

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	SUB	Date 25 February 2020	Classification For General Release
Report of Director of Place Shaping and Town Planning			Ward(s) involved Bayswater
Subject of Report		52 Westbourne Park Road, London, W2 5PH	
Proposal		Front facade retention, demolition of existing house and construction of new build house with excavation of a rear basement.	
Agent		Mr Benjamin Smith	
On behalf of		Mr & Mrs Bancroft	
Registered Number		19/08844/FULL	Date amended/ completed  21 November 2019
Date Application Received		14 November 2019	
Historic Building Grade		Unlisted	
Conservation Area		Westbourne	

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

The existing building, a single family dwelling house, forms the centre building within a three-building terrace located on the north side of Westbourne Park Road. The building is not listed, but it does lie within the Westbourne Conservation Area.

Permission is sought for the demolition of the existing house, behind the front facade and construction of new build house with excavation of a rear basement.

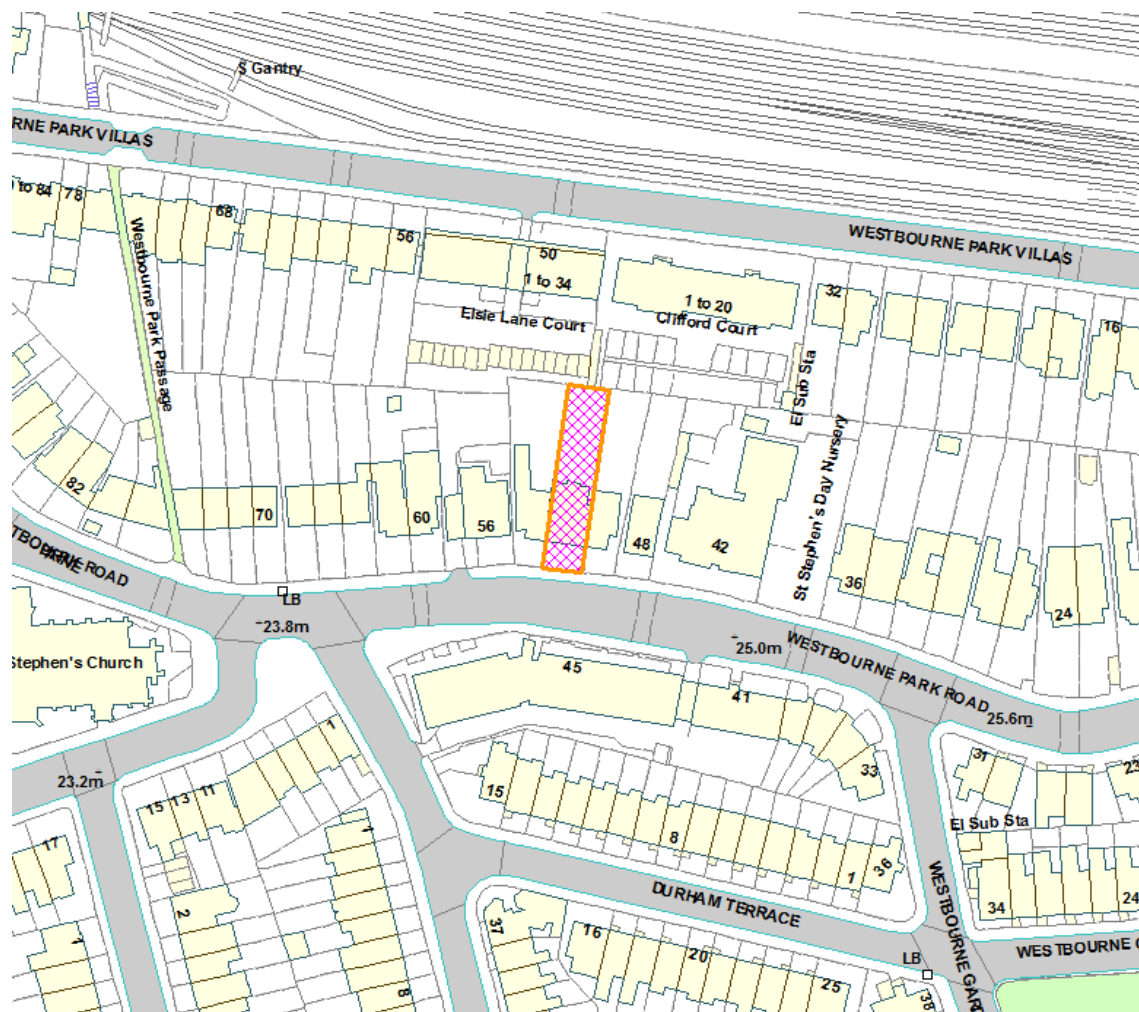
Objections have been received on the grounds of design and conservation, noise and disruption during works and structural stability.

