

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 8 February 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>4 The Lane, London, NW8 0PN</b>		
<b>Proposal</b>	Excavation of new basement below footprint of existing dwelling extension, partially below the garden to the rear, and driveway to the front together with new lightwells on the front, side and rear elevations.		
<b>Agent</b>	Mr Michael Wiseman		
<b>On behalf of</b>	Mr & Mrs Jacob Lyons		
<b>Registered Number</b>	21/02808/FULL	<b>Date amended/ completed</b>	7 May 2021
<b>Date Application Received</b>	29 April 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application relates to an unlisted two storey single family dwelling house located in the St John's Wood Conservation Area.

Permission is sought for the excavation of a basement level below footprint of the existing building and part of the rear garden and front driveway. This includes the introduction of lightwells to the front, side and rear elevations.

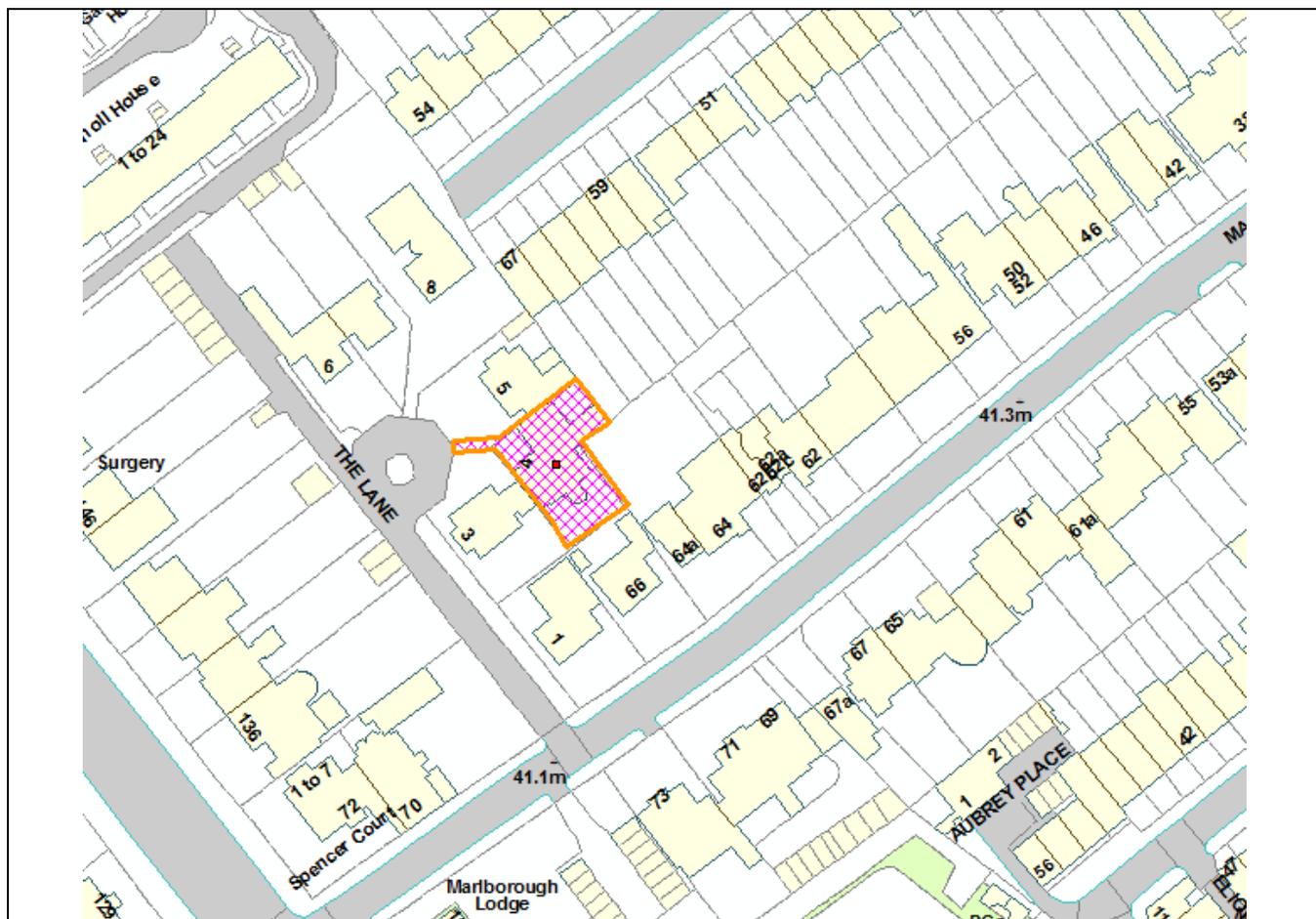
Objections have been received from neighbouring residents on a number of grounds including the design, and the impact of excavation works and amenity on neighbouring properties and residents.

