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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 4 November 2014 | Classification For General Release | |
| Addendum Report of Operational Director Development Planning | | Wards involved Abbey Road | |
| Subject of Report | 40 Ryder's Terrace, London, NW8 0EE | | |
| Proposal | Demolition of existing building and erection of a single dwellinghouse (Class C3) comprising lower basement, basement, ground and one upper floor. Associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances and installation of condenser units within enclosure to eastern boundary of site. | | |
| Agent | DP9 | | |
| On behalf of | Mr & Mrs J Bitran | | |
| Registered Number | 14/06107/FULL | TP / PP No | TP/7899 |
| Date of Application | 16.06.2014 | Date amended/ completed | 27.06.2014 |
| Category of Application | Minor | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | St John's Wood | | |
| Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007 | Outside London Plan Central Activities Zone Outside Central Activities Zone | | |
| Stress Area | Outside Stress Area | | |
| Current Licensing Position | Not Applicable | | |

1. RECOMMENDATION

Grant conditional permission.

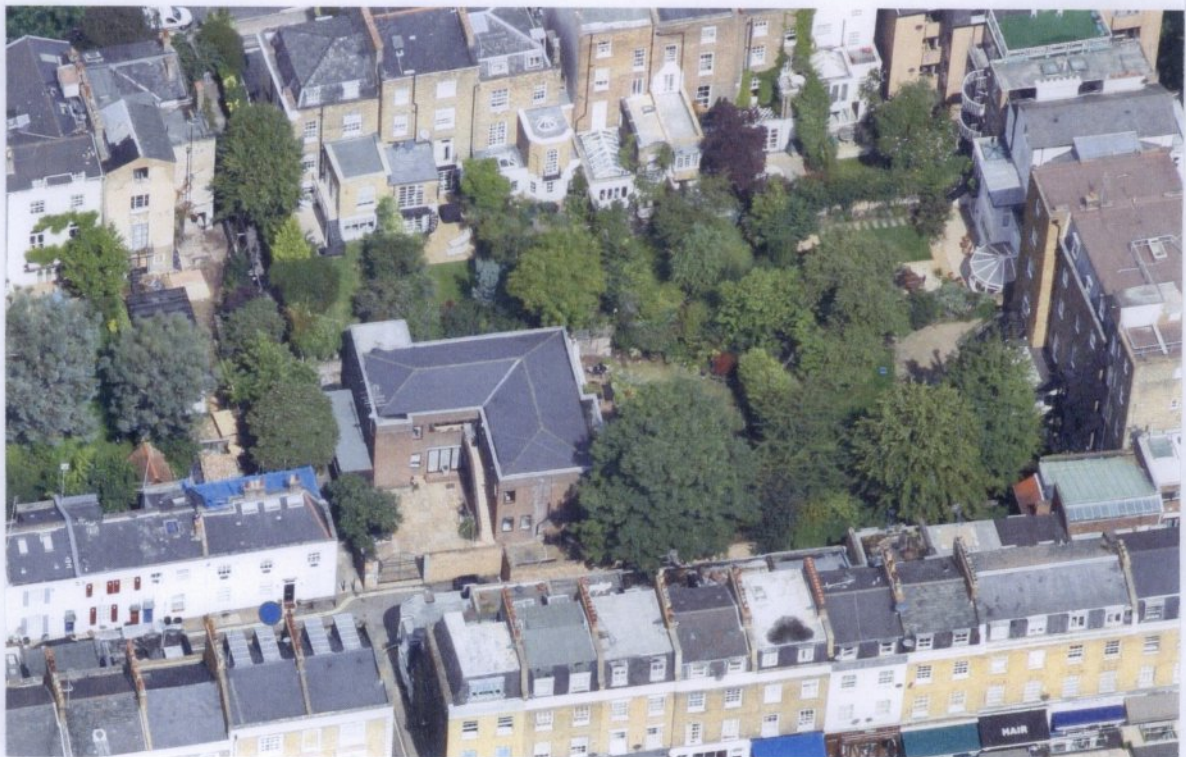


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40 RYDER'S TERRACE NW8



40 RYDER'S TERRACE, NW8

2. SUMMARY

This application was reported to the Planning Applications Committee on 21 October 2014 with an officer recommendation for approval. Additional suggested conditions were tabled by officers at the Committee meeting on 21 October with regard to ensuring that the gates do not open over the highway and requiring details of site investigation to ensure appropriate measures are undertaken to deal with any contaminated soil found on the site.

The Committee resolved to defer the application to allow the applicant to consider proposing a more neighbourly design by reducing the site coverage, particularly at first floor level, and to consider the use of brick as the facing material as it would be more sympathetic to the conservation area. Committee resolved that all other matters would not be considered until the design issues outlined above had been addressed.

The applicant has responded to the Committee's resolution, setting out their position on the issues raised. They outline the lengthy and complex negotiations on the scheme thus far in order to reach a position where officers were satisfied with the bulk and scale of the proposal and the materials. The applicant does not agree with concerns raised by Members at the Committee meeting regarding 'overdevelopment', the 'modernist' materials and the fact that the building takes up too much of the site. The applicant considers that the revisions sought by Committee are tantamount to a refusal as they would require a new application to be submitted. They state that they have already conceded a significant amount of floorspace by removing the second floor level proposed in the previous application and by moving the building further from the Sycamore tree. The further loss of floorspace which would result from reducing the bulk of the building would fundamentally affect the internal layout which has been designed to accommodate a growing family. As such, the applicant is not in a position to agree any further reductions to the scheme. They are also unwilling to provide a brick building instead of limestone, as they consider this would fundamentally alter the appearance and form of the building, creating a darker, more austere building.

The application is reported back to Committee for determination, in light of the applicant's response to the reasons for deferral.

3. CONSULTATIONS

ADDITIONAL RESPONSES NOT INCLUDED IN ORIGINAL COMMITTEE REPORT DATED 21 OCTOBER 2014 (reported verbally to Committee):

COUNCILLOR LINDSEY HALL

Objection; domineering and overpowering development proposed without enough green space around it, impact on the amenity and privacy of neighbours due to overlooking from the roof terrace, the fact that the proposal does not comply with our emerging Basements Policy and impact of such a major development in a small street and the lengthy disruption it will bring.

COUNCILLOR JUDITH WARNER

Objection; proposal is too large for location, access is via a small mews with limited space, loss of light is unacceptable, overdevelopment.

Number of responses received: 6

Objections raised on some/all of the following grounds:

- Committee have ignored the views of surrounding residents, the St John's Wood Society, Karen Buck MP and local ward councillors.
- Strong concerns about height, massing and scale in the context of the mews setting.

- Visual impact, loss of sunlight/daylight, sense of enclosure and overlooking.
- Proposed roofline would extend unbroken along the entire length of gardens to 45, 47, 49 and 51 Carlton Hill.
- Overlooking from roof terrace.
- Report ignores further overshadowing from planting on the roof terrace.
- Scale is entirely out of context with the setting.
- Application runs directly counter to WCC basement guidelines, in conflict with aims of conservation area as set out by English Heritage.
- Potential noise and pollution from ventilation unit.
- Impact on lighting to main living area not considered (photos provided).
- Overbearing nature of property will destroy special character of the mews.
- Basement and swimming pool are contrary to Council policy indications.
- Disruption of construction works.
- Traffic and site management plan lacking in details.
- Emergency access plan required.
- Acid sulphate soil management plan required.
- Lift plan for crane lifts required.

A representation was also submitted by the applicant.

REPRESENTATIONS RECEIVED SINCE COMMITTEE MEETING ON 21 OCTOBER 2014
Any further responses to be reported verbally.

BACKGROUND PAPERS

1. Report to Planning Applications Committee dated 21.10.2014 and associated minutes and background papers.

REPRESENTATION RECEIVED SINCE COMMITTEE MEETING ON 21 OCTOBER 2014:

1. Letter from DP9 on behalf of applicant dated 22.10.2014.

REPRESENTATIONS AS REPORTED TO COMMITTEE ON 21 OCTOBER 2014:

1. Application form.
2. Letter from Karen Buck MP dated 21 July 2014 with attached letter from local resident and response from City Council.
3. Emails from Councillor Freeman dated 16 July 2014 and 17 July 2014.
4. Letter from English Heritage dated 11 August 2014.
5. Letter from St John's Wood Society dated 03 July 2014.
6. Letters from resident of 47 Carlton Hill dated 11 July 2014, 18 July 2014, 19 July 2014 and other attachments, 17 October 2014
7. Emails/letters from resident of 45 Carlton Hill dated 8 July 2014, 25 July 2014 (x2), 17 October 2014.
8. Letters from resident of 59 Carlton Hill dated 10 July 2014 and 31 July 2014.
9. Letters from freeholder of 16 Blenheim Terrace dated 07 August 2014, 26 September 2014, 21 October 2014.
10. Emails/letter from residents of 21 Ryder's Terrace dated 13 July 2014, 29 July 2014, 01 August 2014, 20 October 2014.
11. Email from resident of 20 Ryder's Terrace dated 5 August 2014.
12. Email from resident of 24 Ryder's Terrace dated 1 August 2014.
13. Email from resident of 60 Carlton Hill dated 5 August 2014.
14. Letter and email from residents of 23 Ryder's Terrace dated 24 July 2014, 28 July 2014, 19 October 2014.

15. Email from owner of 22a Ryder's Terrace dated 23 July 2014.
16. Email from resident of 3a Blenheim Passage dated 14 September 2014.
17. Letter from resident of 22A Blenheim Terrace dated 25 July 2014.
18. Email from managing agent for 27, 29, 31 and 57 Blenheim Terrace dated 29 July 2014.
19. Email from resident of 45 Blenheim Terrace dated 30 July 2014.
20. Emails from resident of 67 Carlton Hill dated 3 August 2014, 20 October 2014.
21. Email from resident of 28 Blenheim Terrace dated 23 July 2014.
22. Email from resident of 49 Carlton Hill dated 24 July 2014.
23. Email from resident of 9 Ryder's Terrace dated 27 July 2014.
24. Email from resident of 36 Blenheim Terrace dated 24 July 2014.
25. Email from resident of 105 Clifton Hill dated 28 July 2014.
26. Memorandum from Cleansing Manager dated 14 July 2014.
27. Email from Thames Water dated 7 July 2014.
28. Memorandum from Highways Planning Manager dated 14 July 2014.
29. Email from Building Control dated 11 July 2014.
30. Memorandum from Environmental Health dated 14 July 2014.
31. Memorandum from Arboricultural Manager dated 16 September 2014.
32. Letter from applicant dated 17 October 2014.
33. Email from Councillor Lindsey Hall dated 17 October 2014.
34. Email from Councillor Judith Warner dated 21 October 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

RESOLUTION

40 Ryder's Terrace, NW8

Demolition of existing building and erection of a single dwellinghouse (Class C3) comprising lower basement, basement, ground and one upper floor. Associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances and installation of condenser units within enclosure to eastern boundary of site.

The presenting officer tabled the following additional Conditions 28 and 29 to be attached to the draft decision letter:

Condition 28:

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

Condition 29:

{\b Pre Commencement Condition}. You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Having declared a prejudicial interest Councillor Freeman addressed the committee in his capacity as a Ward Councillor in objection to the application after which he left the room during the Committee's deliberation.

Additional representations were received from Patrick Matthiesen (17.10.14), John H Stephen (17.10.14), Joseph Bitran (17.10.14) and Louise and Joseph Bitran (17.10.14).

Late representations were received from Councillor Hall (17/10/14), Toby Boyle (20/10/14), Mark and Belinda Richards (24/7/14 & 19/10/14), Nick Gibson (20/10/14), Councillor Warner (21/10/14) John Stephens and KJV Lyons (21/10/14).

Having declared a prejudicial interest Councillor Freeman addressed the committee in his capacity as a ward councillor in objection to the application after which he left the room during the committee's deliberation.

RESOLVED: Deferred to invite the applicant to consider a more neighbourly design specifically reducing the site coverage especially at first-floor level and to consider the use of brick as a more sympathetic material in keeping with the St John's Wood Conservation Area.

The Committee agreed that it would not offer views on other aspects of the proposal until the aforementioned design issues had been addressed.

APPENDIX

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| Item No. |
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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 21 October 2014 | Classification For General Release | |
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| Current Licensing Position | Not Applicable | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to an unlisted building located within the St John's Wood Conservation Area. The building is in use as two residential flats.

The current proposal seeks permission for a scheme of redevelopment to provide a two storey single family dwelling including excavation of part single, part two storey basement and associated works including landscaping, mechanical plant and alterations to boundaries.

The proposal raises the following key issues:

- The demolition of the existing building and the acceptability of the proposed replacement building in terms of preserving and enhancing the character and appearance of the St John's Wood Conservation Area;
- The impact of the proposal on the amenity of neighbouring residential occupiers;
- The impact of the proposal on trees on and adjacent to the site;
- The impact of the proposal in highways terms.

The proposal is considered acceptable in terms of land use, design, amenity, highways, sustainability and trees and is recommended for approval.

3. CONSULTATIONS

KAREN BUCK MP

Letter passing on objections raised by neighbouring resident.

COUNCILLOR PETER FREEMAN

The building, being one floor more than the existing building, is too high and will completely dominate other dwellings in the mews; overdevelopment; the mews is very narrow, concerned about builder's lorries blocking the resident's parking spaces; if allowed strict rules need to be put in place regarding the start and finishing times each day.

ENGLISH HERITAGE

Application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

ST JOHN'S WOOD SOCIETY

Strong objection. No improvement on previous scheme, significant and unacceptable overdevelopment with an overpowering and dominant impact on Blenheim Passage and neighbours; overlooking from terrace to neighbours; the amount for formal garden is not the correct setting for this house; object to removal of trees of amenity value and request that the Arboricultural Manager is consulted; basement is unsustainable and contrary to Government policy; concerns about construction access and request that Highways Licensing use their powers to control the works.

CLEANSING MANAGER

No objection.

THAMES WATER

Informatives recommended.

HIGHWAYS PLANNING MANAGER

Undesirable but could be considered acceptable. Excessive car parking provided and if the car lift were removed this would be welcomed, however, the proposal is not contrary to Policy TRANS23. Cycle parking is welcomed.

BUILDING CONTROL

No objections to structural methodology. Note that the layout may not meet the Building Regulations in terms of means of escape.

ENVIRONMENTAL HEALTH

Objection to means of escape and concerns about way in which dwelling may be used with regard to ventilation and natural light for the basement. Conditions recommended with regard to mechanical plant.

ARBORICULTURAL MANAGER

Further information requested regarding soil depth and construction method statement. Regrettable that applicant did not carry out the trial investigation for roots of the Sycamore, however, doubtful if there are sufficiently strong grounds to refuse the application on this basis subject to conditions. Landscaping details should be reserved by condition. Subject to tree protection measures, it should be possible to protect the Walnut tree at 47 Carlton Hill. Loss of Rowan tree is regrettable, however, difficult to resist on the basis of its small stature.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 29; Total No. of Replies: 21.

