

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 February 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Abbey Road	
Subject of Report	63 Clifton Hill, London, NW8 0JN		
Proposal	Excavation of a single storey basement and erection of a rear extension at lower ground floor to enlarge existing single dwellinghouse (Class C3), removal of five trees including a TPO Bay tree and planting of replacement trees, landscaping to front and rear gardens and installation of mechanical plant.		
Agent	Gerald Eve LLP		
On behalf of	Mr Farrokhzad		
Registered Number	20/00883/FULL	Date amended/ completed	18 November 2020
Date Application Received	7 February 2020		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The site is an unlisted building of merit located in the St Johns Wood Conservation Area and in use as a dwellinghouse.

Planning permission is sought for the excavation of a single storey basement and erection of a rear extension at lower ground floor. The applicant also proposes removing five trees including a TPO Bay tree and planting replacement trees, landscaping to front and rear gardens and installation of mechanical plant.

The application has been amended during the course of consideration to reduce the size of the proposed rear lightwell, to introduce a margin of undeveloped land between the basement and the boundary with No.61 and to include basement plant in the Acoustic Assessment. The amendments have been reconsulted on.

Two objections have been received on the grounds that the basement is out of keeping with the street and with regard to the disruption to the amenity of residents as a result of the

excavation/construction of the basement.

The key issues in the determination of this case are:

- The impact of the proposals upon the St Johns Wood Conservation Area;
- The impact of the development on the amenity of neighbouring properties; and
- 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. Whilst the proposals are generally considered to comply with City Council UDP and City Plan policy, there are elements of the basement policy CM28.1 which are not complied with and where officers consider an exception can be made.

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#### 4. PHOTOGRAPHS



Front of application site.



Rear garden of application site.

## 5. CONSULTATIONS

### INITIAL CONSULTATION

#### ST JOHN'S WOOD SOCIETY:

Query if basement is overdevelopment and whether complies with basement policy.

Request arboricultural officer ensures no trees of amenity value lost.

Query if sufficient plant for size of basement and where plant will be vented and impact on amenity of neighbours

#### BUILDING CONTROL:

The structural method statement is considered to be acceptable. 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 piled walls with internal RC retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

#### ARBORICULTURAL SECTION:

No objection with regard to trees but basement does not comply with basement policy CM28.1.

#### WASTE PROJECT OFFICER:

No objection subject to condition

#### ENVIRONMENTAL SCIENCES:

No objection subject to standard noise conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 73

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One objection received on the following grounds.

- Endured noise, dust, vibration and traffic and lack of car parking spaces as a result of excavation at No.61 for 3 years.
- Large size of basement is out of keeping with nature of street

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

SECOND CONSULTATION (following amendments to reduce the size of the proposed rear lightwell, introducing a margin of undeveloped land between the basement and the boundary with No.61 and including basement plant in the Acoustic Assessment

#### ST JOHN'S WOOD SOCIETY:

Query if structural allowances for retaining walls are feasible if complies with basement policy. Request arboricultural officer ensures no trees of amenity value lost. Query how and where the plant will be vented and whether this will have an impact on neighbours.

**BUILDING CONTROL:**

Any response to be reported verbally

**ARBORICULTURAL SECTION:**

Any response to be reported verbally

**WASTE PROJECT OFFICER:**

No objection subject to condition

**ENVIRONMENTAL SCIENCES:**

No objection subject to standard noise conditions.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 73

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objection to noise disturbance during construction. Request if permission granted work should not take place on weekends and that residents informed when work is projected to finish.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The site is a four-storey semi-detached villa building located on the south side of Clifton Hill. It is an unlisted building of merit and is located within the St John's Wood Conservation Area. North of the site, on Clifton Hill, are a number of Grade II listed buildings. The site is in use as a single dwellinghouse (Class C3).

### **6.2 Recent Relevant History**

None relevant.

## **7. THE PROPOSAL**

Permission is sought for the excavation of a single storey basement and erection of a rear extension at lower ground floor for continued use as a single dwelling (Use Class C3) and installation of plant. The applicant also proposes removing five trees including a TPO Bay tree and planting of replacement trees, landscaping to front and rear gardens and installation of mechanical plant.

The application has been amended during the course of consideration to reduce the size of the proposed rear lightwell, to introduce a margin of undeveloped land between the basement and the boundary with No.61 and to include basement plant in the Acoustic Assessment. The amendments have been reconsulted on.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The extension to this existing dwellinghouse is supported by Policy S14 of the adopted City Plan and Policy H3 of the adopted Unitary Development Plan.