The key issues in the determination of this case are:

- The impact of the proposals upon the Westbourne Conservation Area;
- The impact of the development on the amenity of neighbouring properties;
- The impact of the basement excavation.

For the reasons as set out in the report, the proposals are considered to be acceptable in design, amenity and arboricultural terms and the proposals are considered to comply with City Council UDP and City Plan policy.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Rear of application site

## 5. CONSULTATIONS

### COUNCILLOR CARMEN

Objects to the proposal on the grounds of the wholesale demolition, materials proposed, that the solar slates should fit in within the roofscape and that the proposals do not comply with the basement policy.

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Considered they did not need to be notified of the application.

### BAYSWATER RESIDENTS ASSOCIATION

No response received.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Endorse the objections received from neighbouring properties.

### HIGHWAYS PLANNING TEAM - CITY HIGHWAYS

No objection.

### WASTE PROJECT OFFICER

No objection subject to conditions.

### BUILDING CONTROL - DEVELOPMENT PLANNING

No objection.

### ARBORICULTURAL SECTION - DEVELOPMENT PLANNING

No objection subject to conditions.

### THAMES WATER UTILITIES LTD

No objection subject to conditions.

### ENVIRONMENT AGENCY (THAMES REGION)

No objection subject to conditions.

### ENVIRONMENTAL HEALTH:

No objection to the plant or the basement per se, but object to the room layout at basement level.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 115

Total No. of replies: 12

No. of objections: 11

No. in support: 1

One letter of support received and eleven objections received on some or all of the following grounds:

Conservation and design:

- Full scale demolition and rebuild is not in keeping the conservation area and is not very sustainable;
- The ground floor extension should not project any further than the neighbouring properties;
- The materials proposed are unsympathetic;
- The solar slates are not appropriate to the front elevation;
- The juliette balconies to the rear are not in keeping with these properties;

Other:

- Structural concerns regarding demolition of 'whole' property and basement excavation.
- The works shouldn't be allowed on the merit of VAT exemption.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The existing building, a single family dwelling house, forms the centre building within a three-building terrace located on the north side of Westbourne Park Road. The building has been historically altered and extended, primarily to the rear where there are a number of extensions. The building is not listed, but it does lie within the Westbourne Conservation Area.

### **6.2 Recent Relevant History**

There is no recent planning history. Planning permission was granted for the existing single storey rear extension in 1994.

As a point to note, permission was granted in August 2018 for the erection of single storey rear/side extension at ground floor level, excavation of basement and other alterations, all in association with the use of the property as a single family dwelling. This permission has not yet been implemented.

## **7. THE PROPOSAL**

The proposals consist of the retention of the front façade and the demolition of the rear wall, roof and internal structure. The front elevation will be retained as existing apart from the second floor level casement windows being replaced with sashes. The front slate roof pitch is proposed to be extended so the ridge aligns with the adjoining buildings at no.50 and no.54. On the front roof pitch it is proposed to introduce solar slates as this elevation faces south.

To the rear, the rear building line is being brought flush with both adjoining buildings and will be constructed in matching London stock brick and contain timber sash windows. At ground floor level the proposed rear extension aligns with the approved extension at no.54, with a projection in the centre set away from the boundary walls. The ground floor

extension will be a mixture of brick and bronze anodized aluminium windows to reflect it as a contemporary addition.

The proposals also include the excavation of a basement beneath the rear extension and terrace with an associated lightwell in the rear garden. Plant is also proposed to be located within the lightwell.

During the course of the application the lightwell has been relocated, reduced in scale and covered over with a metal grill and changes were made to the first floor rear Juliette balconies to windows.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The property is to remain as a single family dwelling house and therefore there are no land use issues.

### 8.2 Townscape and Design

#### **Legislation and Policy**

The important considerations in assessing the proposals are the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant national and local policy context. Section 72 of the Act states that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Sections 12 and 16 of the NPPF (2018) require that great weight should be placed on high quality new design and on the preservation of designated heritage assets (listed buildings and conservation areas) including their settings.

