

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 January 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	23 Essendine Road, London, W9 2LT		
Proposal	Use of the lower ground floor as a self-contained flat with associated extensions and alterations including erection of lower ground floor rear extension with green roof, lowering of lower ground floor, new front lightwell, alterations to fenestration including enlargement of lower ground floor windows, new upper ground floor rear balcony and staircase to garden level.		
Agent	Mr Alexander Martin		
On behalf of	MayPay Ltd		
Registered Number	21/06514/FULL	Date amended/ completed	11 October 2021
Date Application Received	22 September 2021		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application relates to the lower ground and ground floor of a property on the western side of Essendine Road. The property is not listed but lies within Maida Vale Conservation Area.

Permission is sought for the use of the lower ground floor as a self-contained flat with associated extensions and alterations including erection of lower ground floor rear extension with green roof, lowering of lower ground floor, new front lightwell, alterations to fenestration including enlargement of lower ground floor windows, new upper ground floor rear balcony and staircase to garden level.

Objections have been received from a ward councillor and surrounding residents mainly on the grounds of basement excavation; amenity of neighbours and those within the building; impact on carparking on the highway network and conservation and design.

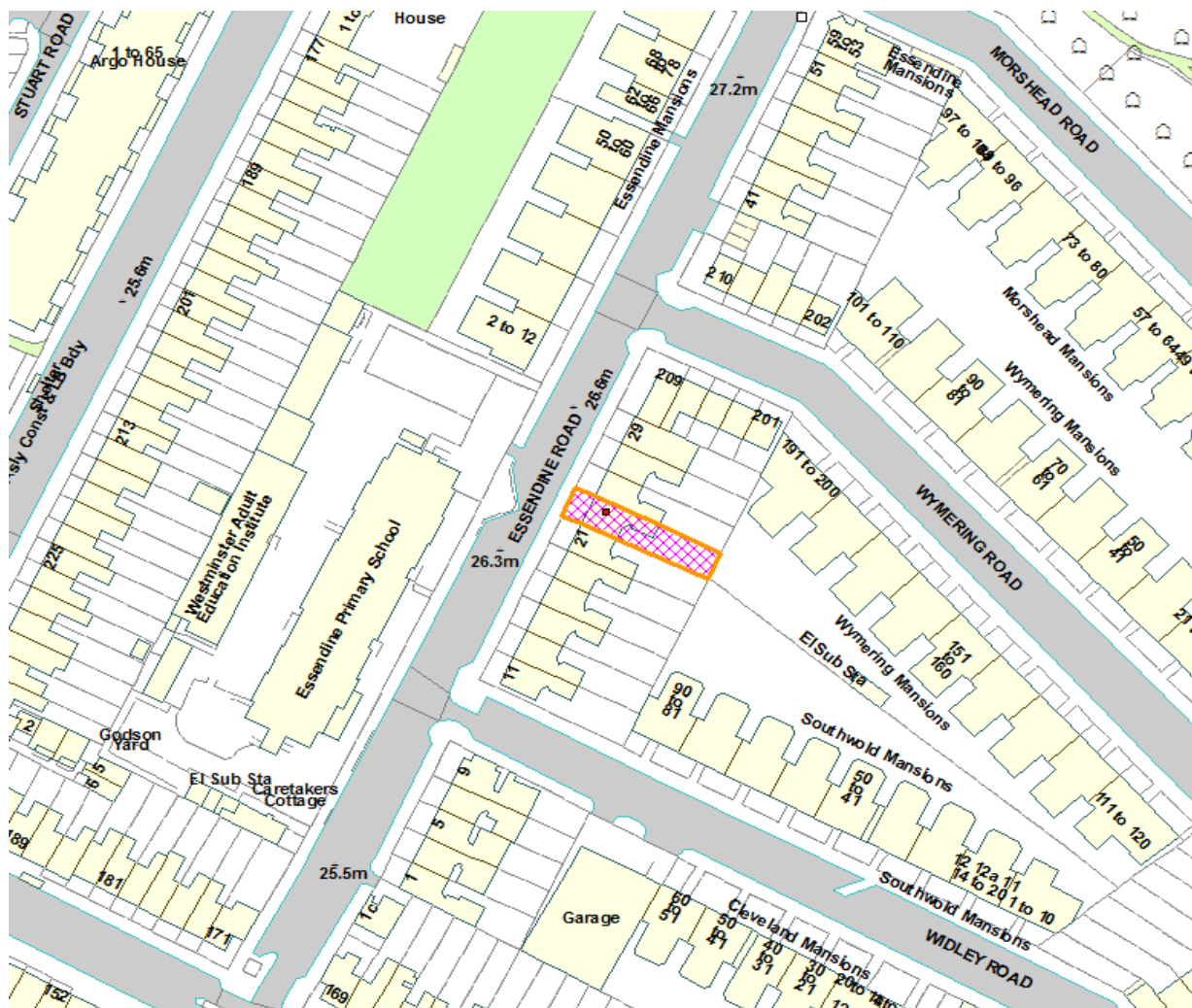
The key issues in the determination of this application are:

- The creation of a new residential unit in land use terms;

- The impact of the proposed excavation; extension and changes on the Maida Vale conservation area;
- The impact of the proposals on the amenity of neighbouring residents.

The proposals are considered acceptable and comply with policies concerning land use, amenity, conservation and design; highways/ carparking and basement excavation, subject to the conditions as set out within the draft decision notice appended to this report.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

Front Elevation





Rear Elevation



## 5. CONSULTATIONS

### COUNCILLOR BARRACLOUGH

Objection raised on the following grounds:

- Reduced resident access to common areas such as storage and the garden
- Damage to the conservation area - basements were designed as storage not as living space
- Reduction in green space (for which a green roof is little compensation) and extra risk of flooding
- Additional pressure on scarce residents parking spaces
- Inadequate accommodation in the new flat (very little natural light)

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objections to the principle of the scheme, however the rear fenestration should be more cohesive with the existing. The views of neighbours should be considered.

### WASTE PROJECT OFFICER:

Further details of waste storage required.

### ENVIRONMENTAL HEALTH:

No objection.

### BUILDING CONTROL:

No response received.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

Total No. Consulted: 14

Total No. Responses: 10 (on behalf of 9 properties). One comment also received on behalf of the Essendine Residents Association.

Eleven objections received on some or all of the following grounds:

#### Design:

- no indication of how this sits within the conservation area;
- harm of extension to conservation area;
- Contradictory statements within the design statement.

#### Amenity:

- The redevelopment of the basement would prohibit access to coal/ laundry/ equipment basement storage for the flats above;
- The development would deny the flats above to access to the gardens.

#### Highways:

- loss of parking due to the increase of a residential unit;
- loss of parking during works;
- who would enforce the unilateral undertaking offered to provide car club membership.

#### Waste:

- an increase in waste production and impact on availability within communal waste bins;
- whilst one flat may not make a difference to the waste provision/collection in the area, the proposals would set a precedent.

#### Ecology

- loss of a well established garden for a green roof, and that this is harmful in that green spaces are good for mental health and reducing Co2 pollution;
- harm to wildlife.

#### Flooding:

- the proposals will increase issue with flooding.

#### Other:

- Noise and disruption during course of works, especially during COVID when many are working from home;
- Structural stability/ risk of proposed works and impact to neighbouring properties;
- the site is opposite the primary school and could endanger children when works are taking place;
- street sewerage is already an issue and will increase with more flats;
- Increasing the number of occupiers and proximity between people in a building is more likely to spread infections, in an age rife with viruses;
- Will the applicants be liable for flooding insurance?

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application relates to the lower ground and ground floor of a property on the western side of Essendine Road, south east of Paddington Recreation Ground. The property is not listed but lies within Maida Vale Conservation Area. The houses within this area were mainly constructed between the 1830's to 1860's with development completed by 1900.

### 6.2 Recent Relevant History

There is no relevant planning history on this property.

## 7. THE PROPOSAL

Permission is sought to excavate the lower ground floor storage area downwards, excavation of the front lightwell and construction of an extension at lower ground floor to create a new 2 bedroom flat. A green roof is proposed above the extension. To the ground floor flat a new balcony to the rear elevation is proposed and a new landing/ staircase leading from the closet wing is proposed to the existing garden.