29 objections received, raising some/all of the following concerns:

Land Use

- Proposal would remove one dwelling and would increase the gross external area from 446m² in two flats to 1120m².

Design

- The existing building already exceeds the normal footprint for residential buildings in St John's Wood Conservation Area in terms of volume and square footage related to the plot.
- Ground floor plan does not leave enough green space around it, the building should be reduced in width to allow green space.
- White limestone is totally out of place in the surrounding conservation area where every structure is built from traditional materials.
- Massing of the proposed structure is inappropriate in a mews environment.
- Uninspired 1980s design which HRH Prince of Wales would consider a 'carbuncle'.
- Massing and height unacceptable; recognise.
- Effect on neighbouring properties in Carlton Hill and Ryder's Terrace would be completely out of context with the immediate area.
- Proposal involves building upwards, downwards and outwards on a vastly bigger scale entirely inappropriate for the setting and the limestone cladding would not be in keeping with nearby properties.
- Footprint occupies virtually the entire plot, the scale remains disproportionate and dominating and the proposed white limestone faced frontage appears visually overpowering.
- Modernistic style and proportions are entirely out of keeping with and unsympathetic to the local conservation area.
- Ryder's Terrace is a small charming terrace, a backwater; the scale of the development may be in keeping with Hamilton Terrace but the volume is far too great for this quaint and unique area.
- House will far exceed the size and scale of the properties from which it was derived.
- Layout and density and overbearing impact on the mews.
- Missed opportunity to replace the existing structure with one that is more in harmony.
- Other large single residential buildings in the area tend to be either brick or stone, the proposed design looks more akin to an office and would not enhance the aesthetics or appeal of the St John's Wood area.

- Appearance and style is completely out of sympathy with and significantly detrimental to the unique character of the neighbourhood which has remained essentially unchanged since 1989.
- Existing property is not particularly attractive or of any architectural merit, however, it is relatively discreet and unobtrusive, being constructed of brick.

Amenity

- The building should be centred in the plot thereby lessening the effect on the Carlton Hill properties.
- Overlooking from ground floor windows to gardens of 45-51 Carlton Hill, windows were not allowed in the 1970s because they reduced privacy at such close distance.
- Overlooking from terrace at raised first floor level on eastern side to gardens of 45-51 Carlton Hill; the terrace should be restricted in depth and screened on the north west side.
- Loss of light to Beatrix Cottage due to building being constructed using the wall at Blenheim Passage, query if existing ramshackle garage ever received consent.
- The proposed development will constitute a solid two storey unbroken façade the length of the boundaries to 43-51 Carlton Hill; this unrelieved prison wall will be a hideous eyesore, blinding white and will impact on privacy and sunlight.
- Loss of sunlight to mews houses at Ryder's Terrace.
- Ventilation and lighting duct undesirably close to 47 Carlton Hill; noise and chlorine fumes.
- Massing and height; roofline is lower than previous proposal but is extended to twice the current length and at each end the roofline is higher than previous proposal.
- Overlooking and noise from roof terrace.
- Visual impact, loss of light, sense of enclosure and sense of being overlooked.
- Applicant's statement that gardens for Carlton Hill properties are 21m away is misleading, garden at No.45 is 16.5m and others are similar.
- East-west elevation shows in dramatic form the extent and impact of the proposed massing along the boundaries with the Carlton Hill properties.
- Overshadowing of gardens.
- Noise and odour from swimming pool vent.
- Daylight and sunlight report says the use of the rooms at basement level of 47, 49 and 51 Carlton Hill is unknown, in fact these are at garden level and are windows to conservatories and living rooms of family homes.
- Query if calculations in daylight and sunlight report factor in the further overshadowing from planting on the roof terrace.
- Noise from air conditioning.
- Severe loss of light and overshadowing to houses on Ryder's Terrace which have no windows at the rear.
- New building would directly overlook Ryder's Terrace and would dwarf the established buildings.
- Loss of privacy to main living areas at houses in Ryder's Terrace, especially following removal of trees.
- Loss of green outlook.
- Query why 23 Ryder's Terrace was omitted from the daylight and sunlight report.
- The building (7.97m) will dwarf the Ryder's Terrace houses (5.8m) by 2.17m.
- Privacy and security concerns regarding new entrance opposite 22A Ryder's Terrace, increase in movement of people.
- Winter losses of daylight have been omitted by applicant.
- Overlooking when green roofs are being maintained.
- New building will be substantially more intrusive to passers-by and neighbouring properties than the existing dwellings.



Trees/Landscaping

- The applicant has removed trees from the site under various spurious representations that he wanted to undertake landscaping, however, the trees have never been replaced and the present wall to wall monolithic structure cannot be passed off as landscaping.
- Impact of basement on trees and shrubs at 45-51 Carlton Hill.
- Loss of green space/garden as a significant amount of the garden would be concreted over.
- Will be impossible to grow species which currently flourish in gardens of Carlton Hill properties.
- No allowance made for listed Catalpa tree at Greathead Lodge, Abbey Road.
- Landscaping is insufficiently addressed and there are no plans for replacing mature trees removed recently by the applicant.
- Insufficient clarity regarding landscaping along Ryder's Terrace fence (apart from Sycamore); condition should be attached requiring greening on this boundary to protect privacy.
- Query how the extensive green roof will be maintained.

Highways

- Positioning of new parking facilities and enlarged entranceway would adversely affect day-to-day access for residents of 20, 22, 22A Ryder's Terrace.
- Storage for five to six cars proposed which is far too much for this limited access.

Other

- Karen Buck MP and Westminster City Council have produced a bill and a statement of intent to limit basements, which should not be more than 50% of the plot; the current proposed basement must undermine approximately 80% of the surface area and there is a second level of sub-basement.
- Impact of basement on old Victorian land drains.
- Impact of basement on drainage at surrounding properties, leading to settlement and potential collapse of 1830s garden boundary wall at 47 Carlton Hill.
- Impact on rights to light of properties on western side of Blenheim Passage.
- Existing building is fit for purpose and therefore one can only conclude that this is a naked speculative development for financial gain which would not benefit the Council.
- Lack of consultation between applicant and neighbours.
- The two examples of other proposals in the area quoted by the applicant (Abercorn Close and Elm Tree Road) are not comparable.
- Impact of vibration and settlement from excavation.
- It is in a small mews with limited access.
- It will take more than two years to build and residents enjoyment of their properties will be severely compromised.
- Subterfuge of applicant; they applied to remove trees to safeguard the 19th century boundary wall at Blenheim Passage but now they are planning to demolish this wall.
- No statutory notices have been placed around the site.
- Not all neighbouring houses are owner-occupied, many owners live overseas and may be unaware of the proposals.
- Query why Westminster has still not adopted its basement policy.
- No notices placed around the property.
- Inconsistency between floorspace figures provided in DP9's planning statement and the sustainability statement with regard to major development.
- Proposal involves two basements which is in contravention of Government proposals.
- Access issues and transport 'fallout', particularly during demolition phase with associated noise and dust, considerable disruption and inconvenience.
- Congestion at Blenheim Passage which is only 2m wide from kerb to kerb.
- Allowing applicant to develop on garden will act as precedent for similar at 41 Abbey Road.

- Impact of vibration on properties at Ryder's Terrace.
- Image in Design and Access Statement is misleading with regard to the tree.
- Impact of concreting over of garden and basement pool on flooding.
- Overdevelopment.
- Safety assessment required for building of a two storey basement opposite houses in Ryder's Terrace; query lack of structural information on impact on neighbouring properties.
- What preventative measures can the Council put in place to prevent the property being sold on after it has been redeveloped?
- Disruption and damage to cobbled streets.
- Noise from building works, especially on Saturdays when heavy machinery should not be allowed.
- Impact of noise and air pollution on new baby due in October 2014.
- Only access is via narrow passage which is completely unsuitable for large vehicles.
- Risk of subsidence to neighbouring properties.
- Impact of building works on parking and safe access to other properties.
- Blenheim Terrace will become congested with construction vehicles, number of vehicle movements will be excessive and will be disruptive to tenants.
- Disingenuous tactics of the planning consultant by first proposing something incredibly inappropriate only to reduce it so that it might be approved.
- Using smaller lorries or trucks will mean more numerous and noisy delays at Blenheim Terrace as trucks try to negotiate the already restricted access.
- Where will trucks turn in Blenheim Terrace as it is a dead end street.
- Unacceptable traffic noise during works.
- Construction Management Plan is inadequate.
- Impact on access for emergency vehicles, especially as there are many elderly residents and small children.
- Basement stretches the entire width of the plot and sub-basement would surely alter the drainage and could cause collapse of garden perimeter walls.
- Impact on water table.
- Concern over timing of application when most people are on holiday.

ADVERTISEMENT/SITE NOTICE: Yes (including additional site notices placed near the site following concerns raised by neighbour)

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site comprises a detached two storey (with small basement) unlisted building located within the St John's Wood Conservation Area. The building was constructed in the 1970s and comprises two residential units (one at ground floor level and one at first floor level), both owned by the applicant.

The entrance to the building is located at Ryder's Terrace, however, the property also has a frontage to Blenheim Passage (which runs from Ryder's Terrace to Carlton Hill). The property also backs onto properties at Carlton Hill (to the north) and Abbey Road (to the east). The site previously formed part of the gardens for the adjacent buildings at Abbey Road. The existing building has a relatively large garden area, mainly to the eastern side of the plot and a garage with further off-street surface parking located to the western side of the plot.

The surrounding area is largely residential; the properties to the north and west at Carlton Hill are large dwellings, the properties to the opposite side of Ryder's Terrace are mews houses and the large building to the east at Abbey Road is a former nursing home (currently vacant).

4.2 Relevant History

Planning permission was granted in the early 1970s for the erection of a new building comprising two residential units.

Planning permission was granted on 4 January 1996 for moving the existing terrace doors on the east and south elevations to within 300mm of cantilevered balconies above; insertion of new window and enlargement of one window on north elevation.

Planning permission was granted on 2 May 1996 for erection of double garage, with associated conservation area consent for partial demolition and rebuilding of boundary wall.

Applications for planning permission and conservation area consent to redevelop the building to provide two residential units were withdrawn earlier this year.

5. THE PROPOSAL

Permission is sought for the demolition and redevelopment of the existing building on the site to provide a single family dwelling comprising ground and first floor levels with the excavation of a part single, part double storey basement. The proposal involves the provision of a car parking space below ground accessed by a car lift and surface level parking, mechanical plant, changes to boundary walls and landscaping. As a result of the widening of the entrance gate, an existing residents parking bay adjacent to the gate at Ryder's Terrace will need to be relocated 1m to the east.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The existing building comprises two residential units, whilst the current proposal is for a single family dwelling.

Policy S14 of the City Plan seeks to resist the loss of residential units or floorspace in the interests of maintaining and increasing the housing supply in the City. In this case, the floorspace would increase, however, one residential unit would be lost.

However, it is considered that there are particular circumstances which allow for an exception to the normal policy presumption against the loss of a unit in this case. Policy S14 allows for the loss of residential units in certain circumstances, including when two flats are being joined to create a family-sized dwelling. Although this application is for redevelopment rather than conversion, it is recognised that the applicant could apply for permission to amalgamate the two units under Policy S14 and then apply to redevelop the site. As such, the loss of a residential unit is considered acceptable.

The proposed dwelling will provide a good standard of accommodation and the proposed amenity space for the dwelling is considered acceptable given the garden and roof terrace provision.

6.2 Townscape and Design

40 Ryder's Terrace is a two storey (with small basement) unlisted building which lies within the St John's Wood Conservation Area. The building comprises two flats (ground floor flat and first floor flat) within a large L-shaped detached building. The existing building is a dark red/brown brick-faced property, with a slate hipped roof and dates from the late 1960s/early 1970s. The architect of the building is unknown. There is a large garden on the east side of the building and the property and its garden are enclosed by a high stock brick wall. The site

has a 'backland' character, not directly addressing a street and overlooked from the rear of buildings which face onto Carlton Hill, Abbey Road and Blenheim Terrace.

The majority of the buildings which form part of this perimeter street block are of mid 19 century date and are predominantly in residential use. Many of the properties in Ryder's Terrace are also of 19th century date and are small two storey houses, which are likely to have originally been mews properties (Ryder's Terrace is called 'Marlborough Mews' on the First Edition Ordnance Survey map). Some of these surrounding properties (namely 43-45 and 53-55 Carlton Hill) are Grade II listed and the majority are identified as unlisted buildings of merit within the St John's Wood Conservation Area Audit. The audit does not identify No.40 as an unlisted building of merit, but instead considers it to have a neutral impact on the conservation area.

The proposal is to demolish the existing building and replace it with a new single residential property. Given the neutral contribution that the existing building makes to the character and appearance of the conservation area, the principle of its demolition is considered acceptable, subject to a suitable replacement.

The proposed replacement building will occupy an elongated rectangular, rather than an L-shaped plan and will comprise an area of sub-basement, a large basement floor, ground floor and first floor. The new building would be a solid, masonry structure faced in limestone cladding, with aluminium framed doors and windows punctuating the stone. At ground floor level there would be a greater expanse of glazing on the south-facing elevation. The building will have flat roofs and these will be used as extensive and intensive green roofs. A lightwell area is located on the south elevation (towards the western end) which is approximately 1.2m wide and is located close against the façade; and there is a rooflight adjacent to the west-facing facade (at the southern end) which is approximately 1.3m wide and is again close against the facade. The lightwell and the rooflight, together with the position of the internal stairs and their relationship to windows, provide light down into the basement storey.

In terms of height and bulk, the building is considered acceptable in design terms. The parapet height of the new building would be higher than the existing parapet height, although not higher than the existing ridge line and while the building would appear more elongated, there would also be a re-distribution in massing, by the removal of an L-shaped plan. Thus, the footprint of the new building would occupy more of the garden to the east of the existing house and less of the garden on the south side. Objections have been made that the new building will occupy too much of the garden, however, as there is no building line to adhere to and as there will still be a considerable area of garden space around the new building, the proposed footprint is considered acceptable. Also where the building extends further to the east, it reduces to a single storey to break up and reduce the massing. As both the existing and proposed buildings are detached and somewhat isolated buildings in terms of townscape, i.e. they are not set within an established street context, therefore, while there is some increase in bulk and perceived height, this is not considered to be harmful.

In terms of materials and detailed design, the intention is to create a modern contemporary home and again because of the detached nature of the site, which is not seen from many public vantage points and because of the character of the building that it replaces, this approach is considered acceptable in principle. The choice of stone as a facing material is a challenging one, as the prevailing character of the area (particularly the rears of properties, facing the site) is of brickwork and indeed the existing building is faced in brick. Therefore, a replacement brick building would seem the natural choice. The applicant, however, is proposing a limestone building, but in recognition of the yellow stock brick context they are proposing that the proposed stone will have a mid-brown finish, which will complement the hue and tone of the prevailing stock brick finishes. It is considered that the tone of the facing material and quality of detailing are the key components to secure and that the principle of a stone building, providing its quality and colour is delivered, would be acceptable in this

particular context. The roof of the new building would feature a green roof. This is particularly welcome, given the garden setting.

