

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 June 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Maida Vale	
Subject of Report	Flat A, 150 Elgin Avenue, London, W9 2NT,		
Proposal	Construction of a single storey outbuilding and air source heat pump enclosure within rear garden.		
Agent	Mr Jospheh Oviawe		
On behalf of	Ms Maeve Shamoon		
Registered Number	23/03660/FULL	Date amended/ completed	25 July 2023
Date Application Received	1 June 2023		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		
Neighbourhood Plan	Not applicable.		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application site is occupied by a 5 storey mid-terrace property located on the southeast side of Elgin Avenue. The building is unlisted and lies within Maida Vale Conservation Area. This application relates to Flat A which covers the lower ground and ground floors.

The application proposes the erection of a single storey outbuilding at the end of the rear garden, replacing a smaller outbuilding that was approved in May 2009. The outbuilding will be used as occasional office space and garden storage by the occupier of the lower ground and ground floor flat. The installation of an air source heat pump is also sought which will be sited within an enclosure within the outbuilding.

Objections have been received from neighbouring residents on a number of grounds including the design, impact on the conservation area and the impact on the amenity on neighbouring properties

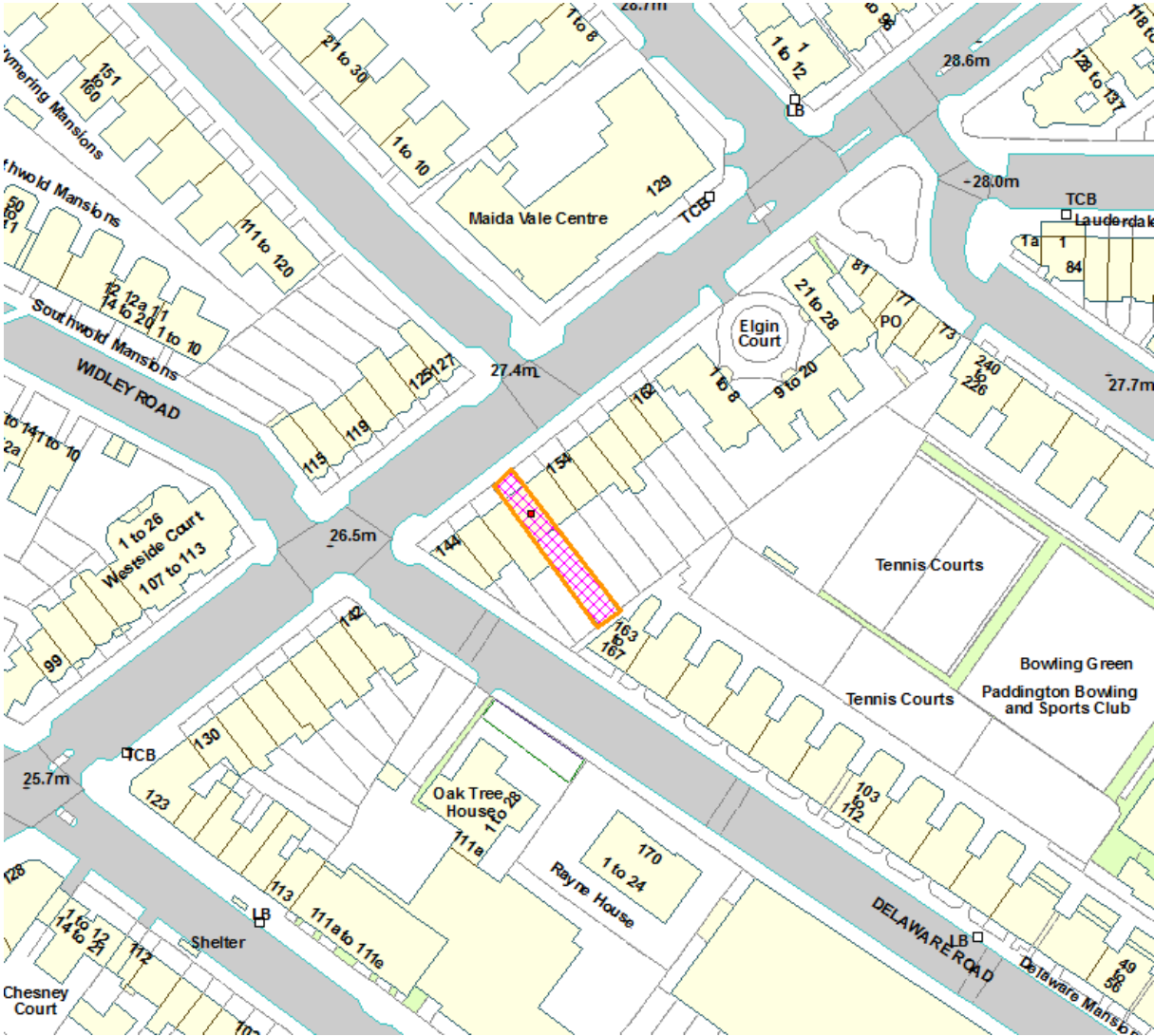
and residents.