The key issues in the determination of this application are:

- The impact of the proposal on the appearance of the host building and the character and appearance of the St John's Wood Conservation Area; and
- The impact of the proposal on the amenity of neighbouring residents.

Subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposed development is considered to comply with the relevant design, conservation and amenity policies in the City Plan 2019 – 2040 adopted in April 2021. As such, the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation

## 5. CONSULTATIONS

### ST JOHN'S WOOD SOCIETY:

- Query whether the proposal comply with basement policy as the basement appears to extend under more than 50% of the garden.
- It is not clear where plant will be located or vented and whether it will have an impact on the amenity of neighbours.
- We request that the arboricultural manager makes a site visit to ensure that no trees of amenity value are lost or harmed.
- Access to the site will be difficult on this narrow private road and we request that the case officer carefully considers the construction management plan as this will be essential to protect the amenity of neighbours.

### ENVIRONMENTAL HEALTH OFFICER:

No objections subject to conditions.

### WASTE PROJECT OFFICER:

Objection - can be addressed by condition.

### HIGHWAYS OFFICER:

Acceptable subject to conditions.

### ARBORICULTURAL OFFICER:

Following further information, no objection subject to conditions.

### BUILDING CONTROL OFFICER:

No objection.

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

No. Consulted: 14

Total No. of replies: 3 (1 letter on behalf of three households)

In summary, three objections have been received raising some or all of the following grounds:

#### Design:

- Does not comply with SPD in relation to lightwell positioning

#### Other:

- Increase in construction noise, dust and vibration
- Inaccuracies and queries with the submitted Construction Management Plan
- Does not comply with the SPD section 6.3.6 in relation to surface water flood risk hotspots and requests a Sustainable Drainage Strategy be submitted in order to guarantee that the development will mitigate against climate change
- No cumulative assessment with the neighbouring development at 66 Marlborough Place
- Due to other basement proposals in the area requests the council considers imposing a condition for no Saturday working to protect amenity

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application site comprises a two storey single family dwelling of neo-Georgian design located in the St John's Wood Conservation Area. The building forms one of five dwellings located within a private cul-de-sac named The Lane and accessed from Marlborough Place. The properties on The Lane are identified as unlisted buildings of merit in the St John's Wood Conservation Area Audit SPD (adopted 2008).

**6.2 Recent Relevant History**

Planning permission and conservation area consent were refused on 25 September 2012 for demolition of the existing dwellinghouse and erection of a three-storey dwellinghouse above ground, with excavation of basement level beneath house and part of garden, and associated works, ventilation louvres serving internal plant, and landscaping. These applications were refused on the grounds of a failure to preserve or enhance the character and appearance of this part of the St John's Wood Conservation Area. An appeal to the Planning Inspectorate was dismissed on 15 May 2013.

Planning permission was subsequently granted on 7 November 2014 for the complete demolition of the existing dwellinghouse and the erection of new two storey plus mansard dwellinghouse with excavation of basement level beneath house and part of garden and associated works.

Furthermore, planning permission was granted by members on 12 May 2016 for the erection of a two storey rear extension, single storey side extension plus mansard roof extension together with associated works including an air condenser within single storey side extension.

Various alterations have been made to other properties within the cul-de-sac which includes excavations of basements.

**7. THE PROPOSAL**

Permission is sought for the excavation of a basement level below footprint of the existing building and part of the rear garden and driveway. This includes the introduction of lightwells to the front, side and rear elevations.

**8. DETAILED CONSIDERATIONS****8.1 Land Use**

There are no objections in land use terms to the enlargement of the existing dwellinghouse and this would comply with policy 8 of the City Plan 2019-2040.

## 8.2 Townscape and Design

### Introductory Text

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 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 39 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.