Locally, UDP policies DES 1 (urban design / conservation principles), DES 4, (infill development), DES 5 (alteration and extension to existing buildings) and DES 9 (conservation areas) apply to the consideration of the application proposals, including in terms of the setting of the conservation area, whilst CM28.1, S25 and S28 of the City Plan provide the strategic basis for the application.

#### **Westbourne Conservation Area and the significance of the affected heritage assets**

A detailed heritage appraisal has been submitted with the application and this has assisted with the assessment of the contribution that the application site makes to the conservation Area. The special architectural and historical interest of the Westbourne Conservation Area derives from its origins as rapid residential development following the expansion of Bayswater and Paddington to the south and east. The area was built by individual developers as opposed to one estate and therefore, whilst there are a limited range of architectural types, there is a variety in the architectural style and detailing found within neighbouring streets. Westbourne Park Road positively contributes to the appreciation of the development as it contains both grander semi-detached houses and terraces, of which the application site is.

### **Assessment of Impact and Design Conclusions**

The local amenity society and a number objectors raise concerns with the demolition of the building behind the retained façade, citing the positive contribution the appearance of the building makes to the area. Whilst the rear and roof are to be demolished it is noted these have undergone historic alterations which have not been sympathetic to the architectural style of the building and as such the rear is considered to have a neutral contribution to the area. Additionally the front elevation is to be retained and as such will continue to positively contribute to the townscape. Therefore, in accordance with DES 9(B)(2) the partial demolition of the application site is considered to be acceptable in this instance as the design quality of the replacement building is considered to enhance the conservation area's character and appearance.

The proposed form and scale of the building is reflective of the buildings original footprint, with the realignment of the rear elevation with the neighbouring buildings, in keeping with the aims of DES 4. The proposed ground floor rear extension is considered to be of an appropriate scale and form and will be in keeping with the architectural style of the building and those in the immediate setting. The roof form is to be reinstated in a comparable form and mass with the neighbouring buildings. Consequently the scale, form and mass of the proposed building are considered to be acceptable, preserving the character and appearance of the conservation area.

The detailed design of the building as a whole is in keeping with the architectural style of the principle building with the architectural detailing, hierarchy and fenestration style being reflective of the terrace it forms part of and the buildings in the immediate setting. During the course of the application the fenestration at first floor level has been amended from doors, with Juliet balconies to sash windows; proportionally the relationship is now considered to be appropriate. Whilst the application specifies the desired materials to be used, details of the materials are requested by condition to ensure they are appropriate to maintain the character and appearance of the conservation area. This condition additionally responds to an objector comment in relation to materiality. It is noted that solar slates are not commonly found on the front elevation of buildings within the conservation area, however solar energy conforms with the NPPF's requirement for sustainable development. Furthermore, due to the pitch of the roof and the scale of the slates, they will not be highly visible from the public realm and will only be visible in oblique views from buildings opposite, which will be obscured by the mature planting in the front gardens. In this context the introduction is considered to be acceptable in design and heritage terms. Details and a specification of the solar slates are nevertheless requested by condition. The introduction of sedum roofs on the flat roof section, is a welcomed feature; this should be secured by condition.

In considering the basement excavation in terms of design, Part B(5) of City Plan Policy CM28.1 is of particular relevance. The policy states basement development should protect the character and appearance of the existing building and garden setting, ensuring lightwells and means of escape are sensitively designed and discreetly located. Furthermore, the City Council's SPG 'Basement Development in Westminster' provides advice and guidance on the siting and detailed design of the necessary manifestations. The principle of excavating a basement beneath the footprint of the building is not contentious in design terms. The external manifestation of the basement is limited to a lightwell to the rear of the principle building. During the course of the application the

lightwell has been relocated closer to the rear elevation of the building, reduced in size and covered over with a grill that will be of a colour to match the paving within which it sits. Whilst the location of the lightwell does not fully accord with the guidance in the Basement SPG owing to its location not immediately adjacent to the rear elevation of the building, it has been designed into the landscaping scheme and read as part of the formal terrace located adjacent to the rear elevation of the building. There is a level change before the grassed area of the garden and therefore the lightwell will be read in context with the hard landscaping. Consequently the location of the lightwell and its size is not considered to detract from the garden setting, with the colouring of the metal grill to match the paving considered to further reduce the visibility of this feature further. Therefore the external manifestation of the basement is considered to have a limited impact on the character and appearance of the wider conservation area.

External plant is proposed to be located within the rear lightwell, concealed within a recessed area. The location of the plant is in accordance with the aims of DES 5, being within the envelope off the building and it will not be visible in public or private views. This proposal is therefore acceptable.