The key considerations in this case are:

- The impact of the proposed buildings on the character and appearance of the Maida Vale Conservation Area.
- The impact on the amenity of neighbouring residential properties.

For the reasons as discussed in the report, the proposals are considered to accord with City Council policies as set out in the City Plan 2019-2040 and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



**Looking towards the proposed location of the outbuilding
(flank wall of Delaware Mansions can be seen)**



Previous Outbuilding (as approved in May 2009 under application 09/02976/FULL)

5. CONSULTATIONS

5.1 Application Consultations

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Any response to be verbal.

ENVIRONMENTAL HEALTH OFFICER:

No objections subject to conditions.

ARBORICULTURAL OFFICER:

Following lengthy negotiations and the submission of further information, no objections subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16; Total No. of replies: 7

Seven objections raised on all or some of the following grounds:

Land Use:

- Overdevelopment of site, when combined with previous permission for rear extension.

Design:

- Eyesore resulting harm of the setting and significance of the Maida Vale Conservation Area
- Excessive scale

Amenity:

- Loss of privacy
- Noise disturbance from air source heat pump equipment

Other:

- Loss of green space
- Query the need and the future use of the outbuilding
- Over-development
- Inaccuracies with the application form and information provided about the trees
- Increased floodrisk

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

No engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Review

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation continues until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.3 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.4 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7 BACKGROUND INFORMATION

7.1 The Application Site

The application site is a rear garden of the lower ground and ground floor flat at No 150 Elgin Avenue (Flat A). The host building is located on the south side of Elgin Avenue, close to the junction with Delaware Road. The building is not listed but is located within the Maida Vale Conservation Area.

7.2 Recent Relevant History

Permission was refused on 18 December 2008 for the retention of a single storey garden building (08/06064/FULL). The application was refused on residential amenity grounds including loss of daylight and an increased sense of enclosure for the occupants of 163 Delaware Mansions.

A planning enforcement notice was served on 7 April 2009 and became effective on 15 May 2009 requiring the removal of the outbuilding by 15 August 2009.

Permission was then approved by the Planning Committee on 28 May 2009 for the retention of an outbuilding in the rear garden (09/02976/FULL). This proposal included alterations to the roof to create a sloping rear roof profile which was considered to remove a significant portion of the bulk of the rear roof which would reduce the impact to a level that was immaterial.

More recently, permission was granted on 25 August 2022 for the erection of a single storey rear extension which as seen on a site visit has commenced.

8 THE PROPOSAL

Permission is sought for the installation of a flat roofed, timber clad outbuilding occupying a footprint measuring 4.5m x 4.6m and with a height of 2.74m at the front. The rear part of the roof will include a sloping roof with a height of 1.83m rising to a height of 2.74m at an angle of 40 degrees. This current application, seeks the same rear roof profile of the outbuilding previously approved, however is 0.6m wider than the previously approved outbuilding on the boundary with Delaware Mansions and projects more into the application site garden.

