furthermore, comparable lightwells can be found along Hamilton Gardens including at no.48.

Carparking Space

One of the objector's states that the application is confusing as the D&A shows an off-street parking space proposed whilst the application form states no off-street parking is proposed. They comment that an off-street parking space would take up the garden, require a break in the wall and a dropped kerb, all of which are harmful to the conservation area. The D&A shows previous permissions granted in Hamilton Gardens (in order to support the proposals) and a permission granted for works at 48 Hamilton Gardens is annotated to show an existing off-street parking space to that property. No off-street parking is proposed under this application.

As such the proposal is in accordance with the requirements of DES 1, DES 6 and DES9 of the UDP, policy S25, S28 and CM28.1 of the City Plan and is in accordance with the guidance contained with the Basement SPG. Therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

The replacement roof, dormer extensions and rooflight are considered to be minimal roof works and not considered to raise any significant amenity issues with regards to overlooking to properties to the front or the rear or any form of loss of daylight/ sunlight or sense of enclosure.

The basement works are wholly under the footprint of the existing property, except for

the lightwell and therefore raise no amenity concerns.

The proposals are acceptable and accord with ENV13 of the UDP and S28 of the City Plan.

8.4 Transportation/Parking

As the proposals are for extensions to a single family dwelling, the comments received by the Highways Planning Manager regarding lack of provision of cycle parking and waste storage (on the plans at least) cannot be sustained.

One of the objector's states that the application is confusing as the D&A shows an off-street parking space proposed whilst the application form states no off-street parking is proposed. As discussed above, no off-street parking is proposed under this application.

8.5 Economic Considerations

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

8.6 Access

The access to this family house remains unaltered.

8.7 Other UDP/Westminster Policy Considerations

Basement Policy

Summary of whether the proposal complies with basement policy CM.28.1 of the City Plan:

Part A 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, as set out within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by the Head of Building Control (it should be noted that this was in response to the application withdrawn in July of this year, but the reports are the same) who advises that the structural methodology, including the phasing and propping up details proposed is appropriate for the ground conditions found on this site. The proposal to safeguard adjacent properties during construction is considered to be acceptable. Within the Structural Method Statement it has been noted that the proposed new basement would not increase the likelihood of flooding in the local area and it should not have significant effects on the structural stability of neighbouring building or the highway. At this stage, the applicant has provided sufficient details of ground investigation to satisfy the requirements of the basement policy, and the building control officer is satisfied with the findings subject to an informative being attached reminding the applicant to obtain a Technical Approval from the City Councils highway engineers before beginning excavation.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with

the CoCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

Part A. 5 & 6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity and that if approved they hope any site contractor would liaise with neighbours.

The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016.

Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B. 1&2

The City Council's arboricultural officer, who has had been liaising with the applicant and their appointed arboricultural officer and who has been negotiating on the scheme,

resulting in revisions to the basement, has no objection to the basement subject to tree protection conditions.

Part B.3

Natural ventilation to the basement level would be provided via lightwells to the front and the rear of the property.

Part B. 4 & 7

The external manifestations of the basement would be the increasing in size of the lightwell to the rear on Hamilton Gardens and this is not considered to have a significant impact in terms of sustainable urban drainage. The gardens to the front and rear are to remain as existing hard landscaped areas. The site is not within a flooding hotspot as defined in the City Council's Basement SPD.

Part B. 5 & 6

The proposals are considered to be acceptable (see Design section of this report above).

Part C. 1 (a, b and c)

The proposal does not extend beneath more than 50% of the garden land due to the extension being under the footprint of the existing house.

An area of margin of undeveloped garden land is not required in this instance as the basement is proposed under the existing footprint.

Part C. 2

Not relevant as the basement is beneath the existing house.

Part C. 3

This part of the policy states that the proposed basement extension should not involve the excavation of more than one storey below the lowest original floor level. The basement is single storey only.

Part D

The basement does not extend under the highway; therefore, this part of the policy does not apply in this case.

Trees

There is a Council-owned horse chestnut directly outside the application site on the Alma Square frontage, an Irish yew within the rear garden space (fronting Hamilton Gardens) of the application site, a pear tree outside the application site on Hamilton Gardens and a false acacia at 49 Hamilton Gardens, again on Hamilton Gardens, which is protected by a Tree Preservation Order.