### **8.2 Townscape and Design**

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

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

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

The proposed alterations and extension are to be considered against policies DES 1, DES 5 and DES 9 of the UDP. Policy DES 5 seeks the highest standards of design in alterations and extensions by ensuring extensions are confined to the rear of the existing building, do not visually dominate the existing building, are in scale with the existing building and its immediate surroundings and are designed to reflect the style and details of the existing building. Policy DES 9 states that any alterations must either help preserve or enhance the quality of the surrounding conservation area.

#### **Rear Extension**

Many of the surrounding buildings along Clifton Hill have been extended at the rear, including at no. 61A (RN: 16/00653/FULL), no. 65 (RN: 96/05085/FULL), no. 69A (RN: 11/07396/FULL) and no. 73 (RN: 97/09022/FULL). Extensions have also been permitted



to the southeast at nos. 44 and 48 Carlton Hill. These extensions all show a variety of forms and architectural styles, including conservatory, traditional brick-built and modern.

The proposed single-storey rear extension is a large and significantly glazed modern-style extension with green roof above. Extensions of this scale and style would not typically be considered appropriate for mid-19th century properties such as this.

However, and given the surrounding context, specifically the permitted extension at the rear of the adjoining building (no. 61A), the design approach is considered acceptable.

The proposed extension would extend no further in depth than that at the adjoining building and would not extend across the entire width of the building. Although a more traditional style and appearance sympathetic to and reflective of the host building would normally be sought in accordance with DES 5, given the building is viewed as a pair with no. 61, the modern design and appearance is considered acceptable in design terms.

The proposed green roof is welcomed and the proposed skylight within the extension is also acceptable.

The proposals appear to retain a significant proportion of the existing garden, which is acceptable in accordance with DES 5. Overall, the landscaping works would maintain the garden setting at the rear of the building, thereby preserving the character and appearance of the St John's Wood Conservation Area.

#### Changes to Fenestration

The proposal includes alterations to fenestration to the rear at ground floor and lower ground floor level. The realignment of the windows at ground floor level to match the fenestration of the upper floors is welcomed. The existing lower ground floor window is to be replaced by a similar sized timber framed window which is considered acceptable in design terms.

The windows within the existing front lightwell will have their cills lowered to increase their size. The replacement windows will be timber sash to match the original design and are considered acceptable, especially considering the limited visibility of these features within the lightwell.

#### Basement

Policy CM28 B5 of the City Plan requires basement developments to protect the character and appearance of the existing building, garden setting or the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located; The external alterations to facilitate the proposed basement include the slight deepening of the existing front lightwell and the addition of rooflights to the new basement level within the lightwell floor and the addition of a long linear rooflight adjacent to the rear extension. The works to the existing lightwell would have limited visibility and are considered acceptable. Although it would be preferable that the rooflight was located parallel and adjacent to the rear elevation of the building the rooflight would be located adjacent to and parallel with the new basement side elevation rather than remote within the garden and therefore on balance is considered acceptable and complies with CM28 of the City Plan.



As such, the proposal is considered acceptable, mindful of policies DES5 and DES9 of the Unitary Development Plan and S28 and CM28 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

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy 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. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance. Policy ENV7 of the UDP and S32 of the City plan seeks to protect the amenity of occupiers of adjacent properties from noise.

#### Sunlight and Daylight and Sense of Enclosure

The proposed rear extension would be set below the height of the side wall of an existing rear extension at 61A which forms the boundary between the two properties thereby avoiding impacts in terms of daylight/sunlight and sense of enclosure. It will also be set significantly away from the neighbouring building at no. 65.

#### Privacy

The glazing of the proposed extension would face the rear garden and boundary walls of the site and would not, therefore, result in any loss of privacy or increased overlooking. Minor alterations to the position of window openings on the side and rear elevation are proposed. However, these would not have a significant impact on overlooking.

#### Mechanical Plant

The proposal involves the installation of a single unit to be located within an acoustic enclosure within an existing shed in the rear garden of the property and plant installed in association with the basement swimming pool. An acoustic report has been submitted with the application and has been assessed by the City Council's Environmental Sciences team who have no objection to the proposal on environmental noise or nuisance grounds subject to standard noise conditions and a condition requiring the installation of an acoustic enclosure. It is therefore considered that the proposed plant would comply with the City Councils noise criteria and would not result in noise disturbance to neighbouring properties.