The proposal includes the installation of an air source heat pump and enclosure which will be situated within the outbuilding.

9 DETAILED CONSIDERATIONS

9.1 Land Use

The outbuilding will be used as an ancillary office by the residential occupiers of the lower ground and ground floor flat of No 150 Elgin Avenue. It will have toilet facilities and electrical and telecommunication lines as per the previous outbuilding.

The use of garden outbuildings as offices is viewed in a similar vein to the use of spare rooms within dwellings as offices for lone people working from home. In both instances the use is considered to be ancillary to the primary use as a dwelling. Intensification of such an office, for example meeting customers or providing space for employees, would be a material change of use requiring planning permission.

On the basis that the outbuilding is used only by the applicants who live at Flat A, 150 Elgin Avenue, the use remains ancillary to the flat and is therefore acceptable in land use terms.

Objections have been received on the proposal resultin in overdevelopment, given the size of the garden and the outbuilding measuring 20sqm is acceptable in this instance and will not result in overdevelopment of the site.

9.2 Environment & Sustainability

The proposal would provide high quality additional residential floorspace to the existing property. The outbuilding will have good insulation and the windows will have sound thermal energy performance. The proposal includes the installation of an air source heat pump which is welcomed. The proposals are therefore considered to comply with Policy 36 (Energy Performance) and 38D (Design Principles) of the City Plan and the guidance as set out in the 'Energy' and 'Retrofitting and Sustainable Design' sections of the Environmental Supplementary Planning Document.

Flood Risk & Sustainable Drainage

The application site is situated within a Surface Water Management Zone. Policy 35 of the City Plan states "all developments should be safe for their lifetime from the risk of flooding, complying with the council's Strategic Flood Risk Assessment (SFRA), Surface Water Management Plan (SWMP), Local Flood Risk Management Strategy (LFRMS) and the Mayor of London's Regional Flood Risk Appraisal (RFRA)".

The applicant has provided a flood risk assessment alongside the application proposal. This document confirms that with the inclusion of SuDS including rain water harvesting, permeable paving and the inclusion of the green roof, the proposal will not lead to an increase in the risk of surface water flooding. These measures will be secured via condition. With these measures in place, the proposal accords with Policy 35.

9.3 Biodiversity & Greening

A living green roof is proposed to the outbuilding which is welcomed and will be secured by condition in order to be retained in situ and maintained thereafter. It is therefore

considered to comply with Policy 36 of the City Plan 2019 – 2040.

Objections have been received on the loss of green space and biodiversity. Whilst the outbuilding will reduce some of the green space, it must be remembered that the extension is replacing an older outbuilding of a comparable size and with the proposals including a living green roof which is considered to mitigate the loss, and in this instance these objections can not be sustained.

9.4 Townscape, Design & Heritage Impact

Objections have been received on design grounds, specifically raising concerns regarding the scale of the new outbuilding being excessive and the design being an eyesore and resulting in harm of the setting and significance of the Maida Vale Conservation Area.

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

Section 72 of the LBCA 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 39(K) in the City Plan 2019-2040 “Development will preserve or enhance the character and appearance of Westminster’s conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible”.

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.

In turn, Policies 38, 39 and 40 of the City Plan are of particular relevance when considering the proposed works.

The proposed garden outbuilding will replace an outbuilding, that was approved in May 2009. This outbuilding was removed approximately a year ago, in order to facilitate the garden works and rear extension approved in August 2022. The new outbuilding will be the same height as the existing and will be slightly larger footprint, extending 0.6m further to the north (closer to the boundary with No. 152 Elgin Avenue) and projecting 0.7m further in the application site garden. The new outbuilding will be clad in charred ash board and fin vertical cladding, similar to the existing wood finish of the old outbuilding and this is considered to maintain the character and appearance of the rear garden and will preserve the character and appearance of the conservation area in accordance with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

In response to the objections received on the scale and the design resulting in harm to the Maida Vale Conservation Area, given the proposals are similar to the existing outbuilding in terms of bulk, scale and massing and that the proposed cladding and detailed design will give the impression of a traditional outbuilding when viewed from the surrounding public views mainly from Delaware Road, it is not considered that these objections can be sustained.

