

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 July 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Regent's Park	
Subject of Report	Lords View One, Lords View, London, NW8 7HJ		
Proposal	Erection of 2 storey extension to provide residential (Class C3) accommodation including terraces and green roofs. Associated works to include refurbishment of the existing exterior and landscaping in connection with the provision of additional parking spaces.		
Agent	Mr Graham Timms		
On behalf of	.		
Registered Number	21/01934/FULL	Date amended/ completed	25 March 2021
Date Application Received	25 March 2021		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a conservation area, but opposite the boundary of the St John's Wood Conservation Area.		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application relates to a block of flats, named Lords View One, facing St John's Wood Road, and comprises a ground floor plus 10 upper storeys and a further plant room storey. The building is not located in a conservation area and is unlisted.

Permission is sought to remove the existing plant room storey and for the erection of a two storey roof extension at eleventh and twelfth floor levels to create 4x3 bedroom flats with terraces, green roof and solar panels. Additionally, the application proposes re-landscaping in connection with the provision of seven additional car parking spaces, recladding of the elevation, replacement windows and changes to the front entrances. The proposals are a similar to those granted in July 2017.

Letters of objection and support have been received to the proposals.

The key issues in the determination of this application are:

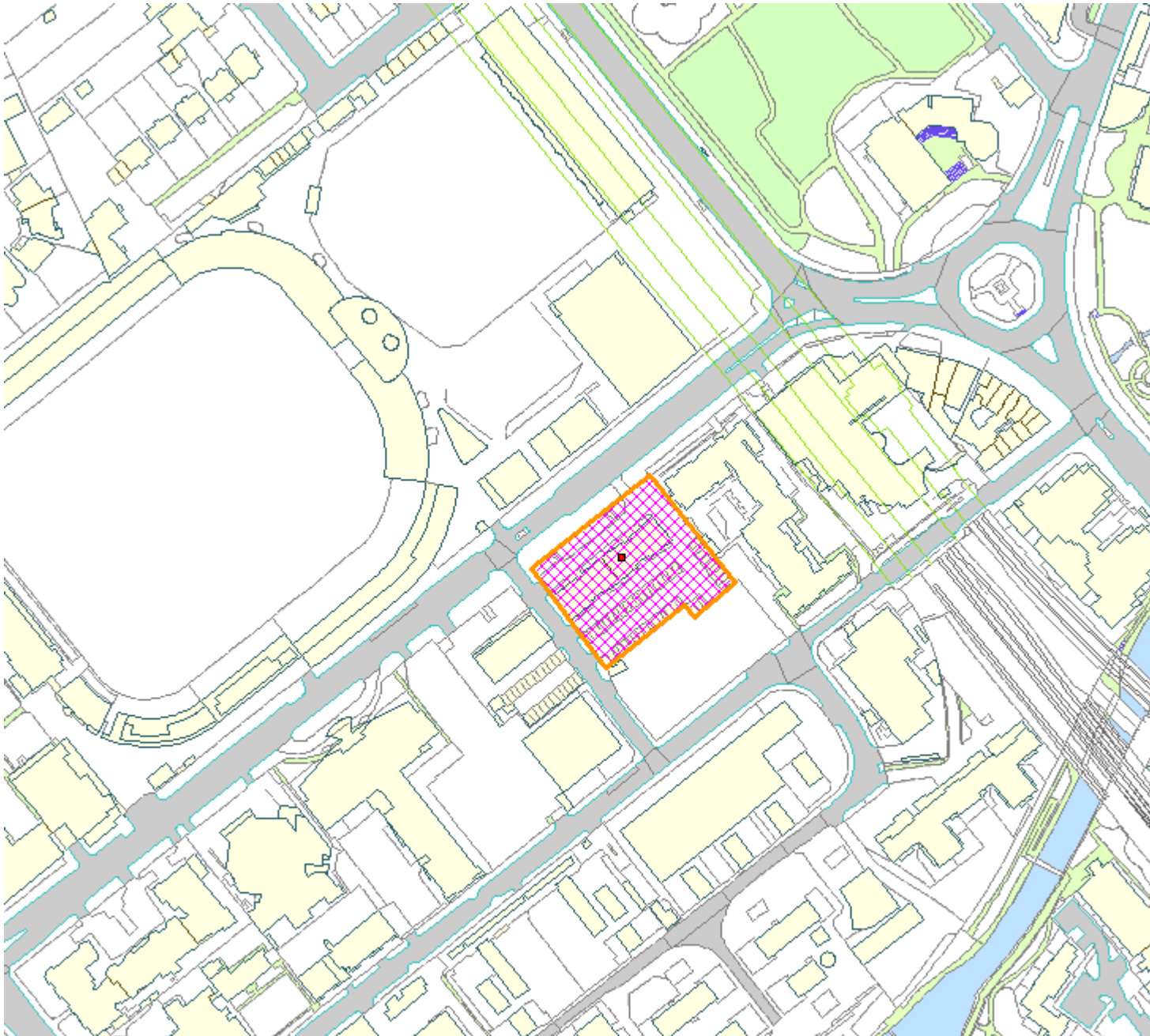
- The impact of the proposed extension and alterations upon the character and appearance of the building and wider townscape;

