

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 August 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Abbey Road	
Subject of Report	William Court, 6 Hall Road, London, NW8 9PA.		
Proposal	Erection of a two storey single family dwellinghouse (Class C3) and associated private amenity space.		
Agent	Arthurs Planning and Development		
On behalf of	Ward Baillie Ltd		
Registered Number	21/08315/FULL	Date amended/ completed	June 2022
Date Application Received	6 December 2021		
Historic Building Grade	Unlisted		
Conservation Area	Outside of, but the St John's Wood Conservation Area lies immediately to the west and north of the site.		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

This application follows a dismissed appeal at the end of 2018 in relation to a proposal for three houses within the curtilage of William Court, and a subsequent planning permission in 2019 for a two-storey, 4 bedroom single family dwellinghouse.

Permission is now sought for an alternative proposed house in the same location as house 2 within the appeal scheme and the location of the house in the 2019 planning permission.

Representations of objection have been received from the St John's Wood Society and a number of residents within William Court and Hamilton Gardens on a number of grounds including the principle, design & townscape, amenity, fire risk, transportation among other matters.

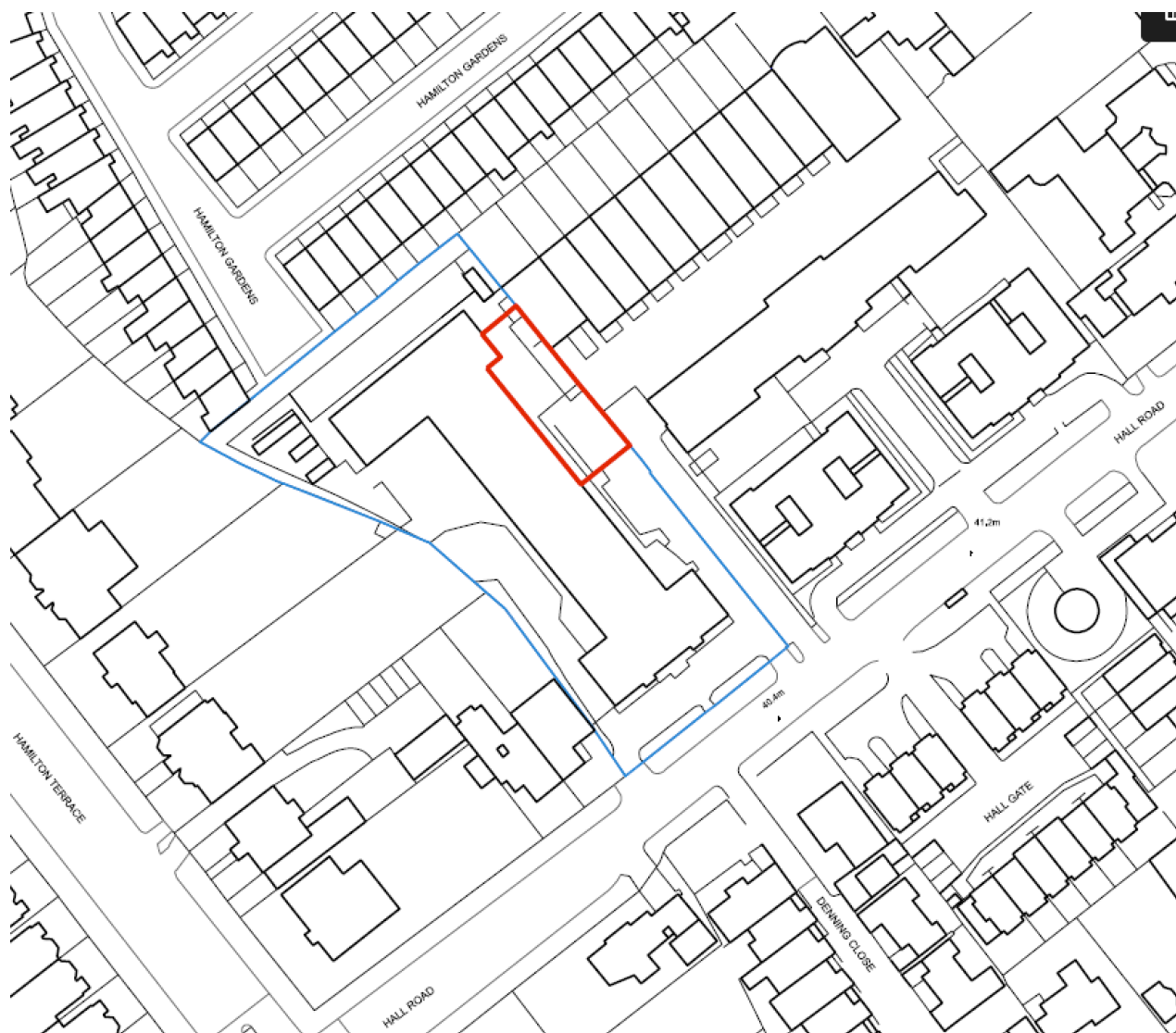
The key issues in this case are:

- The principle of the development in this location
- The impact of the development in design and townscape terms.
- The impact of the proposal on the amenities of existing surrounding residents.

It should be noted that since the 2019 permission the council has adopted a new City Plan to which application are now considered against. As discussed within this report, the proposals are on the whole considered to be in accordance with the new development plan. While it does not strictly accord with all of the policies, namely the size of the new unit is larger than directed by Policy 8, the extant planning permission is a material consideration.

Officers understand the concerns of local residents with respect to the nature of the proposed development, but acknowledge the recent planning history, which is a material consideration. As such, considering this as a stand-alone proposal on its own merits, it is considered to meet relevant planning policy (except where otherwise stated), being quite discreetly sited and positioned to a part of the site that is currently relatively plain and utilitarian and with no significant impact in amenity or other terms. Subject to the suggested conditions, the proposal is considered acceptable and as such a favourable recommendation is made.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION FEBRUARY 2022

HISTORIC ENGLAND

On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY & LONDON FIRE SERVICES

No response.

HIGHWAYS PLANNING TEAM

No response.

WASTE PROJECT OFFICER

No response.

