

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 October 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	42-43 Chagford Street, London, NW1 6EB		
Proposal	Demolition of three storey office building with integral garage and basement and construction of two single family dwellinghouses comprising basement, lower ground, ground and three upper floors with integral garages.		
Agent	Mark Fairhurst		
On behalf of	Mr Jeremy Curtis		
Registered Number	19/05523/FULL	Date amended/ completed	22 October 2019 & 14 September 2020
Date Application Received	15 July 2019		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is located on the west side of the street, within the Dorset Square Conservation Area with the Grade II listed 136-138 Gloucester Place to the west (rear) and the large mansion blocks of Clarence Gate Gardens to the east.

Planning permission is sought for demolition of the existing office building and the erection of two dwellinghouses.

During the application, a revised acoustic report was submitted in response to an objection from the Environmental Health Officer and a formal re-consultation was subsequently carried out. A further re-consultation to all objectors was carried out following further information submitted by the applicants to demonstrate that the existing basement floor of the building is the lowest original floor level.

The proposal is similar to previously approved schemes for the site, with permission granted in 2016, 2014 and in 2010. However, none of these were implemented.

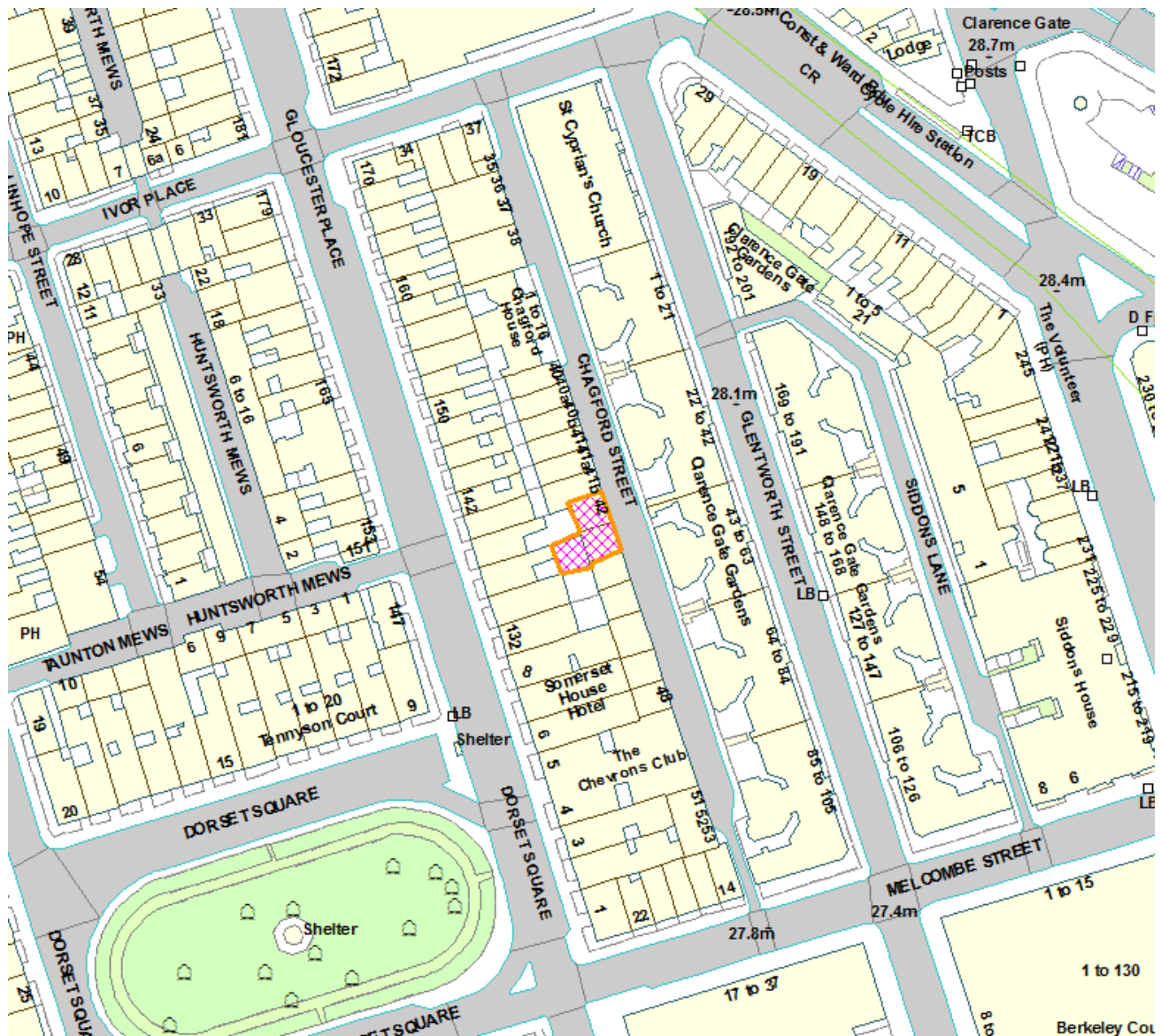
The St Marylebone Society have raised concerns with regards to the impact on neighbouring amenity; construction impact on neighbouring residential amenity; whether it complies with Westminster's basement policy; overdevelopment of the site and the mechanical ventilation being unsustainable. Objections have also been received from several neighbours on amenity grounds; construction impact; location and impact of the proposed plant; daylight and sunlight to neighbouring windows; impact on privacy due to change of use due to the residential use being occupied on evenings and weekends; the impact on adjoining listed buildings; overdevelopment of the site; question whether it complies with Westminster's basement policy; impact on parking. An objection has been received on behalf of an adjoining neighbour in relation to issues of surface water flooding in the area. Another neighbour has also raised concerns with regards to Party Wall issues.

The key issues for consideration are:

- The design quality of the new building and its impact on the townscape and the Dorset Square Conservation Area;
- The impact of the proposal on the amenities of surrounding residential occupiers
- The impact on highways matters, including parking, servicing and waste storage;
- Compliance with Westminster's basement policy, and Supplementary Planning Document on Basement Development in Westminster.

The proposal is considered to accord with the City Council's policies within Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). Accordingly, it is recommended that permission is granted subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.