The proposals are considered acceptable in conservation and design terms.

9.5 Residential Amenity

Objections to the proposals have been received on the grounds that the proposals will result in detrimental harm to the neighbouring properties, namely loss of privacy and that the air source heat pump will create noise disturbance.

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers is protected.

Outbuilding

The proposed outbuilding will measure 4.6m in depth x 4.5m in width with a height of 2.7m at the front with a sloping roof to a height of 1.8m at the rear. The height is the same as the existing outbuilding however there is an increase in depth and width of 0.7m and 0.6m respectively.

Given the distance to the nearest windows within the adjacent neighbours properties along Elgin Avenue, the bulk and massing of the outbuilding is unlikely to have any significant impact on these properties.

To the front (garden elevation) of the outbuilding, double glazed crittal doors are to be introduced which will face the application site and given the boundary walls are not considered to result in an increase in overlooking to the neighbours along Elgin Avenue. A further window is to be introduced on the west elevation, which objections have been raised over the loss of privacy. Given its height and the boundary treatment, it is considered that views will be limited however to mitigate any impact on amenity, a condition is recommended to ensure these windows are obscure glazed and fixed shut.

To the rear of the application site, the flank wall of Delaware Mansions contains several windows, the closest being at lower ground floor level which is approximately 1.8m from the rear boundary wall of the application site. These windows within Delaware Mansions have been confirmed by a resident at 164 Delaware Mansions, that they serve bedrooms apart from 164 (ground floor level within the mansions, but higher than ground floor/ garden level of the application site) which is a kitchen/dining room. The proposed outbuilding will be set in from the boundary wall by 0.2m. Given the height of the roof with the sloping element staying the same as previously approved/ installed; the distance from the outbuilding to the nearest window at lower ground floor level within Delaware Mansions of 2m; the increase in the width by 0.6m, in order to house the air source heat

pump, it is not considered that the proposals would result in any significant loss of light or sense of enclosure to warrant refusal.

No windows are proposed to the rear elevation of the outbuilding and therefore there are no concerns with regards to overlooking to Delaware Mansions.

Air Source Heat Pump

Objections have been raised regarding noise disturbance from the air source heat pump.

Environmental Health Officers has reviewed the submitted Noise Impact Assessment in regards to the Air Source Heat Pump proposed and initially raised some queries regarding the location of the plant equipment and mitigation measures. The agent has provided clarification on the positioning of the air source heat pump, to the side elevation of the outbuilding and Environmental Health Officers now consider that the plant equipment is likely to comply with Westminster noise standards subject to recommended conditions. Objections have been raised regarding noise disturbance from the plant equipment however as discussed Officers consider the plant to be in accordance with policies.

Subject to conditions, the proposed air source heat pump is considered to be consistent with policy 7 and 33 of the City Plan 2019-2040.

9.6 Transportation, Accessibility & Servicing

The proposal raises no transportation, accessibility or servicing issues.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Trees

Objections have been received on the grounds that the proposal would result in harm to the trees and the surrounding wildlife

Six trees have been recorded within an arboricultural impact assessment (AIA) provided by SJ Stephens Associates. Five of these trees are located offsite in adjacent gardens. T2, a viburnum is located within the application site and is considered a shrub species. T2 viburnum is proposed to be removed, and although regrettable no objection is raised to the removal of this shrub is raised.

The proposals are largely outside of the root protection areas (RPAs) of adjacent trees with the exception of T3, a cherry.

The AIA states a small incursion of 1.7 m² for the garden room foundation will be required within the RPA of T3 which will be constructed using ground screws. It also states an area of decking and store area is proposed within the RPA of T3.

More information has been provided in terms of an updated assessment, a service run plan, foundation and decking details which are considered to be acceptable subject to recommended pre-commencement conditions and therefore the objections received can not be sustained in this instance.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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 tree protection conditions. The applicant has agreed to the imposition of the condition.