ENVIRONMENTAL HEALTH

No objection, subject to conditions and informatives.

BUILDING CONTROL

No objection.

WARD COUNCILLORS FOR ABBEY ROAD

No response.

ST JOHN'S WOOD SOCIETY

Objection. The Society raises objections to the scheme on the grounds that the proposals represent an inappropriate development around the base of this mansion block creating a sense of enclosure for ground floor flats and compromising the architectural integrity of the existing mansion building. We are concerned that this application will represent the first of a series of applications for further development around the base of William Court. We also raise concerns that this development will set an unfortunate precedent for additional unneighbourly infill developments around the base of mansion blocks in the adjacent Conservation Area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 338

Total No. of replies: 12

No. of objections: 12

No. in support: 0

12 objections on some or all of the following grounds:-

Principle

- This unnecessary additional "dwelling" is simply lining the pockets of the rich. The residents just want to live in peace.

- Question who would want to purchase such a dwelling given the price per sq. footage in the area. If I had such funds to acquire a dwelling of this size, I most certainly would not want to live in what is essentially infilled space which begs the further question around whether or not the intention is to sub divide and ultimately create more affordable apartments.

Amenity

- The construction of this property is directly facing my bedroom window and will impede on mine and my family's privacy.
- Does not allow for a reasonably acceptable living condition.
- Creates a heavily overcrowded area right outside my flat hampering my ability to receive light and breathing space.
- The road is heavily congested as it stands and adding yet another structure will make my home less 'liveable'
- In previous plans for the development there was going to be a gate in the wall between Hamilton Gardens cul de sac and William Court, require assurance that that will not happen this time.
- Right to Clean Air - Yet again this is about the greed of developers at the expense of long-suffering residents - who have just had their service charges doubled and have had to put up with a year of scaffolding and construction - for windows that many did not feel they needed. I appreciate construction noise and dust may not be a valid ground for objection, but the right to clean air has been proven to be an inalienable human right in recent landmark cases against governments (Netherlands, Belgium and France) and this should now be taken into account.
- The development of this property would cause a loss of breathable space around the building and would border the conservation area. I suffer from severe breathing difficulties and would have my health put in risk due to loss of access to fresh air.
- The location and scale of the garden is unclear - residents are losing communal garden space with no recompense.
- From the plans it appears that the roof height has been raised. Can we please have reassurance that the height has not been altered? If it has then this raises overlooking, privacy and light issues for all the surrounding properties.

Fire Risk

- I worry that the construction of this private residence will cause a severe fire risk as this block's access points for fire engines and would make it inaccessible. This should be taken extremely seriously given the recent horror stories taking place in London.
- Fire risk to residents - this removes a key access point for fire engines. There are many elderly residents in William Court whose safety will be compromised.
- The site is a fire access point, and it is not clear how this risk will be managed.
- The location is this block's key access for fire engines

Design and Townscape

- This will be bordering a conservation area and will damage the unique residential character of our neighbourhood.
- This is St. John's Wood - not St. John's Concrete Jungle.
- Infilling and Density - this removes the breathable space around William Court.

- This is an infill development which increases the density of build and is out of character with the St John's Wood area. This was a critical point by the Planning Inspector at Appeal in the refusal of an earlier application with the loss of breathable space around the original building and was deemed to be unneighbourly.
- We need absolute assurance that should this development be approved; it is not used as a precedent for any future development(s) at William Court which would likely be further infill and out of character with the 1930s Mansion Block.
- Creates infilling, removing the breathable space around William Court
- Building is bordering a conservation area and therefore likely to damage to unique character of this residential area.
- It is important to remember that if this proposal is approved it will become a permanent feature of the area. Great care must be taken in preserving the very distinct character of this area.
- The description of the garden for this house is vague. Where is it?
- The proposed roof fencing appears to be more permanent in nature. Is this a pre text for future development of the roof?

Transportation/Highways

- Parking spaces reserved for the current residents and owners will be inaccessible and the construction will cause additional traffic and congestion to an already busy main road.
- Traffic & Congestion - Hall Road is already unacceptably dangerous and congested with traffic (including 2 bus routes) constant on both sides. Additional residents and their guests will compound this.
- The development will result in increased traffic and parking requirements- it is unclear what parking provisions are proposed.
- Unacceptable density in an already congested area
- Additional traffic and congestion - Hall Road is already over-congested and dangerous.
- The previously approved design was sympathetic to the Conservation Area and sought to preserve the perception of breathable space between William Court and Grove Hall Court. The windows to the front of the house in the approved design creates a "lighter" building in terms of mass and density. This new proposed design creates a bulk building and a continuous line between William Court and Grove Hall Court which undermines the very character of St John's Wood as well as the principles of the Conservation Area. The planning Inspectorate in the original planning application went to great lengths to stress the importance of preserving breathable space between buildings and avoiding infilling. This proposal undermines the Planning Inspectorate's concerns.
- The parking provisions for the house are vague. We need further clarity on this as this proposed house will require more car parking spaces and will no doubt apply further pressure on the road.
- Will the wall to the rear of this house be broken to allow access into Hamilton Gardens? When this was originally proposed in the now refused planning application, the residents of Hamilton Gardens raised their concerns in terms of security as well as increased parking pressure in Hamilton Gardens. The residents were assured that access to this house through a gate in the wall would not be created. We need further reassurances in this regard.

Consultation

- This application was put forward in undue process without a proper consultation within the community.
- No timely notice was given
- There has been a lack of due process with NO community consultation
- It appears that the freeholder had planned to keep the noise around this proposal to a minimum.
- The 21 day deadline does not provide sufficient time to review the proposal and it appears that most of the neighbours were unaware of it.
- This should have been clearly advertised in the lobby of William Court.
- Preparing a detailed petition objecting to this proposal which will be signed by interested parties in the building and submitted to you in due course.
- Improper Process - the letter that went to residents did not clearly state this deadline. Also there has been no community consultation. The so-called William Court "Residents Association" does not act for all and is not democratically elected.
- I will be submitting a detailed objection to the planning officer in due course. I was also heavily involved in objecting to the previous applications to over develop this site and the subsequent appeal. There will be a petition lodged by local objectors who are directly affected by the proposals. I urge the planning officer to allow sufficient time for reasoned objections to be made. 21 days from the correspondence date of the neighbour notification letter is not sufficient time, particularly in view of the extremely controversial history, to set out full objections to the proposal.
- There has been no consultation with the neighbours regarding these proposals. This property sits directly next to residential homes and any proposal or revision must be discussed with the neighbours.