4. PHOTOGRAPHS**42-43 Chagford Street**

5. CONSULTATIONS

First round of consultation – August 2019

WARD COUNCILLORS (BRYANSTON AND DORSET SQUARE)

Any response to be reported verbally.

ST MARYLEBONE SOCIETY

- We objected to previous proposals for a double basement on this site in a small street which is surrounded by heavily occupied residential units;
- Overdevelopment;
- Mechanical ventilation would be required which is not sustainable;
- Westminster policies now recognise the prolonged distress caused to neighbours by such large-scale excavations, and in any case, current WCC policy would not allow the proposed double basement;
- Any unexecuted planning permission which is about to lapse should comply with current planning policies when renewal is sought.

BUILDING CONTROL

No objection; The structural statement is considered to be acceptable.

ENVIRONMENTAL HEALTH OFFICER

Object to the application on noise or nuisance grounds. The proposed location for the plant is very close to existing residential facades both at the rear of Gloucester Place and to the rear of Chagford Street.

The submitted acoustic report includes details of a background noise survey includes details of a noise survey carried out to set a design level for the proposed plant in accordance with the Council's planning policy. The acoustic consultant has carried out the noise survey from the front façade of 42-43 Chagford Street. This is nonsensical given that both the nearest noise sensitive receptors and the proposed plant location are to the rear of the building. A further noise survey is required to be carried out from monitoring position representative of the noise sensitive receptors.

HIGHWAYS PLANNING MANAGER

No objection subject to a condition requiring the retention of the garage for car parking and cycle parking.

WASTE PROJECT OFFICER

A larger waste store is required to accommodate the storage of waste and recycling materials for the units. This can be addressed by a condition requiring further details.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 79

Total No. of replies: 14

No. of objections: 14 from 12 addresses

No. in support: 0

In summary, objections raised on the following grounds:

AMENITY

- The proposed construction works for the basement will cause noise and disruption
- Plant unit unspecified and situated close to bedrooms in neighbouring properties at the rear
- Strongly object to location of plant
- Permitted working hours should apply to not disturb residents
- Impact on daylight and sunlight to our windows
- Impact on our privacy due to change of use from office to residential meaning occupied on evenings and weekends too when office use meant no disturbance outside office hours

DESIGN AND HERITAGE

- Depth of extension will cause damage to listed buildings;
- Heritage report fails to mention bordering properties are Grade II listed
- Overdevelopment;
- Scale is too excessive at six storeys.

TRANSPORT

- Office use did not generate high car use, but the residential use will mean more cars on the street.
- The provision of off-street car parking is not consistent with Draft London Plan policies with regards to developments in areas with good transport connections
- The development should be bound by an obligation which prohibits occupiers from holding or applying for a parking permit.

BASEMENT POLICY

- The proposal is for a double basement which is contrary to WCC policy which allows only one storey basement
- The submitted Basement Impact Assessment implies that the existing lower ground/basement level may not be original, which means another storey below would be contrary to basement policy
- Hours for works of demolition and excavation should be limited;
- A Construction Management Plan should be required

OTHER

- The building was originally designed as a business on ground floor only and accommodation above; why can't the existing building be adapted without disruption and mayhem it will cause;
- If granted, should be subject to same conditions applied to 13/04856/FULL
- Proposed excavations would have an impact on the structural integrity of our property which is Grade II listed
- Even though we are one of the closest neighbouring properties and among those most affected by the change in use and scale of development, we have not been consulted by the applicant as per Westminster policy
- The basement would harm excavation may harm the adjacent property and the applicant has failed to adequately account for this in the application documents;
- The basement extension is not necessary as the facilities provided in the proposed lower basement could be provided at ground floor level if the garages

were removed from the design;

PRESS ADVERTISEMENT/SITE NOTICE:

Yes

Consultation on revised Acoustic Report – October 2019

WARD COUNCILLORS (BRYANSTON AND DORSET SQUARE)

Any response to be reported verbally.

ST MARYLEBONE SOCIETY

- The proposed redevelopment backs onto the only remaining gardens in the block between Gloucester Place and Chagford Street which are rich in fauna and flora including successful bee colonies.
- We feel that the works themselves and noise and vibration from ventilating the proposed mega basement, which is now against WCC policy, will permanently damage the gardens

ENVIRONMENTAL HEALTH OFFICER

No objection on environmental noise or nuisance grounds subject to a condition requiring a supplementary acoustic report demonstrating compliance with standard planning noise conditions.

HIGHWAYS PLANNING MANAGER

No further comments to original comments

WASTE PROJECT OFFICER

No response

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 92

Total No. of replies: 5

No. of objections: 5; including from 3 neighbours who had written previously

No. in support: 0

In summary, the objectors raise the following issues:

AMENITY

- The proposed construction works for the basement will cause noise and disruption
- Plant unit unspecified and situated close to bedrooms in neighbouring properties at the rear
- Strongly object to location of plant

DESIGN AND HERITAGE

- Depth of extension will cause damage to listed buildings;
- Heritage report fails to mention bordering properties are Grade II listed

BASEMENT POLICY

- Proposed excavations would have an impact on the structural integrity of our property which is Grade II listed

TRANSPORT

- The provision of off-street car parking is not consistent with Draft London Plan policies with regards to developments in areas with good transport connections

OTHER

- The basement excavation may harm the adjoining property at 44 Chagford Street;
- Party Wall matters relating to the adjoining property
- The building was originally designed as a business on ground floor only and accommodation above; why can't the existing building be adapted without disruption and mayhem it will cause;
- If granted, should be subject to same conditions applied to 13/04856/FULL
- The basement extension is not necessary as the facilities provided in the proposed lower basement could be provided at ground floor level if the garages were removed from the design;

Consultation on further information regarding existing basement level – September 2020

WARD COUNCILLORS (BRYANSTON AND DORSET SQUARE)

Any response to be reported verbally.