Some minor changes have been made during the application; to revise the detailed design of the rear extension and to centrally locate the ground floor garden stairs so as to not be on the boundary with the neighbouring property and to limit any overlooking. These changes were not considered to require re-notification.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The loss of the lower ground storage areas, historically used as laundry coppers and coal storage, and now used primarily as storage for household goods and bikes has attracted objection from neighbouring properties. The City Council has no policies in which this storage area can be protected.

The principle of a new residential unit is supported by Policy 8 of the City Plan. The two bedroom flat measures approximately 90m<sup>2</sup>. Whilst this exceeds the Technical Housing Nationally Described Space Standards of 70m<sup>2</sup>, given the site constraints it is not considered that the space proposed is so excessive to warrant refusal. The proposed layout, with the bedroom's served by lightwell windows is not uncommon and the standard of accommodation is considered to be acceptable and compliant with Policy 12.

The plans indicate a courtyard garden accessible directly from the living room of the newly proposed flat. This would appear to be for the sole use of the occupiers of the lower ground floor flat as it is set lower than the remaining communal garden, although it is acknowledged that this is a not a formal separation and other uses of the garden could use this area. This should be dealt with through the lease arrangement.

The proposed development would render the communal garden inaccessible to the top floor accommodation as the basement storage area where the garden is accessed from will no longer exist (the ground floor flat will still retain an access to this garden). Whilst this has attracted much objection from neighbouring properties and is regrettable, this is considered to be a private matter between the freeholder and leaseholder.

### **8.2 Townscape and Design**

Objections have been received to the proposals on design grounds, that the scheme doesn't respect that the site is within a conservation area and that development shouldn't be allowed to a 100 year old building.

#### **Legislation**

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant listed building consent for any works the local planning authority or 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 66 of the same Act 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 take into account the relative significance of the affected asset and the severity of the harm caused.

### **Assessment**

Whilst it is acknowledged that the application site is over 100 years old, this doesn’t prohibit development or alterations if appropriate and sensitively designed. The infill extension at lower ground floor to the rear is acceptable in principle. Originally it was proposed that the extension be fully glazed with black metal frame crittal doors and windows. This was considered unacceptable by officers and attracted objection from the local amenity society. The detailed design has now been revised, with brickwork surrounds to a door and set of windows. This more solid extension, with brickwork to match the existing, and a set back from the building line of the rear projection is considered to relate well to the host property and will be read as a subservient addition. The extension is flat roofed to allow for a green roof and this is also acceptable in design terms.

The lowering of the basement to accommodate the new residential flat requires the excavation of a front lightwell, in front of the bay. This has been done at a number of properties on the west side of Essendine Road. The windows and arch detailing proposed to the new bay at lower ground floor are to match those at upper levels and acceptable. The lower ground floor is to be rendered to match the existing and neighbouring properties.

The works to the ground floor flat which include the juliet balcony and new doors with a staircase leading down to the garden raise no design concerns.

The proposals are considered acceptable in design terms and are considered to preserve and enhance the character and appearance of the Maida Vale conservation area. As such, mindful of policies 38, 39 and 40 of the City Plan; 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**

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

The proposed extension at lower ground level is set wholly between the rear projection of the application site and the boundary wall with 21 Essendine Road and therefore there are no amenity concerns to the occupiers of flats in No. 21.

The existing ground floor garden access is to be moved from the full height rear elevation doors to the new doors within the rear projection. A juliet balcony is proposed to the main rear elevation at ground floor level and this is acceptable. To provide a reconfigured access to the garden for the ground floor flat it is proposed to alter the existing window to a set of doors and install a staircase to the garden. This has been amended since the application was submitted, to remove this staircase from on the boundary with 25 Essendine Road given concerns with overlooking. In its proposed location, it is not considered that the staircase would allow any detrimental overlooking to the adjacent windows and garden.

### **8.4 Highways Implications**

Objections have been received on the grounds that the proposed residential unit would create extra parking need in an area. It is not considered that one additional unit would create such demand on the surrounding highway network so as to warrant refusal and the proposals are therefore compliant with policy 24 of the City Plan. The applicant has offered up lifetime car club membership for the occupiers of the flat which is welcomed and to be secured by condition. An objection to this provision has been made on the grounds that it is not enforceable. The applicant will have to satisfy the requirements of the condition and any breaches of this can be investigated by the Council's Enforcement Department.