- The impact of the proposals upon the amenity of neighbouring properties, notably those in Lords View Two

During the course of the determination of this application, the City Council's has adopted its new City Plan 2019-2040 on 21 April 2021, which has now replaced the UDP and 2016 City Plan policies. Therefore this application has been assessed in the light of these new development plan policies.

The application is considered to accord with policies in the City Plan 2019-2040 adopted April 2021 with respect to land use, design, amenity, highways and trees and the application is therefore recommended for approval subject to the conditions as set out within the draft decision letter appended to the report.

### 3. LOCATION PLAN



#### 4. PHOTOGRAPHS

Application Site from St John's Wood Road



Application site, in the context of the surrounding area (NB, Dora House to the east under construction)



## 5. CONSULTATIONS

### WARD COUNCILLORS:

Any response to be reported verbally.

### ST JOHN'S WOOD SOCIETY

Objection raised on the grounds that the current proposals are incongruous, dominate the existing building and not an elegant approach. The vertical expression of the extension jars with the horizontality of the existing building.

### TRANSPORT FOR LONDON:

Objection raised to increase in car parking spaces. No objections raised to the remaining proposals.

### ENVIRONMENTAL HEALTH:

No objection.

### HIGHWAYS PLANNING MANAGER:

Although the provision of additional parking is contrary to City Plan policy, given the extant 2017 permission there are no objections to this. The increase in cycle parking is welcomed and compliant with policy.

### ARBORICULTURAL OFFICER:

Objection raised to the new path and parking spaces closer to the existing sycamore tree to the front elevation, and to soil levels of roof gardens. If minded to grant permission, conditions are recommended.

### DESIGNING OUT CRIME:

Any response to be reported verbally.

### WASTE PROJECT OFFICER:

Further details of waste storage required.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 195

Total No. of replies: 56

No. of objections: 4

No. in support: 52

Four objections have been received on the following grounds:

#### Design:

- The proposed extension is not in keeping with the existing building
- Design of roof extension is at odds with the existing building
- Lords View one will look top heavy
- Lords view two is a finer example of a building with a roof extension



Other:

- Noise and disruption during the course of development

Fifty-two letters of support to the proposals have been received on the grounds that the roof extension relates well to the existing building and that the elevation changes, car parking arrangements and landscaping are a dramatic improvement to this tired building.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

Lords View One is an eleven storey (plus plant room) residential building comprising 83 self-contained flats, located on the south side of St John's Wood Road. It was built in the 1960s and is neither listed nor in a conservation area. Pedestrian and vehicular access is via St John's Wood Road and there are numerous lock-up garages to the south of the site. The immediate neighbouring residential tower, Lords View Two, was built to a similar design and height at the same time as Lords View One although it occupies a narrower footprint and in the past has had a roof extension added. The properties are separated by Oak Tree Road.