In conclusion, having had regard to the duties imposed by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered to be acceptable in design and heritage terms and would have no adverse impact on the character and appearance of the Westbourne Conservation Area or on the setting of the undesignated heritage assets. The proposal is considered to comply with UDP policies DES 1, DES 4, DES 5 and DES 9 as well as CM28.1, S25 and S28 of the City Plan and Chapter 12 of the NPPF.

### **8.3 Residential Amenity**

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

In relation to the single storey ground floor projection of the redeveloped building, this generally replicates the existing footprint of the existing conservatory and, on the boundary with the neighbouring properties, is no greater in depth than the existing party walls. As the extension is flat roofed, it is marginally higher than the existing conservatory which has sloping roofs to the boundary with neighbouring properties, however this is not considered to raise any amenity concerns.

The depth of the rear elevation of the new building, at first and second floor is almost flush with the rear elevations of 50 Westbourne Park Road, thereby set back from the elevation of 54 Westbourne Park Road and therefore raises no issues of loss of light or outlook. The proposals result in a similar number of windows to the rear elevation at upper level, albeit in a different, more traditional configuration and therefore this raises no additional overlooking concerns.



It was originally proposed to have juliette balconies at first floor level and this raised objections in terms of overlooking and noise. These have been amended to windows and therefore these objections are no longer valid.

The proposals are considered acceptable in amenity terms.

#### **8.4 Transportation/Parking**

The proposals raise no highways concerns as the property is to remain a single family dwelling.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposals raise no access issues.

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

##### **Noise from Plant**

An airconditioning unit is proposed within the newly formed rear lightwell. Environmental Health officers have assessed the acoustic report submitted with the application and confirm that the unit is likely to comply with City Council noise policies ENV7 of the UDP and S32 of the City Plan. The noise from the plant will not affect neighbouring amenity.

##### **Arboriculture**

Four small trees are to be removed to facilitate development: two evergreen Magnolias., one Indian bean tree and one Judas tree, which is also recommended for removal due to its condition. The Council's arboricultural officer considers their loss is regrettable, but due to their relatively small sizes these trees could be replaced and therefore a condition to secure replacement planting and landscaping is recommended.

The arboricultural officer originally objected to the proposals on the grounds that the basement excavation did not comply with the basement policy in terms of minimum soil depth above the basement excavation and that the scheme did not include an area of undeveloped margin to either side of the basement. The scheme has been amended, and whilst it does not leave an undeveloped margin to the west side (addressed below in the basement section of this report), the arboricultural officer now raises no objection to the proposals, subject to conditions.

##### **Environmental Features**

Solar slates are proposed at roof level and a green roof is proposed above the ground floor extension. These are welcomed and to be secured by condition.

**Waste**

The Council's Waste Projects Officer has recommended a condition to secure details of waste and recycling storage for the enlarged dwelling.

**8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

**8.9 Neighbourhood Plans**

There are no neighbourhood plans for this area.

**8.10 London Plan**

This application raises no strategic issues.

**8.11 National Policy/Guidance Considerations**

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the code of construction practice. The applicant has agreed to the imposition of the condition.

**8.12 Planning Obligations**

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

**8.13 Environmental Impact Assessment**

Not relevant for this application.

## 8.14 Other Issues

### Basement

Applications for basement development are to be assessed against City Plan policy CM28.1 and the guidance contained within the Basement Development in Westminster SPD.

#### *Part A. 1-4*

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, as set out within a structural methodology statement prepared by an appropriately qualified structural engineer. It should be noted that this document was revised during the course of the application as the original document had assessed the incorrect depth for the proposed basement. This was brought to the attention of the agents by an objection received to the initial documents submitted for this application. As the property is situated within a Surface Water Hotspot Area as identified within Westminster's Basement SPD, a Flood Risk Assessment has also been submitted.

These documents have been reviewed by Building Control Officer who advises that the structural methodology proposed is appropriate for the ground conditions found on this site. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched, and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using traditional sequenced underpinning with internal RC retaining walls which is considered to be appropriate for this site. The Building Control Officer confirms that the proposals to safeguard adjacent properties during construction are considered to be acceptable.

In response to Sustainable Urban Drainage (SUDs) and how development proposals which are within areas where there may be flood risk, including within Surface Water Hotspot Areas are assessed, the applicant has submitted a flood risk assessment and SUDs statement to demonstrate that mitigation measures will be incorporated in the design to mitigate the impact of the proposed development. The applicants have responded by providing details of proposed permeable hard-landscaping to the front and rear garden. The proposals are acceptable in this regard and considered to be sufficient for basement developments within Surface Water Hotspot Areas.