Cycle parking is shown on the plans, internally within a dedicated store. This is welcomed and is to be secured by condition.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

The proposed lower ground floor flat will be accessible via stairs from street level. There is no opportunity here for level access.

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

**Refuse /Recycling**

Currently refuse is contained within the individual flats. The proposed plans show that a bin store area is proposed to the front pathway, adjacent the hedge for the new unit. Whilst this would be acceptable in principle, further details will be sought by condition. Should sufficient space internally be available then the applicant is encouraged to pursue this.

**Biodiversity**

Objections have been received from neighbours that the lower ground floor extension results in the loss of garden/ grassed area. Adjacent the rear elevation of the property, where the extension is proposed, is a paved area rather than grassed area.

A green is proposed to the roof of the lower ground floor extension. This is welcomed and to be conditioned. Whilst the courtyard proposed to the lower ground requires a small area of excavation of the garden, this is not unreasonable or a reason to withhold permission. A large mature garden is still being retained.

**Sustainable Urban Drainage Systems (SUDS)**

The plans indicate that the proposed new front lightwell and the courtyard are to be finished with gravel and SUDS and permeable paving. Again, this is welcomed and its installation is to be secured by condition.

**8.8 Westminster City Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

**8.9 Neighbourhood Plans**

There are no neighbourhood plans for this area.

**8.10 London Plan**

This application raises no strategic issues.

**8.11 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

## 8.12 Planning Obligations

The proposals are CIL liable, however the estimated CIL payment is not available at the time of writing and will be presented as a late representation.

## 8.13 Environmental Impact Assessment

The proposals are not of a sufficient size so as to be subject of an Environmental Impact Assessment.

## 8.14 Other Issues

### Basement

The existing lower ground floor storage area and paved garden adjacent the property is being lowered by 1m to create sufficient head room for the proposed flat.

Policy 45 of the City Plan refers to basement development and whilst this technically isn't a full basement development, elements of the policy, Part A are relevant. Part A states that basement developments should 1) incorporate measures recommended in the structural statement or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding; 2) be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area; 3) protect heritage assets, and in the case of listed buildings, not unbalance the building's original hierarchy of spaces where this contributes to its significance; and 4) conserve the character and appearance of the existing building, garden setting and the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

The site is within the West Kilburn surface water flooding hotspot. The plans indicate that SUDS and permeable paving are incorporated into the development to mitigate against any potential flooding. These are to be conditioned to ensure they are installed. Objections have been received on the grounds of structural stability. The construction of the extended lower ground floor has been assessed and is considered acceptable by the Council's Building Control Officer. As the structural method is approved for information only in this instance, the details submitted for the assessment of the application are applicable. Any matters of party wall agreements are a private matter and normally dealt with further to the granting of a planning permission. The external manifestation of a lightwell to the front is considered to preserve the heritage asset and the works are considered to be acceptable in conservation and design terms. The proposals comply with part A of the policy.

Part B of the policy states that basement developments will be supported where they: 1) do not extend beneath more than 50% of the garden land - on small sites where the garden is 8m or less at its longest point, basements may extend up to 4m from the original building in that direction; 2) leave a margin of undeveloped garden land proportionate to the scale of the development and the size of the garden around the entire site boundary; 3) not comprise more than one storey beneath the lowest original floor level - exceptions may be made on large sites with high levels of accessibility for

construction; 4) provide a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement; and 5). not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.

The lower ground floor is under the footprint of the existing building and the new extension, with the front lightwell not extending more than 50% into the garden. The excavation is 1m, resulting in the lower ground floor measuring one storey. The proposal complies wholly with Part B.

### **Construction impact**

Objections have been received on the ground of noise and disruption during the course of works, especially whilst the pandemic continues, and many people are working from home. Concern has also been raised as to how any approved development could be carried out safely, opposite the primary school.

Given the nature of the works the applicant is not required to sign up to the Council's Code of Construction Practice. A condition however is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructor's scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

### **Sewerage**

Objections have been received on the grounds that any additional residential unit will impact the existing sewerage system. Should permission be granted, the applicant will have to comply with Building Regulations and are likely to have to contact Thames Water regarding their proposals.