9.11 Assessment of Planning Balance

Not applicable.

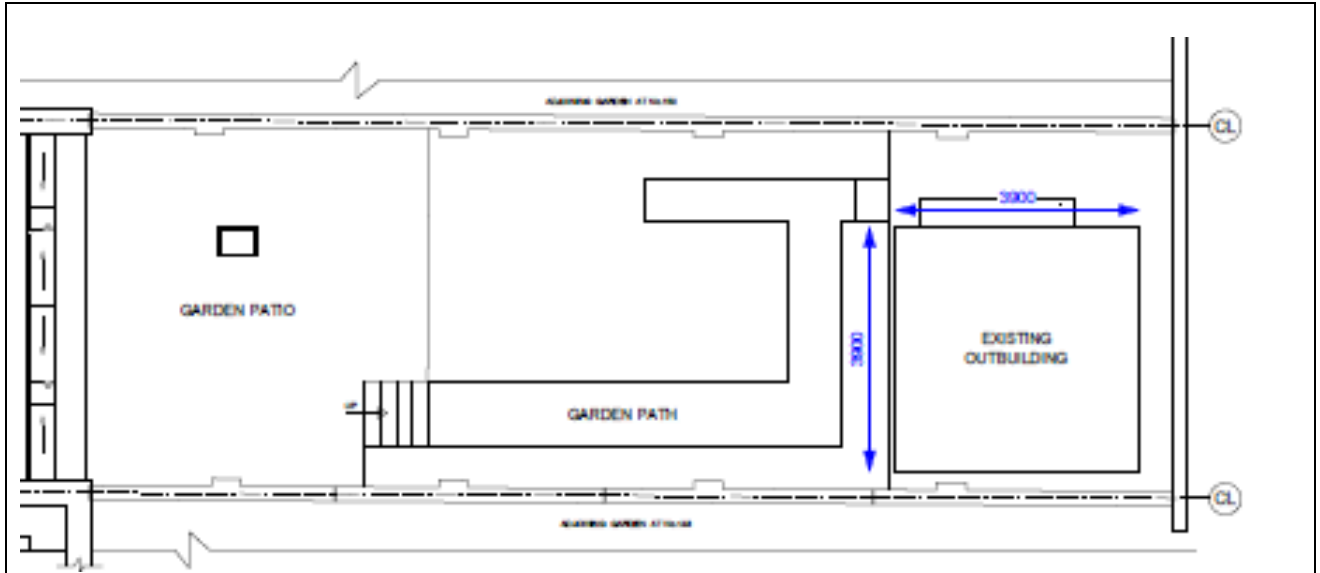
10 Conclusion

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

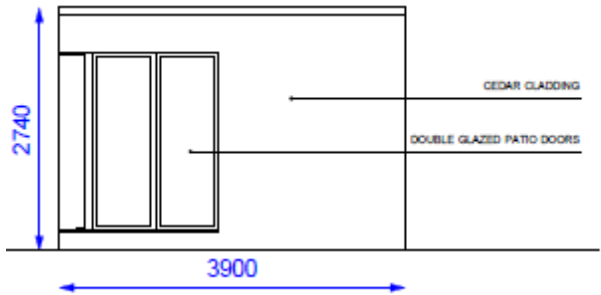
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