ST MARYLEBONE SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 8

No. of objections: 9; (8 of which are from addressees who have written previously; and 3 from the same address)

No. in support: 0

In summary, the objectors raise the following issues:

AMENITY

- Previous issues raised included invasion of privacy and excess noise caused by a plant being permanently located on site - the response does nothing to address these concerns
- Impact of the proposed plant at the back of the building on adjoining properties in terms of noise

DESIGN AND HERITAGE

- Depth of extension will cause damage to listed buildings;
- Heritage report fails to mention bordering properties are Grade II listed

BASEMENT POLICY

- Our interpretation of the council's definition of "original building" is that it must mean the earliest building to stand on the land since 1 July 1948, not the date that any replacement building was built.
- If our interpretation is incorrect, the Applicant has still failed to provide evidence that a *new* building was developed in 1975.
- There is no firm evidence that the existing basement is part of the original building;
- The existing building could be refurbished instead of the site re-developed;
- The proposal will generate a high carbon footprint;
- Water damage from underground water during building is possible;

TRANSPORT

- No reasons have been given to justify the departure from policy (Draft London Plan) to permit parking at the Application property.

OTHER

- Disruption during construction works
- This latest update to the application has failed to address several comments and objections raised in the last round of consultation.
- Issues relating to Party Wall matters
- The proposal is inconsistent with the aims of the Draft Westminster's City Plan, which states in the forward: 'Sustainability must drive everything we do'; and everything in the scheme, not just the second basement level, is counter to the plan.
- The development generally and the removal of the party wall specifically mean significant damage to our nature reserve garden with its nesting birds, huge variety of insect and plant life, including 1-2 colonies of bees and insect that communicates through vibration rather than sound.
- Damage to wildlife, local biodiversity and their habitats, including bats
- If granted, should be subject to same conditions applied to 13/04856/FULL
- Concern raised with regards to whether an additional basement level would be structurally practical; difficulties in excavation and party wall issues;
- The standards of construction of the early 1800s, when our residences were built, do not provide the levels of stability required for modern buildings. Demolition and excavation at our rear would expose residences to instability and further aggravate existing movements of their structures.

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 42-43 Chagford Street is a four storey plus basement terraced building with a mansard roof with dormer windows. No. 42 Chagford Street has full coverage and does not benefit from any rear external space, with the rear brick elevation of No. 42 Chagford Street forming the boundary with the garden of 138 Gloucester Place. No. 43 has a larger site area incorporating external space to its rear enclosed by a small boundary

wall with the rear of 136 Gloucester Place.

The property is located on the west side of the street, within the Dorset Square Conservation Area with the Grade II listed 136-138 Gloucester Place to the west (rear) and the large mansion blocks of Clarence Gate Gardens to the east. Adjoining the site to the north is a four storey modern mews development, and to the south three storey traditional mews properties. There is a significant change in ground level extending east to west with Chagford Street at a higher level, dropping down lower at the rear of Chagford Street to garden level and then higher again at Gloucester Place.

6.2 Recent Relevant History

16/02520/FULL

Demolition of three storey office building with integral garage and basement and construction of two single family dwelling houses comprising basement, lower ground, ground and three upper floors with integral garages.

Application Permitted 16 May 2016

13/04857/CAC

Demolition of three storey office building with integral garage and basement and construction of two single family dwellinghouses comprising basement, lower ground, ground and three upper floors with integral garages.

Application Permitted 18 February 2014

13/04856/FULL

Demolition of three storey office building with integral garage and basement and construction of two single family dwellinghouses comprising basement, lower ground, ground and three upper floors with integral garages.

Application Permitted 18 February 2014

09/08083/CAC

Demolition of three storey office building with integral garage and basement. Construction of two four storey houses with basement and integral garages.

Application Permitted 11 November 2010

09/08082/FULL

Demolition of three storey office building with integral garage and basement and construction of two single family dwellinghouses comprising basement, lower ground, ground and three upper floors with integral garages.

Application Permitted 11 November 2010

7. THE PROPOSAL

Planning permission is sought for the demolition of the buildings at 42-43 Chagford Street and the construction of a new larger five storey plus basement building with integral garages to create two single family dwellinghouses, one providing 4 bedroom and one providing 5 bedrooms, with a first-floor green roof and associated ancillary plant. The proposal is similar to previously approved schemes for the site, with

permission granted in 2016, 2014 and in 2010. None of these permissions were implemented. The main difference between these previous, now expired, permissions and the current application is a reduction in the footprint of the proposed new basement level.

The proposal includes mechanical plant to be located to the rear of the proposed dwellings at basement level. During the application, a revised acoustic report was submitted in response to an objection from the Environmental Health Officer and a formal re-consultation was subsequently carried out. Due to errors in the report, the report has been since revised again, but these revisions were minor and did not require a further consultation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Office Use

There is no protection afforded to the existing office (Class B1) floorspace in this part of the City, and its loss is therefore acceptable.

8.1.2 Residential use

The proposed use of the site for residential purposes would increase the amount of housing in the City and is in accordance with Policy H3 of Westminster's UDP and S14 of the City Plan.

The provision of two large dwellinghouses, providing 4 and 5 bedrooms, both with off-street parking and amenity space, is considered to provide acceptable units of accommodation with good internal living environments. The proposed basement level rooms are to be used as ancillary residential purposes, (gym, plant storage and utility), and not for primary living accommodation which require natural light. The rest of the building will receive adequate levels of natural light and ventilation and therefore the quality of the proposed accommodation is considered acceptable. The residential accommodation also meets the internal space standards of the London Plan and the Government's Technical Housing Standards (March 2015).

Taking the above into consideration, it is considered that the redevelopment of the site to provide residential accommodation is acceptable in land use terms.

8.2 Townscape and Design

8.2.1 Introductory Text

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

Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant planning permission for development*

which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

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

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

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

The existing building is of poor design quality, and its demolition is considered acceptable in principle subject to a suitable high-quality replacement, as previously granted as part of schemes on 16 May 2016; 18 February 2014 and 11th November 2010.

The proposed design of the new building from ground floor upwards matches that previously approved on 16 May 2016. It is designed in a similar idiom to the neighbouring properties at 40-41 Chagford Street, and they are by the same designer.

The only proposed amendments to the design since the 2016 permission relate to the scale of the basement and the configuration of the proposed ground floor, which now allows for a larger bin store.

The new building is bulkier than the existing, particularly to the rear where the currently set back second floor is now sheer to the building below and third floor partly rising from the rear elevation. The increase is considered limited however and considered in context with the adjoining building to the north. Overall, the additional bulk does not unacceptably enclose the listed buildings to the west and does not adversely affect their setting, nor does the styling and general form of the new building proposed.