In considering the basement extension in terms of design, Part 4 of Policy 45 of the City Plan 2019 - 2040 is of particular relevance. The policy states basement development should conserve the character and appearance of the existing building and garden setting, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

The principle of excavating a basement is not contentious in design terms, subject to the external manifestations being appropriate. Aside from the four lightwells proposed adjacent to the rear, side and front elevations of the main building, the proposed basement has no other external manifestations to indicate its presence.

Objections have been received on the proposed lightwell positioning not being in accordance with the Basement Supplementary Planning Document. The lightwells re located adjacent to the building as required by the guidance and would not be prominently sited and their sizes would be proportionate to the overall size of the extended property. The SPD is a guidance document, and as noted, the size and location of the lightwells is considered acceptable in this instance.

As such, the proposal is considered acceptable in design and conservation area terms, mindful of policies 38, 39, 40 and 45 of the City Plan 2019-2040; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 8.3 Residential Amenity

The relevant policies for consideration of the proposal are 7 'Managing developments for Westminster's people', 33 'Local environmental impacts' of the City Plan 2019 – 2040 and 38 C 'People Centred Design'

Objectors have raised concerns that the construction works will result in noise and disturbance. The standard Westminster construction working hours condition will be recommended in order to ensure construction noise is limited to daytime hours. Construction work will also be mitigated through the council's code of construction practice (see section 8.14 below). While all development is likely to cause some disturbance, subject to these conditions it is considered that the development will be suitably controlled to mitigate and refusal on these grounds could not be sustained.

Given its subterranean location and limited external manifestations, the proposed basement would not have any material impact on the amenity of neighbouring residents. The only external elements are the lightwells, which given their size and location will have very minimal impact in terms of neighbouring amenity. Given the above, and subject to conditions, the proposal would be consistent with policy 7 and 33 of the City Plan 2019-2040.

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

The proposal raises no transportation or parking issues. Construction vehicular activity will be managed through the CoCP.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

Not applicable.

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

##### **Refuse /Recycling**

The Waste Project Officer has noted that the details submitted are not in line with the council waste storage requirements. As this application relates to an existing large single family dwelling, it is not considered that a condition to secure these details is required.

##### **Trees**

Following further information requested in the form of a tree survey schedule which gave more detail on the sizes of the trees and includes a specification for the pruning of the cherry T1 along with the amended basement plan incorporating a margin of undeveloped land, no objections have been raised subject to conditions.

#### **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**

Not applicable in this location.

### **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.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the following:

- The City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development.
- A tree protection condition is also recommended.
- A contaminated land condition

The applicant has agreed to the imposition of these conditions.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

The proposed development is of insufficient scale to require the provision of an Environmental Impact Assessment.

### **8.14 Other Issues**

**Basement**

The excavation of basements must be considered against policy 45 City Plan 2019 – 2040.

Part A of policy 45

Part A 1 and 2 of policy 45 requires basement development to safeguard structural stability and be design and constructed to minimise construction impacts on the surrounding area as well as minimise surface water and sewerage flooding risks. Objections have been received on the grounds of flooding due to the site being located within a surface water hot spot area. Part A 3 and 4 seek that basement development protects heritage assets and conserves the character and appearance of the host building, its setting and the surrounding area.

The City Council's Building Control Officers have reviewed the applicant's Structural Methodology, Flood Risk Assessment and advise that they have no adverse comments with regard to the ground condition and stability of existing structures during the works. The City Council wish to make it clear the applicant's reports are not directly being approved, but instead is used to show that there is no impediment foreseeable at this stage that would prevent the creation of a basement in principle. As the relevant reports have been produced by a professional, they carry a duty of care which should be sufficient to demonstrate that assessment made is accurate.

The objector is concerned with the accuracy and has noted some queries of the submitted Construction Management Plan. This document is not being approved and is for information only. The applicant has also submitted a signed pro-forma indicating that they will comply with the City Council's Code of Construction Practice, as required by policy 45 of the City Plan 2019-2040. A condition is attached to secure this. Whilst these objections are noted, the Building Control Officer has raised no objection to the submitted documents and will be further dealt with by the Environmental Inspectorate as part of the CoCP process.

Objections from neighbours raised concern about the impact of the noise, dust and vibration that would be generated by the construction works. Though impacts generated by construction works are not typically regarded as material planning matters, the applicant has agreed to the City Council's Code of Construction Practice (CoCP). This requires that measures are put in place to mitigate the construction impacts on neighbours.