Application documents

- The plans are vague, leaving room for lots of guess work, and do not set out the plans in a clear and definitive manner.

Construction

- Noise and disruption

Other

- No benefit for the current owners and tenants of William Court.
- Applications for the building are relentless
- This feels like the developer is trying to take another bite of the cherry and perhaps expects that due to CV-19 and other geopolitical events, residents are too distracted to have noticed.
- I am very uneasy about these proposals. The developer is known to many of us, and I feel that approval of these proposals will set a precedent allowing him to build upwards in the future or revive the previously refused planning application for 2 large houses on the other side of William Court.

PRESS NOTICE/ SITE NOTICE:

Yes

RECONSULTATION JUNE 2022

(Re consultation on revisions to include air source heat pumps within acoustic enclosure, bio diverse green roof over blue roof system, revised Design and Access Statement, Energy & Sustainability Statement, Daylight and Sunlight Report, Noise Report).

HISTORIC ENGLAND

Any response to be reported verbally.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY & LONDON FIRE SERVICES

Any response to be reported verbally

HIGHWAYS PLANNING

No objection, subject to conditions.

WASTE PROJECT OFFICER

Objection, further details required. A revised drawing is required to indicate the location and capacity and labelling of the waste store for the three separate waste streams (food, general, recyclable).

ENVIRONMENTAL HEALTH

Any response to be reported verbally

BUILDING CONTROL

Any response to be reported verbally

WARD COUNCILLORS FOR ABBEY ROAD

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY

The Society continues to raise objections to the scheme on the grounds that the proposals represent an inappropriate development around the base of this mansion block creating a sense of enclosure for ground floor flats and compromising the architectural integrity of the existing mansion building. We are concerned that this application will represent the first of a series of applications for further development around the base of William Court. We also raise concerns that this development will set an unfortunate precedent for additional unneighbourly infill developments around the base of mansion blocks in the adjacent Conservation Area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 338

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The submission does not include a statement of community involvement, or any other details of early community engagement and local residents have suggested that none has taken place. Whilst the City Council encourages early community engagement on all applications, there is no obligation on the developer to do so.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

William Court is a large mansion block comprising of self-contained flats with a podium level communal garden to the west of the site. Part of the lower ground floor is in use by Fort Box Self-storage (Class B8). It is an unlisted building and lies outside a conservation area and there are no listed buildings in the immediate vicinity. The St John's Wood Conservation Area lies immediately to the west and north of the site. The surrounding area is residential in nature.

The site is not level, it slopes north from Hall Road creating a lower ground level which extends to a larger footprint than the main building and which creates a podium ground

floor level to the north and partly to the west and east of the site. Part of this podium level accommodates the communal hard landscaped communal terrace; the remainder is a flat roofed area punctuated with some projecting roof lights providing light to the lower ground floor area.

There are two vehicular access points to the site both from Hall Road, located at the eastern and western ends of the frontage, enabling a drive in and out arrangement for drop offs and pick-ups. The western access also provides secure access to Fort Box and the eastern access to a parking area. Hall Road and Hamilton Gardens are local roads in the Council's hierarchy of streets. Both roads have on-street car parking bay and with some single and double yellow line, which gives an opportunity for the servicing of premises. The area surrounding the site is covered by a Controlled Parking Zone ("CPZ").

7.2 Recent Relevant History

MOST RELEVANT

Conditional planning permission was granted by our Planning Applications Sub-Committee on 01.10.2019 for Erection of a two storey single family dwellinghouse (Class C3).(19/02234/FULL)

OTHER

WCC Ref: 04/07502/FULL - Permission granted for Change of use of former boiler house to use as one bedroom flat with associated alterations to front elevation. dated 3rd March 2004

WCC Ref. 16/08855/FULL - Permission refused by our Planning Applications Sub-Committee for "Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking.", dated 07.03.2017. This decision to refuse permission followed a deferral by Committee on 14.02.2019 to allow for a site visit which took place on 04.03.2017.

WCC Ref. 17/04663/FULL - Permission refused by our Planning Applications Sub-Committee on 8th August 2017 for "Construction of 3 dwelling houses with associated amenity space in the grounds of William Court, 6 Hall Road to the rear, associated landscaping improvements, creation of additional cycle parking." The Sub-Committee were not satisfied that the reasons for refusal of the application on 07.03.2017 had been overcome. The application was refused for the same reasons, adapted to reflect the reduced impact on 20 Hamilton Terrace, and was settled under delegated powers following consultation with the Chairman.

Permission was refused for three reasons:

1. Because of the bulk, height and design of House 1 and its poor architectural relationship with the adjoining Conservation Area; and the footprint of House 3; the proposals (notably House 1 and 3); would harm the appearance of this building and this part of the city. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and DES10; of our Unitary Development Plan that we adopted in January 2007.

2. House 1 and 3 would make the people living in the ground floor flats of William Court feel too shut in and as such represents an unneighbourly form of development harmful to residential amenity. This is because of the bulk, height, design and how close House 1 and 3 are to windows in those properties. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

3. Your development would add to an already high demand for on-street car parking in the area and this would affect people already living in the area. This would not meet our parking policy as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007."

A subsequent Appeal against this decision was heard at a Public Inquiry and the appeal was subsequently dismissed on 31st October 2018. Three houses were proposed, House 1, 2 and 3. Only houses 1 and 3 were referred to in the reasons for refusal (as set out above) and the subsequent appeal, apart from the third reason for refusal which related to the demand for on-street car parking from the development (all three houses).