The horse chestnut is of high amenity value and as originally proposed the extended basement, closer to this tree was considered to likely harm this tree and therefore the proposals were considered unacceptable. The applicant has revised the scheme to significantly reduce the size of the basement and there is now likely to be no harm to this tree.

With regards to the extension of the basement to the rear and the enlarged lightwell to Hamilton Gardens, subject to conditions (as detailed in the draft decision letter), the City Council's arboricultural officer has no objections to the proposals in terms of impact upon trees/ landscaping.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's 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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

8.9 Neighbourhood Plans

There are no neighbourhood plans for St John's Wood.

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.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the Council's code of construction practice and agreement to submit a tree protection method statement. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The proposed development is of insufficient scale to require the provision of an

Environmental Impact Assessment.

8.14 Other Issues

Noise and Disruption During the Course of Works

Objections have been received on the grounds of noise and disruption during the course of works if permission was to be granted. This in part has been addressed in the 'basement excavation' part of the report.

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice (CoCP). Given the nature and size of the development, the proposals would require the submission of a CoCP and this has been conditioned. A condition is also recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday (basement works Monday-Friday only). The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Party Wall Agreements

Concerns regarding lack of party wall agreement have been raised. This is generally a private matter dealt with after a permission has been granted, and in any event is not a material consideration in the determination of the proposals.

Length of time to carry out such a development

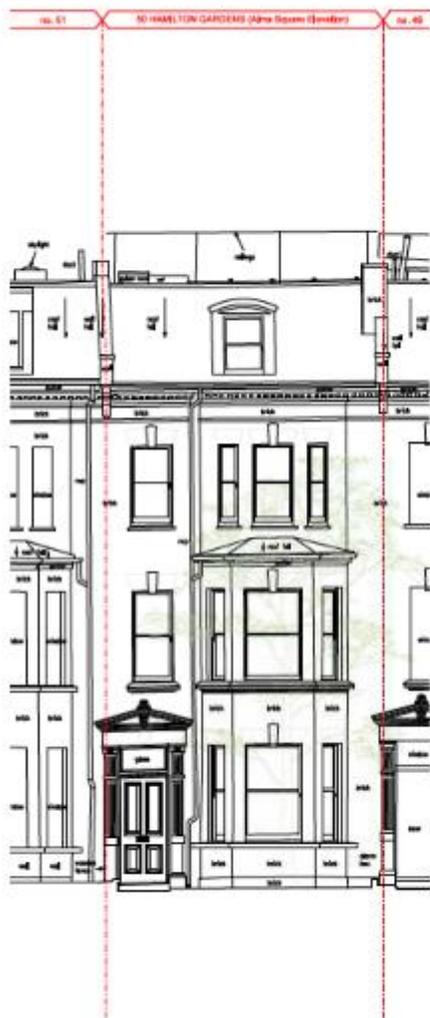
Objections have been received on the grounds of how long it takes to complete a development and the impact this has, (and on those now working from home due to COVID). The City Council cannot control how long a development will take under planning legislation and whilst it is acknowledged that there is some disruption from development work, this is not considered a reason to refuse the application.

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

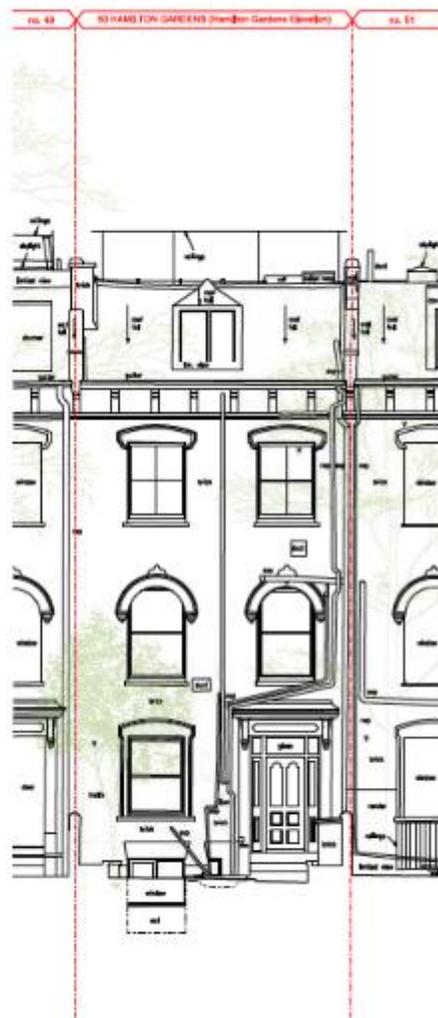
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