The St Johns Wood Society have queried how and where the plant will be vented and whether this will have an impact on neighbours. The submitted drawings indicate that the

louvers to the existing shed where the air conditioning unit will be housed will be directed into the garden of 63 Clifton Hill and not towards the nearest neighbours property.

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

The proposal would have no implications in terms of transportation or parking. An off street car parking is retained, and the property would remain a single dwellinghouse.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposal does not involve any changes to access arrangements.

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

##### Trees

The proposal involves the removal of five trees, including a Bay tree (T5) which is protected by a Tree Preservation Order. The Arboricultural officer raises no objection to the removal of four trees (a 4m tall Irish yew (T9), a 6m tall cypress (T10) in the front garden, a 4m cherry (T4) and a 3m tall bay tree (T8) in the rear garden). The Arboricultural Officer has also withdrawn an earlier objection to the removal of the TPO Bay tree following confirmation from the applicant that it is to be replaced with a semi-mature 20-25cm girth hornbeam. The Arboricultural officer has also requested standard tree protection and landscaping conditions which will be attached to any permission.

##### 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. 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 included. The applicant has submitted details of mitigation measures which will be incorporated in the design to address the potential surface run off flooding risk. These include the use of storage tanks to bring peak rainwater discharge from the site back down to existing levels, isolating the lower back garden area of the site from the surrounding area using the current boundary walls and a flood gate to the side passage. The proposals are acceptable in this regard and considered to be sufficient for basement developments within Surface Water Hotspot Areas.

These documents have been reviewed by Building Control Officer who advises that the

structural method statement is considered to be acceptable. 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 piled walls with internal RC retaining walls 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.

#### *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 the tree section above. Soft landscaping and planting are incorporated within the rear garden, as are natural lighting methods for the basement areas.

As discussed in the Design section above the rear lightwell is considered to be discreetly located and appropriately sized relative to the size of the basement 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 more than 50% of the garden land. The area of existing garden land (site area excluding the footprint of the original building is 270sqm and the proposed basement area outside the original building footprint is 134sqm).

There is a margin of undeveloped land incorporated around the entire basement consisting of a 0.85 metre margin along the boundary with number 61A and a 1.2 metre margin along the boundary with number 65. This is considered an adequate margin considering the size of site.

A significant area of the basement, which runs along the rear and side of the proposed ground floor extension, would not have the 1.2m combined soil/drainage layer above it as required by Part C. The area projects approximately 2 meters from the rear elevation of the extension and 3 meters from the side elevation and is made up of hard landscaping, and a walk on rooflight serving the basement at the floor level of the ground floor extension and steps and terracing leading up to the garden level. Because the garden area slopes up away from the original rear elevation of the house if this area was to comply with the 1.2 m soil/drainage level the proposed rear extension would be partly buried or the basement would need to be lowered resulting in significantly more excavation. It should also be noted that part of this area accommodates a rooflight to serve the new basement. It is also located immediately adjacent to the extension and is therefore unlikely to be used for significant planting that would necessitate a soil depth of 1.2 m. The remaining area above the basement has at least 1.2 m combined soil/drainage area. Under these particular circumstances the proposal is considered on balance acceptable.

Although part of the proposed basement has a floor to ceiling height greater than 2.7m to accommodate a swimming pool and service void it would not result in excavation of more than one storey below the lowest existing floor level and would not result in significantly more excavation. In this particular instance, the additional depth proposed is considered acceptable.

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 are acceptable and the minor departure from City Plan policy CM28.1 and the guidance contained within the Basement SPD is recommended in this instance.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. The modifications recommended by the Inspector have recently been consulted on, with the consultation period closing on 18 January 2021. Having regard to the tests set out in paragraph 48 of the NPPF, Westminster's City Plan 2019-2040 will continue to attract very limited weight at this present time.

**8.9 Neighbourhood Plans**

There is no neighbourhood plan covering this area of the City.

**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 pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and the submission of a tree protection method statement. The applicant has agreed to the imposition of these conditions.

**8.12 Planning Obligations**

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

**8.13 Environmental Impact Assessment**

Not relevant to this application.