Thames Water has raised no objection to the proposals subject to informatives.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the CoCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

#### *Part A. 5 & 6*

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is

consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

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

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

#### *Part B*

Regarding Part B of CM28.1, the application is supported by an Arboricultural Impact Assessment which addresses concerns related to trees on and near the site and is discussed in greater detail below. Soft landscaping and planting are incorporated within the front and rear garden, as are natural lighting and ventilation methods for the basement areas. Following revisions, the front rear lightwell has been reduced in size and set back closer to the house and instead of being surrounded by a balustrade (as originally proposed). The rear lightwell is considered to be discreetly located and appropriately sized so as not to harm the appearance of the building and its garden setting. Overall, the proposals comply with Part B.

#### *Part C*

Regarding Part C, the basement does not extend beneath 50% of the garden land and is, therefore, acceptable. A margin of undeveloped land is incorporated to the eastern side of the basement, however, on the side of no.54, their new basement retaining wall will be astride the application site and on the shared boundary which would require some underpinning-backfill. The applicant argues that the scale and location of the proposed basement in the context of the large garden is proportionate. The arboricultural manager and officers consider that whilst the scheme does not include a margin of undeveloped land to both side of the basement, on balance the proposals are considered acceptable. Following revisions, a 1.2m combined soil/drainage layer has been included above the entire top cover of the basement as required by Part C. The proposals would not result in excavation of more than one storey below the lowest existing floor level. On balance, the proposals comply with CM28.1 Part C.

The proposals do not seek to excavate underneath the highway and, therefore, Part D does not apply.

It is considered that, subject to conditions, the proposals accord with City Plan policy CM28.1 and the guidance contained within the Basement SPD.

#### **Structural Stability**

Concerns have been raised regarding the structural stability of the retained front elevation and the neighbouring properties. This is a matter for consideration under building regulations should permission be granted. The applicant has agreed to officers request for a condition securing a methodology statement to demonstrate that the front elevation can be 'propped up', however this concern comes from a conservation and design perspective rather than structural safety.

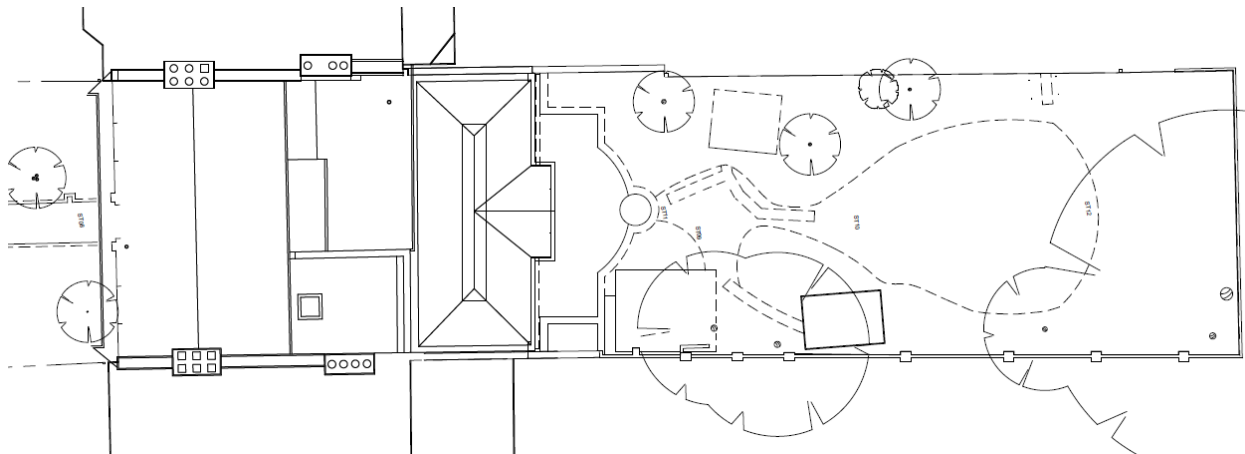
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [KDAVIES1@WESTMINSTER.GOV.UK](mailto:KDAVIES1@WESTMINSTER.GOV.UK).