8. THE PROPOSAL

This application follows a dismissed appeal at the end of 2018 in relation to a proposal for three houses within the curtilage of William Court, and a subsequent planning permission in 2019 for a two-storey, 4 bedroom single family dwellinghouse, as set out within the history section of this report (section 7.2. above). It is of note that the single house proposed under this application is proposed in the same location as house 2 within the appeal scheme and the location of the house in the 2019 planning permission. In granting planning permission in 2019 the Planning Applications Sub-Committee undertook a site visit to fully understand the site and surroundings and relationship of the development to the site and considering the significant representations of objection to the proposal and the background of a dismissed appeal for a larger more ambitious proposal. A copy of the appeal decision and the 2019 planning permission can be found in the background papers.

Planning permission is sought for the erection of a two storey single family dwellinghouse (Class C3) and associated private amenity space. The proposal has been amended during the course of the application by way of the submission of an Energy and Sustainability statement which introduces air source heat pumps within an acoustic enclosure and a bio diverse green/blue roof, an associated acoustic report, revised design and access statement and a daylight and sunlight report. As a consequence, re-consultation was carried out in June 2022.

The current proposed house is designed by a different architect to the 2019 approved scheme, but with a brief to *"improve the quality of the dwelling and its amenity space whilst creating more subtle and contextual relationship to its setting."*

The key design principles of the proposed house are:-

- Contemporary design with red brick to match William Court
- Simple brick façade with brick recess panels, with the character of a garden wall with patinated brass covered entrance door portal
- Inward looking house designed around a 25m² double height central courtyard

- Similar in mass & form to 2019 PP
- Front lightwell now replaced with front building line of the house
- Existing glass balustrade upstand at the edge of the podium to be replaced with brickwork of same height to segregate the podium and the roof of the house
- Biodiverse roof over blue roof system with toughened privacy skylights
- Two new trees, one to front and one within courtyard garden.
- Air source heat pump within acoustic enclosure
- Amenity space, lower ground floor courtyard garden, ground floor courtyard balcony, to ground floor right.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposed creation of a family house is acceptable in principle in land use terms in accordance with policy 8 (Housing delivery) of our City Plan which seeks to optimise the provision of housing.

There is also the material consideration of the extant planning permission (01.10.2019) for a house in this location. Furthermore, in the aforementioned appeal (which predates the 2019 planning permission), the specific location of this house (house 2 in the appeal scheme), did not form a reason for refusal of the three-house appeal scheme, due to its scale and bulk being predominantly within the envelope of existing built form on this area of the site (boiler house). Unlike houses 1 and 3 of the appeal scheme which involved significant new built form above and beyond the envelope of the existing built form on site. It is for these reasons that this particular house is not considered to comprise overdevelopment of the site, unlike the two houses that were the subject of the appeal, which the inspector found to overdevelop the site at the expense of the character and appearance of the area.

Given the specifics of this proposal, it is not considered that allowing this house would detrimentally affect the conservation area nor would it set a precedent for other houses to be built within the curtilage of the site as the area around the site is considered to perform a function in providing a setting for William Court and the conservation area in its current state. (Paragraph 48 of the appeal decision). It is acknowledged that the St John's Wood Society and local residents have raised objection to the principle of the provision of this house. However, for the reasons set out above, it is not considered that a refusal of permission on grounds of over-development or principle of the location of the house could be justified.

Affordable Housing

The proposal for one new house, does not trigger the requirement for affordable housing under policy 9 (Affordable Housing) of our City Plan.

Residential

The proposed house would comprise 264.05m² (GIA) of floorspace over lower ground and ground floor with private amenity space of 31.2m² (courtyard, and balconies) and would provide an independently accessed house (Noting that the ground floor is at the base of the ramp level, lower than street level as the site slopes down and away from Hall Road). It

would provide four ensuite bedrooms at ground level and an open plan living and dining room and separate kitchen at lower ground floor level. At lower ground floor level, whilst the kitchen is internal, the open plan space would benefit from natural light and ventilation from full glazing to three sides leading on to a large double height open courtyard.

Two of the bedrooms at ground level would also be provided light and ventilation from the open courtyard, a third would receive light from a balcony which looks on to the courtyard and the fourth bedroom from a balcony/window to the external staircase. Two rooflights would provide light to a ground floor corridor.

The contemporary nature of the layout and internal design of the house with large areas of glazing around a private internal courtyard is considered to be acceptable. The house provides a good amount of living accommodation, with sufficient natural light (daylight and sunlight), ventilation, outlook and amenity space and is designed to lifetime standards. As such it is considered to provide a satisfactory living environment for future occupiers in accordance with policy 12 (Housing quality).

The house within the extant planning permission is 264.9m² (GIA) with private amenity space of 29.8m² and the proposed house under this current application is proposed to be 264.05m² GIA with private amenity space of 31.2m².

Policy 8 (Housing delivery) states that “No new homes in Westminster will exceed 200m² Gross Internal Area (GIA), except where it is necessary to protect a heritage asset”. The reason for the policy is to optimise development density. In this particular case there are considered to be a number of material considerations to allow an exception to this policy requirement. Firstly, there is the extant planning permission for a house of a very similar size, which could therefore still be implemented. Secondly the site is unusual, and it is challenging in terms of designing for a good internal residential environment, with respect to natural light/ventilation/privacy and consequently does not lend itself to be used for more than 1 unit or further optimisation for residential purposes. Lastly, should additional unit(s) be provided, this would lead to increased comings and goings due to additional residents, which was a concern of existing residents. As such, there is not considered to be justification for requiring that the proposed house be 200m² or less. For these reasons, it is considered that there is justification to depart from policy 8 in the circumstances of this particular case.

The provision of a single family dwelling house helps meet the broad range of housing needs (types and sizes) within Westminster under policy 10 (Housing for specific groups). Whilst concern has been raised to the potential intention to sub-divide the house, this would require planning permission.

9.2 Environment & Sustainability

Sustainable Design

The proposed house has been designed with passive design principles which will enable the dwelling to be less reliant on heating, cooling, and to utilise an air source heat pump system. the following measure have been incorporated:-

- High levels of insulation.