9. KEY DRAWINGS

Existing Elevations:



01 Front Elevation
Scale 1:50 @ A1 / 1:100 @ A2

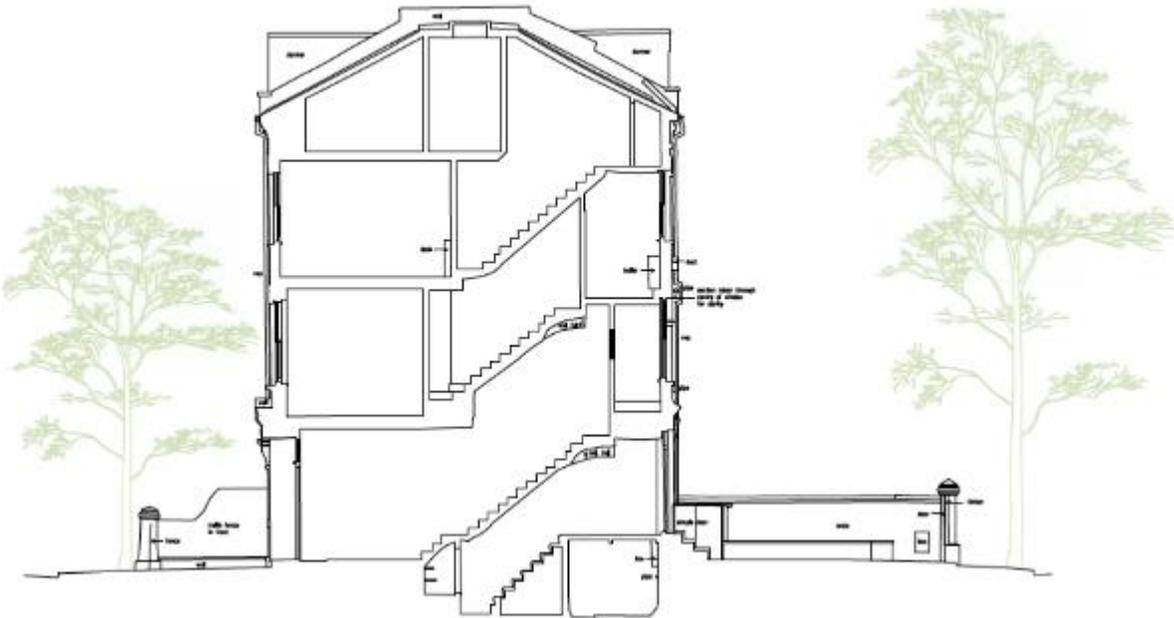


02 Rear Elevation
Scale 1:50 @ A1 / 1:100 @ A2

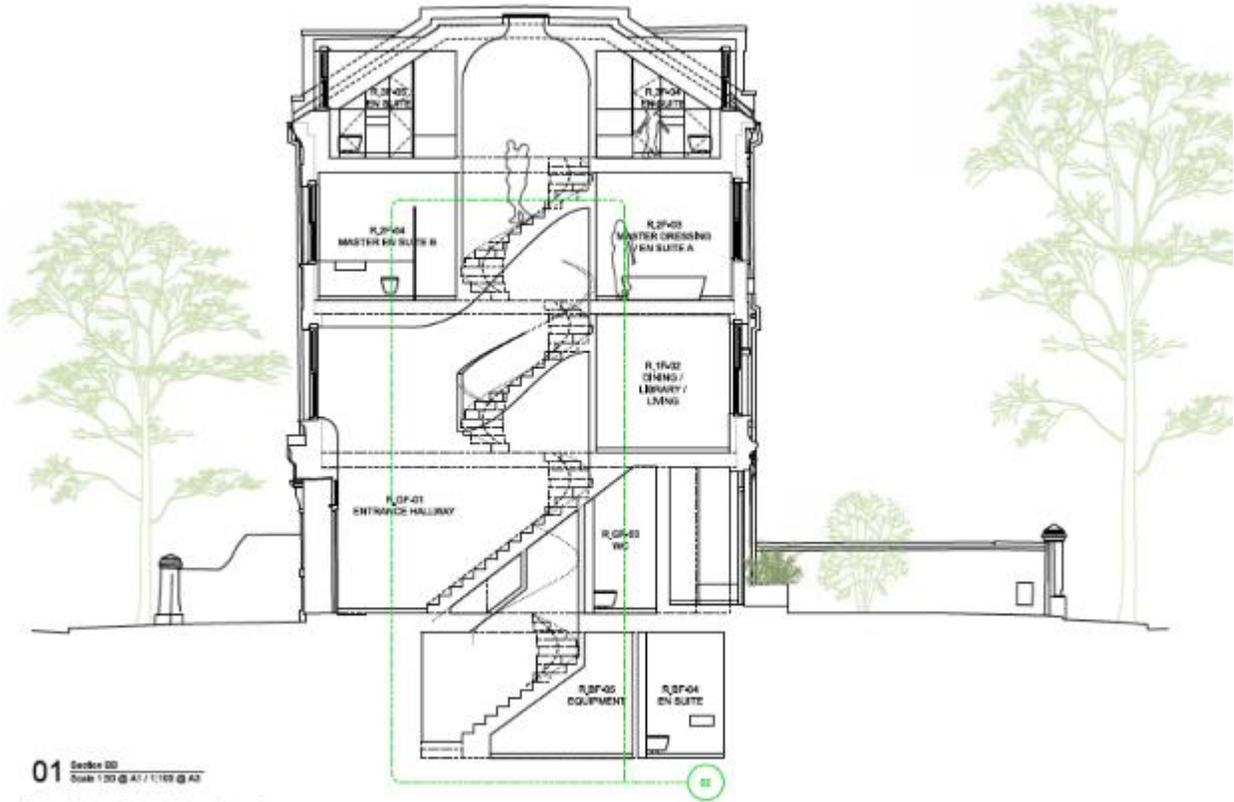
Proposed Elevations



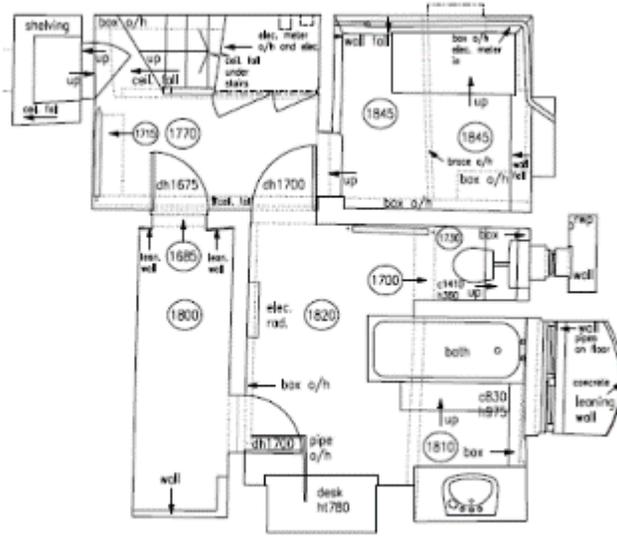
Existing Section



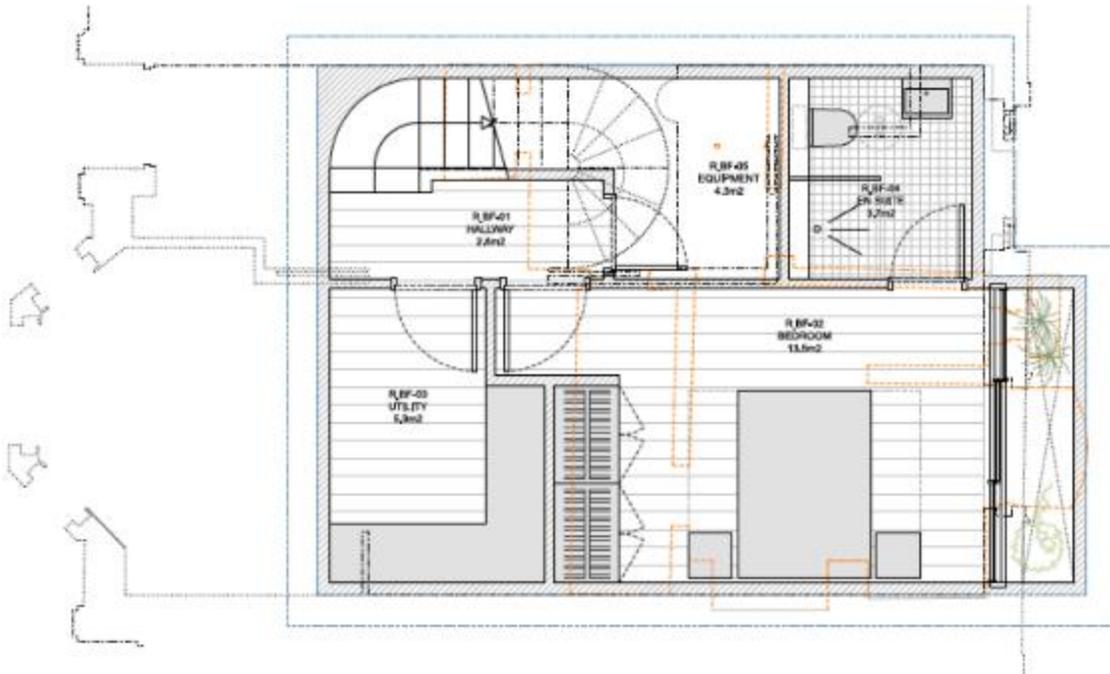
Proposed Section



Existing Basement



Proposed Basement



DRAFT DECISION LETTER

Address: 50 Hamilton Gardens, London, NW8 9PX

Proposal: Extension and lowering of an existing basement, including increasing the size of lightwell to the rear (Hamilton Garden elevation) and provision of new lightwell to the front (Alma Square elevation), alterations to rear access at ground floor, new slate roof incorporating one dormer to each elevation and one sky and replacement double glazed timber frame windows throughout.

Reference: 20/04317/FULL

Plan Nos: A0010; A1009; A1010; A1011; A1012; A1013; A1014; A1101; A1201; A1202; PA-1:3009 01; 3010 01; 3011; 3012; 3013 03; 3014 02; 3101 04; 3201 03; 3202 03; Arboricultural Report and Tree Survey revised December 2020.
For information only: Design and Access Statement dated July 2020, Structural Report Issue 4 dated 24 June 2020; Appendix A Checklist.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641
07866036948

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot 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 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 **Pre Commencement Condition.** Prior to the commencement of any:, (a) Demolition, and/or, (b) Earthworks/piling and/or , (c) Construction , On site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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),