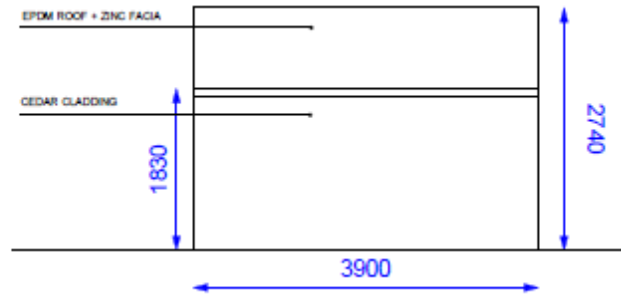
11 KEY DRAWINGS



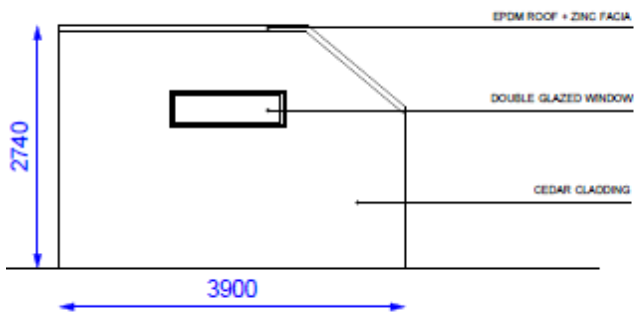
Existing Floor Plan



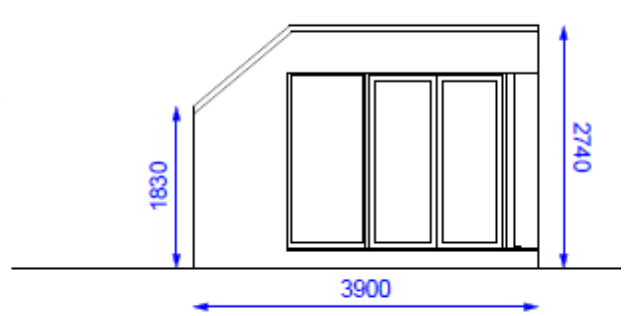
EXISTING NORTH ELEVATION



EXISTING SOUTH ELEVATION

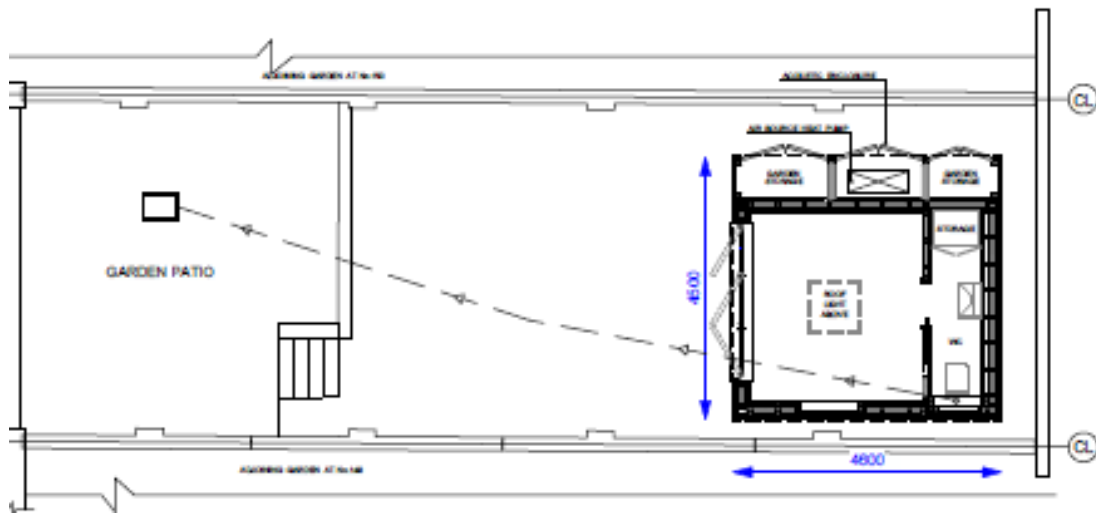


EXISTING WEST ELEVATION