- Habitable spaces on the lower ground levels will minimise the exposed area of the building envelope, and therefore limit the heat loss through the fabric in winter and solar heat gain through the fabric in summer.
- The design of the new façades will minimise excessive sunlight penetration in summertime. This will also allow the building to reduce heating loads in winter and cooling loads in summer, while maintaining comfortable indoor environments.
- Most of the dwelling is naturally ventilated throughout the year by using light wells and openable windows and rooflights on opposite sides of rooms
- Adequate glazing specifications will help to limit excessive solar gain through the new windows and rooflights.
- Energy efficient light fittings
- Energy and water efficient labelled white goods will be provided to the dwelling in order to reduce the CO2 emissions arising from appliance use.
- An energy meter showing current electricity consumption data will be specified for the building to empower occupants to reduce their energy use.
- Low water use fixtures and fittings will be installed in the building. Fittings, such as flow restrictors, will be fitted to taps and potentially shower heads. WCs will be provided with dual flush cisterns and fitted with delayed action inlet valves.
- A water meter will be specified on the mains water supply to the development to ensure water consumption can be monitored and managed, therefore encouraging reductions in water consumption.
- Green roofs are proposed the application to reduce and delay the discharge of rainfall run-off to public sewers and watercourses, while improving local biodiversity.

Overall, taking into consideration the scale of the proposal, the proposed new house is considered to meet with our sustainable design principles set out in Policy 38 (Design principles) and our supporting Environmental Supplementary Planning Guidance (SPD).

Energy Performance

The proposal would provide for a reduction in regulated carbon dioxide emissions achieved through the use of renewable and energy generating technologies of over 69%. This is achieved by the inclusion of an Air Source Heat Pump (ASHP) system in the house. Air source heating or cooling also employs the principle of a heat pump. This time either, upgrading the ambient external air temperature to provide higher temperatures for water and space heating, or taking warmth from within the building and dissipating it to the outdoor air. A single ASHP is proposed on the green roof of the house, screened within an acoustic enclosure (however an amending condition is recommended to relocate it to the internal courtyard). As such, given the scale of the development, it is considered to meet with policy 26 (Energy()) of our City Plan and our supporting Environmental SPD.

Given the scale of the development (less than 5 new residential units) a BREEAM assessment is not required.

Circular Economy

The proposal seeks to include construction material of a low environmental impact. Responsibly sourced materials for the new build extensions, including thermal insulation materials, and finishing elements, will be specified, wherever feasible. Additionally, any timber used in these elements will be legally sourced (e.g., Forest Stewardship Council

(FSC) certified). Given the scale of development (non-major) a circular economy statement is not required.

Air Quality

The site falls outside of any designated Air Quality Focus Area and is not a major application. As such, an Air Quality assessment is not required to support the proposal. Notwithstanding this, an Air Quality Assessment has been provided and indicates that the development would be air quality neutral.

Flood Risk & Sustainable Drainage

The site is located within a Surface Water Floodrisk Hotspot and as such a FloodRisk Assessment (FRA) and SUDS strategy has been submitted in support of the proposed development. The site is noted as being within a Floodzone 1 (Low Risk). The proposed development is to incorporate the following mitigation measures:-

- No bedrooms to lower ground (ground floor only)
- Biodiverse blue/green roof
- Full waterproofing of structure to industry standard
- Threshold treatment to encourage any residual surface water flooding away from entrances.
- Potential for sump & pump

The exact details will be secured through building regulations and the City Council's Building Control has not raised any concerns with respect to floodrisk. Overall, the details are considered to be acceptable for planning purposes in accordance with policy 35 (Flood risk) and our Environmental SPD.

Light Pollution

Given the nature of the proposal, minimal roof lights and relationship with neighbouring residential properties, it is not considered that the proposal would result in any significant light pollution to neighbours in accordance Policy 33 (Local environmental impact).

Land Contamination

Not applicable

Environment & Sustainability Summary

Overall, the proposed new house is considered to have been designed to address our relevant policies

9.3 Biodiversity & Greening

The existing site (this part of William Court) does not contain any greening or biodiversity features. Whilst the extant scheme proposed a different landscaping scheme, including a green wall along the approach to the house on the boundary with Hamilton Drive and planters to the other side, these elements are not included within this proposal.

This current proposal would introduce a biodiverse green roof over a blue roof system on the roof of the house, which would be accessible for maintenance/fire escape only. In addition, two new trees are proposed, one to front of the proposed new house and one within the courtyard garden to the house. This would significantly increase the biodiversity of the site in accordance with policy 34 (Green Infrastructure) and is considered acceptable.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 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.

Policy 38. Design Principles requires new development to:

'Incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods. As well as responding to Westminster's context.'

All development will positively contribute to Westminster's townscape and streetscape, having regard to: 1. the character and appearance of the existing area, adjacent buildings and heritage assets, the spaces around and between them and the pattern and grain of existing streets, squares, mews and passageways; 2. materials, building lines, scale, orientation, access, definition, surface treatment, height and massing; 3. the form, character and ecological value of parks, gardens and other open spaces;

Policy 40 Townscape and Architecture, states that:

Development will be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape. And goes on to say that:

The densely developed townscape and concentration of heritage assets in Westminster means that most development opportunities involve the infilling of small sites or extensions to existing buildings within areas of established townscape. We will seek to ensure the design of such development will respond positively to the character of Westminster's diverse and distinctive neighbourhoods and celebrate and build upon the legacy of high-quality architecture in the city.

The scheme now proposed is an evolution of an earlier approval for a house with a limited elevational presence adjacent to the base of William Court, which in scale terms, also has a single above ground storey. While the design should be considered on its own merits, the principal external difference between approved and proposed, is the marginal increase in building depth, the coffered brick façade, omission of the approved windows and lightwells, facilitating the replanned interior.

For those concerned, as the St John's Wood society are, with the house 'crowding' the base of the mansion block, the new approach is lower key, looking less like a house, than its predecessor. The three brick panels forming half of the central part of the façade appear as an enclosing wall and as such, can be viewed as a more fitting termination to this side passage.

Despite the front elevation's limited width, half is formed by bronze metal doors with heavy fascia and despite officers advice, these still appear to be unarticulated. As such, they appear overly robust and would have a utilitarian appearance. In order to form part of an acceptable overall design, they require articulation, craftsmanship and finesse of detail, which is not apparent on the present drawings.