The new development uses yellow stock brickwork to the front elevation and demonstrates a hierarchy of fenestration reflecting the windows found in the older buildings, such as the listed Georgian houses on Gloucester Place. The proposed height is similar to the existing buildings and the neighbouring new buildings. The rear will feature brickwork and render and is also appropriate to the context, as the rear of Gloucester Place has some render and painted brickwork. The new building will feature appropriate materials such as brick, zinc and render which will help it integrate in with

the surrounding townscape and samples of which will be secured by condition to ensure appropriateness. Given the three previous approvals which this current proposal follows, and the appropriate design, form and height of the building, the new development is considered acceptable in design/townscape terms, and also would not harm the setting of the adjacent Grade II listed properties to the rear on Gloucester Place.

Objections have been received from residents who have raised concerns over the overdevelopment of the site and harm to the adjacent listed buildings to the rear on Gloucester Place. However, the proposed development is similar to that previously approved and there have been no relevant policy changes with regards to townscape and design since the most recent decision. Since the 2016 application, the NPPF has been adopted (February 2019). However, there are no changes to the NPPF which affect the design and townscape issues. Objections on design and heritage grounds therefore are not sustainable.

As such, the proposal is considered acceptable in terms of design and heritage, mindful of policies DES1, DES6, DES9, and DES10 of the UDP, and policy S28 of the City Plan; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

8.3.1 Daylight/Sunlight/Sense of Enclosure

Objections have been received by neighbouring residents on grounds of loss of light to their windows.

The proposed new building is of a larger footprint and bulk than the existing building on site. Compared to the envelope of the existing building, the proposed new building would provide for a new basement beneath the new houses to No's 42 and 43 Chagford Street.

Compared to the previously approved scheme of 2016, the current application proposes a slightly smaller footprint at basement level, with the whole area of the basement being subterranean to the new lower ground floor level above it. In addition to the footprint of the existing building, there is to be a 2-storey half width extension to the rear of no. 43. This extension would be no higher than the brick closest wing to 136 Gloucester Place. It would also be no higher than the existing high side boundary garden wall with No. 138 Gloucester Place. Given the relationship of this element of the proposed larger new house with its neighbours at No's 136 and 138 Gloucester Place, this element of the proposal would not be harmful to the amenities of neighbours and would not result in unacceptable loss of daylight and sunlight or sense of enclosure.

In comparison to the existing building, additional bulk is also proposed at second and third (roof) floor level at the rear. Rather than the existing pitched roof with dormers, the new building proposes a sheer wall in line with the existing rear building line at first floor level. Overall the height of the new building would be around 30 cm higher. The rear

facing windows of residential neighbours within 136 and 138 Gloucester Place would be 9.5 - 12.5m away, and would not be significantly affected by the proposal, retaining existing levels of daylight and sunlight and no significant increase in sense of enclosure.

At the front, given the proposed building would be so similar to the height and bulk of the existing building, it is not considered that the proposal raises amenity issues in respect of neighbour's opposite at Clarence Gate Gardens. Equally, given the relationship of the proposed new houses with adjoining properties at 41 and 44 Chagford Street, it is not considered that these properties would be significantly affected by the proposal.

It should also be noted that the above ground building envelope proposed remains unchanged since the previous approvals. There have been no changes to development plan policy and with respect to amenity since those applications were considered that would warrant refusal of this application in this instance.

Given the above, the proposed development would not result in unacceptable loss of light or sense of enclosure for the occupants of neighbouring properties and would be consistent with policies S29 of the City Plan and ENV 13 of the UDP.

8.3.2 Privacy

The current scheme has the same impact on neighbouring privacy as that previously approved in 2016 and in 2014, with an identical building envelope and fenestration pattern from lower ground level to third floor level, and there have been no changes to policy or circumstances relating to the impact of the proposals on neighbouring privacy, and therefore the current proposal remains acceptable in terms of privacy.

The proposed house at No. 43 Chagford Street would have sliding patio doors at lower ground floor level serving the open plan living/dining space and a window of the same proportion above at ground floor level which would serve a void area creating a double height space above part of the room below. At upper floor levels all windows serve either a bedroom or bathroom with obscure glazing proposed at second floor level and rooflights at third floor (roof) level. Given the distance between the proposed house and its neighbours windows in Gloucester Place (12.5), the size of the windows and the nature of the room they serve, it is not considered that the window arrangement would result in any significantly detrimental levels of overlooking to neighbours. However, obscure glazing is proposed at rear ground floor level as with the previous schemes.

The proposed house at No. 42 Chagford Street would have a completely different window arrangement at the rear as it would have a different building envelope and relationship with neighbouring properties. This house would only have windows/sliding doors at second and third floor level and these would be set back from the rear building line by 2.2m (creating a full height void), resulting in a window to window distance to windows in Gloucester Place properties of 14.7m. Given this arrangement, it is not considered that the proposed house at No. 42 Chagford Street would result in significant levels of overlooking to neighbours.

At the front, the proposed new houses would face the residential mansion block of Clarence Gate Gardens at a distance of 3.5m. Given the public nature of this façade, the proposed window arrangement to the front of the new houses and the proposed

small balconies at third floor level would not result in significant levels of overlooking to neighbouring residential properties.

A condition is recommended that prevents use of the sedum roof at ground floor level of the rear projecting extension for sitting out to protect the amenities of neighbouring properties in terms of privacy.

Objectors are concerned that the proposed change of use from offices to residential will change the nature of the use of the site. Rather than activity on-site being confined to normal business hours, a residential use would result in activity occurring at any time of the day, seven days a week. However, the proposed residential use is not one that is likely to be particularly intrusive, even if people are on-site 24 hours a day, seven days a week, and this objection cannot be sustained.

Given the above, the proposed development would not result in unacceptable loss of privacy for the occupants of neighbouring properties and would be consistent with policies S29 of the City Plan and ENV 13 of the UDP.

8.3.3 Noise and disturbance

Mechanical plant is proposed to the rear of the proposed dwellings, close to existing residential facades both at the rear of Gloucester Place and to the rear of Chagford Street.