### **6.2 Recent Relevant History**

Planning permission was granted in July 2017 (17/04239/FULL) for the erection of 2 storey roof extension to accommodate 4 additional apartments including terraces and green roofs. Associated works also approved were the refurbishment of the existing exterior and internal common parts, replacement lifts and landscaping in connection with the provision of additional parking spaces. A lawful development certificate to confirm that the works to remove the existing switch room and four telecommunications masts at roof level had lawfully implemented this permission was issued in April 2020.

In addition, a non-material amendment to permission 17/04239/FULL was approved under application 20/02256/NMA, in April 2020 to increase the height of the roof extension by 0.45m.

Application 20/01898/ADFULL (15 May 2020) approved a detailed Arboricultural Method Statement pursuant to condition 14 of planning permission 17/04239/FULL.

Planning permission was granted in February 2012 for the removal of the existing rooftop plant room and erection of two storey roof extension at eleventh and twelfth floor levels to create 4x3 bedroom flats with terraces, living green roof and solar panels. Re-landscaping in connection with the provision of seven additional car parking spaces.

The 2012 permission was a refinement on a permission granted in February 2009 for the removal of the existing rooftop plant room and the construction of four self-contained two storey residential units with roof terraces at tenth floor roof level and the provision of an additional seven car parking spaces at ground level.

On 15 August 1986 permission was granted (and subsequently built) for the erection of two flats at roof level and two flats at ground floor level at Lords View Two.

As a point to note, works are well underway in implementing the permission for the redevelopment of Dora House directly to the east on St John's Wood Road, which essentially comprises two new buildings, one containing affordable sheltered housing accommodation & the other private flats. To the south of the site The Compton, 30 Lodge Road has been constructed (this had been approved when the earlier 2017 application was submitted and assessed).

## **7. THE PROPOSAL**

Planning permission is sought for the erection of 2 storey structure to accommodate 4 additional apartments (Class C3) including terraces at 12<sup>th</sup> floor and terraces at roof level.

Refurbishment works are also proposed to all elevations including replacement windows, new glass balustrades to balconies, new spandrel panels beneath windows and slab edges to delineate floor levels. External landscaping is also proposed in connection with the provision of additional parking spaces and cycle storage.

The roof extension proposed is 0.72 higher than the 2017 approval (varied by the 2020 consent) and varies the design and of the appearance of the previously approved extension.

Minor revisions have been received during the course of the application notably showing a reduction in height to the roof top plant room from 1.85m to 1.6m; design tweaks; a reduction in front boundary treatment from 1.4m to 1m and an increase in cycle parking.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

In land use policy terms, the provision of additional residential floorspace is in accordance with Policy 8 (Housing Provision) of the City Plan and is therefore welcomed.

The extension would create 4 residential duplex units comprising 2 x 200m<sup>2</sup>, 184m<sup>2</sup> and 187m<sup>2</sup> and all have three bedrooms. The total floorspace for the extension is 757m<sup>2</sup>. The units are in accordance with policy 8 and Policy 10 (Housing for Specific Groups) of the City Plan. In addition, in the context of the existing building which provides primarily 2 bedroom flats, the proposals are considered acceptable and considered to result in an appropriate mix of units.

Policy 12 of the adopted City Plan seek to ensure a new homes will and residential extension will provide a well -designed, energy efficient and high quality living environment; that 90% of all new build housing is accessible and adaptable and that all new homes will meet or exceed the National Described Space Standard.

The units exceed the minimum requirements outlined in the Nationally Described Space Standards for a 3 bed residential unit which is 102m<sup>2</sup> and are dual aspect and therefore well lit and ventilated. The units are served by a lift and therefore accessible.