The changes to the internal plan, including the new courtyard around which the living spaces now focus is acceptable, as is the living green roof. The integration of an air source heat pump is welcome, but the proposed position on the roof it is a retrograde step, creating rooftop clutter to overlooking windows. During application discussions this was advised as not acceptable, but remains part of the scheme. The unit should be located in the internal lightwell/courtyard in order not to affect the roofline or extent of green roof.

Subject to the refinement of the bronze sections of the façade and the relocation of the air source heat pump, the new house would meet the objectives of policy 38 and 40.

Whilst objections have been raised in design and townscape terms, suggesting the house would increase density, remove breathable space around William Court and affect character of the area bordering a conservation area, for the reasons set out above, these objections are not supported by officers.

Fire Safety

The fire strategy for the house includes a fire alarm and sprinkler system with two staircases within the house to allow for emergency escape in the event of a fire. The London Fire Brigade has been consulted with no response and the City Council's Building Control Team has not made comment on this aspect of the proposal. The strategy is considered to be sufficient for planning purposes and full details will need to be approved under any subsequent Building Regulations approval. Objections have been raised suggesting the house would pose a fire risk and affect fire brigade access to the site. The house is in the location of an existing structure and would not affect fire brigade access to the site from Hall Road. The specific details would be assessed during the Building Regulations process.

William Court is less than 7-storeys and less than 18m in height, as such it is not a relevant building for the purposes of requiring a Gateway One Fire Statement.

9.5 Residential Amenity

The proposed house is predominantly within the envelope of the existing boiler building in this location. Given that no significant built form is proposed beyond the envelope of the existing structure, the proposal is not considered to have any significant physical impact on the amenities currently enjoyed by existing residents. As such it would have no effect on the living conditions of the existing occupiers of William Court with regard to sense of enclosure, outlook, privacy or daylight and sunlight.

It is located at ground and lower ground level, which is lower than the podium flats to William Court and has been designed to be inward facing to a double height central courtyard, with some rooflights to the roof. As such the proposed new house is not considered to result in any overlooking to existing flats of William Court or other surrounding residents including adjacent in Hamilton Drive. There may be some oblique views from William Court Flats on the upper levels down into the courtyard, but these views would be at some distance away and are not considered to result in any significant harm to amenities. The roof the house is proposed to be biodiverse and is to be prevented from being used for sitting out which would not be neighbourly. It is also recommended that the proposed roof lights be restricted in terms of the extent of their opening and nature of glazing for reasons of neighbourliness. The roof would be enclosed by way of brick parapet to replace the glass balustrade, however given its height and location it is not considered that it would be harm to existing residents amenities.

Whilst objections have been raised on amenity grounds (privacy, light, breathing space), for the reasons set out above, the concerns are not supported by officers. Concern has been raised to the potential loss of communal garden space. William Court's communal terrace is located to the other side of the site and the proposed house is in the location of an extension structure. As such it is not considered that the proposal would result in the loss of any communal amenity space to William Court.

A condition is also recommended to remove permitted development rights, to prevent extensions and alterations to the house (under permitted development) without planning permission, to safeguard surrounding resident's amenities.

The proposed house and the associated activities and comings and goings associated with its use, would not result in any significant loss of amenity to neighbouring residents

Subject to the suggested considered, the proposed house is not considered to result in any significant impact on the amenities currently enjoyed by existing surrounding residents in accordance with policy 7 (Managing development for Westminster's people), policy 33 (local environmental impacts) and policy 38 (Design principles). For the reasons set out above the objections raised on amenity grounds are not supported by officers.

9.6 Transportation, Accessibility & Servicing

Highway Impact

Not applicable

Accessibility

The house would be accessed from Hall Road, via the existing driveway ramp. No through access to Hamilton Gardens.

Servicing and Waste & Recycling Storage

It is proposed to integrate internal waste into the kitchen with a minimum of three separated containers for waste and to utilise William Court's sitewide recycling strategy based on provision of recycling bins, located at the eastern driveway. Residents take the recycling to these bins themselves. In principle this is acceptable, however full details

are to be sought by condition to ensure sufficient capacity for this additional dwelling as requested by the Waste Project Manager and in accordance with policy 37 (Waste Management).

Cycling & Cycle Storage

Provision for parking of two cycles is proposed within the site, within the smaller courtyard/ staircase accessed from ground floor, in accordance with Policy 25 (Walking and cycling). This is to be secured by condition.

Parking

The applicant has indicated that the proposal would provide an off-street car parking for the new four-bedroom single family dwellinghouse. The applicant indicating that an unallocated car space within the site can now be allocated to the proposed dwelling, so one dedicated car parking space will be provided for the use of the occupants of the proposed dwelling. During the course of the application, officers have sought information on the location of the car parking space, which the applicant has advised in space no.18, the fourth space away from the proposed house and has stated “this space has become available as the new occupant did not purchase it”. Notwithstanding this, the City Council’s Highways Planning Manager has advised that policy 27 (Parking) of our City Plan supports the provision of residential development without parking provision and that existing car parking is not protected.

Whilst the earlier planning permission for a house in location secured lifetime (25 year) car club membership for the occupy, this was under our now superseded City Plan and UDP. As such there is no policy requirement for off street car parking for this single family dwellinghouse or car club membership for its occupiers and consequently, is not proposed to be secured.

Whilst objections have been raised to impact on parking and congestion, given the single house proposed and lack of concern of our Highways Planning, the objections are not supported by officers.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Construction

The applicant has indicated that a Construction Management Plan (CMP) will be developed and implemented for the project to ensure that the construction site is managed in an environmentally sound manner in terms of resource use (including construction materials), energy and water consumption, and air and water pollution, and enable reduction and effective management of construction site waste.

Given the scale and nature of the development (non -major, no excavation of a basement), the applicant is not required to join up to comply with the City Council's Code of Construction Practice (CoCP).

Hours of noisy construction work are secured by way of our standard noise condition. This restricts any piling, excavation and demolition work to only between 08.00 and 18.00 Monday to Friday; and allows all other noisy work to take place between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays.