Objections have been received on grounds of noise and disturbance from the proposed plant equipment from adjoining neighbours.

The Council's Environmental Health Officer had initially objected to the findings and survey carried out for the original acoustic report that had been submitted with the application. A subsequent revised noise survey was undertaken, and a revised preliminary planning compliance review report was submitted, with the noise survey carried out from a location representative of the nearest noise sensitive receptors. Based on the revised noise survey undertaken, the Council's Environmental Health Officer no longer objects to the application on noise and disturbance grounds, subject to a condition requiring a supplementary acoustic report demonstrating compliance with standard planning noise and vibration conditions.

Given the above, the applicant has been able to demonstrate that the proposed noise levels would comply with the Council's noise conditions, subject to the recommended conditions as discussed above, and therefore these objections cannot be sustained.

Overall, the proposal would be consistent with policies S29 of the City Plan and ENV 6, ENV 7 and ENV 13 of the UDP.

8.4 Transportation/Parking

Each of the two dwellinghouses would benefit from a single off-street car parking space in the form of an integral garage with space for cycle storage. The Highways Planning Manager has confirmed this arrangement is acceptable. The garages would also be able

to accommodate cycle parking. A condition is recommended to restrict the use of the garages to ensure they are retained for car parking.

An objection has been received on grounds that the proposal should be car-free in line with the aims of the Draft London Plan. However, the proposed parking provision for the scheme is in line with Westminster's policies in relation to residential parking. The Draft London Plan has also not been adopted and has been subject to significant objection from the Secretary of State for Housing, Communities and Local Government. Accordingly, it is given no weight for the purposes of this application.

Furthermore, there were also objections received to potential on-street parking demand from the proposed development. The provision of off-street parking in the form of garage spaces would alleviate some of the demand for on-street parking.

Subject to these conditions, the scheme complies with policies TRANS 23, TRANS 10 and ENV 12 of the UDP, S44 of Westminster's City Plan and Policy 6.9 (Table 6.3) of the London Plan 2016.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals would not alter the existing access to the site.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

The proposal is in accordance with CM28.1 of the City Plan (November 2016) for the reasons set out as follows:

Part A. 1-4 – Ground conditions; structural methodology statement; signed proforma Appendix A; structural stability; flood risk

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed. A structural methodology statement prepared by an appropriately qualified structural engineer has also been submitted. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions found on this site. Building Control have confirmed that the existence of groundwater 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 RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

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.

The site is located within Flood Zone 1 and is not located within a designated 'Hot Spot' area as allocated within the Council's Supplementary Planning Document on Basement Development in Westminster (2014). A Flood Risk Assessment is therefore not required.

Part A. 5 & 6- Impact; safeguard archaeological deposits

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. A standard condition will be attached with regards to hours of work; this condition states that that no piling, excavation and demolition work is permitted to be undertaken on Saturdays, Sundays or bank holidays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process. A condition is recommended requiring compliance with the CoCP. Subject to this condition, the construction impacts of the proposed development have been mitigated as far as possible under planning legislation

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

Part B. 1&2- Landscaping scheme; Impact on trees

There are no trees on and or in close proximity of the application site which will be required to be protected. The proposed drawings show that a tree is proposed to be planted in the rear garden in a similar position to an existing shrub. As with previous applications, a condition will be attached requiring the details of a proposed landscaping scheme.

Part B. 3 – Energy efficient ventilation and lighting

The proposal includes ventilation plant to be located at basement level, details of which have been discussed in section 8.3.1 in this report. Whilst there is no natural ventilation or light to the basement level, there are to be no habitable rooms located at this level which require them.

Part B. 4 & 7 – Sustainable urban drainage measures; be protected from sewer flooding;

The proposed basement is to be subterranean to the new footprint at lower ground level. The site is not located in a flood risk area nor is it located within a Hotspot area as stipulated within Westminster's Basement SPD. There is an area of soft landscaping proposed adjacent to No. 43 Chagford Street which would provide natural drainage, and a sedum roof is also proposed. This is considered adequate and the most appropriate measures for sustainable drainage for this proposal

Part B. 5&6 – Impact on character and appearance of the existing building; heritage assets

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

Part C. 1 – Scale of basement; garden land;

The proposed basement will be under the footprint of the proposed lower ground level, and therefore will be entirely subterranean. It does not extend under more than 50% of the garden area. As it will be subterranean to the new footprint, there is no margin of undeveloped land required, although it will be set in from the boundary with no. 44 Chagford Street and with the rear boundary with no. 136 Gloucester Place and so the basement complies with this part of the policy. This part of the policy is therefore complied with.

Part C. 2 – Soil depth

This part of the policy requires a minimum soil depth of 1.2m to provide drainage over the proposed basement. However, as the new basement level will be subterranean to the new lower ground level, this minimum soil depth is not required.

Part C. 3 – No more than one storey

An objection has been received on the grounds that it is suspected that the existing basement level is not the original lowest level of the property. This is based on the submitted Ground Movement Assessment prepared by Applied Geotechnical Engineering, which states in paragraph 5.9.1 "The wall has been underpinned previously, to form the existing basement at No. 43...".

The applicant's agent advised that this reference in this report was an error, and that it is their view that the existing basement level is the original lowest floor to the building. In order to establish whether the existing basement level is the original part of the existing building, officers have searched archived planning history records of the site. However, there has been no record found that indicates that there has previously been any basement level extension added to the building. The lack of such information does not confirm either way whether the existing basement level is the original level or not.

The applicant's agent has subsequently submitted further information in support of their view that the existing basement level is original to the building. The documents

submitted include a cover letter from the agent, with associated drawings and photographs, and a letter from a structural engineer. The cover letter sets out how the building was constructed circa 1975, and the applicant has owned the building since 1979 and it was purchased with the basement level having been constructed. It is their view that the likelihood of the basement not being original is slim, from a practical perspective as the applicant bought the property when it was around 4 years old. The letter sets out other factors which indicate that it is unlikely, in their view, that the basement was not part of the original building. They have also highlighted that no evidence has been found to suggest that the basement was constructed after the original building. This is also supported by a structural engineer, who sets out in their letter that they see no indication of any structural modifications to the rear or inside of the property, which would have been necessary if the basement were constructed post-completion of the main building. They have also stated that the use of underpinning does not necessarily indicate that the basement was constructed post-completion of the main building; and that this form of construction of the basement which they expect would have been used when constructing the original building and basement in the 1970s, as it is an efficient method for the creation of a basement for this terraced building.