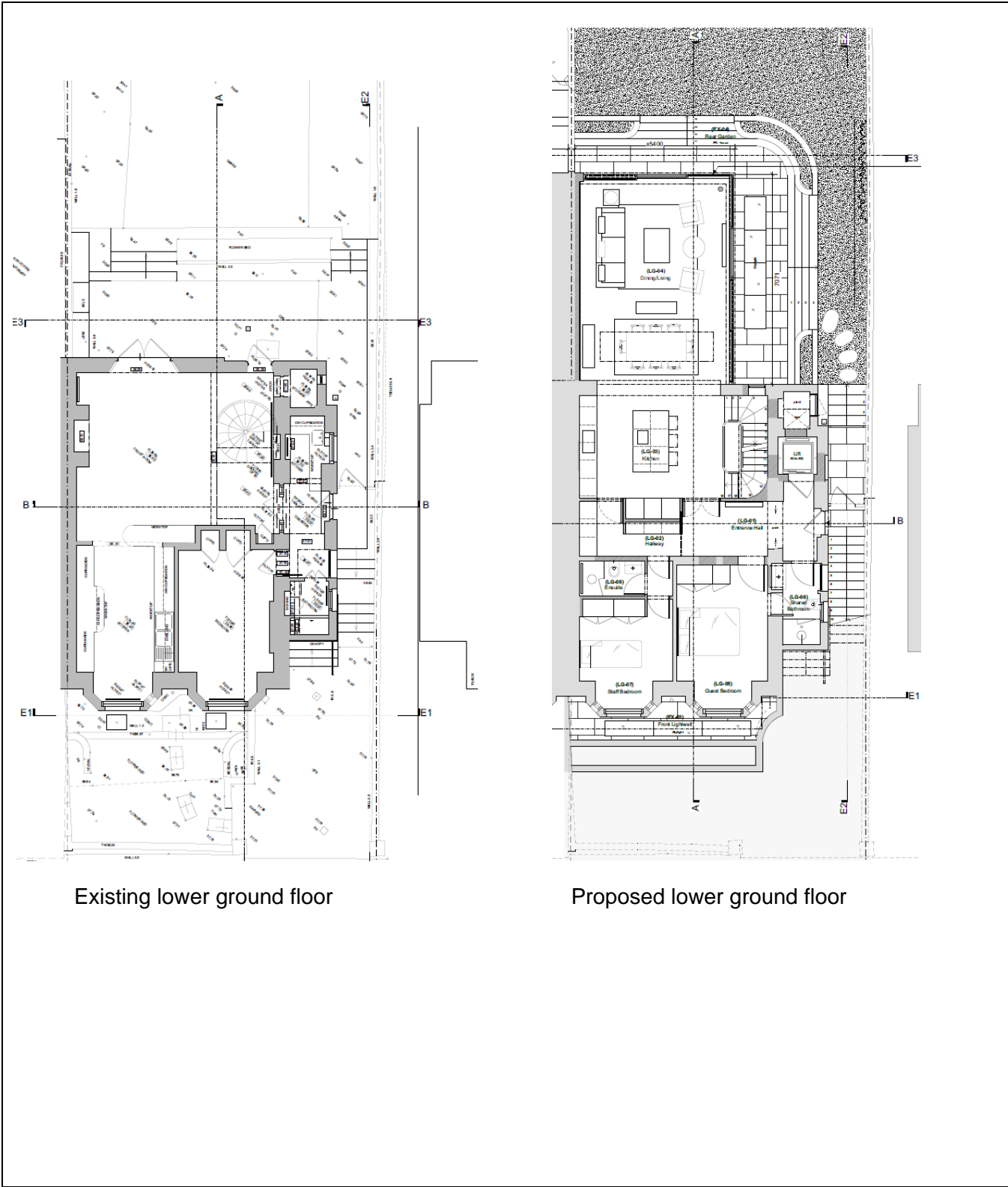
**8.14 Other Issues**

An objection has been received regarding the ongoing disruption including noise, dust, vibration and traffic and lack of car parking spaces that has resulted from the excavation at No.61. A standard condition restricting the hours of noisy works and one requiring that the applicant to get written approval of evidence to demonstrate that the implementation of the scheme be bound by the council's Code of Construction Practice will be added to any permission granted. This should ensure that the impact of the construction works on the amenity of neighbours should be minimised.

(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: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk).