Whilst objections to the proposed development have been raised on construction and noise, disturbance and pollution grounds. These are not grounds in which to withhold permission. Hours of noisy building works are controlled by condition and the City Council's multi discipline environmental health teams control noise and pollution from site construction.

Consultation

Concern has been raised to the consultation undertaken, suggesting that proper consultation was not undertaken. Consultation with 338 local residents was undertaken in February and June 2022. Site notices were displayed, together with a press notice. This is in excess of the statutory requirements and is considered to be appropriate consultation given the scale and nature of the proposed development.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

The estimated CIL payment is to be confirmed.

10. Conclusion

For the reasons set out in this report, the proposed house is considered to be acceptable, subject to the conditions set out in the draft decision letter.

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

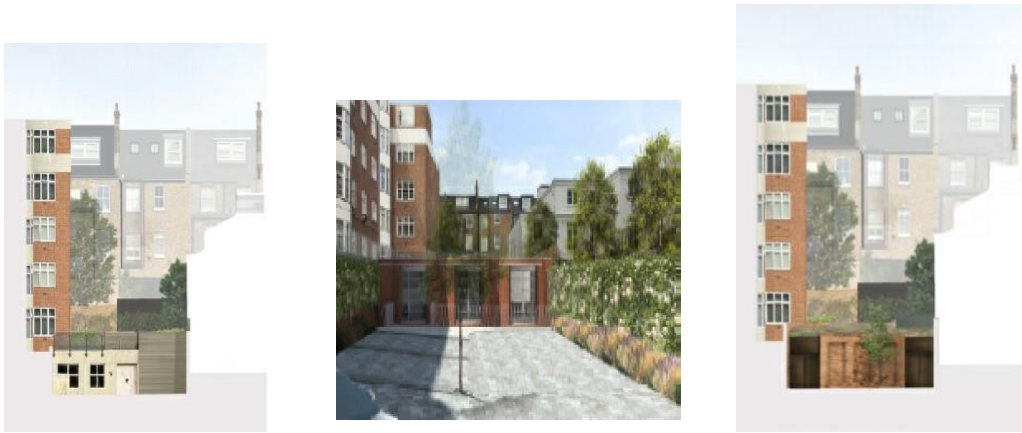
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

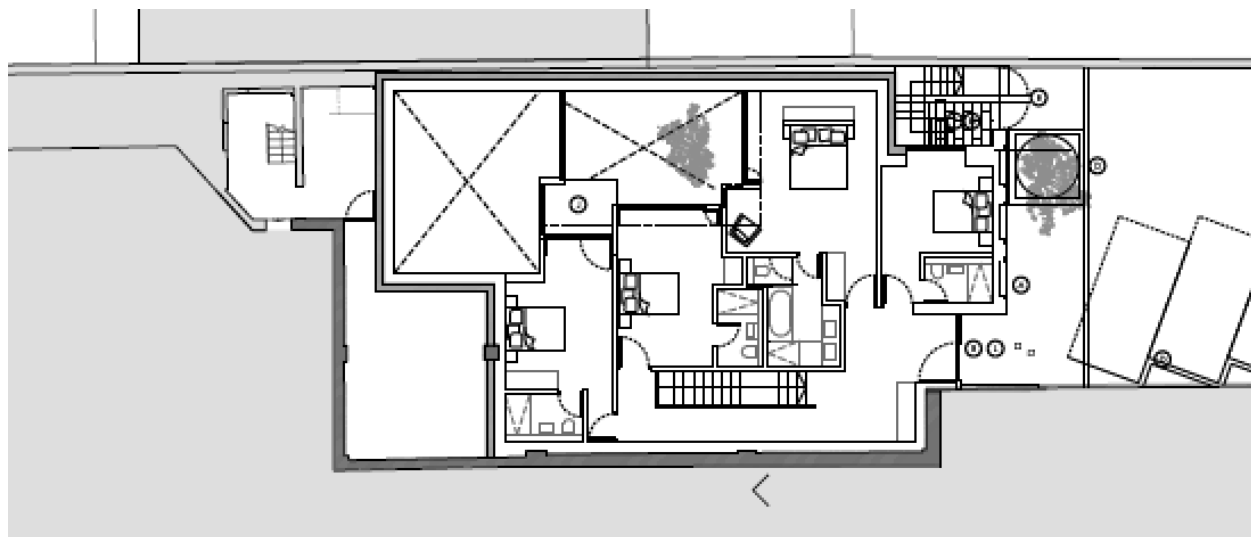
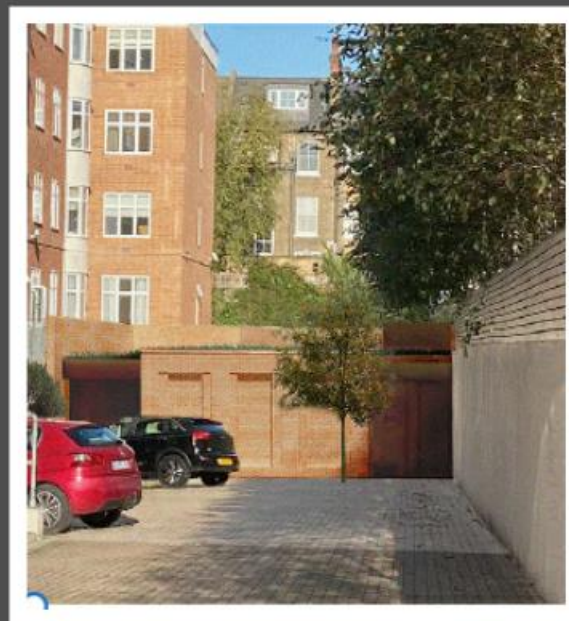
KEY DRAWINGS