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 Notwithstanding the details shown on the approved drawings the slate used on the main roof shall be natural slate and maintained as such hereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 Notwithstanding the details shown on the approved drawings the window frames hereby permitted shall be painted white and maintained as such hereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and

DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 Notwithstanding the details shown on the approved drawings the metal grills to the lightwell hereby permitted shall be installed, maintained and not removed.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 9 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 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 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of 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. (R30BC)

- 10 You must not alter the existing ground levels external to the building footprint, except for the excavation for the lightwell at the rear in the location shown on plan reference PA-1-3009 rev 01 (this ref may change subject to clarification of the extent of excavation for the lightwell), including reducing or building up the existing surface levels, and any excavation for underground services. If you want to carry out any changes in levels you must apply to us for our prior approval, and you must not alter the levels, until we have

approved what you have sent us. Any work which we subsequently approve shall be carried out by hand or by tools held in the hand. , , If you intend to alter the external hard surfacing, the new surfacing must be permeable. If you want to change this, you must apply to us for our approval, and you must not install the surfacing until we have approved what you have sent us.

Reason:

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

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 **HIGHWAYS LICENSING:**, 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 visit our website at www.westminster.gov.uk/guide-temporary-structures., , **CONSIDERATE CONSTRUCTORS:**, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , **BUILDING REGULATIONS:**, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control
- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the

building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 4 Condition 8 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of: , * the order of work on the site, including demolition, site clearance and building work; , * who will be responsible for protecting the trees on the site; , * plans for inspecting and supervising the tree protection, and how you will report and solve problems; , * how you will deal with accidents and emergencies involving trees; , * planned tree surgery; , * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development; , * how you will remove existing surfacing, and how any soil stripping will be carried out; , * how any temporary surfaces will be laid and removed; , * the surfacing of any temporary access for construction traffic; , * the position and depth of any trenches for services, pipelines or drains, and how they will be dug; , * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed; , * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site; , * the place for any bonfires (if necessary); , * any planned raising or lowering of existing ground levels; and , * how any roots cut during the work will be treated.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.