### **Proposals will set a precedent**

Objections have been received from residents who have historically objected to basement development in the area and to a recent scheme for the wild gardens on the east side of Essendine Mansions and that should permission be granted it would set a precedent. All applications are to be assessed on their own merits and in accordance with the local development plan.

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

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

## 9. KEY DRAWINGS

### Existing Floor Plans:



LOWER GROUND FLOOR AS EXISTING  
SCALE 1:100 @ A3

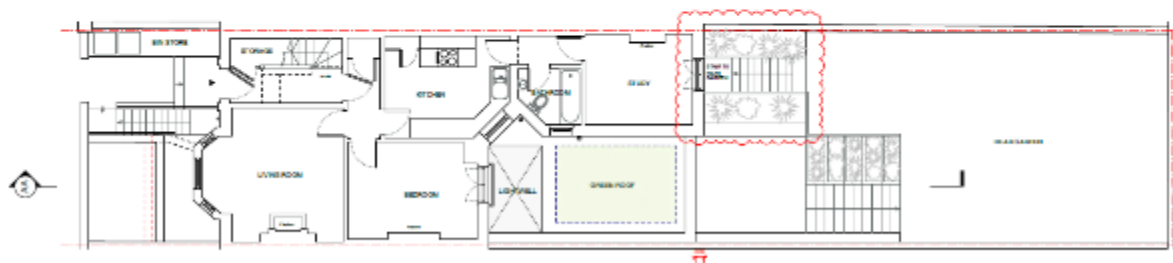


UPPER GROUND FLOOR AS EXISTING  
SCALE 1:100 @ A3

### Proposed Floor Plans:



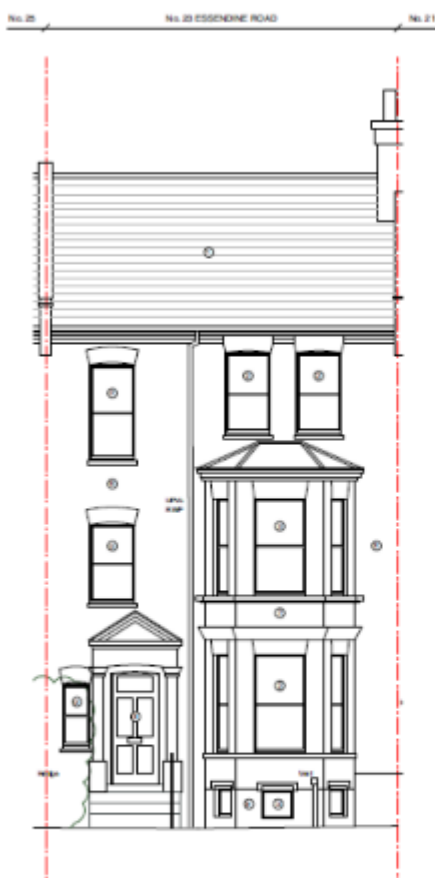
LOWER GROUND FLOOR AS PROPOSED  
GIA 90.8sqm  
SCALE 1:100 @ A3