Policy 12 D also requires that all new homes will provide at least 5m<sup>2</sup> of external amenity space. The proposals exceed this with terraces to each unit at 12<sup>th</sup> floor level and at roof level.

The proposals are acceptable in land use terms and comply with City Council policies.

## 8.2 Townscape and Design

### Policy

The key legislative requirements in respect to designated heritage assets are as follows: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

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 states that features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings.

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 any the harm caused.

The relevant policies for the consideration of this application are 34, 36 38, 39 and 40 of the City Plan 2019-2040.

### Proposal

A two storey extension is proposed at 7.2m tall, set behind existing 1m high parapet walls. The extension, at 11<sup>th</sup> floor is set marginally in from the building edges to the south, east and west elevations and further back from the north/ front elevation by between 1.2m and 1.9m, given the existing building profile. At 12<sup>th</sup> floor level there are further set backs to the front elevation to allow for the creation of terraces.

The proposed design is similar in form to the approved extension, featuring a pavilion like structure and primarily glazed. Robust masonry pillars form the framework to contain floor to ceiling glazing with masonry elements interspersed. Terraces at roof level are proposed set amongst significant planting.

As part of the proposals, it is proposed to upgrade and refurbish the existing building



with replacement metallic finished aluminium windows; a cladding scheme to improve the appearance of the building to the service cores at both front and rear, again finished with a metallic aluminium and solid stone spandrels to windows on all floors on all elevations below which will marry with the stone elements of the proposed extension. New clear glass balustrades to all balconies and brick staining of the existing brickwork is proposed. Changes also include improvements to the rear service areas which backs onto the garage/ parking areas and alterations to the front entrances which will create a more pleasant and pronounced street presence, incorporating enhanced accessed for those less able. At the front boundary new 'hit and miss' metal panels are proposed, to be interspersed with greening. These will measure no more than 1m, as revised during the course of the application.

### **Assessment**

The main issue is the effect of the proposed two storey extension in short and longer distance views of the building, having regards to the sites location adjacent to the St John's Wood Conservation Area and opposite Lords Cricket Ground which includes a number of listed buildings and townscape features of interest. Policy 38 of the City Plan seeks to ensure that development incorporates exemplary standard of sustainable and include urban design and architecture, which responds to Westminster's context. Policy 39 seeks to ensure that development will preserve and enhance the character and appearance of conservation areas and their settings. Policy 40 states that roof extension, in locations such as this, will be of appropriate design sympathetic to the architectural character of the existing building.

Lords View One and Two were originally built to the same height. However, Lords View Two was extended to provide two penthouse flats following a 1986 permission, meaning it is now taller than Lords View One. Should the proposed development be implemented, (or the 2017 extent permission be fully built out), Lords View One would be the marginally taller building. Given the scale of the townscape in this area, with the redeveloped Dora House being marginally taller on the St John's Wood Road frontage than that proposed (as shown in the applicants drawings) and the new 10 storey building, The Compton at 30 Lodge Road to the south; an increase in overall height of the building would be broadly consistent with the scale of buildings on St John's Wood Road. As a reminder the approved roof extension measures 6.57m and it is now proposed that the extension 7.2m, set behind the parapet edges of 1m. This increase in height is therefore acceptable.

The proposed design of the extension is similar in form to the approved extension, featuring a pavilion like structure set in from the sides of the building and primarily glazed. While the previously approved design was considered to be an elegant lightweight solution, this does not preclude a different design, such as the one now proposed. Comparatively, both schemes have a vertical emphasis, as both designs have two projecting bays aligning with the window arrangements on the lower storeys. However, given their proportions, they also both have strong horizontal components to their form, extending as they do, nearly the full width of the building.