9. KEY DRAWINGS





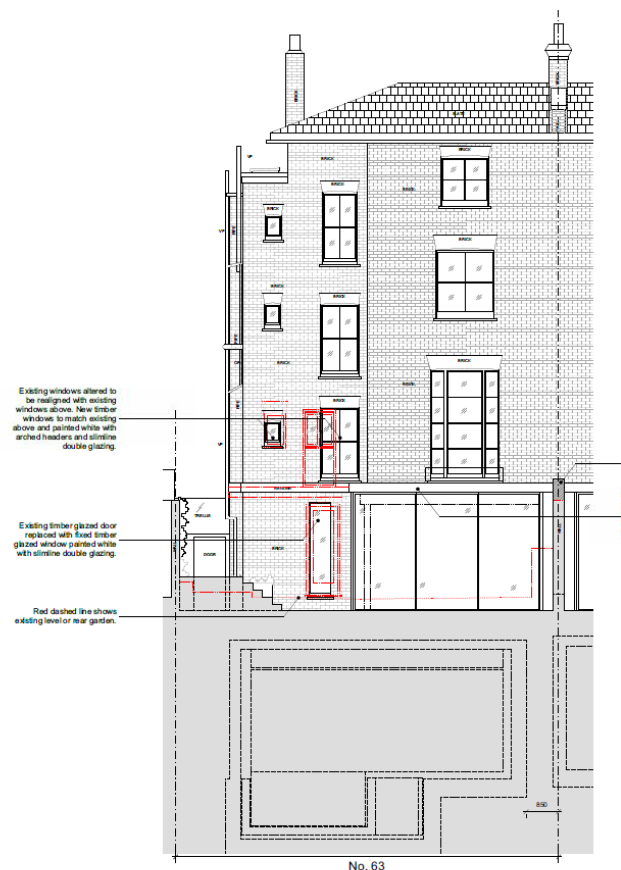
Existing Front Elevation - E1



Existing Rear Elevation - E3



Proposed Front Elevation - E1



Proposed Rear Elevation - E3

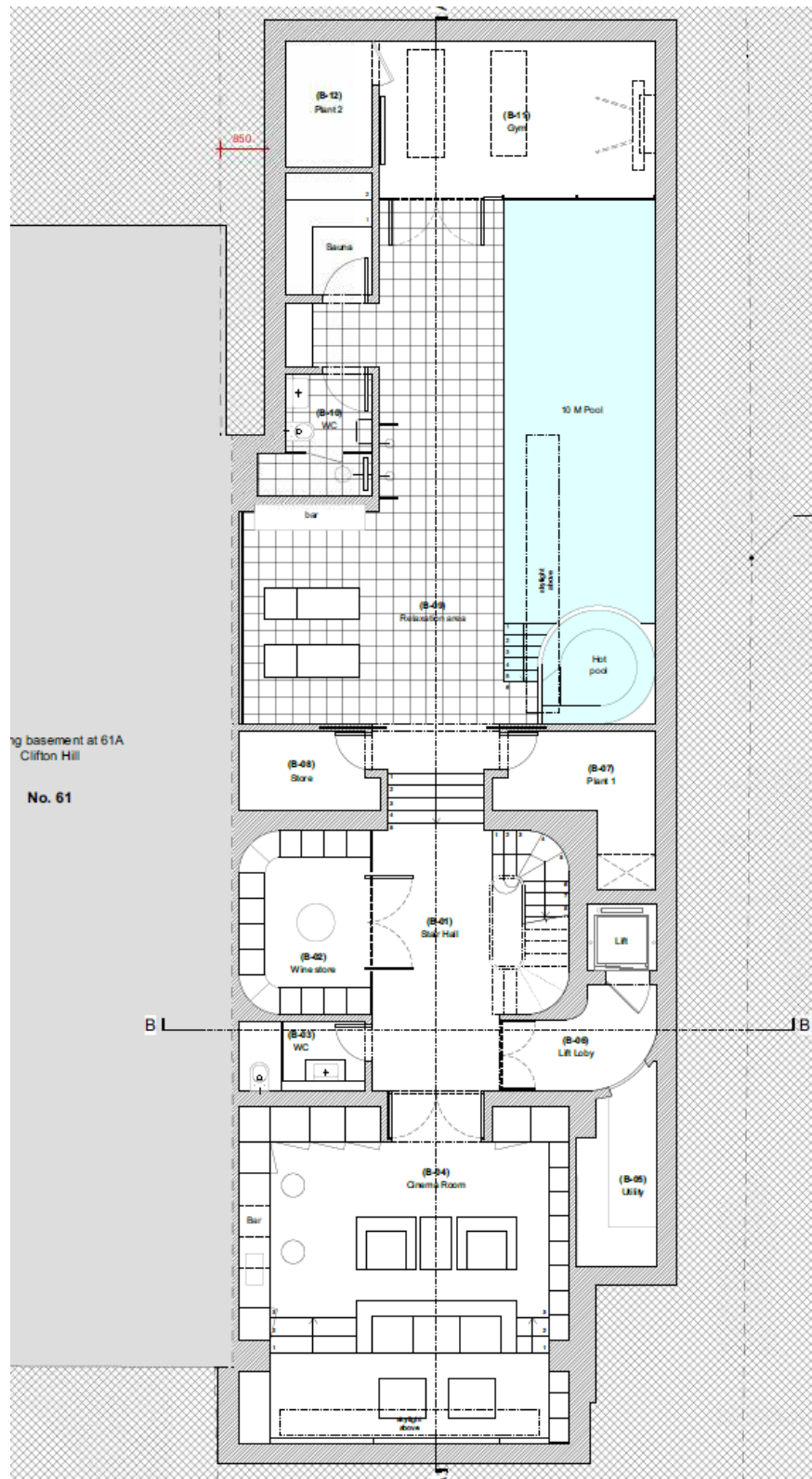




Existing Section A-A



Proposed Section A-A



Proposed Basement Plan

**DRAFT DECISION LETTER**

**Address:** 63 Clifton Hill, London, NW8 0JN

**Proposal:** Excavation of a single storey basement and erection of a rear extension at lower ground floor for continued use as a single dwelling (Use Class C3), associated landscaping to front and rear garden and installation of plant.

**Reference:** 20/00883/FULL

**Plan Nos:** 63CH9(00)A00(1); 63CH(00)A01; 63CH(00)A02; 63CH(00)A03; 63CH(00)A04; 63CH(00)A05; 63CH(00)A06; 63CH(00)A07; 63CH(00)A08; 63CH(00)A09; 63CH(00)A10; 63CH(00)A11; 63CH(00)A12; 63CH9(20)A01RevB; 63CH9(20)A02RevA; 63CH9(20)A03RevA; 63CH9(20)A04RevA; 63CH9(20)A05RevA; 63CH9(20)A06; 63CH9(20)A07RevC; 63CH9(20)A08RevC; 63CH9(20)A09RevC; 63CH9(20)A10RevA; 63CH9(20)A11RevB; 63CH9(20)A012; 63CH9(20)A13RevB; 63CH9(20)A14RevB; Structural Method Statement (for information only); Planning and Heritage Statement; Arboricultural Statement; Tree Protection Plan; Design and Access Statement; Environmental Noise Survey and Noise impact assessment 1 211.02;

**Case Officer:** Richard Langston

**Direct Tel. No.** 020 7641  
07866036470

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

Reason:

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

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

Sedum roof

You must not remove any of these features.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 6 You must not use the roof of the lower ground floor extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 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 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (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)

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

Reason:

To protect the trees and the character and appearance of this part of the St Johns Wood Conservation Area. 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. (R31DC)

- 9 You must apply to us for approval of details of a replacement tree for the bay tree (T5), the replacement tree must be a semi-mature (20 to 25cm girth) hornbeam (*Carpinus betulus*), to be planted close to the location of the bay tree (T5) to be removed and details must also include tree height at planting, staking, irrigation and maintenance. If size, species or

location of the replacement tree are proposed to be changed you must apply to us for approval. You must then plant the new tree according to the approved details within one planting season of the completion of the development. If the new tree dies within 5 years of planting, you must replace it with a tree of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (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)

- 10 You must apply to us for approval of details 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 St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 All proposed replacement windows to the original building must be white painted timber framed.

Reason:

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

- 12 (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 5 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 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.

(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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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. (R46BB)

- 13 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)

- 14 You must house the proposed plant unit within a suitable acoustic enclosure as detailed in your submitted environmental noise survey and noise impact assessment report prior to the unit being used.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), 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. (R46BB)

- 15 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. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste 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. (R14BD)

### **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 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 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).
- 6 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.

- 7 Conditions 12,13 and 14 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)
- 8 For condition 15 please refer to the City Council Recycling and Waste Storage Requirements  
<http://www.westminster.gov.uk/waste-storage-planning-advice>
- 9 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
- 10 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

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)

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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.