**9. KEY DRAWINGS**

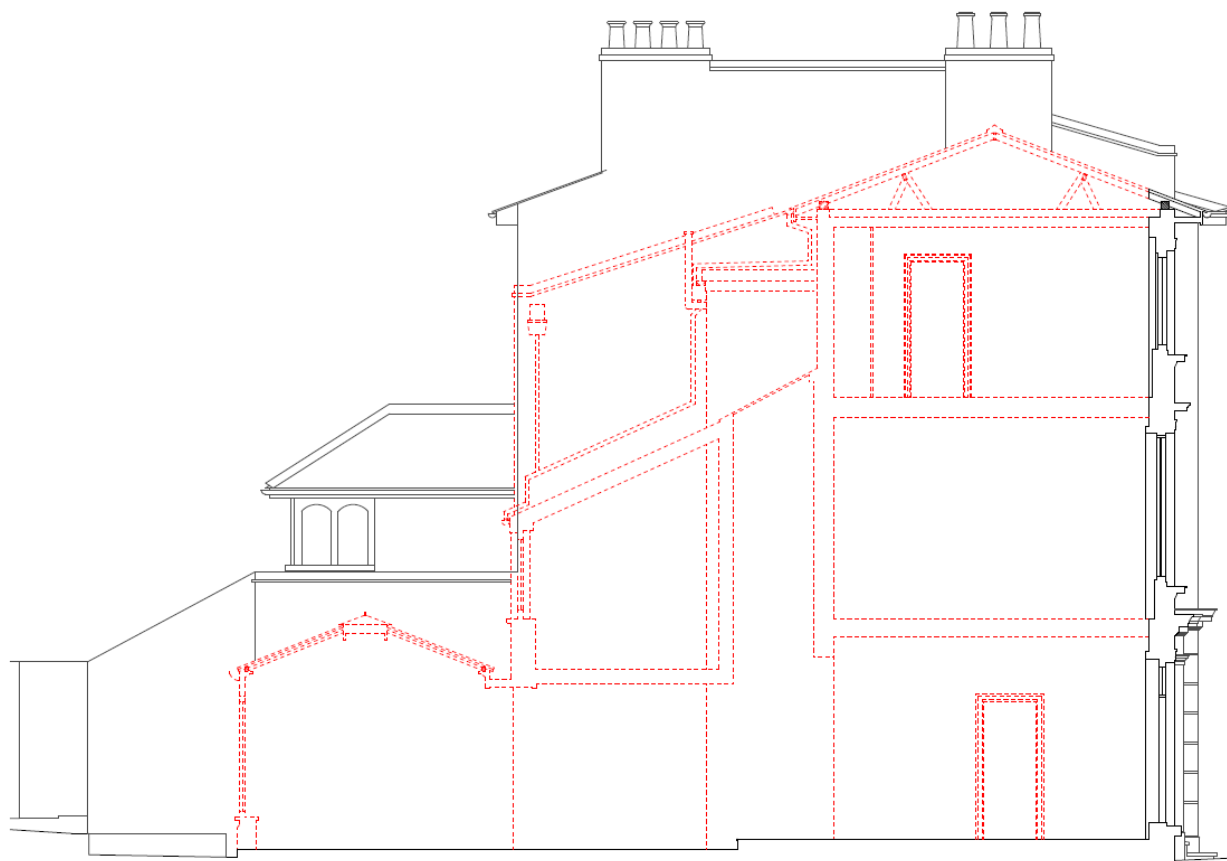
Existing Site Plan



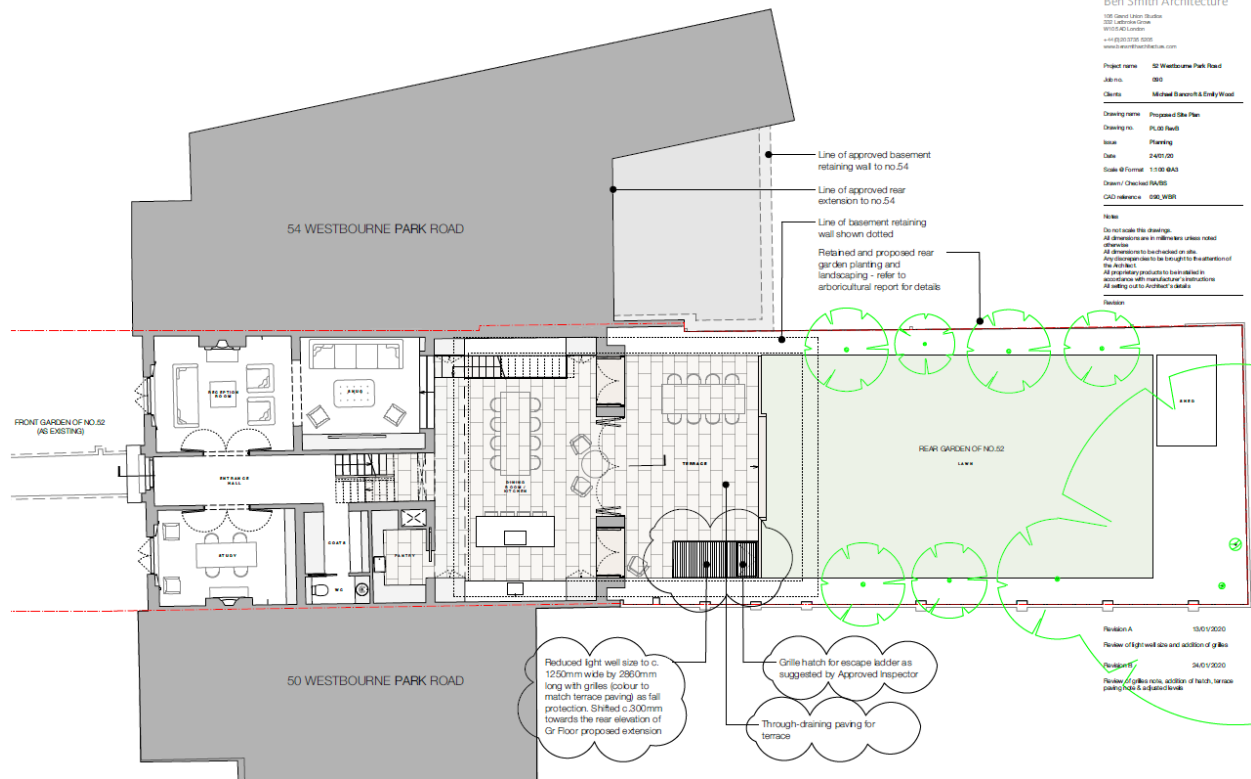
Existing Rear elevation (showing demolition)



Existing Section (showing demolition)