The proposed location of lightwell and rooflight close against the building line and their proposed size are considered acceptable and would not unduly compromise the garden setting. As these would be the only external manifestation of the large basement, this aspect of the proposal is also considered acceptable in terms of its impact on the character and appearance of the conservation area.

In summary, the proposal is considered acceptable in design terms, with no adverse impact on the character or appearance of the St John's Wood Conservation Area. The proposals are considered to accord with Policies S25 and S28 of our City Plan; and DES 1, DES 4, DES 9 and DES 12 of our UDP.

6.3 Amenity

UDP Policy ENV13 seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Regard is had to the Building Research Establishment (BRE) guidelines.

The applicant has submitted a Daylight and Sunlight Survey by EB7 in respect of the potential impact of the proposed development on the daylight and sunlight received by surrounding properties. The survey is based on the guidance set out in the BRE's "Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011).

6.3.1 Daylight

In assessing daylight measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The 'No Sky Line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6m²) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

To clarify, following a query raised by an objector, the daylight results do not distinguish between winter and summer.

Nos.43, 45, 47, 49, 51 Carlton Hill

These single family dwellings are located to the north of the application site. The dwellings are arranged over basement, ground, first and second floor levels with reasonably large rear gardens separating the buildings from the application site. The houses have a variety of rear extensions. The rooms at the lower levels tend to serve habitable rooms (kitchens, living rooms, dining rooms).

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution.

53 Carlton Hill and 1 Ryder's Terrace

These two properties are in the same ownership, however, part of 1 Ryder's Terrace is a separate residential unit. The main house at 53 Carlton Hill is located to the north west of the site and the mews style building at 1 Ryder's Terrace (known as Beatrice Cottage) is located directly west of the site at the opposite side of Blenheim Passage.

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution.

20 and 24 Blenheim Terrace

These buildings are located to the south/south west of the site to the rear of the mews buildings at Ryder's Terrace.

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution.

Nos. 20, 21, 22, 22A, 23 and 24 Ryder's Terrace

These properties are mews dwellings located to the south of the site at the opposite side of Ryder's Terrace. The majority of the dwellings are arranged over ground and first floor levels, however, there is a mansard (second floor) level at No.24. The dwellings back immediately onto the buildings at Blenheim Terrace and hence the only aspect is north-facing towards the application site.

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution. In some cases there would be improvements over the existing situation due to the removal of the existing L-shaped building and the setting back of the building into the plot (i.e. opposite Nos. 20 and 21 in particular).

41 Abbey Road

This large building located to the east of the application site is a former residential care home which is currently vacant (there are proposals to convert the building to residential flats, however, no permission has been granted).

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution.

43 Abbey Road

This single family dwelling is located to the north east of the site.

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution.

3A Blenheim Passage

This mews building is located to the south of the site directly opposite the entrance to the site, at the end of the mews terrace at Ryder's Terrace.

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution.

Nos. 10, 12, 14, 16, 18, 20, 22 Blenheim Terrace

These buildings are located to the south/south west of the site to the rear of the mews buildings at Ryder's Terrace.

The submitted report indicates that the impact on all windows/rooms tested would comply with the BRE guidance in respect of VSC and daylight distribution.

6.3.2 Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Nos. 43, 45, 47, 49, 51 Carlton Hill

The sunlight results meet the recommended guidance, with the exception of one window at basement level for No.49 Carlton Hill. This room (which is a main habitable room in use as a living room/dining room) would experience a loss of 28.57% of winter sunlight (where 20% is the recommended maximum); however, this would equate to a loss of only two hours of winter sunlight and the dwelling is dual aspect with a number of other windows serving habitable rooms which would retain good levels of sunlight. Therefore, on balance, it would not be reasonable to refuse permission on this basis.

53 Carlton Hill and 1 Ryder's Terrace

The sunlight results meet the recommended guidance.

20 and 24 Blenheim Terrace

The windows are north facing and therefore do not need to be tested.

Nos. 20, 21, 22, 22A, 23 and 24 Ryder's Terrace

The majority of the windows are north facing and therefore do not need to be tested. The sunlight results for the one window tested would meet the recommended guidance.

41 Abbey Road

The sunlight results meet the recommended guidance.

43 Abbey Road

The sunlight results meet the recommended guidance.

3A Blenheim Passage

The sunlight results meet the recommended guidance.

Nos. 10, 12, 14, 16, 18, 20, 22 Blenheim Terrace

The windows are north facing and therefore do not need to be tested.

6.3.3 Light/overshadowing to neighbouring gardens

The applicant's consultants have assessed the impact of the proposal on the gardens of Nos. 43, 45, 47, 49, 51 and 53 Carlton Hill.

The impact is considered to be acceptable as the assessment indicates that with the proposal in place all gardens will see at least two hours of direct sunlight across 50% of their area, in compliance with BRE guidance. An objector has queried if the calculations factor in the further overshadowing from the planting for the roof terrace; it is believed that this has not been factored in, however, it is not considered that such planting would have a significant impact.

6.3.4 Sense of Enclosure

The proposed new building on the site would be of an increased height, bulk and scale than the existing. As such, it has the potential to impact on the sense of enclosure to neighbouring windows and gardens.

The neighbouring properties with most potential for impact are the mews dwellings at the opposite side of Ryder's Terrace (including 3a Blenheim Passage) and Beatrice House at 1 Ryder's Terrace. It is acknowledged that currently, the outlook from a number of these single-aspect dwellings faces over the garden for the application site and as a result of the proposal, the new building would extend along in front of these houses. However, the distance between the highest (i.e. two storey) part of the new building and the properties opposite would be approximately 14.5m, which is considered to be a reasonable separation and would not unduly impact on the sense of enclosure to these properties. The relationship with some of the properties at Ryder's Terrace would improve as a result of the setting back of the building into the plot, in particular Nos. 20 and 21 which currently face the two storey L-shaped building at a distance of approximately 9m. With regard to Beatrice House, the new building would be set back into the site and therefore would not face the windows to the Blenheim Passage elevation of that neighbouring building; and it is not considered that the bulk of the new building would have any significant detrimental impact on the north facing windows which overlook the rear garden for 53 Carlton Hill (with which Beatrice House is linked).

With regard to the properties at Carlton Hill to the north, whilst the new building would be higher and wider than the existing, the relationship is considered acceptable given the circumstances of the case. The Carlton Hill properties are dual aspect and have relatively large rear gardens (ranging between approximately 16m and 19m in depth) and the proposed building would be set off the boundaries (in some locations it would be set further back than the existing building). As such, it is not considered that permission could reasonably be refused on this basis.

The new building would extend further east than the existing, towards the boundary with the former residential care home at 41 Abbey Road. The nearest part to the boundary would be single storey, with the two storey element set off the boundary by approximately 7.5m. The proposal will result in additional bulk when viewed from 41 Abbey Road, however, given the relatively deep rear garden at No.41 (approximately 20m), the relationship is considered acceptable.

6.3.5 Privacy

The proposal involves glazing on all elevations and the provision of a roof terrace at first floor level over the single storey element adjacent to the boundary with 41 Abbey Road (i.e. the eastern part of the site).

The main glazing is proposed to the south and east elevations facing Ryder's Terrace and the rear of 41 Abbey Road respectively. The 14.5m distance between the windows and the mews

properties at the opposite side of Ryder's Terrace is considered acceptable, particularly given the much closer relationship between the two sides of the mews further to the west (approximately 6m). The windows to the eastern elevation would be within 7.5m of the boundary with 41 Abbey Road, however, as outlined above, that building is a further 20m away and the rear garden is already overlooked by the houses at Ryder's Terrace. As such, the relationship is considered acceptable.

The windows at first floor level to the rear elevation overlooking the gardens at Carlton Hill and the flank elevation facing Blenheim Passage serve non-habitable rooms and therefore can be obscure-glazed to prevent overlooking.

The windows at ground floor level will be largely contained behind the boundary walls.

The roof terrace at first floor level is modest in size and is set in from the edges of the roof by planting in order to provide adequate separation from the boundaries with the neighbouring properties. It does not raise concerns with regard to the potential for noise and disturbance to neighbouring properties.

Concerns have been raised regarding overlooking to neighbouring properties when the green roofs are being maintained, however, this will only occur on a very infrequent basis and would not justify refusal.

A new pedestrian gate is proposed leading from Ryder's Terrace (opposite 22A Ryder's Terrace). Whilst privacy and security concerns have been raised, it is not considered that the new gate would raise any significant issues in this regard; this is not an uncommon relationship and indeed there are similar distances between the front doors at either side of the mews further west at Ryder's Terrace.

6.3.6 Noise and disturbance

Mechanical plant is proposed within the basement with an external intake and extract system and a condenser proposed at garden level (adjacent to the boundary with 41 Abbey Road). An acoustic report has been provided by the applicant and the City Council's Environmental Health officer has not raised objections; subject to conditions to protect against noise and vibration for neighbours. On this basis, the proposals do not raise noise concerns.

6.4 Transportation/Parking

The submitted plans show off-street parking provision for three vehicles (one within an underground space accessed by a car lift and two at surface level within the driveway). This provision is above the requirement of UDP Policy TRANS 23, however, given the size of the dwelling it would be unreasonable to refuse the application on these grounds.

Provision is made within the front garden for cycle parking, which is welcomed.

The residents parking bay to the front of the site would need to be relocated to allow for the widened entrance gate. This would require a Traffic Management Order, which must be undertaken and completed prior to work starting on the site. This involves a separate application to the Council as Highways Authority and all costs would be borne by the applicant.

There is no objection to the new pedestrian gate off Ryder's Terrace, subject to the gate not opening over the road.

6.5 Economic Considerations

Not applicable.

6.6 Equalities and Diversities

There is level access to the new house and a lift is proposed internally to provide access to the upper and lower floors.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposal does not raise strategic issues.

6.9 Planning Obligations

The development is of insufficient scale to generate the need for planning obligations.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal aims to meet Level 4 of the Code for Sustainable Homes, which is considered to be acceptable.

The sustainability features proposed include a range of passive and active energy efficiency measures. The measures include the use/installation of glazing to reduce heating requirements and provide natural daylighting, ventilation systems, gas fired condensing boilers and a heat exchanger for the pool plant. A rainwater harvesting system is proposed to irrigate the garden. The applicant is not proposing any renewable energy measures, however, they can achieve Code 4 without such measures, and there is no policy requirement in this case for renewable energy given that the scheme is not classed as 'major development'. The measures proposed are considered acceptable.

Trees

The Arboricultural Manager has previously raised concerns regarding the impact of the proposal on the TPO Sycamore tree within the application site and the Walnut tree at 47 Carlton Hill, as well as concerns about the extent of garden/landscaping proposed.

The applicant has not undertaken the trial investigation requested by the Arboricultural Manager when considering the previous withdrawn application, however, the extent of the building has been pulled back from the root protection area of this tree since that application and therefore it is considered that there are not sufficiently strong grounds on which to refuse the application on this basis. The Arboricultural Manager is now satisfied with the improved relationship with the root protection area for the Walnut tree at 47 Carlton Hill.

With regard to landscaping, the Arboricultural Manager has queried the soil depth proposed, in order to ensure that there is sufficient scope to provide suitable replanting. The applicant has subsequently confirmed that a minimum of 1m soil depth will be provided across the site. Whilst the Arboricultural Manager has made further comments about the space for landscaping and the proposed landscaping plan, it is not considered that permission could be refused on this ground alone and recommends that an improved landscaping scheme is sought by condition. An existing Rowan tree will be lost which is regrettable, however, it can be replaced by new planting.

The Arboricultural Manager has also queried the construction method statement as it appeared that the basement layout was different than the planning application drawings, however, the applicant has clarified which plans are relevant and the Arboricultural Manager

has since confirmed verbally that the proposals are broadly acceptable, subject to detailed conditions.

The application site is not within a flood risk area or critical surface water location, however, a condition is recommended requiring the applicant to implement a Sustainable Urban Drainage System (they have already indicated that rainwater harvesting will be provided for irrigation).

Green roofs (intensive and extensive) are proposed which are welcomed, and a maintenance strategy is required by condition.

6.11 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. The relevant policies in the City Plan which has replaced the Core Strategy have been discussed in this report and other policies in the previous report have not changed significantly. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.12 Other Issues

6.12.1 Basement Excavation

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The Building Control officer has assessed the report and considers that the proposed construction methodology appears satisfactory. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

The City Management Plan will include policies specifically dealing with basement and other subterranean extensions. These policies are at an early stage of development and will not carry any weight as a material planning consideration until they have progressed significantly along the route to adoption.

6.12.2 Construction Management

A Construction Management Plan (CMP) has been submitted to outline the likely arrangements during the excavation and construction process.

The CMP advises that the development is expected to take 11 months to construct, with the following timescales for each phase:

Demolition – 5 weeks
Piling – 8 weeks
Basement Formation – 16 weeks
Erection of Steel Frame – 5 weeks
Cladding – 4 weeks
Fit Out – 10 weeks

They advise that all vehicles will approach the site from Abbey Road turning into Blenheim Terrace. The main contractor will inform delivery operators of the route to minimise disruption to surrounding local residents. A condition schedule of Blenheim Passage and Ryder's

Terrace, including the pavements, will be taken prior to works commencing and upon completion of the works, and the contractor will be responsible for making good any damage caused. The contractor's office and site welfare facilities will be located within the site and the site will be hoarded during the works, to a height of approximately 3m. Demolition waste will be routed to the side of the site and picked up by a grab lorry, which will reverse onto the site using a banksman at the corner of Blenheim Passage and Ryder's Terrace. The vehicles will then drive out of the site. The same arrangements will be used for grab lorries removing excavation spoil.

The basement is proposed to be formed using a 'top-down' construction, with the ground floor slab cast prior to the basement being dug. This will allow for a working platform on which the loading, spoil removal and deliveries can be managed within the site. The applicant anticipates between four and six grab lorries per day during the excavation of the basement, resulting in about 150 lorry movements in total. Loading of each lorry is expected to take 15-30 minutes. The construction of the new building will involve delivery and erection of a steel frame structure, the lorries using the same area as used by the grab lorries earlier in the process. The main contractor will operate a booking system for deliveries in order to prevent multiple vehicles arriving at the one time. Vehicle movements will occur outside of school run hours of 08.00-09.00 and 15.00-16.00.

Whilst a CMP has been submitted, it does not include a 24 hour contact number for residents and, as such, a condition is recommended requiring submission of an updated plan. It should be noted that Highways Licensing will retain the ability to grant and control any highways licences that are required and the Parking Team will be responsible for granting any temporary suspensions of residents parking bays (such as the space immediately in front of the site). Notwithstanding the strong objections from neighbours on grounds of the traffic disruption, disturbance, noise, dust etc likely during the building works, it would not be reasonable to refuse the planning application on this basis and it is considered that the CMP, in conjunction with a condition to limit the hours of noisy works, will mitigate the impact on residents and the local area. To go further than this would go beyond the bounds of planning control.