It was raised in a comment that access to the site will be difficult due to the narrow private road and a request made that the case officer carefully considers the construction management plan in order to protect the amenity of neighbours. Such matters will be considered by Environmental Sciences and Highways team as part of their agreement to Code of Construction Practice.

**Flooding:**

The applicant has provided a flood risk assessment due to the site being located within a surface water flood risk hotspot as required by policy 45 City Plan 2019 – 2040, which state that certain mitigation measures have been incorporated within the design which include the introduction of a cavity drainage membrane system along with a Sustainable

Urban Drainage System (SuDS) Statement which states that permeable soil and drainage layers will be incorporated within the external basement areas. The basement has been set in from the site boundary where it is not located underneath the building and a layer of soil provided over the proposed basement. Both of these features, required by Policy 45, aid in terms of drainage and will help reduce the surface water runoff, by reducing the speed the water flows. For this reason, these mitigation measures will be secured by condition.

As discussed within the Design section part 8.2, the proposal can be considered acceptable in regard to its impact on heritage assets.

The basement level is to contain a guest bedroom, tv room, games room, pool, gym, and storage rooms. A noise report has been provided with the application in relation to proposed plant equipment within the basement. Environmental Sciences have assessed this and raise no objections subject to Westminster's standard noise and vibration conditions. A post commissioning report has also been requested to ensure that any associated noise meets their requirements to protect the amenity of neighbouring residents. A condition is also recommended for details of any vents to be provided so that their location and appearance can be considered. An informative is also recommended to advise the applicant that if any external plant is required, then planning permission will likely be required.

#### Part B of policy 45

The requirements of part B 1 and 2 of policy 45 ensure that basement development do not extend more than 50% of the garden land and leave a margin of undeveloped garden land around the entire site boundary. The local amenity society has queried if the development meets these requirements.

The proposal is to extend the lower ground floor beneath the existing dwelling house and partially under the driveway to the front and to the rear garden with the introduction of lightwells. The garden area is approximately 204m<sup>2</sup> and the proposed basement is measured to be 99m<sup>2</sup>, so 48% and therefore it does not extend under more than 50% of this garden land and is therefore compliant in this regard. During the course of the application, the plans have been amended so that a margin of undeveloped garden land has been retained around the basement under the garden and driveway, in accordance with the policy.

Part B 3 states that basement developments should not comprise of more than one storey beneath the lowest original floor level. In this case, there is no lower ground floor and therefore the proposal to excavate underneath the ground floor and the garden is considered acceptable and in accordance with this part of the policy.

Part B 4 requires a minimum of one metre of soil depth plus 200mm drainage layer to be provided and adequate soil volume over the top cover of the basement, this has been provided where appropriate.

The requirements of part B 5 of policy 45 are not relevant to the application upon these relating to basements beneath garden land and highways.

In summary of the above, the proposed basement is considered to be fully in

accordance with the relevant policy of 45 of the City Plan 2019 – 2040.