The current design remains lightweight with robust masonry pillars forming a framework contain floor to ceiling and with masonry elements interspersed, reflecting the solid elements of the building below. The new design seeks to integrate the design more

closely to the existing building by for example, replicating the masonry detailing of the extension into the solid spandrels on the floors below. The use of this detail will be conditioned to ensure the work is completed in full, so as to create a top floor design cohesive to the rest of the building.

The addition of a new terrace on the roof top raises some concern given the incremental height increases to date, but such works do create opportunities for external amenity and greening to biodiversity as discussed below. The terrace appears to be providing a genuinely bio diverse planting to respond to the City Council's City Plan's biodiversity policies. The terrace balustrade should be minimum required at 1.1 m with no further conservatories, lift enclosures, pergolas, covered access enclosures etc, as these detract from the main elevation and create roof clutter and this is to be conditioned.

The works to the lower floors of replacing windows and sliding patio doors to terraces, balustrades and handrails and staining of the existing brickwork, will have the impact of improving the lower elevations and tying the façade and the roof level extensions together visually.

The St John's Wood Society has objected stating a preference for the approved scheme, by saying 'the proposals are not an elegant addition to the building. The design is incongruous, dominating the smaller scale of the existing host building, which appears unbalanced. The vertical expression of the two storey addition jars with the horizontality of the existing building, creating an emphasis at roof level which does not relate well to the existing building beneath'. While agreed that the extant scheme was an appropriate architectural response, the current proposal is quite similar in overall form and character to that scheme. It is considered that the current design cannot dominate the building any more than the approved scheme. While detailing and materials are slightly different and a roof level terrace is now included, the proposed design also reflects the contemporary styling of what is a mid 20th century building in a positive and creative manner.

In townscape terms, the extension would make a building of modest architectural qualities more prominent in the streetscape. The increased visibility of the building would not be harmful to the heritage assets of the St John's Wood Conservation Area or nearby listed buildings per se. The extension will not be harmful to either the building or indeed the setting of the St John's Wood Conservation Area, including the Lords complex and the listed pavilion, Grace Gates and Pavillion.

In conjunction with the roof extension, integral to the works are the upgrading of the existing building's envelope. The new windows, balustrades, solid infill panels, brick staining and general repairs, would visually improve its appearance, therefore enhancing it's relationship to adjacent heritage assets, including the conservation area. This is a welcome and positive development in line with City Plan and NPPF guidance.

In terms of sustainability there are many benefits to the building's carbon footprint, through the greater efficiency of the new glazing and façade materials. The plant at roof level is an efficient energy source, compliant with the aims of policy 36 and as such the additional height as a result of the plant room is considered to be acceptable in townscape terms.

In terms of the ground floor carparking and landscaping works, importantly, the building's

setting would be upgraded with a SUDS compliant forecourt, complemented by new landscaping and forecourt works, including public art. The new landscaping introduces a more defined boundary and the greening of this somewhat austere urban environment of this part of St John's Wood Road, where high walls and tall building create a somewhat hard experience of the public realm. A high quality landscaping scheme will offer a considerable improvement to the street level pedestrian experience in this highly trafficked area.

### **Conclusion**

Accordingly and given the above, the proposal is considered acceptable in design and heritage terms and would accord with policies 38, 39 and 40 of the City Plan 2019-2040. The proposal is considered to preserve the character and appearance of the St John's Wood Conservation Area. As such, a recommendation for granting conditional permission would comply with the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **8.3 Residential Amenity**

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

### **Sunlight and Daylight**

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, CalfordSeaden has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site.