6.12.3 Other

An objector mentions the inconsistency between the applicant's submission documents with regard to the gross floorspace of the building; the floorspace proposed is 1120m², however, this does not equate to 'major development' for the purposes of the sustainability policies as only one residential unit is proposed.

An Informative is recommended to advise the applicant of the concerns raised by Building Control and Environmental Health with regard to means of escape. As this is dealt with under separate legislation it would not be reasonable to refuse planning permission on this basis.

'Rights to light' are private rights which do not fall under the consideration of a planning application.

The Council cannot prevent the property being sold on in the future as this does not fall within its remit.

6.13 Conclusion

Overall, the proposal to demolish the existing building and to replace it with a two storey single family dwelling plus basement/part sub-basement is recommended for approval as it is considered to accord with the relevant City Plan and UDP policies relating to land use, design, amenity, highways, trees and sustainability.

BACKGROUND PAPERS

1. Application form.
2. Letter from Karen Buck MP dated 21 July 2014 with attached letter from local resident and response from City Council.
3. Emails from Councillor Freeman dated 16 July 2014 and 17 July 2014.
4. Letter from English Heritage dated 11 August 2014.
5. Letter from St John's Wood Society dated 03 July 2014.
6. Letters from resident of 47 Carlton Hill dated 11 July 2014, 18 July 2014, 19 July 2014 and other attachments.
7. Emails/letters from resident of 45 Carlton Hill dated 8 July 2014, 25 July 2014 (x2).
8. Letters from resident of 59 Carlton Hill dated 10 July 2014 and 31 July 2014.
9. Letters from freeholder of 16 Blenheim Terrace dated 07 August 2014 and 26 September 2013.
10. Emails/letter from residents of 21 Ryder's Terrace dated 13 July 2014, 29 July 2014, 01 August 2014.
11. Email from resident of 20 Ryder's Terrace dated 5 August 2014.
12. Email from resident of 24 Ryder's Terrace dated 1 August 2014.
13. Email from resident of 60 Carlton Hill dated 5 August 2014.
14. Letter and email from residents of 23 Ryder's Terrace dated 24 July 2014 and 28 July 2014.
15. Email from owner of 22a Ryder's Terrace dated 23 July 2014.
16. Email from resident of 3a Blenheim Passage dated 14 September 2014.
17. Letter from resident of 22A Blenheim Terrace dated 25 July 2014.
18. Email from managing agent for 27, 29, 31 and 57 Blenheim Terrace dated 29 July 2014.
19. Email from resident of 45 Blenheim Terrace dated 30 July 2014.
20. Email from resident of 67 Carlton Hill dated 3 August 2014.
21. Email from resident of 28 Blenheim Terrace dated 23 July 2014.
22. Email from resident of 49 Carlton Hill dated 24 July 2014.
23. Email from resident of 9 Ryder's Terrace dated 27 July 2014.
24. Email from resident of 36 Blenheim Terrace dated 24 July 2014.
25. Email from resident of 105 Clifton Hill dated 28 July 2014.
26. Memorandum from Cleansing Manager dated 14 July 2014.
27. Email from Thames Water dated 7 July 2014.
28. Memorandum from Highways Planning Manager dated 14 July 2014.
29. Email from Building Control dated 11 July 2014.
30. Memorandum from Environmental Health dated 14 July 2014.
31. Memorandum from Arboricultural Manager dated 16 September 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – ogibson@westminster.gov.uk

DRAFT DECISION LETTER

Address: 40 Ryder's Terrace, London, NW8 0EE

Proposal: Demolition of existing building and erection of a single dwellinghouse (Class C3) comprising lower basement, basement, ground and one upper floor. Associated works including landscaping, alterations to boundary walls and existing vehicular and pedestrian entrances and installation of condenser units within enclosure to eastern boundary of site.

Plan Nos: Site Location Plan, 1639 (PL) 010 Rev P1, 011 Rev P1, 012 Rev P1, 013 Rev P1, 014 Rev P1, 015 Rev P1, 016 Rev P1, 017 Rev P1, 019 Rev P1, 020 Rev P1, 021 Rev P1, 022 Rev P1, 023 Rev P1, 024 Rev P1, 025 Rev P2, 026 Rev P1, 027 Rev P1, 028 Rev P1, 029 Rev P1, 030 Rev P1, 031 Rev P1, 031 Rev P1, 032 Rev P1, 033 Rev P1, 034 Rev P1, 035 Rev P1, 036 Rev P1, 037 Rev P1, 040 Rev P1, 041 Rev P1, Planning Statement dated June 2014, Design and Access Statement dated June 2014, Heritage Appraisal dated June 2014, Daylight and Sunlight Assessment dated 09 June 2014, Construction Management Plan Rev B dated June 2014, Energy Strategy/Code 4 Report and Sustainability Statement dated May 2014, Acoustic Report dated 23 June 2014, Tree Survey Assessment dated May 2014, Details of green roofs document, Root Investigation statement dated 05 July 2013.

For information: Construction Method Statement Rev A dated June 2014, Site Investigation Report dated May 2013.

Case Officer: Claragh Mulhern

Direct Tel. No. 020 7641 2535

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 4 With the exception of the area marked 'inset terrace' on Dwg No 1639(PL) 022 Rev P1, you must not use the roofs of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 You must not put up an extension or form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our permission. This is despite the provisions of Classes A, B, C, D, E, G and H of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it). (C21HA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS

23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 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 using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the St John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 10 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 6 months 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 5 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 this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 11 **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

what you have sent us. You must then carry out the work according to the approved details.

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: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 12 You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:
- o identification of individual responsibilities and key personnel.
 - o induction and personnel awareness of arboricultural matters.
 - o supervision schedule, indicating frequency and methods of site visiting and record keeping
 - o procedures for dealing with variations and incidents.

You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

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: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping

equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;

(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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

Reason:

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

- 15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 13 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 16 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:

intensive and extensive green roofs.

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

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

Reason:

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

- 18 The new dwellings shall achieve a Code for Sustainable Homes (2011 edition) rating of no less than 'Level 4', (or any such national measure of sustainability for house design that replaces that scheme of the same standard).

A post construction certificate issued by the Building Research Establishment or other independent certification body confirming this standard has been achieved must be submitted for approval by the Local Planning Authority within 3 months of completion on site.

Reason:

To comply with Policy S28 of the City Council's City Plan: Strategic Policies adopted November 2013, which expects that development within Westminster addresses the wider environmental impacts of the development, and Policy 5.3 and 5.11 of the London Plan (2011).

- 19 You must apply to us for approval of samples of the facing materials you will use, including glazing and a sample panel of stonework which shows the colour, texture, face bond and jointing and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

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: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 20 You must apply to us for approval of detailed drawings of the following parts of the development:-

- i) all new doors and windows (elevations 1:20 with detailed sections at 1:5);
- ii) the new metal gates;
- iii) railing details;
- iv) rooflights.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

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: Strategic Policies adopted November 2013 and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 21 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to the intensive and extensive green roofs. You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To protect and increase the biodiversity of the environment, as set out in CS38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 22 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 this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 23 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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: Strategic Policies adopted November 2013 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)

- 24 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 this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 25 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development Order 1995, or any order that may replace it). (C26WA)

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: Strategic Policies adopted November 2013 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)

- 26 **Pre Commencement Condition.** You must apply to us for approval of details of how you will reduce the development's effect on the biodiversity of the environment in relation to sustainable urban drainage. You must not start any work until we have approved what you have sent us. You must carry out this work according to the approved details before you start to use the building. (C43AA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 27 The glass that you put in the first floor windows in the rear (north) and side (west) facing elevations elevation of the building 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 approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 28 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 29 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please read the following.
 - * British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction
 - * National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995)
 - * Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)

- 3 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 there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 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 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)

- 9 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.
- 10 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. If you would like more information, you can contact Ray Gangadeen on 020 7641 7064. (I54AA)
- 11 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge. If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 12 Our Environmental Health officers advise that, although it is not possible to be certain from your submitted plans, the scheme may not provide sufficient natural light into and a reasonable view from the main habitable rooms. You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view. The dwelling may therefore be considered for action under the Housing Act 2004 by our Residential Environmental Health team. In those circumstances, that team would have the power to require works to improve natural light and the view to the affected rooms (which may require planning permission) or alternatively, where this is not practicable, to prohibit the use of those rooms. For further advice, please contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
Website www.westminster.gov.uk

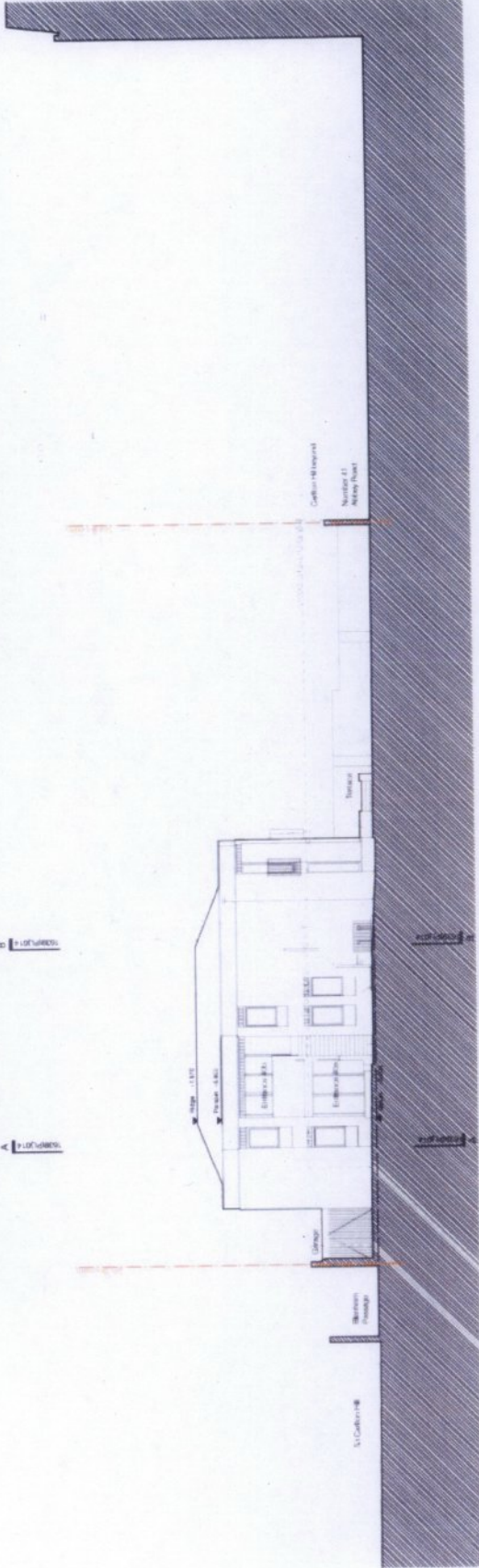
Email res@westminster.gov.uk
Tel : 020 7641 3003 Fax : 020 7641 8504

- 13 You are advised that the proposed layout may not meet the requirements of the Building Regulations in terms of means of escape and remote rooms.

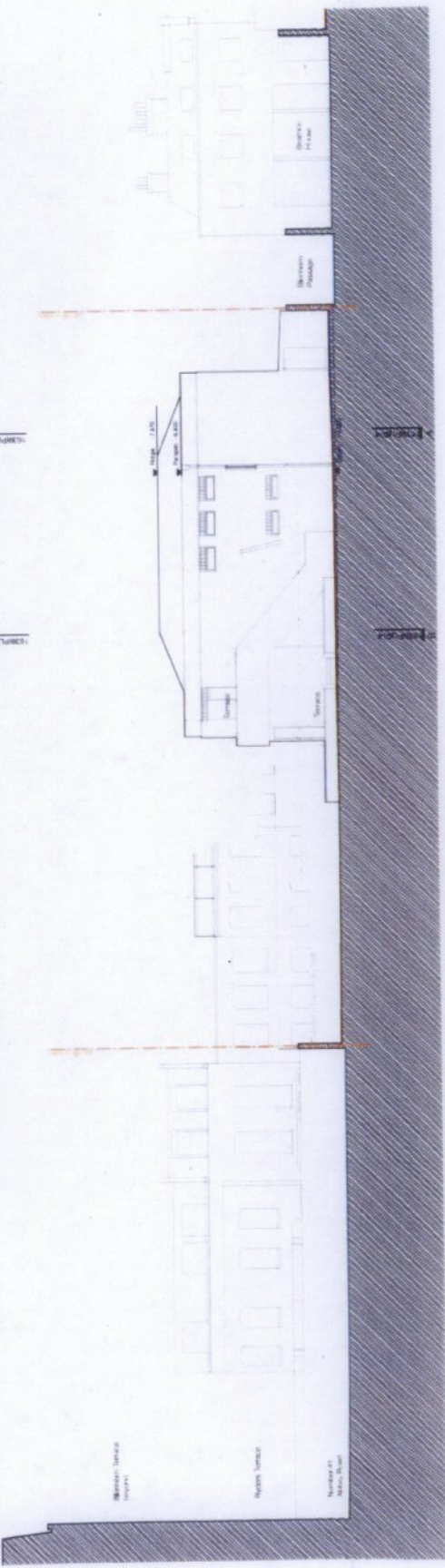
- 14 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

- 15 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.