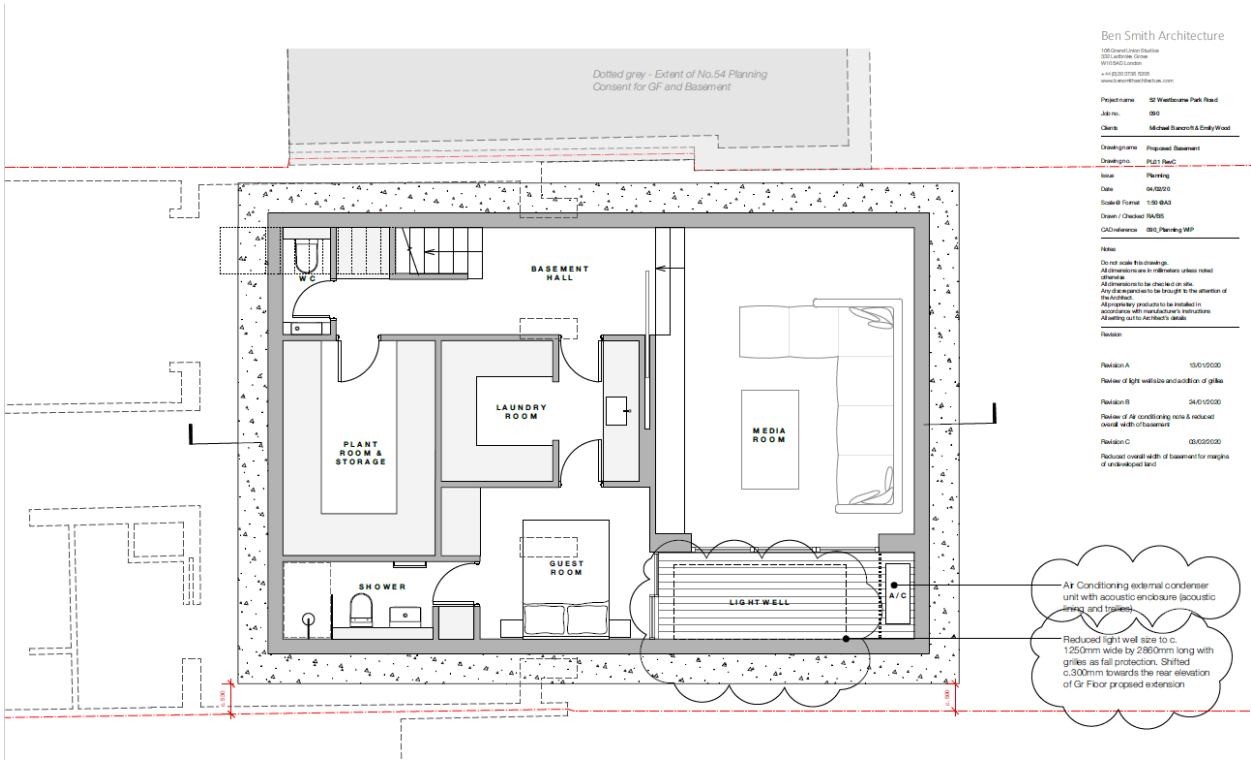


## Proposed Ground Floor





Proposed Basement



Ben Smith Architecture

100 Woodville Road  
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100 Woodville Road

Project Name: 50 Westmore Park Road

Job No.: 000

Client: Michael Stansbury & Emily Wood

Drawings: Proposed Basement

Revision: 1/21 Rev C

Date: 04/02/20

Scale: 1:50 (A3)

Drawn / Checked: RA/BS

CD reference: 000\_Planning WPP

Notes:

Do not scale this drawing.

All dimensions to reference unless noted otherwise.

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## Proposed Rear Elevation



## Proposed Section



## Proposed Front Elevation



Proposed Front Elevation

Proposed Visual



**DRAFT DECISION LETTER**

**Address:** 52 Westbourne Park Road, London, W2 5PH,

**Proposal:** Front facade retention, demolition of existing house and construction of new build house with excavation of a rear basement.

**Plan Nos:** SD00, SD01; SD03; SD04; SD05; SD06; SD07; SD10; DD01; DD02; DD03; DD04; DD05; DD06; DD07; PD00 B; PD01 C; PD02 A; PD03 B; PD04; PD05; PD06 B; PD07 A; PD08 B; PD09; PD11 A; PD20 B; PD21, PD22, Appendix A, Design and Access Statement, Flood Risk and SUDS Strategy, Arboricultural Report Rev A dated 5 November 2019, Plant Noise Assessment dated 6 November 2019.  
For information only: Basement Construction Method Statement dated November 2019.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 07866036948

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

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

Reason:

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

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

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

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

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

Reason:

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

**3 Pre Commencement Condition.** Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

**Reason:**

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

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

**Reason:**

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

- 5** You must apply to us for approval of detailed drawings of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

**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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of specifications and detailed drawings of the following parts of the development - solar slates. 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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 The grill to the rear lightwell must be finished in a colour to match the paving/hardstanding and remain in that condition thereafter.

**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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

**Reason:**

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 9 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we



have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 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 1 year 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 1 year of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 11 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- i) identification of individual responsibilities and key personnel.
- ii) induction and personnel awareness of arboricultural matters.
- iii) supervision schedule, indicating frequency and methods of site visiting and record keeping