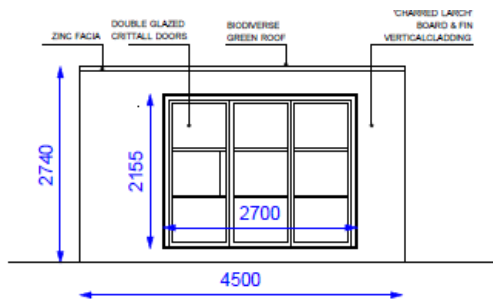


EXISTING EAST ELEVATION

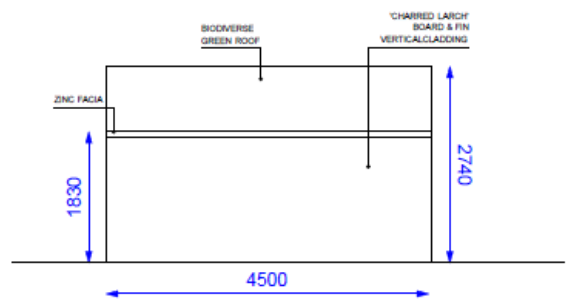
Existing Elevations



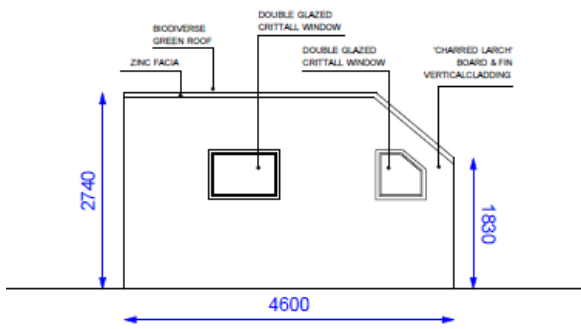
Proposed Floor Plan



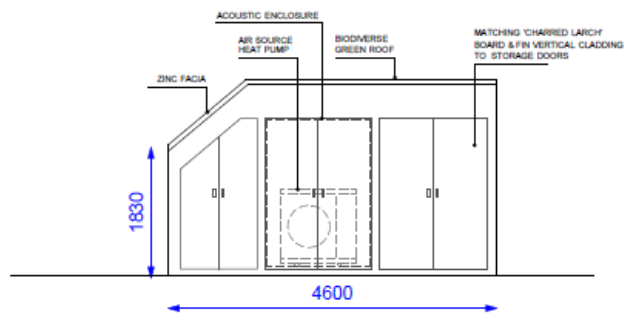
PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION

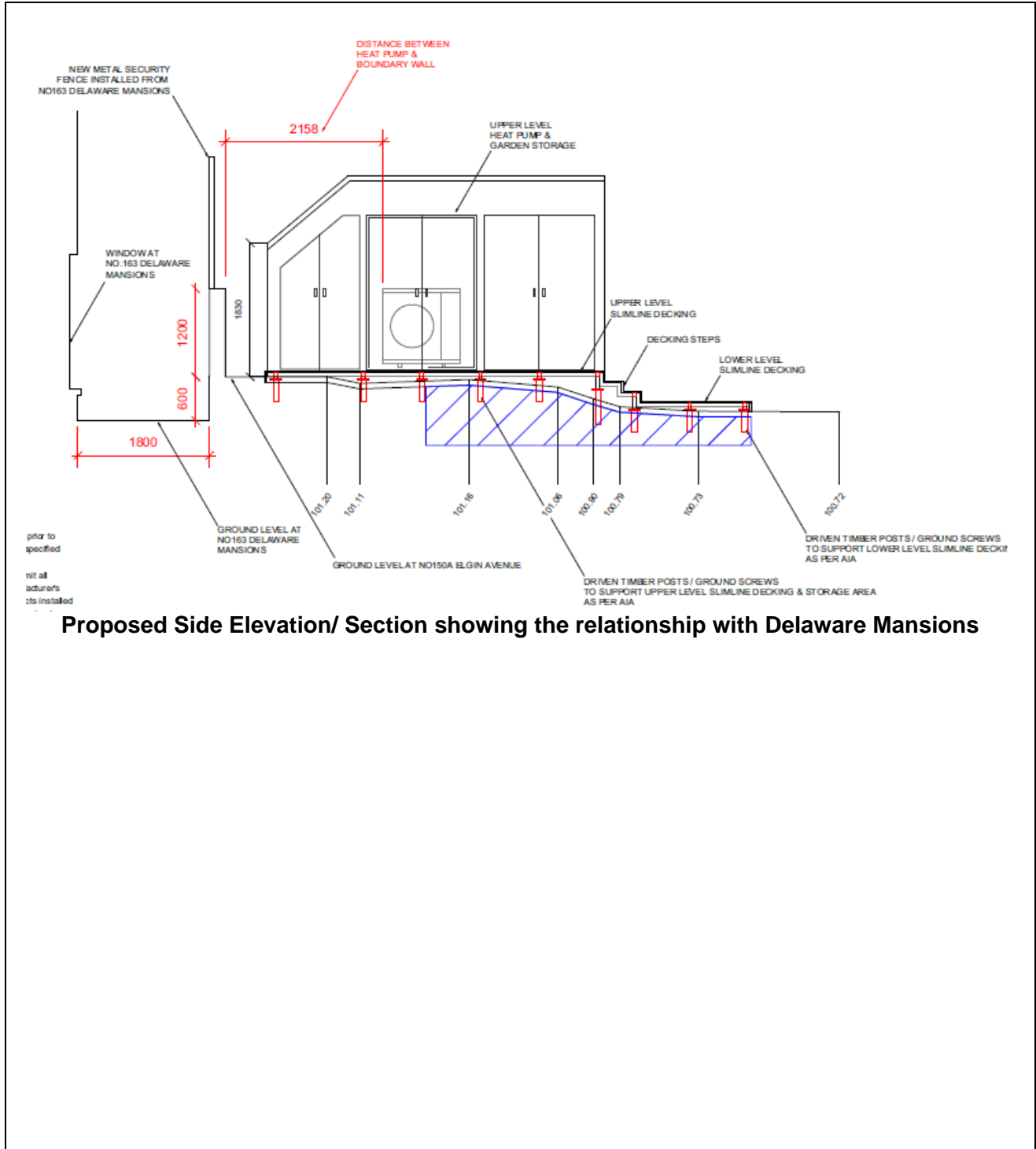


PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION

Proposed Elevations



Proposed Side Elevation/ Section showing the relationship with Delaware Mansions

DRAFT DECISION LETTER

Address: Flat A, 150 Elgin Avenue, London, W9 2NT,

Proposal: Construction of a single storey outbuilding in the rear garden, for use as occasional office space, garden storage and air source heat pump enclosure.

Reference: 23/03660/FULL

Plan Nos: Site Location Plan, EA_SWP-34, EA_SWP-33-R1, EA_SWP-36, EA_SWP-37, EA_SWP-35, EA_PC-38, EA_EI-48, EA_C_10-P, Arboricultural Impact Assessment dated 16 February 2024, NOISE IMPACT ASSESSMENT REPORT dated 05 May 2023, Flood Risk Assessment dated 14 June 2022, Design and Access Statement and email from agent dated 14 May 2024 regarding the ASHP location.

Case Officer: Frederica Cooney **Direct Tel. No.** 07866037206

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 The outbuilding in the rear garden hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse at Flat A, 150 Elgin Avenue.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 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 Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

- living green roof

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City

Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council.

Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 7 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 8 The mitigation measures as set out in the submitted Noise Impact Assessment Report within Section 6 must be installed and retained thereafter.

Reason:

To protect the environment of residents and the area generally as set out in Policies 7, 27 and

33 of the City Plan 2019 - 2040 (April 2021). (R22CD)

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 6 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 10 **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 Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 11 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 in writing what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, 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. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Maida Vale Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 12 You must apply to us for approval of details of the screw piles/posts to be used to support the decking, to include number, size and proposed locations. The final positions of the piles/posts must be flexible in order to ensure the retention of any significant tree roots.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is

as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 13 You must provide, maintain and retain the following flood mitigation measures before you start to use any part of the development, as set out in your application.

rain water harvesting, water butts and permeable paving

You must not remove any of these features. (C44CA)

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 When you apply to us for approval of details of a) tree protection methodology and b) the details of the proposed screw pile/post foundations, you must ensure that these details are in accordance.
- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees at this address or in neighbouring properties, including the cherry plum T3. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 5 Conditions 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)