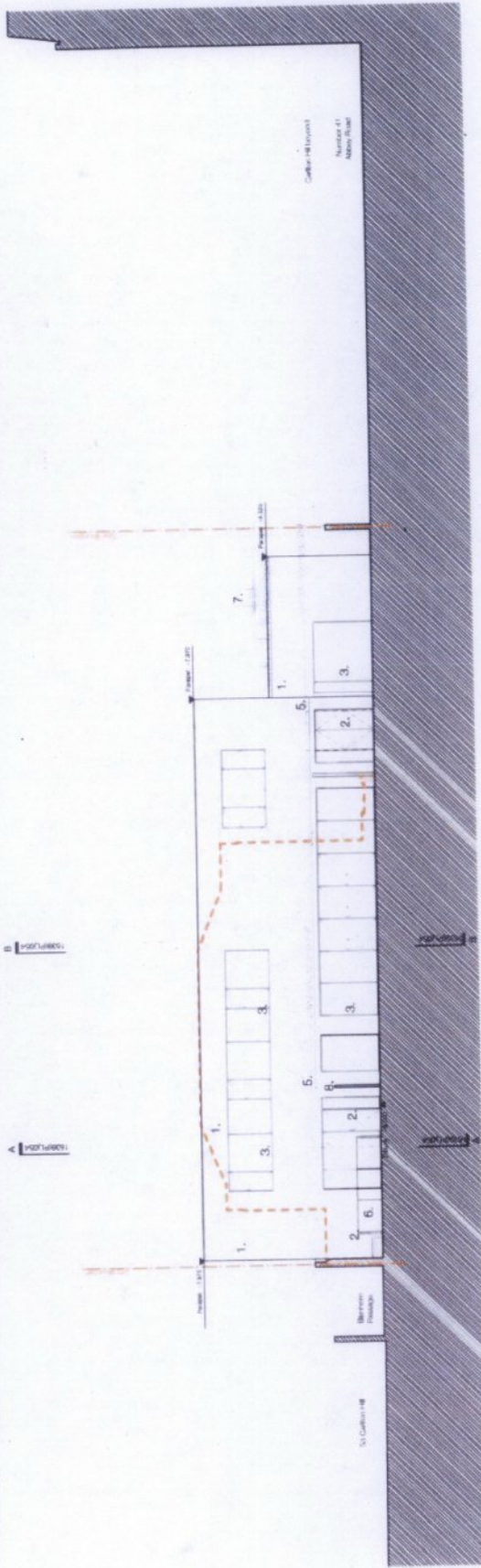


Southeastern Elevation



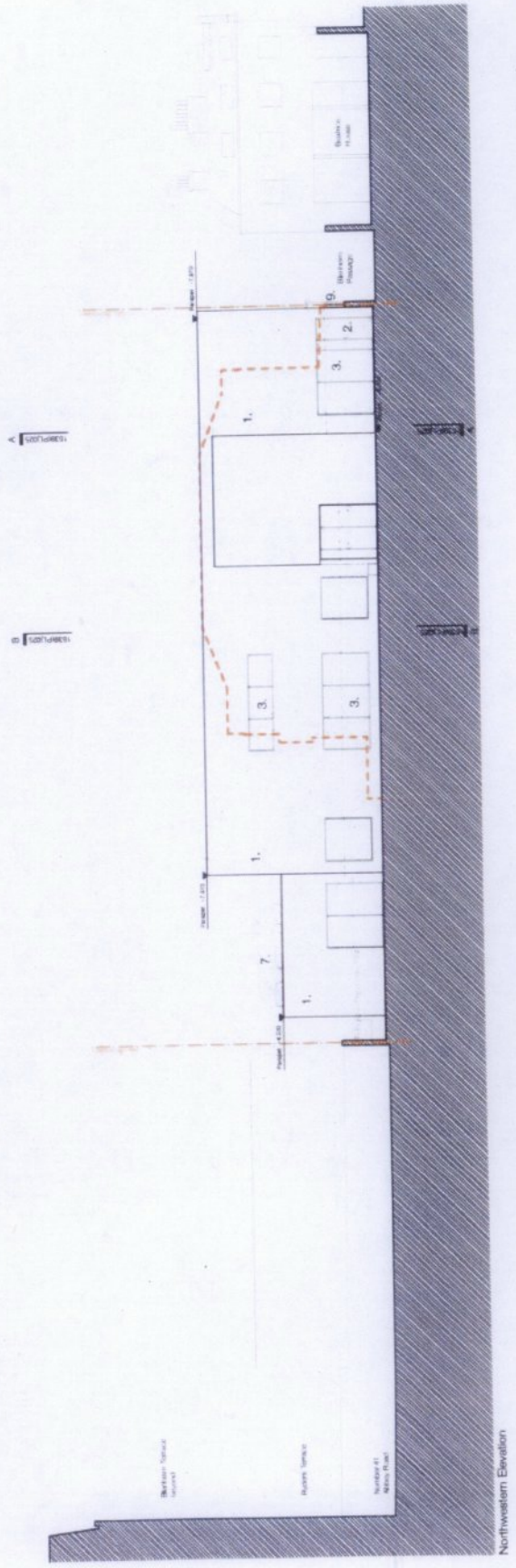
Northwestern Elevation

- 1. Thin joint limestone cladding
- 2. Timber Entrance Doors with best glazing panel where shown
- 3. Aluminum framed high performance glazing units
- 4. Espresso-glass balustrade
- 5. Cantilevered solar canopy - to match cladding
- 6. Stainless steel balustrade with tensioned wire guarding
- 7. Painted screening - Landscape report and painting schedule
- 8. Timber garden gate and fence
- 9. Painted metal railing to height of existing wall
- 10. Painted metal along gate - open slats to match railing and casing
- 11. Painted metal rainwater hopper and downpipe to single storey element

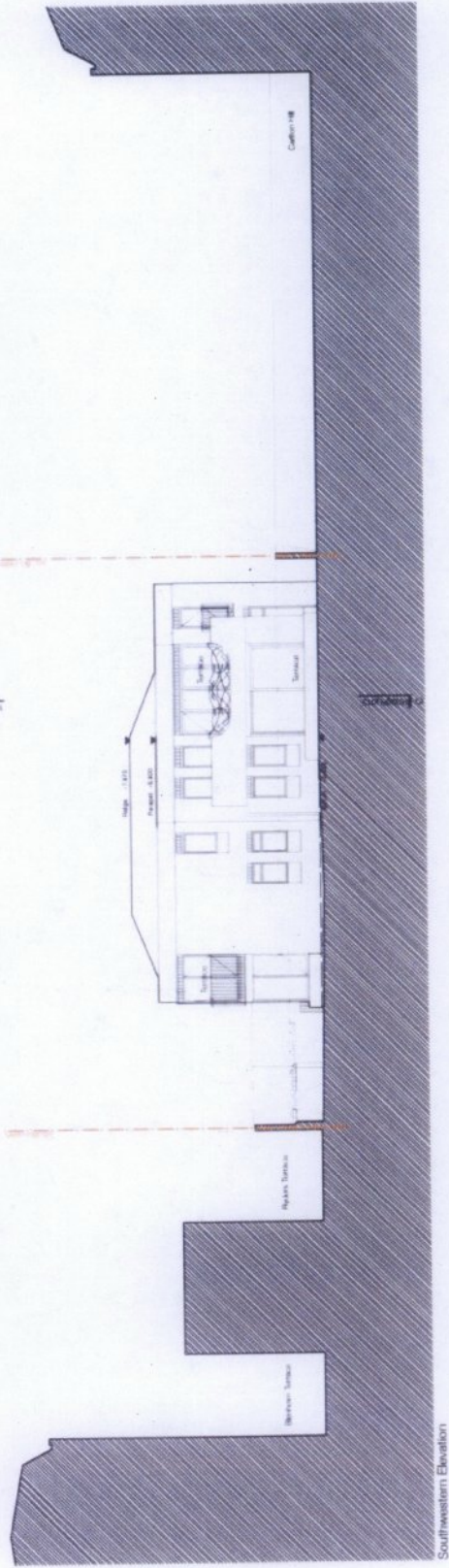


Southeastern Elevation

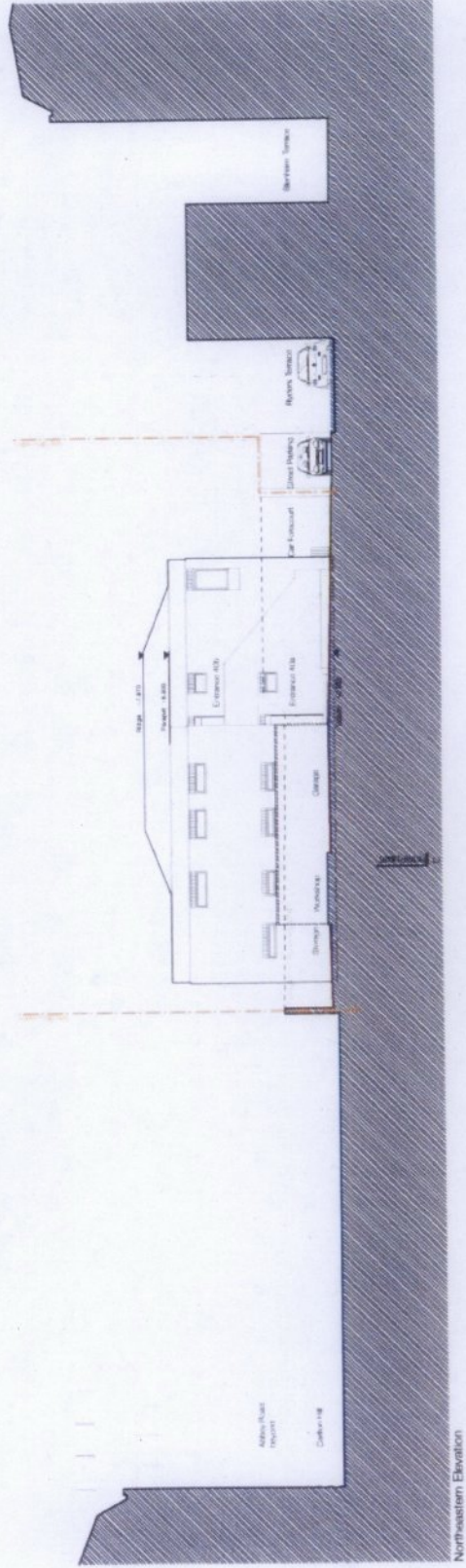
Key - - - Existing building massing dotted onto proposed elevation