Having regard to the factors in considering whether the existing basement is original or not, it is Officer's view that the existing basement is likely to be the original lowest level of the property, in the absence of any evidence to the contrary. It is therefore considered that the proposed basement is in accordance with this part of the policy

Part D – For basement development under adjacent highway

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

8.7.2 Sustainability

As with previous applications, a condition is recommended to ensure environmental sustainability features are secured, including thermal insulation, a zinc roof, photovoltaic panels, natural ventilation panels to the front elevation, air source heat pumps, rainwater recycling system and other appropriate features for this development

8.7.3 Refuse /Recycling

A condition is recommended by the Waste Project Officer requiring revised details of recycling and waste storage as that currently proposed does not meet the current standards. Subject to this condition, the proposed development would provide satisfactory waste and recycling storage.

8.7.4 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.

8.8 Neighbourhood Plans

Not applicable

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are 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 this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of this condition.

8.11 Planning Obligations

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's additional floor space figures of 509sqm residential floor area, the estimated CIL payment would be £251,860.74 for Westminster's CIL (£400 per square metre in the Core Residential Area), and £38,117.94 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not relevant in the determination of this application.

8.13 Other Issues

8.13.1 Other matters

Objections have been received in relation to party walls being demolished. The submitted drawings, Existing Floor Plans PL106 C and Existing Sections and Elevations PL107 C, do not show any party walls being demolished; only the actual buildings at 42-43 Chagford Street. The applicant's agent has also confirmed that no boundary walls are to be demolished, and that the wall between the garden at No.43 Chagford Street and 138 Gloucester Place is to be underpinned and retained.

Other issues raised by objectors relating to potential damage to neighbouring properties and party wall issues are not material planning considerations.

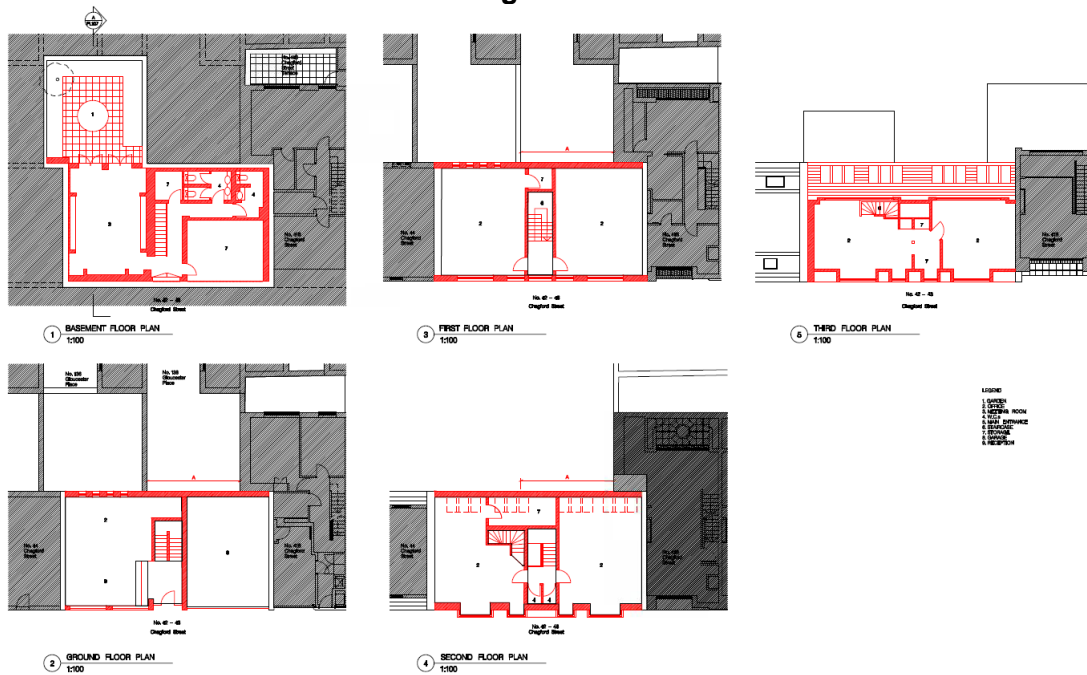
Objections have also been received relating to the impact on vegetation and wildlife, including on flora and fauna. These are not material planning considerations for this application and permission cannot be withheld on these grounds. Some of these issues relate to the concern that a party wall is to be demolished; however, the applicant's Agent has confirmed that the wall between the No. 43 Chagford Street and 138 Gloucester Place is to be retained.

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

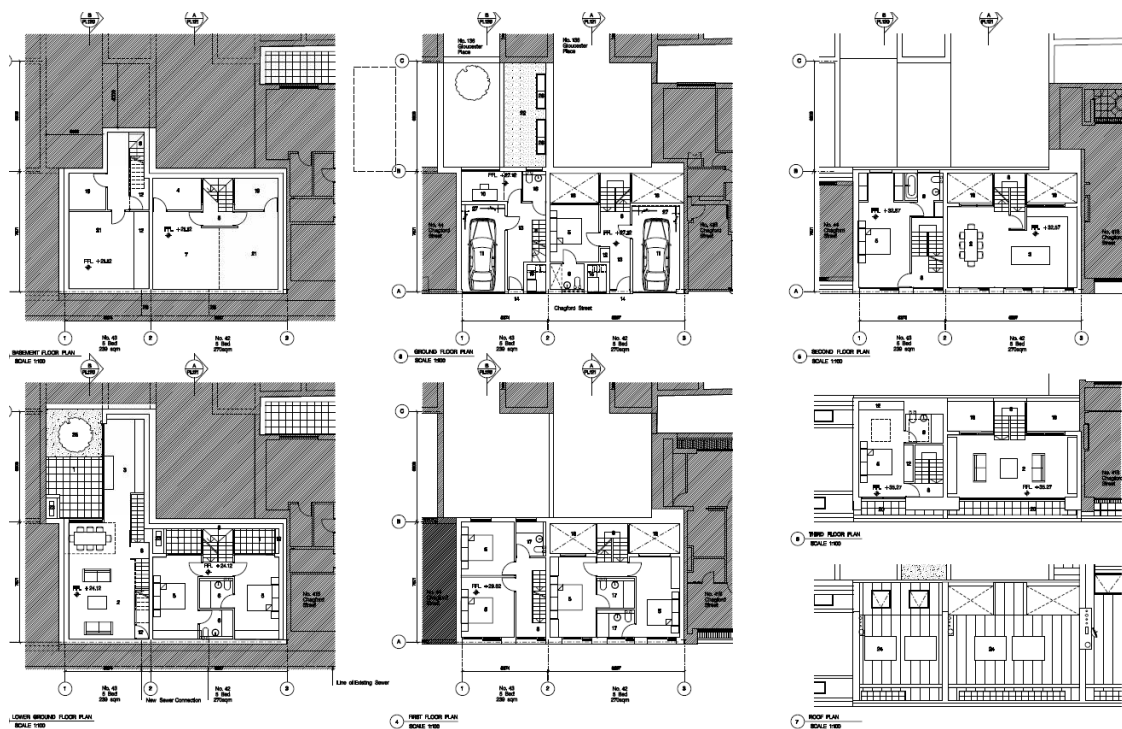
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHANA BARRETT BY EMAIL AT northplanningteam@wesminster.gov.uk