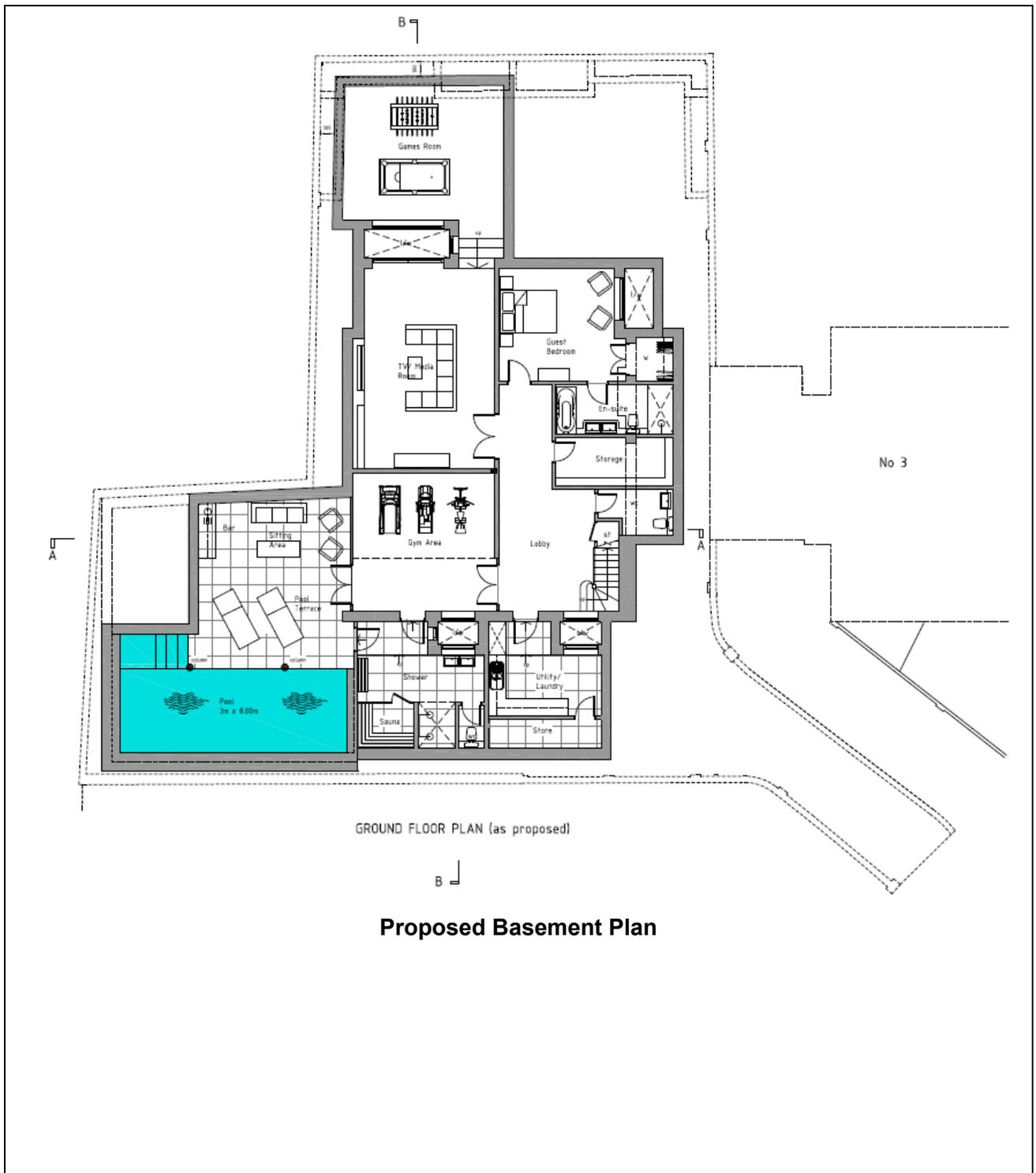
**Contaminated Land:**

The Environmental Science Officer has requested that the councils contaminated land condition is attached to any permission and states that as the proposal includes a basement, as per Public Health England document titled: 'UK National Radon Action Plan' published in 2018 it states: 'Radon measurements should be made in regularly occupied basements of properties irrespective of their geographical location (HPA, 2010)'. On this basis they would expect an assessment for the potential of radon, therefore the Contaminated Land condition is recommended.

(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@westmisnter.gov.uk](mailto:rhandley@westmisnter.gov.uk)**