Northwestern Elevation

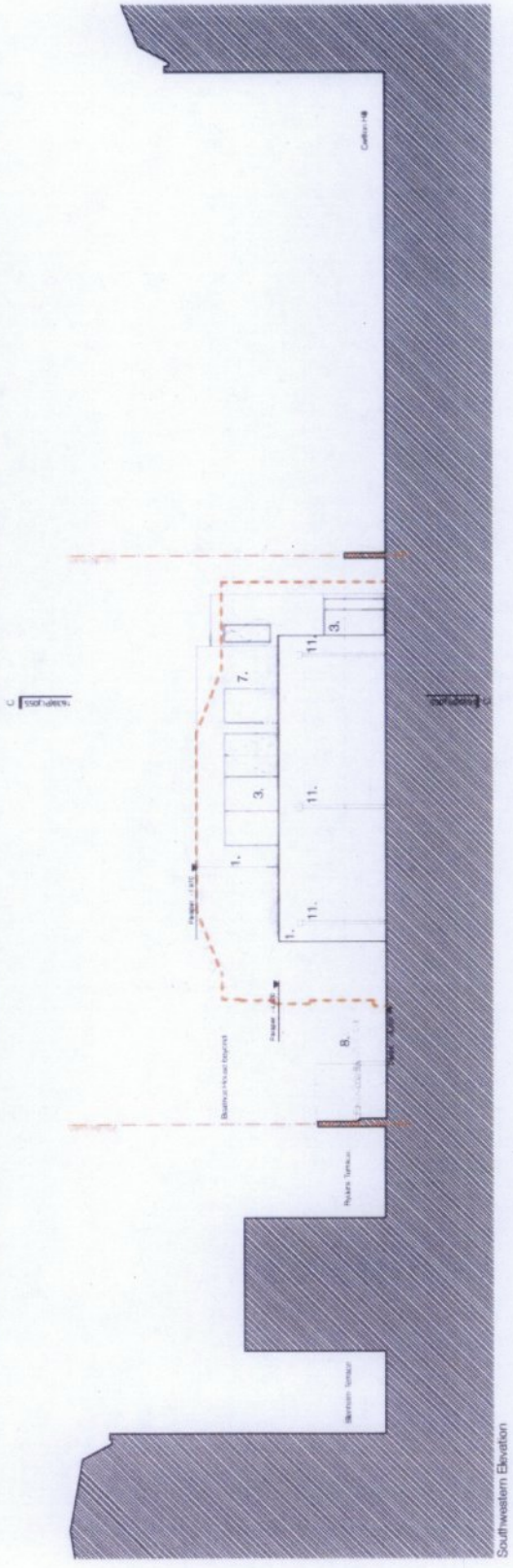


Southwestern Elevation

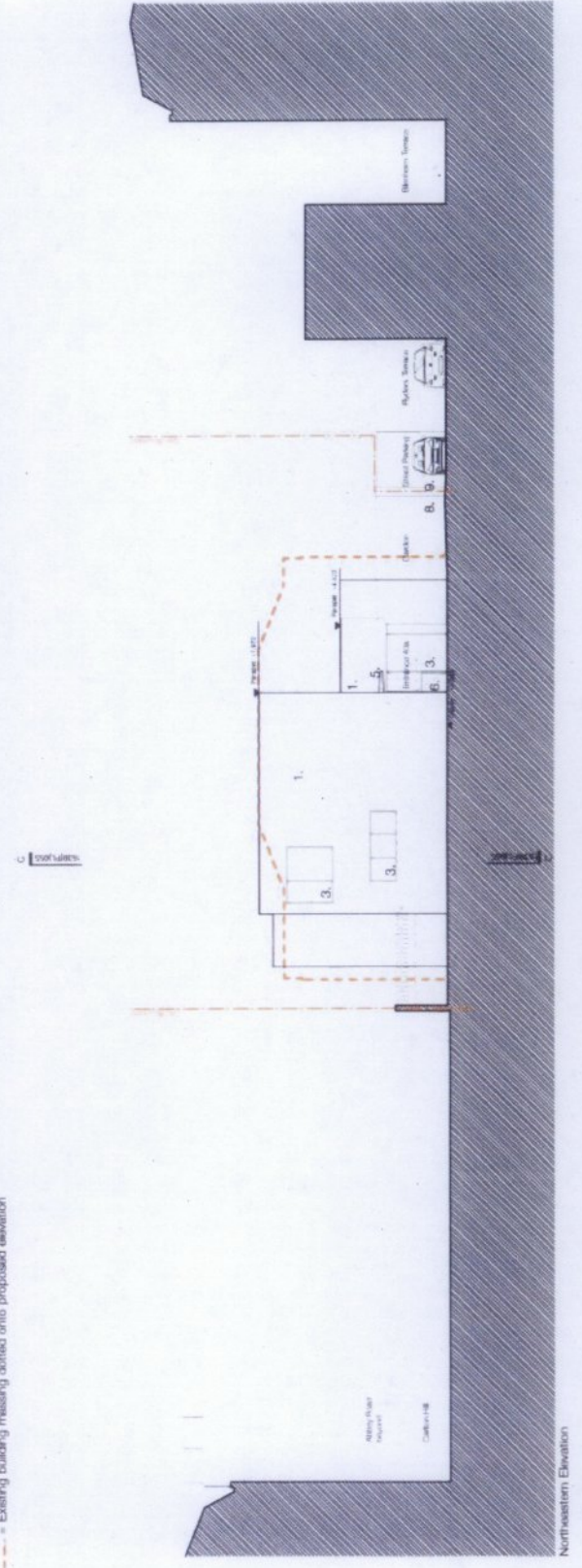


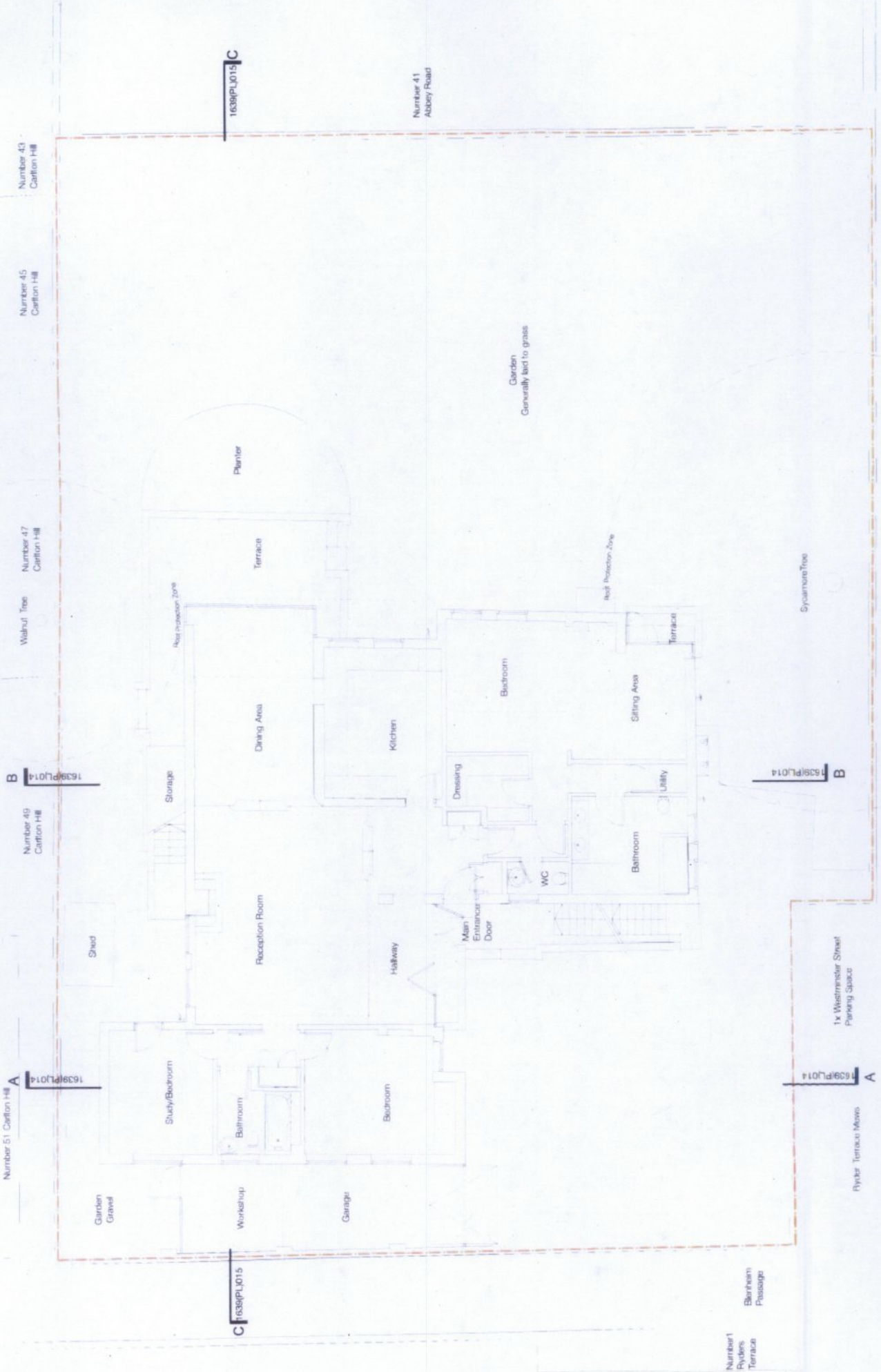
Northeastern Elevation

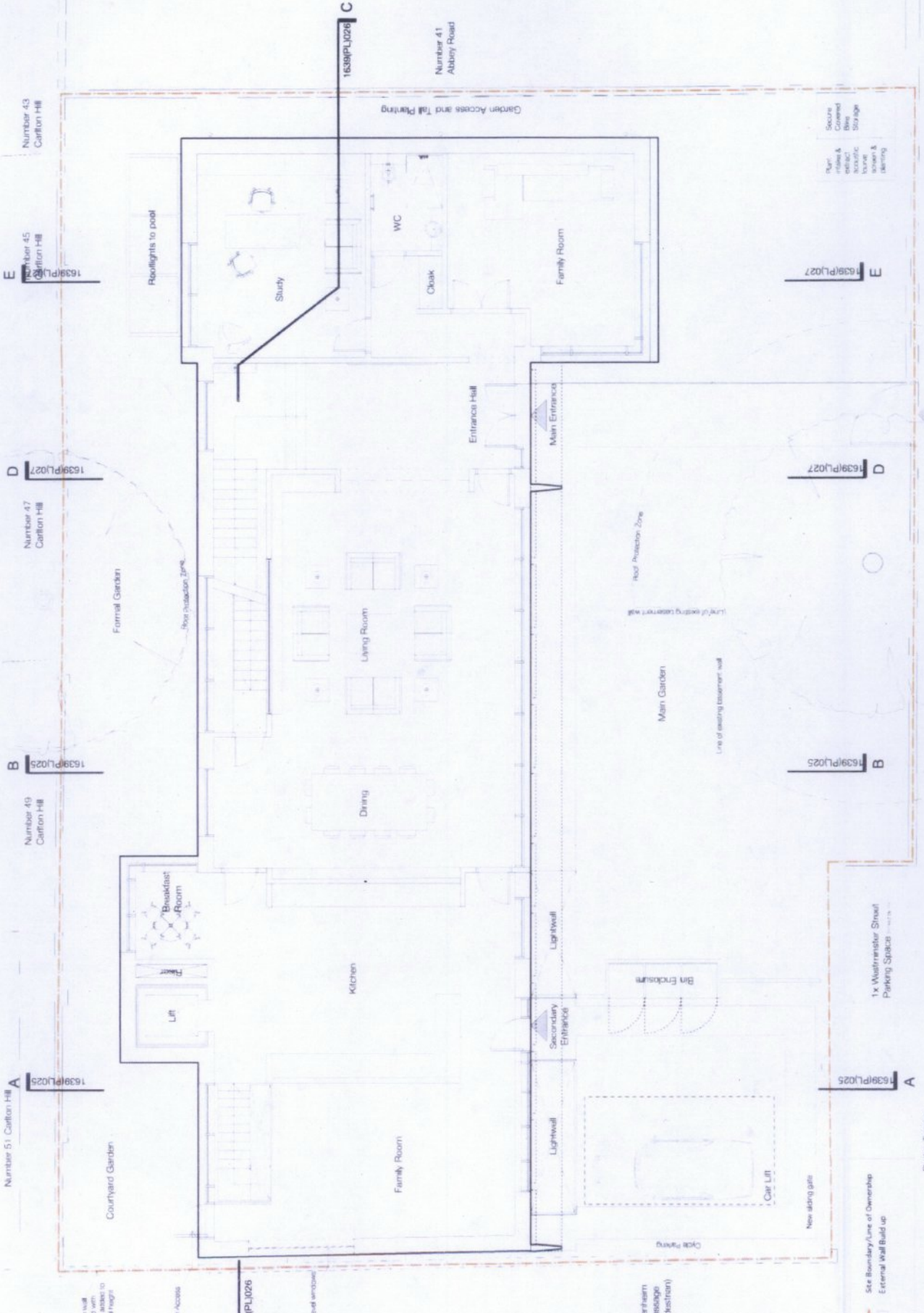
1. Thin panel limestone cladding 2. Timber Entrance Doors (with fixed glazing panel where shown) 3. Aluminium framed high performance glazing units 4. Aluminium framed high performance glazing units - to match cladding 5. Cantilevered solar canopy with tensioned wire guarding 6. Stainless steel balustrade with tensioned wire guarding 7. Plastered screwing - Landscaps report and planting schedule 8. Timber garden gate and fence 9. Painted metal railing to height of existing wall 10. Painted metal riling and existing 11. Painted metal rainwater hopse and downpipe to single storey element