- iv) procedures for dealing with variations and incidents.

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 adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

**Reason:**

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

- 12 You must apply to us for approval of a specification for the soil and drainage layer which will be installed over the basement and a methodology for laying the soil and drainage layer without causing contamination or compaction. You must not install the soil until we have approved what you have sent us. You must then carry out the works according to the approved details.

**Reason:**

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

- 13 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

solar slates and green roof

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

**Reason:**

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 15 (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 (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 16 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. (R48AA)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more

information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

#### BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 5 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)
- 6 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 can apply online at the following link: [www.westminster.gov.uk/trees-and-high-hedges](http://www.westminster.gov.uk/trees-and-high-hedges). You may want to discuss this first with our Tree Officers by emailing [privatelyownedtrees@westminster.gov.uk](mailto:privatelyownedtrees@westminster.gov.uk).
- 7 The landscape design (to be submitted for our approval under condition C30CB, must include at least four new trees and should have a leafy informal character in keeping with the character and appearance of the conservation area. The landscape design must also include permeable surfacing over the soil build up above the basement.
- 8 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make

sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 9 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

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

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

- 10 The Council considers that the amount of daylight into and the view that is likely from the basement rooms would not be enough for the use of these rooms as main living areas. (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 proposals have been accepted because the flat as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the flat will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the flat in a different way - for example, with those rooms referred to above (as having limited daylight and views) being used as living rooms or as living/bedrooms e.g. for staff accommodation, the flat is likely to 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 daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.
- 11 Conditions 15 and 16 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 12 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
- 13 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:  
[www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

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CIL forms are available from the planning on the planning portal:  
[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**