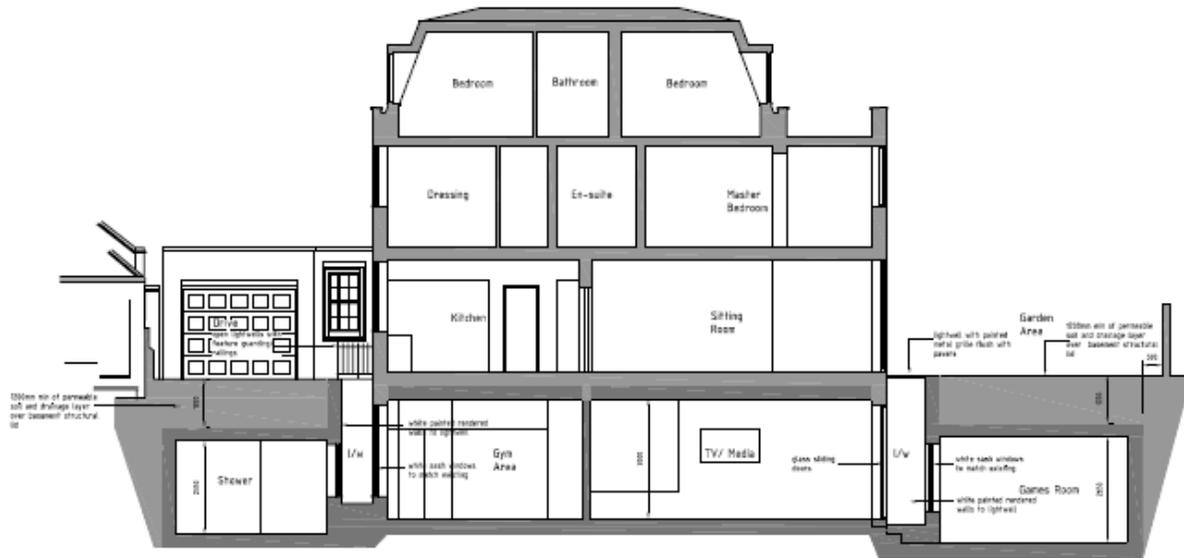
9. KEY DRAWINGS





SECTION (as existing)

**Existing Section BB**



SECTION B - B (as proposed)

**Proposed Section BB**

**DRAFT DECISION LETTER**

**Address:** 4 The Lane, London, NW8 0PN,

**Proposal:** Excavation of new basement storey below footprint of existing dwelling extension partially below the garden to the rear and driveway to the front together with new lightwells on the front, side and rear elevations.

**Plan Nos:** Site Location Plan, Ground Floor Plans as Existing, First Floor Plan as Existing, Second Floor Plan as Existing, Section as Existing, Front and Rear Elevation as Existing, Side Elevation as Existing, Basement Floor Plan as Proposed (21-003-02B), Ground Floor Plans as Proposed, Section AA as Proposed, Section BB as Proposed, Front and Rear Sectional Elevations as Proposed, Side Sectional Elevations as Proposed and Design and Access Statement dated April 2021; Flood Risk Assessment dated April 2021

For info only: Construction Management Plan dated April 2021, Noise Survey Report dated 27 April 2021, SuDS Statement dated April 2021, Report on Trees, Structural Methodology dated 12 April 2021 and Noise, Dust and Vibration Mitigation Policy dated 31 March 2021.

**Case Officer:** Frederica Cooney

**Direct Tel. No.** 07866037206

**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 **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)

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

Reason:

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

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

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

You must include a specification to send a written report to the tree officer within 5 days of each visit by the arboricultural consultant.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

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)

- 6 You must apply to us for details of the specification and profile of the soil which you propose above basements, including details of the drainage layer and other components. You must also include a methodology for installing the soil and drainage layer without causing contamination or compaction. You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policies 34 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

- 7 You must provide 1m soil depth plus 200mm drainage layer over the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policies 34 and 45 of the City Plan 2019 - 2040 (April 2021). (R30DB)

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must include at least one standard tree in the rear garden. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 1 year; of completing the development, (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, 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, (or alternative sizes and species which we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 9 You must implement the mitigation measures outlined in the Flood Risk Assessment by the basement design studio prior to occupation of the basement. The measures must be retained and maintained for the lifetime of the development.

Reason:

To reduce the risk of flooding as set out in Policy 45 of the City Plan 2019 - 2040 (April 2021).

- 10 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 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.

(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 minutes) 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. (C46BC)

Reason:

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 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. (R46BC)

- 12 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)

- 13 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 11 and 12 of this permission.

**Reason:**

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 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. (R46BC)

- 14 You must apply to us for approval of drawings of the following parts of the development - the location and appearance of any external vents. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

**Reason:**

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

**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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: [www.westminster.gov.uk/trees-and-high-hedges](http://www.westminster.gov.uk/trees-and-high-hedges). You may want to discuss this first with our Tree Officers by emailing [privatelyownedtrees@westminster.gov.uk](mailto:privatelyownedtrees@westminster.gov.uk).
- 4 When you apply to us for approval under condition 8 you should maximise the areas of soft landscaping and ensure that hard landscaping is permeable and you should avoid the use of artificial grass.
- 5 You are advised that the installation of mechanical heating/cooling/ventilation equipment outside of the envelope of the building or basement would likely require a separate application for planning permission.
- 6 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

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

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate

contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

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

- 7 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd  
Development Planning  
Maple Lodge STW  
Denham Way  
Rickmansworth  
Hertfordshire  
WD3 9SQ  
Tel: 01923 898072  
Email: Devcon.Team@thameswater.co.uk

- 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.