UPPER GROUND FLOOR AS PROPOSED  
(Assumed layout of UGF flat)  
SCALE 1:100 @ A3



## Existing Elevations:



**FRONT ELEVATION AS EXISTING**  
SCALE 1:100 @ A3



**REAR ELEVATION AS EXISTING**  
SCALE 1:100 @ A3

## Proposed Elevations:

**FRONT ELEVATION AS PROPOSED**

SCALE 1:100 @ A3

**REAR ELEVATION AS PROPOSED**

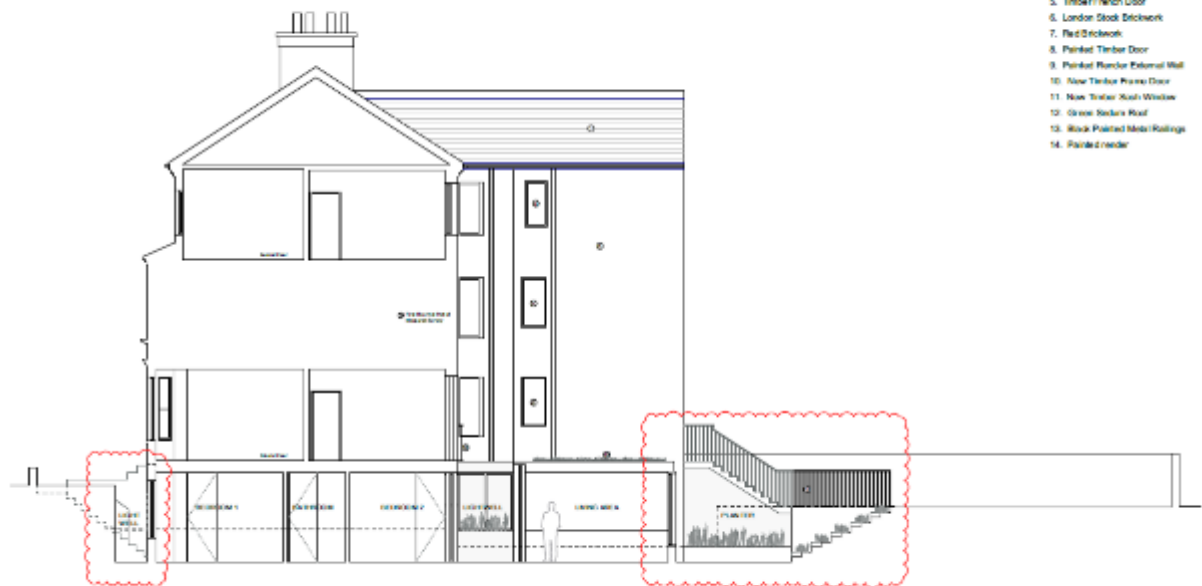
SCALE 1:100 @ A3

## Existing Section:



SECTION A-A AS EXISTING  
SCALE: 1/150 @ A3

## Proposed Section:



SECTION A-A AS PROPOSED  
SCALE: 1/150 @ A3

## MATERIALS KEY:

1. Slate Roof
2. Painted Timber Sash Window
3. Painted Timber Window
4. White PVC Sash Window
5. Timber French Door
6. London Stock Brickwork
7. Red Brickwork
8. Painted Timber Door
9. Painted Plaster External Wall
10. New Timber Frame Door
11. New Timber Sash Window
12. Green Redware Roof
13. Black Painted Metal Rollings
14. Painted render

**DRAFT DECISION LETTER**

**Address:** 23 Essendine Road, London, W9 2LT,

**Proposal:** Excavation of the lower ground floor storage area downwards, excavation of the front lightwell and construction of an extension (with a green roof above) at lower ground floor to create a new 2 bedroom flat.. Construction of a new balcony and a new landing/ staircase to existing garden at rear of ground floor.

**Plan Nos:** 153: LOC-001; EX-100; EX-200; EX-300; AP-100 A; AP-200 B; AP-300 A.

For information only: Structural Methodology Statement dated September 2001

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 07866036948

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:  
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 The rear staircase shall be black painted metal and be retained in that condition thereafter.

Reason:  
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 The new windows and doors hereby approved to the front and rear elevation shall be white painted timber and be retained in that condition thereafter.

Reason:  
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

- green roof

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

Reason:  
 To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

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

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

- 9 You must not use any part of the development until we have approved in writing appropriate arrangements to secure the following.

- lifetime car club membership for the approved unit

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out

the development according to the approved arrangements. (C19BB)

**Reason:**

To make sure that the development provides the planning benefits that have been agreed, as set out in Policy 24 of the City Plan 2019 - 2040 (April 2021). (R19AD)

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

**Reason:**

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 11 You must apply to us for approval of details of how waste is to be stored on 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 in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the residential unit hereby approved. (C14ED)

**Reason:**

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 12 You must provide a porous surface to all of front lightwell and rear courtyard to ensure that the scheme has a sustainable urban drainage system, as offered in the application. This must be maintained and retained thereafter.

**Reason:**

To increase the biodiversity of the environment, as set out Policy 35 of the City Plan 2019 - 2040 (April 2021). (R43FC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.



## 2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](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 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)
- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

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

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

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

- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 6 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice on 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 7 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)

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.**

- 8 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.