9 KEY DRAWINGS

Existing Floor Plans



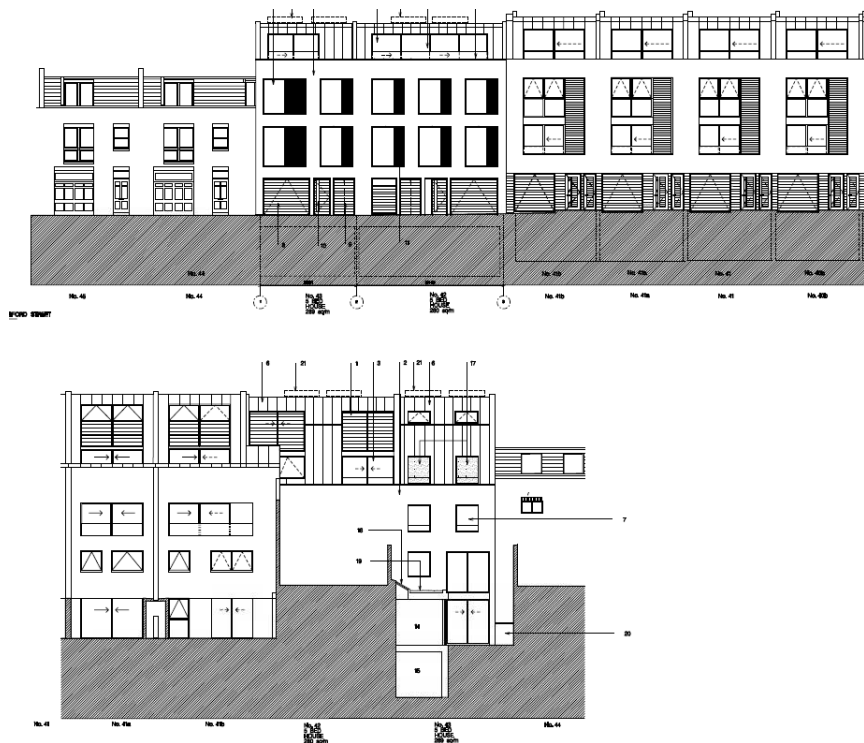
Proposed Floor Plans



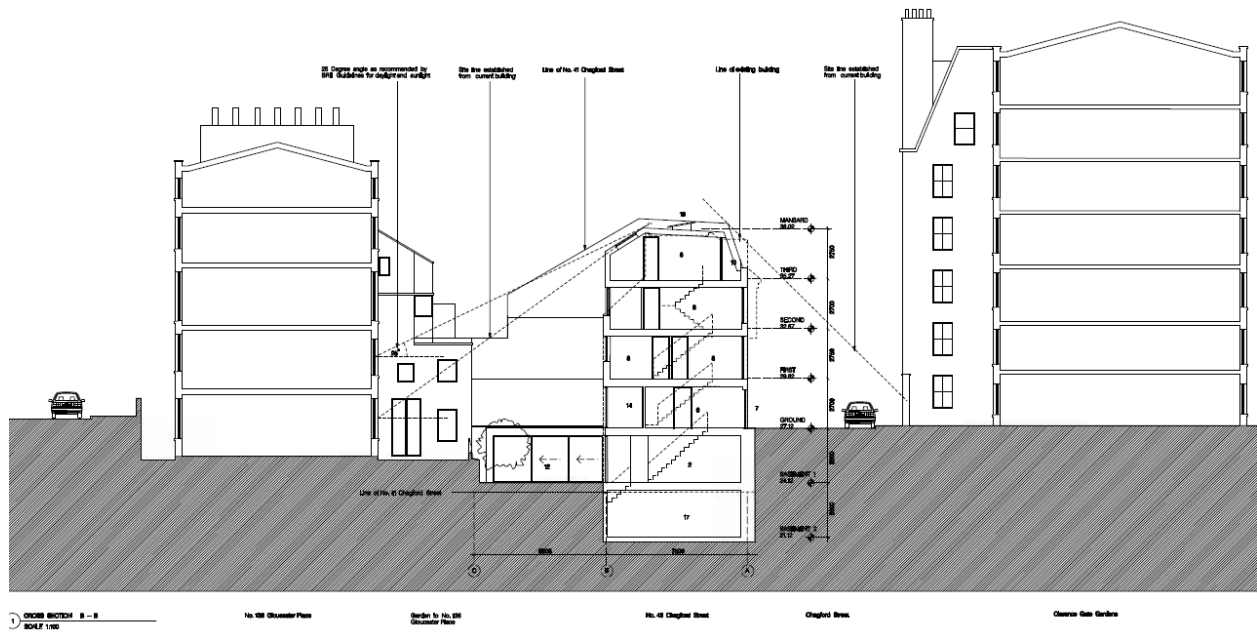
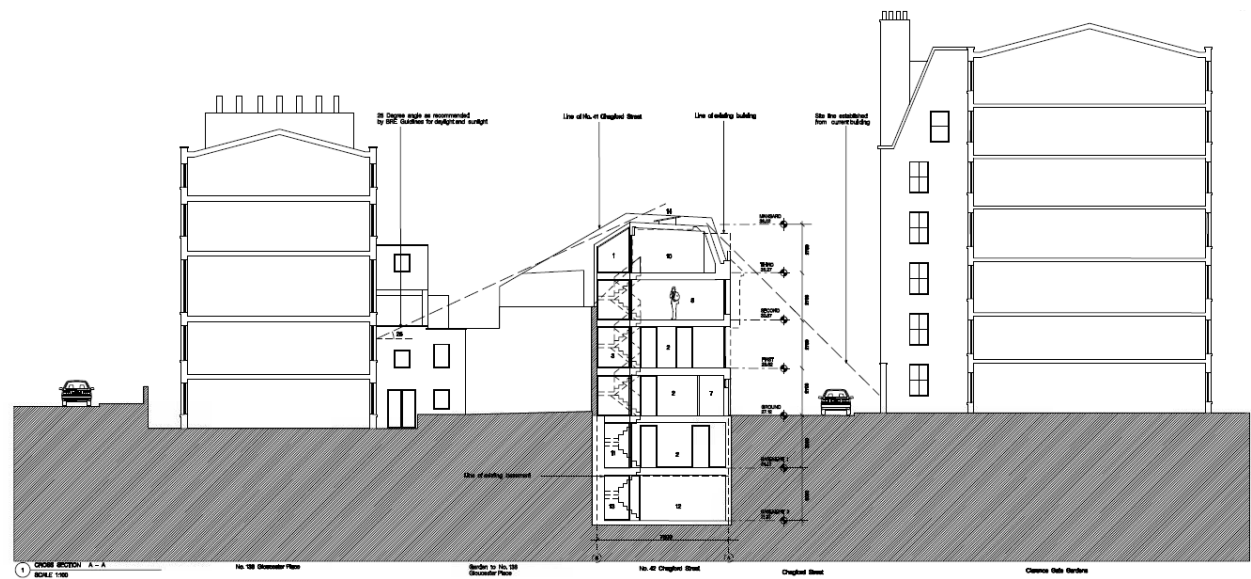
Existing Elevations and Sections