Key - - - - Existing building massing dotted onto proposed elevation







Number 43
Caiffon Hill

Number 45
Caiffon Hill

Number 47
Caiffon Hill

Number 49
Caiffon Hill

Number 51
Caiffon Hill

Number 41
Abbey Road

Number 1
Ryders
Terrace

1639PL025

1639PL027

1639PL025

1639PL025

1639PL025

1639PL025

1639PL025

1639PL026

1639PL027

1639PL026

1639PL027

1639PL025

1639PL025

1639PL025

1639PL025

1639PL025

1639PL025

1639PL026

1639PL027

Scale 1:100 @ A3

15.06.14

North Arrow

1:100

New Gate & Reception Entrance

1x Weathered Steel Parking Stab

Ryders Terrace

Key

Site Boundary/Line of Ownership
External Wall Build up

1639 PL027 rev. E1
Proposed Ground Floor Plan

J. Bitran

40a-b Ryders Terrace

Paul Davis Partners

1639 PL027 rev. E1

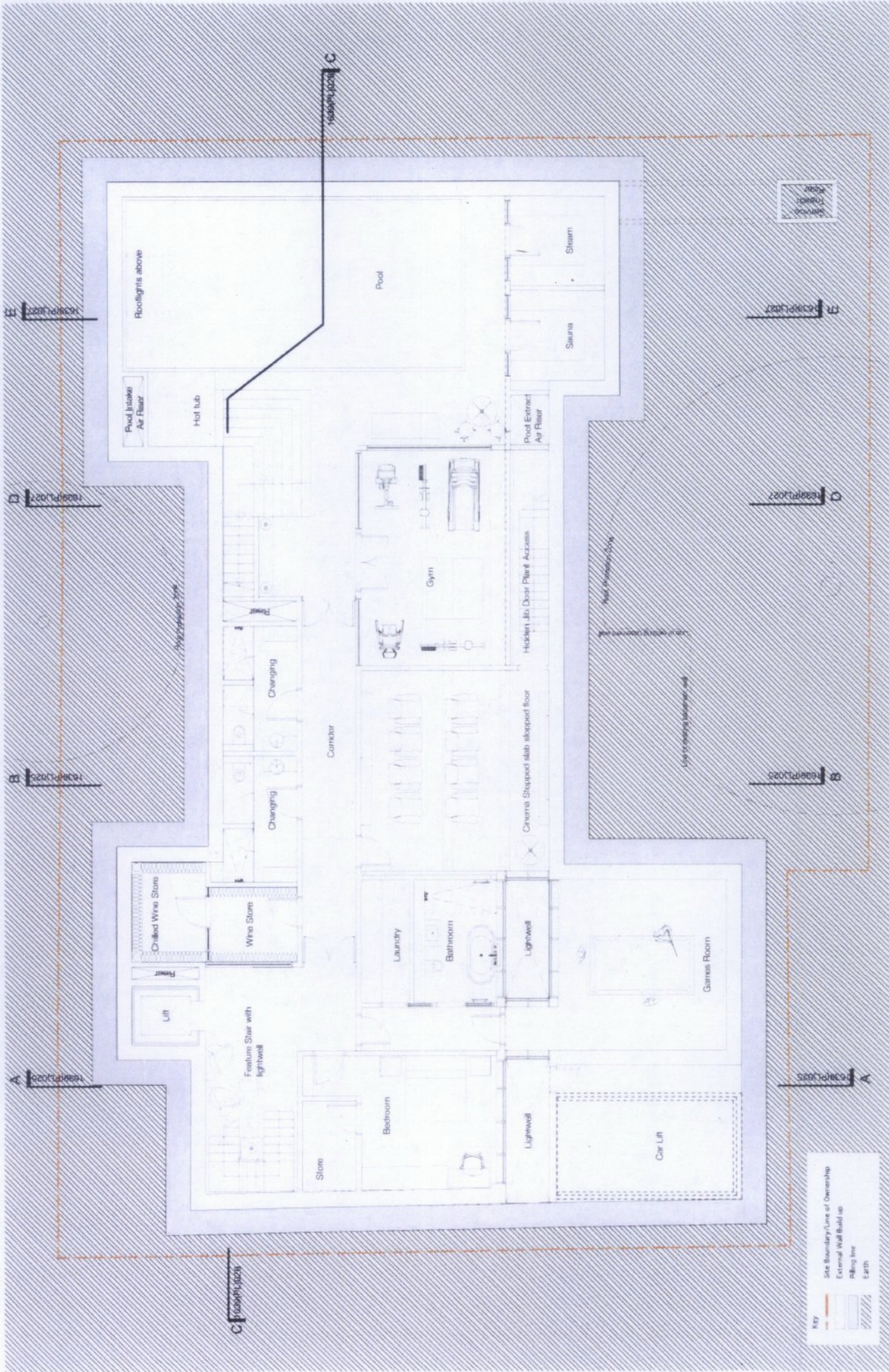
Proposed Ground Floor Plan

J. Bitran

40a-b Ryders Terrace

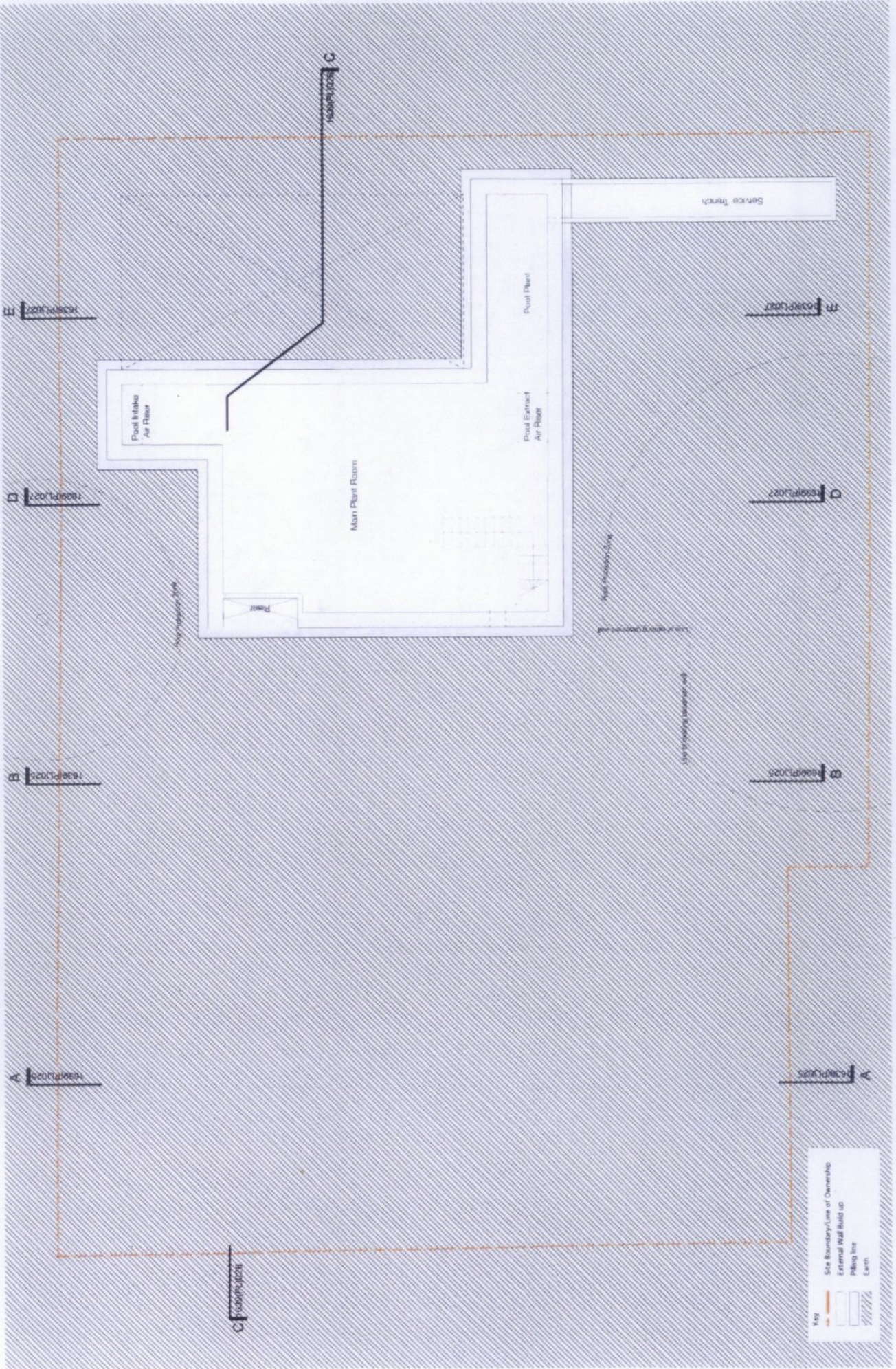
Paul Davis Partners

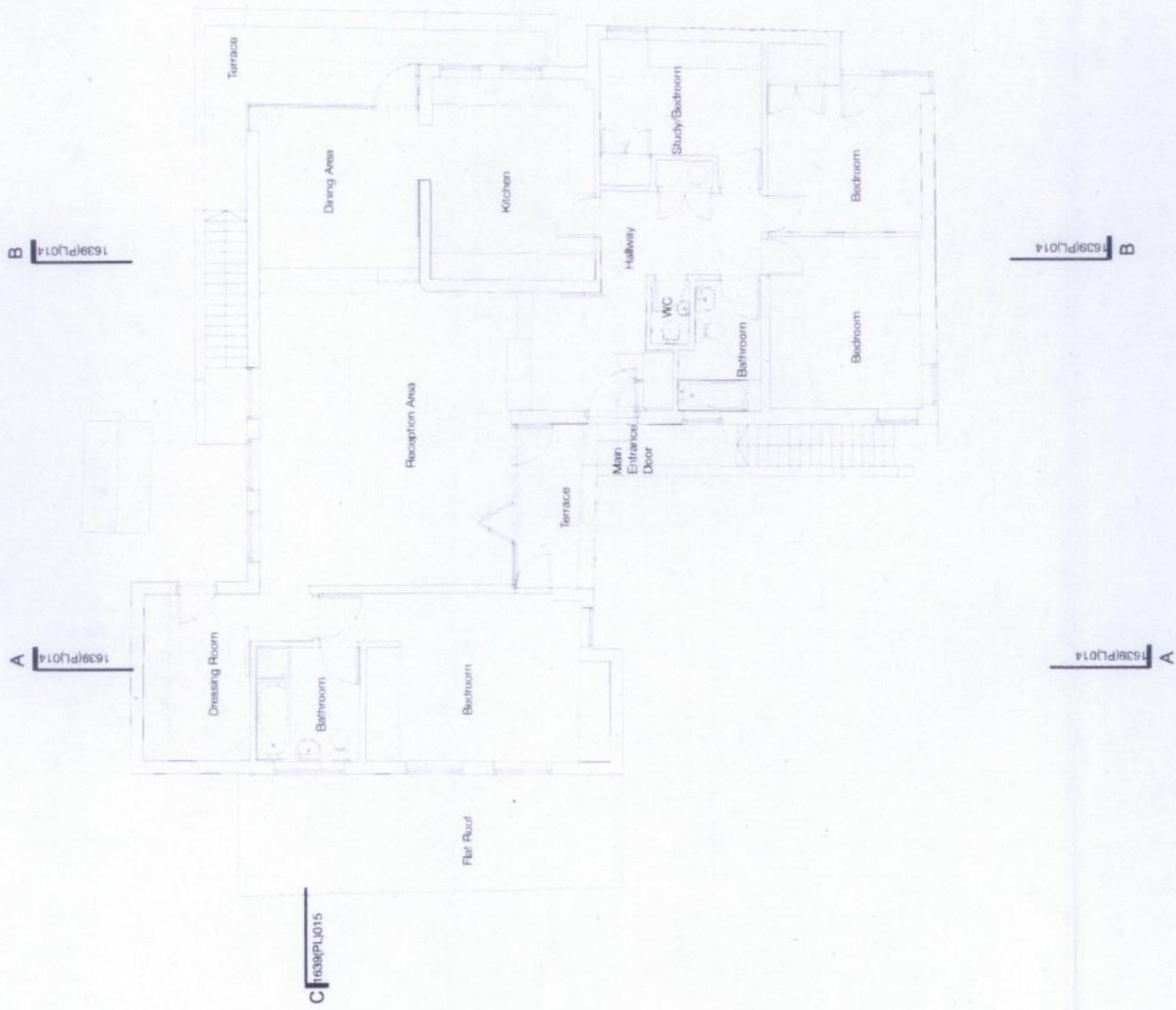
1639 PL027 rev. E1
Proposed Ground Floor Plan



KEY

- - - Site Boundary/Line of Ownership
- - - External Wall Build-up
- - - Paving line
- - - Earth



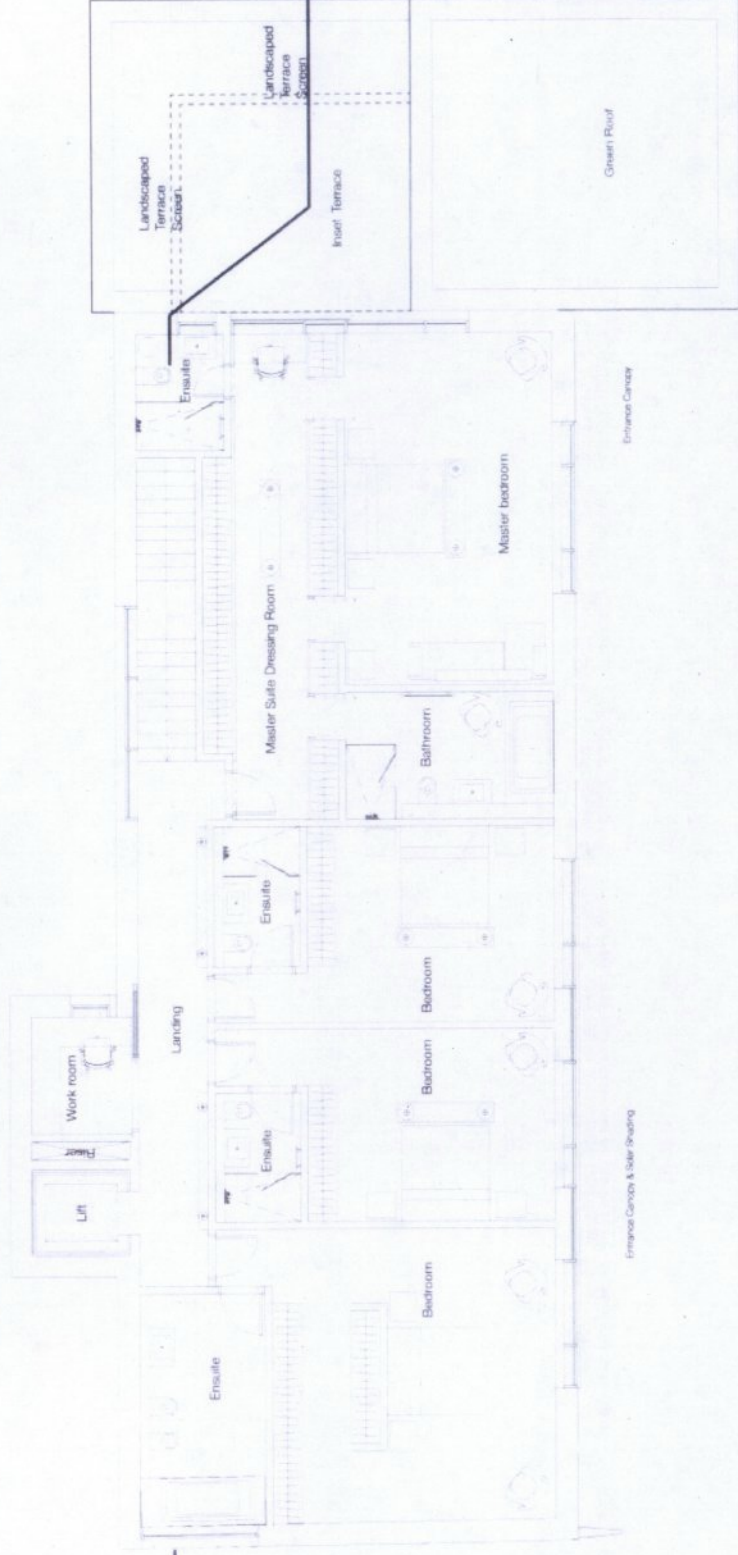


1639PL025 A

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1639PL027 D

1639PL027 E



C 1639PL026

1639PL026 C

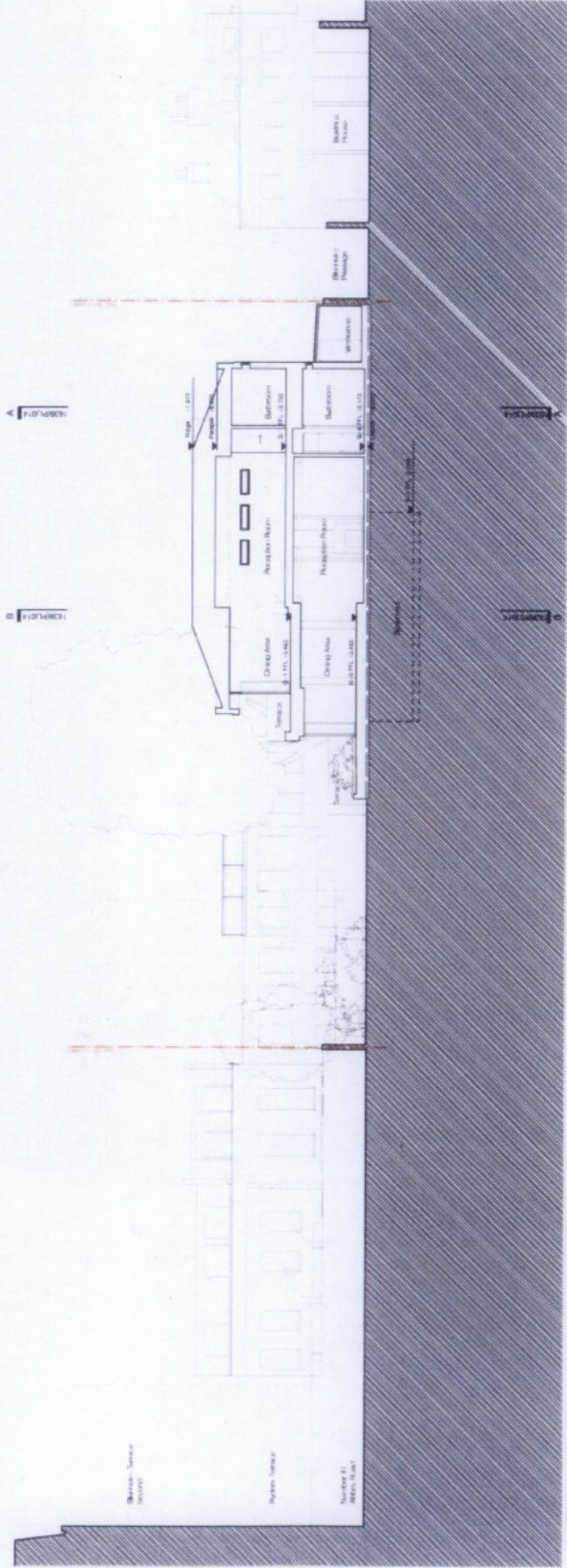
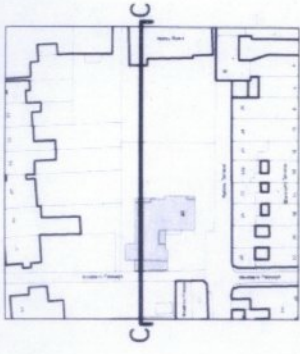
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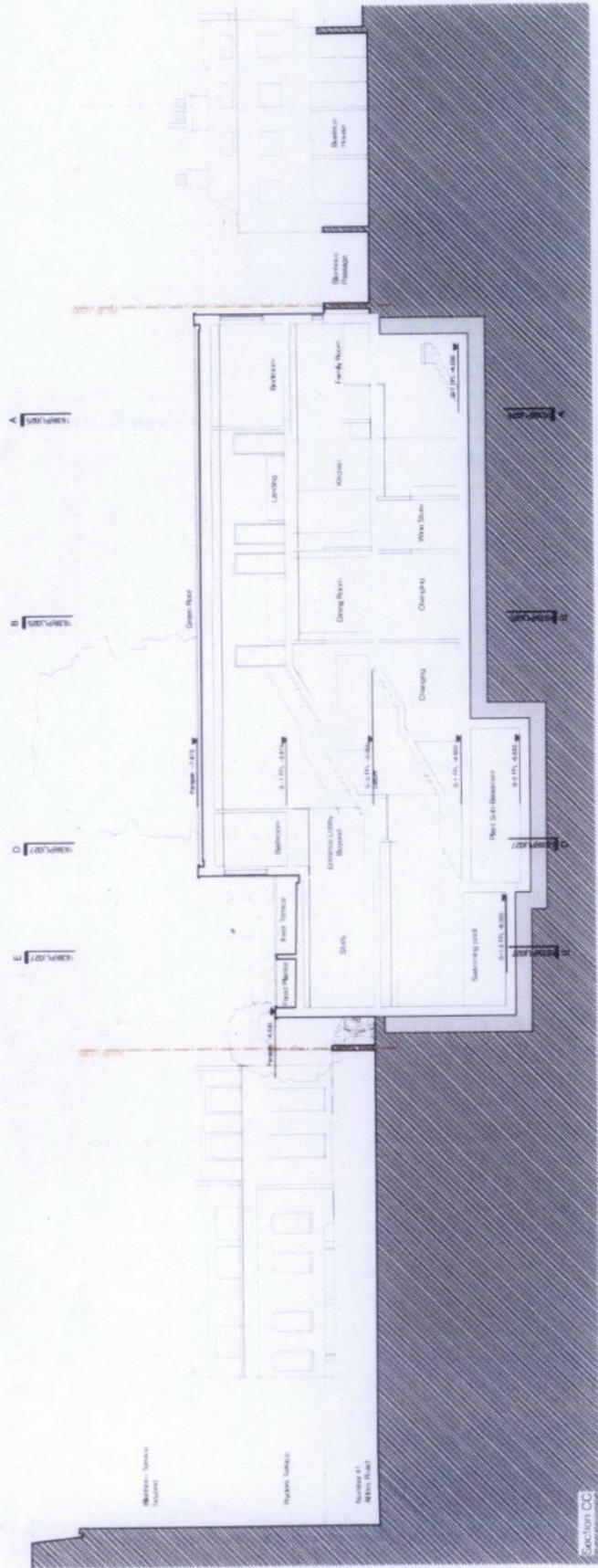
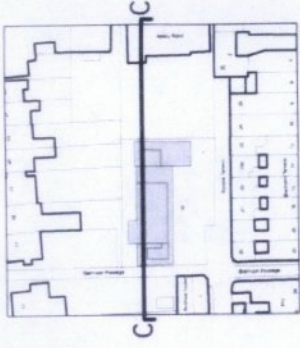
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1639PL027 E