The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. Where room layouts are not known the daylight distribution test has not been undertaken by plotting the No Sky Line (NSL). VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months,

then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested comprise:

- Lords View Two (to the south west of the site)
- The Compton, 30 Lodge Road (to the south east of the site)
- The Landseer Site, Lodge Road, to be known as Oak Tree House (to the south west of the site – permission granted for a redevelopment in 2020, works not begun and modelled from approved plans)
- Dora House (to the north east of the site, currently under construction and modelled from approved plans)

Under the 2017 proposals it was demonstrated in terms of daylight, of all the windows assessed, 7 windows (four in The Landseer on the first, second and third floor serving living/kitchen rooms and 3 in 30 Lodge Road on second, third and fourth floor serving bedrooms) would have fallen short of BRE targets for daylight. It was concluded that the windows that were most affected were those with very low vertical sky component (VSC) in their existing condition due to balcony design and thus a small reduction in VSC has a disproportionate impact and notwithstanding this, the majority of windows would have met the BRE guidance. In terms of daylight distribution, all windows assessed met the BRE guidance.

All the windows assessed via VSC in Lords View Two, Dora House and The Landseer pass the BRE tests. 9 windows within 30 Lodge Road will experience reductions in VSC over the BRE recommendation but only marginally. Again, as concluded in the 2017 assessment these losses are too windows below overhanging balconies (on the side elevations of the property the balconies serve bedrooms, to the central part of the building, the balconies are access from living rooms). The applicant's consultant have confirmed that the analysis was run without the balconies and the windows would have met the BRE recommendations.

In terms of daylight distribution, all windows in the 4 buildings assessed meets the BRE guidance, bar one window in Oak Tree House which only marginally falls below the guidance of 80%.

The majority of windows in The Landseer, 30 Lodge Road and Lords View Two face within 90 degrees of due north and therefore do not require to be analysed for sunlight. Where the windows face within 90 degrees of due south, they meet the BRE recommendations for sunlight. There are no losses to the Dora House properties in terms of sunlight.

The proposals are therefore not considered to be so harmful to warrant refusal and considered to be acceptable in daylight and sunlight terms.

### **Sunlight and Daylight to Proposed Units**

All of the rooms in the proposed development will meet BRE guidance for average illuminance internally or ADF.

The windows to the south elevation of the proposed units will achieve good levels of sunlight.

**Privacy**

The primary windows in the proposed extension are in the north/ front and south/ rear elevations, overlooking Lords Cricket Ground and to an open aspect directly south of the site. There are windows in the side elevations, facing Lords View Two and Dora House redevelopment however these have been sensitively designed to relate to the internal layout of the flats proposed and rooms layouts designed to encourage future occupiers to use and look north and south. As with most residential units, it is envisaged that soft furnishings such as blinds and curtains will be installed to protect their privacy. There is one window on each floor in the eastern elevation of Lords View Two which is a secondary window to a living/dining area, where the main large windows face north and serve a small balcony. At roof level of Lords View Two there is a terrace serving the penthouse flat, again facing north and primarily overlooking Lords Cricket Ground, although there are views possible to the east toward the roof of the application site.

Given the location of the windows proposed in the side elevations of the roof extension and coupled with the fact that the nearest windows in Lords View Two are over 12m away it is not considered that any detrimental overlooking would occur. It is also not considered that the proposals would result in any harmful overlooking to those future occupiers of the Dora House redevelopment. Lords View One is a substantial distance from The Compton at 30 Lodge Road to the south east and there are therefore no overlooking concerns to this property either.

To the northern elevation of each of the units, terraces are proposed to the top floor of the extension (Floor 12). Roof terraces are also proposed above this set in from all sides with high level planters. These terraces are not considered give rise to any overlooking to the small north elevation balconies of Lords View Two as these balconies are enclosed by the side walls of the building itself and any views into the secondary living room windows described above would be so oblique so as not to be harmful. In addition the terraces are not considered to give rise to overlooking to future occupiers of Dora House or the occupiers of The Compton.

**Sense of Enclosure**

The extension occupies the majority of the footprint of the existing building and measures 7.2m in height, however this is sited behind the existing parapet wall of approximately 1m and would therefore project approximately 6m above the parapet. Whilst residents in flats on the upper levels of the eastern side of Lords View Two and those to the south in The Compton would see the proposed extension from their properties, given the distance of the proposed extension over 12m and 25m respectively away from these buildings and its relatively lightweight construction and appearance of glass and white and stone it is not considered that the extension would result in a harmful sense of enclosure.