Proposed Elevations



Proposed Sections



DRAFT DECISION LETTER

Address: 42-43 Chagford Street, London, NW1 6EB

Proposal: Demolition of three storey office building with integral garage and basement and construction of two single family dwellinghouses comprising basement, lower ground, ground and three upper floors with integral garages.

Reference: 19/05523/FULL

Plan Nos: PL 106 Rev C; PL 107 Rev C; PL 130 Rev M; PL 110 Rev M; PL 121 Rev I; PL 120 Rev M; PL 105 Rev B; SK002; Design and Access Statement; Supporting Planning Statement; Heritage Statement by Heritage Collective dated June 2019; Preliminary Planning Compliance Review Report Rev B by KP Acoustics Ltd dated 02/12/2019;

Appendix A Checklists: Checklist B: Code of Construction Practice - Basements; Technical Note - SuDS Drainage Statement by Elliott Wood dated 05.06.2019; Basement Impact Assessment by Site Analytical Services Ltd dated June 2019; Foul Sewerage and Utilities Assessment by Furness Green Partnership dated 3 June 2019; Structural Engineering Report and Subterranean Construction Method Statement by Elliott Wood Dated 06/06/2019; Letter from Elliott Wood dated 14 September 2020; Letter from Mark Fairhurst Architects dated 14 September;

Case Officer: Avani Raven

Direct Tel. No. 07866037313

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of 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 You must apply to us for approval of detailed drawings (and samples where appropriate) of the following parts of the development:

- (a) Sections to show relationship of doors and windows to walls/roof (recesses);
- (b) Materials and sections of all balustrades, balconies and railings;
- (c) Junction of roof structure/covering to gable;
- (d) Methodology for ensuring visual impact of expansion joints in brickwork is minimised;

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/ samples

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 Dorset Square 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 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 Dorset Square 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 samples of the facing materials you will use (including their finished appearance). The samples must cover all external materials including windows frames and glazing, a brickwork panel with pointing and rainwater goods. The samples of facing materials must be accompanied by annotated drawings showing the locations of the different materials to be used.

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 work using the approved materials and you must thereafter maintain them as approved.

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 Dorset Square 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 proposed brickwork must be solid traditional brick work. It should be formed of whole standard depth bricks with mortar applied on site. The brickwork must not be formed of applied slips or any form of framework system.

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 Dorset Square 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 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the dwellinghouses. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of

our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 9 You must not use the sedum roof at ground floor level to the rear projecting extension and as shown on drawing numbered PL110J for sitting out or for any other purpose unless we have given you our written approval beforehand. You can however use the roof to escape in an emergency.

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)

- 10 You must not extend or alter the dwellinghouses hereby approved. 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 (England) Order 2015 (or any order that may replace it).

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)

- 11 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

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)

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

Reason:

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

- 13 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. 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 according to these approved

drawings within one planting season of completing the development (or within any other time limit we agree to in writing). (C30AB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Dorset Square 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 (November 2016) 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)

- 14 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- * Integrated high levels of thermal insulation within the cavity brick walls and ventilated standing seam zinc roof
- * Double glazed windows with low e-glass and argon filled
- * Roof top photovoltaic panels
- * A supply and extract heat exchange system
- * Natural ventilation is proposed by the vertical timber ventilation panels to the front elevation
- * Air source heat pumps
- * A rainwater recycling system for toilet flushing and garden use with associated storage tanks within the basement.
- * Sedum planted green roof to the rear projecting extension to No.43.

You must not remove any of these features, unless we have given you our permission in writing.

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 LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

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)

- 17 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise 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:

The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

- 18 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(s) 15 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 (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

Informative(s):

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

neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

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

- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 You are advised that the layout of the lower ground floor may not meet the Building Regulations in terms of means of escape in the event of a fire.
- 5 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

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**

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

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers

Item No.
4

and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 6 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)

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