Section CC



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 Date: 10/15/11

Section CC

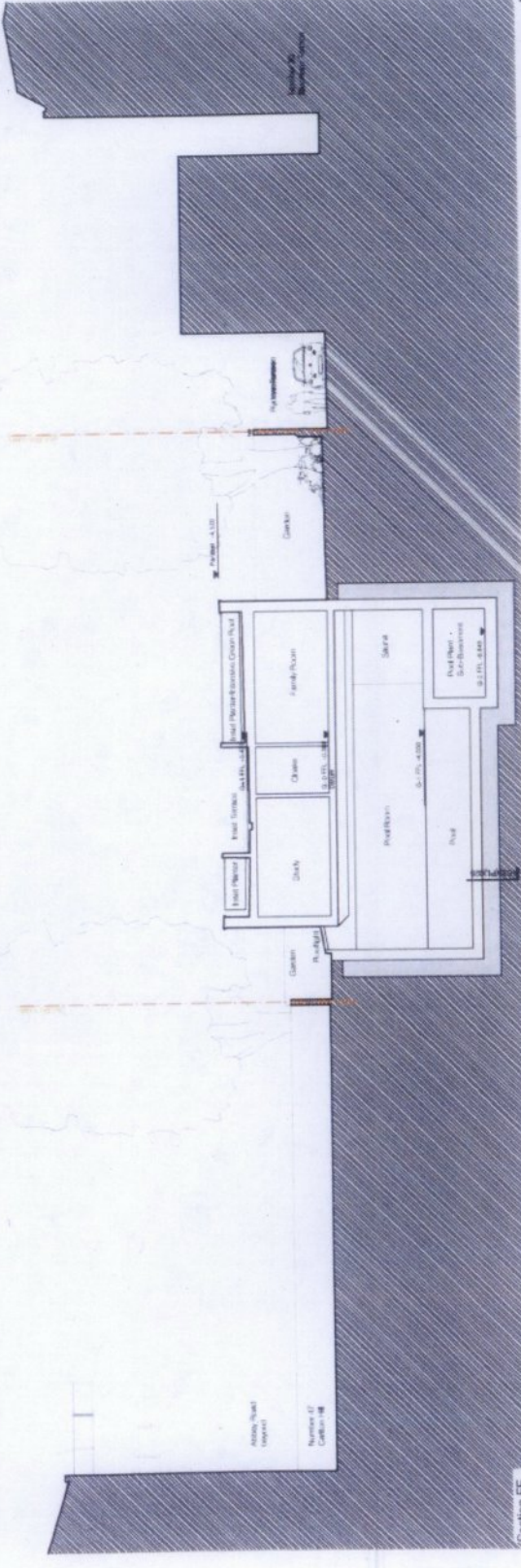
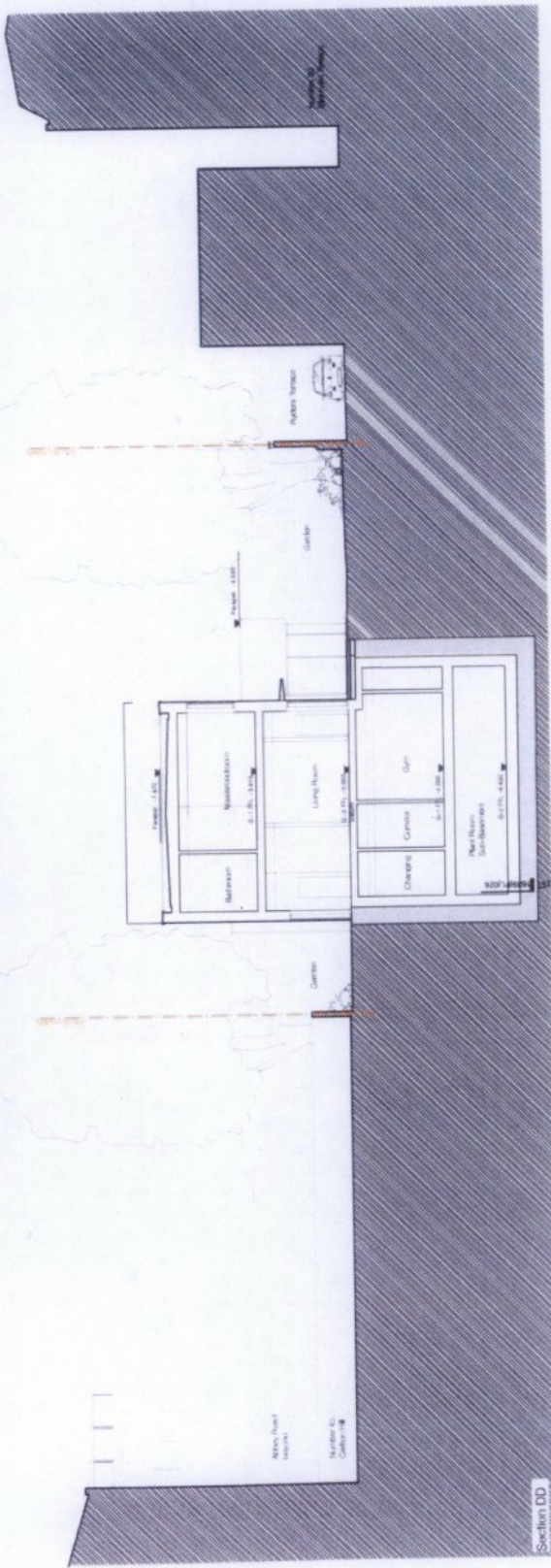
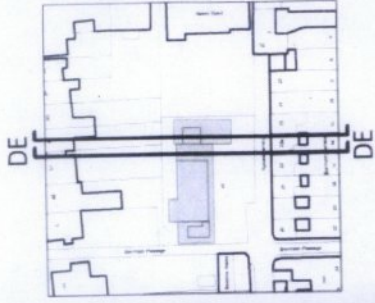
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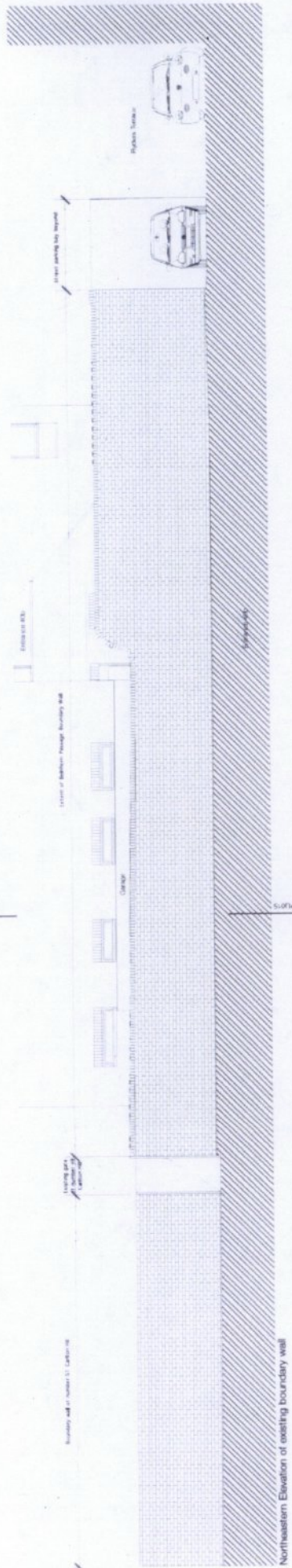
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40a-b Ryders Terrace
 J. Bitran
 1629 (PL) 006 rev. P1
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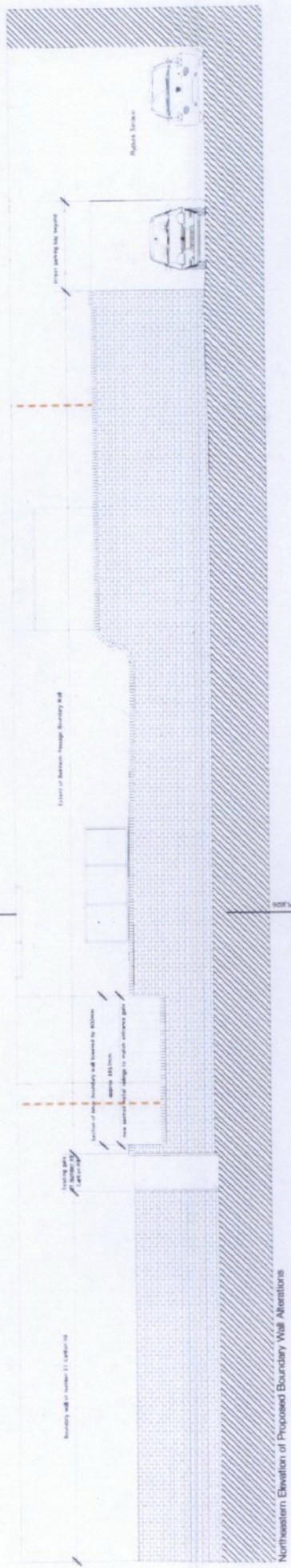
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1629 (PL) 006 rev. P1
 Survey Section CC

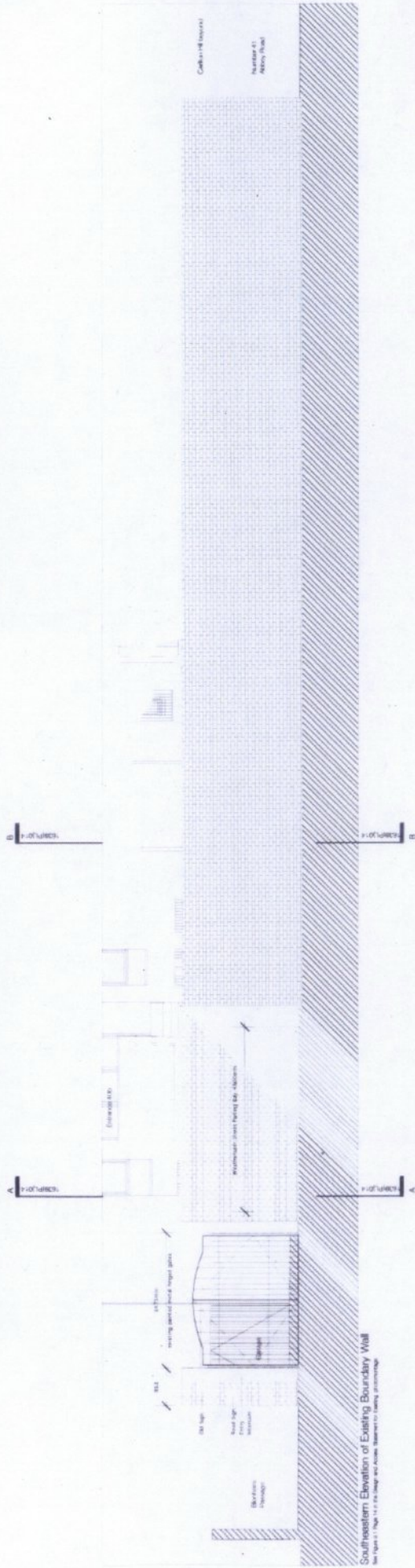




Northeastern Elevation of existing boundary wall

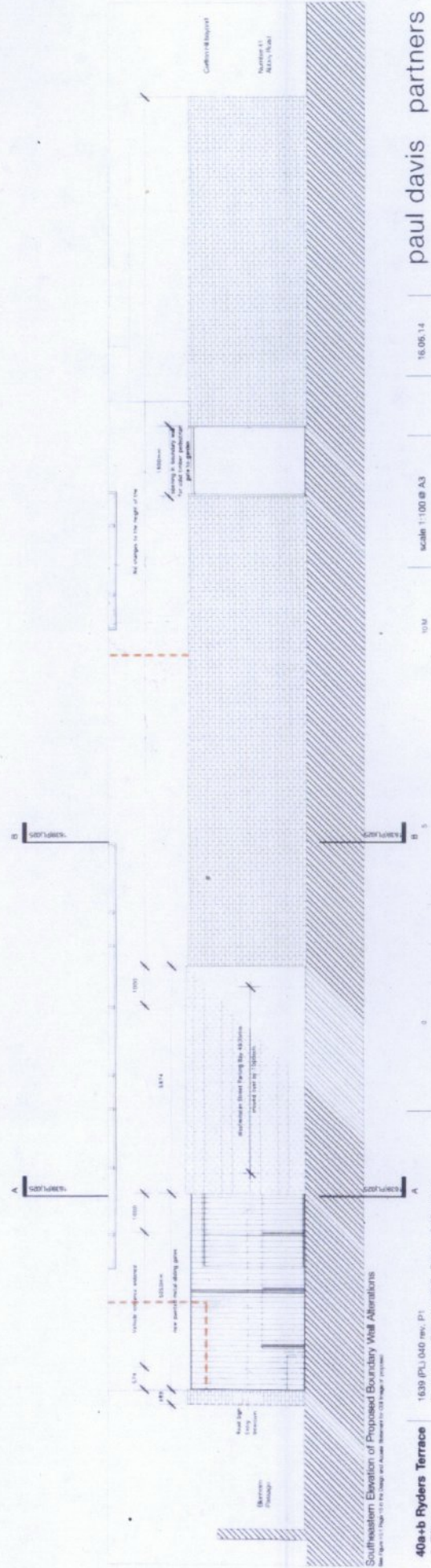


Northeastern Elevation of Proposed Boundary Wall Alterations



Southwestern Elevation of Existing Boundary Wall

See Figure 1.1, Page 1.1.1 for image and Access Statement for existing architecture



Southwestern Elevation of Proposed Boundary Wall Alterations

See Figure 1.1, Page 1.1.1 for image and Access Statement for existing architecture