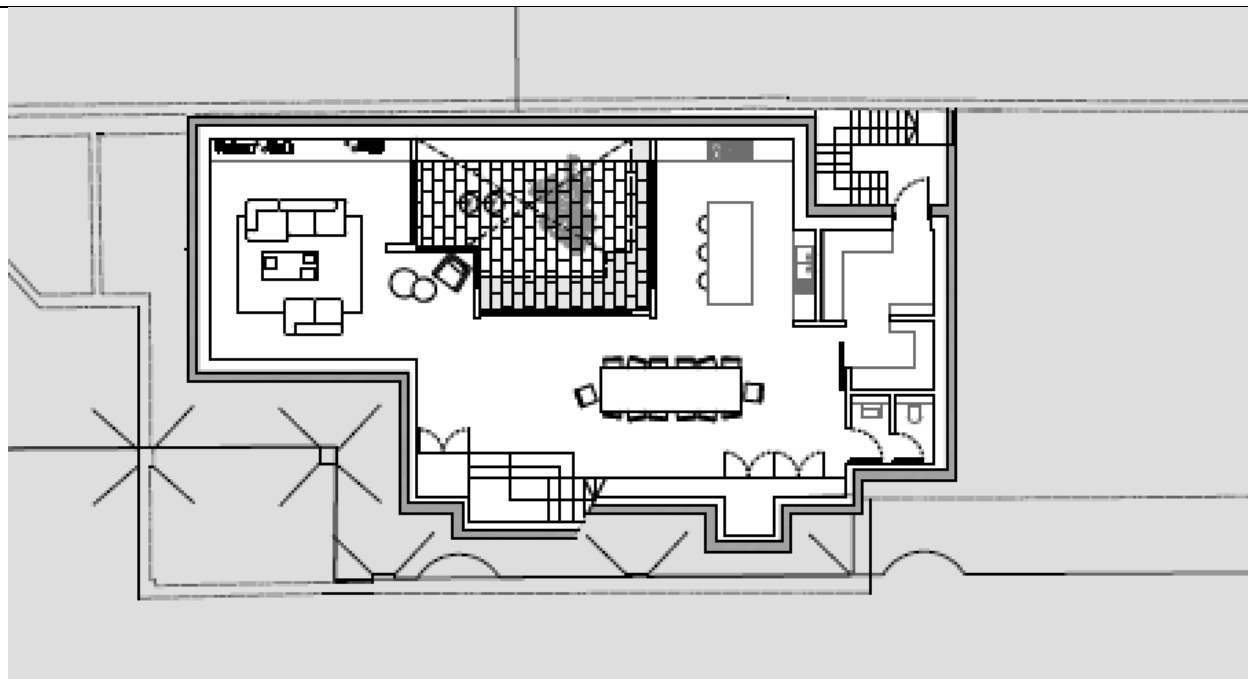
Existing/Approved/Proposed



Existing/Approved/Proposed



PROPOSED



DRAFT DECISION LETTER

Address: William Court, 6 Hall Road, London, NW8 9PA,

Proposal: Erection of a two storey single family dwellinghouse (Class C3) and associated private amenity space.

Reference: 21/08315/FULL

Plan Nos: Site, 347_PL_001 Site Location Plan, 347_PL_002 Site Plan, Existing / Demolition Plans, 347_PL_101 Demolition Ground Floor Plan, 347_PL_102 Demolition Lower Ground Floor Plan, 347_PL_103 Demolition Roof Plan, Existing / Demolition Sections, 347_PL_110 Demolition Section AA, 347_PL_111 Demolition Section BB, Existing / Demolition Elevations, 347_PL_120 Demolition Elevation South East, 347_PL_121 Demolition Elevation South West, 347_PL_122 Demolition Elevation North East, Proposed Plans, 347_PL_201 Proposed Ground Floor Plan, 347_PL_202 Proposed Lower Ground Floor Plan, 347_PL_203_A Proposed Roof Plan, Proposed Sections, 347_PL_210_A Proposed Section AA, 347_PL_211_A Proposed Section BB, Proposed Elevations, 347_PL_220_A Proposed Elevation South East, 347_PL_221_A Proposed Elevation South East, 347_PL_222 Proposed Elevation South West
Design and Access Statement Rev A, eb7 Energy & Sustainability Statement 21.04.2022, eb7 Daylight and Sunlight Report 10.05.2022, PC Environmental Ltd Air Source Heat Pump Environmental Noise Assessment Report 22.06.2022, Air Quality Assessment January 2022, Flood risk Assessment and Suds Strategy February 2022

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
07866036375

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 , onot 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 You must apply to us for approval of samples 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. 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

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

Reason:

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

- 5 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 . (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 6 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 7 You must not enlarge, alter or improve the dwelling house including any addition or alteration to its roof, install any chimneys, flues or soil and vent pipes, microwave antennas, erect or construct a porch and or erect any buildings within its curtilage without our permission and you must not erect or construct any gate, fence, wall or other means of enclosure or paint the building without our permission. This is despite the provisions of Classes A,B,C,D,E,F G,H of Part 1 and Classes A, B of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21ED)

- 8 The biodiverse and blue roof system to the residential property must be provided prior to occupation of the unit.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 9 (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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 10 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include; (a) The location of most affected noise sensitive receptor location and the most

affected window of it;; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 11 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 12 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

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

- 14 You must apply to us for approval of detailed drawings of a soft landscaping and planting scheme which includes the number, size, species and position of shrubs and the two proposed trees and also details of the volumes of soil provided within the scheme. You must include details of the tree pits which must allow the trees adequate soil volume, to be contiguous with adjacent soil volumes beneath the driveway and parking areas. 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 planting season of completing the development (or within any other time limit we agree to in writing) and retain (and maintain) it thereafter.,

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 15 You must apply to us for approval of detailed drawings of a soft landscaping and planting scheme for the biodiverse/blue roof together with a maintenance strategy which includes the number, size, species and position of shrubs and also details of the volumes of soil provided within the scheme and plans for maintenance and . 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 planting season of completing the development (or within any other time limit we agree to in writing) and retain (and maintain) it thereafter., ,

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 16 If you remove any of the new trees or find that they are dying, severely damaged or

diseased, within 5 years of planting them, you must replace them with trees of the same size and species.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 17 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:-,
- 1) Redesign bronze areas of front elevation to have a greater degree of decorative detail and texture.
 - 2) Relocate air source heat pump and enclosure from the main roof to within the courtyard.
- You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 18 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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 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) 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.
- 3 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information, please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 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.

- 7 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. , , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
- 8 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 9 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 10 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

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

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meeting is in progress, and on the Council's website.