The proposals are considered to accord with City Council amenity policies in the City Plan and UDP.

**Noise from Terraces**

Balconies are common place on Lords View One and Two and to The Compton south of

the site. The proposed balconies and terraces to serve the four new units are not considered to result in unacceptable noise levels harmful to the amenity of existing residents in Lords View One or adjacent properties.

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

##### **Car Parking**

There are currently 47 garages and 36 parking spaces in the grounds of Lords View One. A further six parking spaces would be provided at the front of the building, taking the total to 89 spaces, by remodelling the front forecourt. Included in the reconfiguration of the spaces will be 6 disabled spaces. TfL have objected to the proposals on the grounds that additional car parking is proposed and an increase in parking would not comply with the London Plan or policy 27 of the City Plan. However, in light of the extant permission which allowed for a further seven spaces, it is not considered reasonable to refuse the application on these grounds and a departure from policy is accepted in this instance.

##### **Cycle Parking**

8 secure cycle parking spaces were originally proposed, to be provided in a store to the rear of the site adjacent the existing garages. Whilst this complies with London Plan policy and policy 25 of the City Plan, at officers request a further 10 cycle spaces are proposed in an additional store to the rear of the site, resulting in a total of 18 spaces. This is very much welcomed. The store does not conflict with access to any existing garages.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

There are currently two ramped entrances from street level to the raised ground floor entrance. These are to remain and are to be enhanced as a result of the proposed external improvements and landscaping works.

Internally, it is proposed to replace the old lifts serving the whole block and these will also serve the additional rooftop residential units

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

##### **Plant**

The plant equipment at roof level is large, bulky and some 40 years old. As part of the proposals it is proposed to site as much equipment internally within the building at ground/ lower ground floor to the rear of the site (opposite the garages). Plant is also proposed at roof level within an enclosure and this in association with the new residential units and accommodates the lift overruns also. This has been assessed by the City Council's Environmental Health officers who have no objections to the proposals on noise grounds. The proposals are likely to comply with policy 33 of the City Plan.

**Refuse /Recycling**

An objection by the Council's Waste Officer has been received on the grounds that proposed refuse facilities are not in accordance with Council guidelines.

Lords View One's refuse is managed by a bin chute system in each core which collects refuse in two enclosed bin stores to the rear of the building at Ground Floor level and management services and rotate bins as required. Recycling is managed by a series of bins located on the pavement between the Site and St. John's Wood Road.

Westminster collects the refuse from the Site twice weekly on a Monday and a Thursday, where the service vehicles are able to drive in and out of the Site in a forward gear. Recycling is collected once weekly on Thursdays from the road.

The applicant states that as a result of the proposed 4 x 3 bedroom dwellings, there will be a 9% increase in refuse and recycling requirements (refuse - 12 bedrooms x 40 litres = 480 litres and recycling 12 bedrooms x 60 litres = 720 litres. The Site's Management consider the 9% increase in recycling and refuse provision to be manageable within the existing system and therefore no adjustment is required to accommodate the proposals.

**Trees/Landscaping**

Remodelling of the front forecourt to provide extra parking spaces is proposed, the principle of which has been agreed under the earlier permission. This application differs in that instead of cars parking vertically north/ south adjacent the front boundary wall, the spaces are now angled to allow for a new boundary treatment and more landscaping. This will be similar to the existing landscaping areas, but more than that that was previously approved which allowed the loss of part of the grassed area separating the forecourt from the pavement of St John's Wood Road.

The arboricultural officer notes that with this new parking arrangement the parking spaces and path to be much closer to the mature sycamore growing in the landscaped area of the frontage. This will have implications for levels as all of the parking spaces within the tree root protection area will need to be constructed using a no dig method, thereby increasing the levels substantially. They do not consider that the details submitted, which consists of the arboricultural method assessment and tree protection details (as approved under application 20/01898/ADFULL) are sufficient, and that the proposed cellular confinement system for the sycamore tree is lacking detail. Whilst the arboricultural officer finds it difficult to support the current proposals they have suggested conditions if permission were recommended.

In addition, conditions are suggested to secure appropriate landscaping scheme for the ground floor..

**Biodiversity**

A sedum roof was approved at roof level under the 2017 permission. Now that the roof areas are proposed to be used as formal terraces, the roof areas are to be designated with planters. The area of sedum roof compared to the area of planters has been reduced and the applicant was asked to reconsider this and asked why sedum strips couldn't be re-proposed within the terrace design. The applicant's landscape consultant advised "The change in design of the roof garden, from a more extensive sedum roof to a more intensive planted approach is one that, whilst it sees the overall surface square



metreage of planted areas reduced, still provides high levels of added biodiversity value. What is lost in sheer spread is gained in diversity of plants, longevity of flowering and a range of heights - all of which ultimately benefit invertebrates and the birds and bats that feed on them. The habitat provided is infinitely richer than that provided by a sedum roof. It is widely accepted that the greater the range of plants available, the greater the biodiversity value to local fauna. Where a single species - such as Sedum - is dominant, a smaller range of fauna is accommodated. Where a diverse range of plants are provided this in turn means pollen will be available over a much longer season and a broad spectrum of mycorrhizae will be present in the soil. The differing heights and interconnected nature of the plantings will also help create areas of shade and different temperature - again beneficial to both flora and fauna".

A landscaping scheme is therefore to be secured to ensure the species and types of plants chosen achieve the biodiversity gain that is being strived towards.

### **Sustainable Urban Drainage System (SUDS)**

As noted in the design section of this report, a SUDS scheme is proposed for all of the car parking area and this is welcomed and in accordance with Policy 38 of the City Plan. This is to be secured via condition, as agreed by the applicant.

### **Sustainability/ Energy**

The proposals fall below the threshold for which an Energy Statement is required in accordance with London plan Policy SI2 (Minimising greenhouse gas emissions) and City Plan policy 36. This application is however accompanied by an Energy Statement by DSA Engineering.

The Energy Statement describes the recommended solution to service the proposed in the most energy efficient and sustainable manner, following the Be Lean, Be Clean, Be Green, Be Seen hierarchy as stipulated by the Greater London Authority (GLA) and the London Plan, in particular policy SI 2.

The existing building consists of 87 residential units which will remain largely untouched and therefore sit outside the scope of this energy statement, however as part of the larger improvements to the site, the existing residential units will have their fabric upgraded with new double glazing throughout to significantly improve the energy efficiency of these units.

In accordance with the recommendations of this Energy Statement, it is proposed to install a highly efficient air source heat pump system providing the space heating and cooling for the new units in this development. Through the installation of this together with energy efficiency techniques, the proposed development will reduce annual carbon emissions by 4.88 tonnes of CO<sub>2</sub>. This accounts for a reduction of approximately 49% of the proposed development's expected regulated energy carbon emissions against Part L 2013 of the Building Regulations. This exceeds the London Plan target of a minimum 35% reduction in CO<sub>2</sub> emissions as set out in policy SI2.

## **8.8 Westminster City Plan**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises

the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **8.9 Neighbourhood Plans**

There is no neighbourhood plan for the St John's Wood area.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 National Policy/Guidance Considerations**

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

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 tree protection conditions. The applicant has agreed to the imposition of the condition.

## **8.12 Planning Obligations**

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

The estimated CIL payment is £577,091.67 (Mayoral CIL of £60,880.00 and Westminster CIL of £516,211.67)

## **8.13 Environmental Impact Assessment (EIA)**

An EIA is not required for a development of this size.

## **8.14 Other Issues**

### **Noise and Disruption During the Course of Works**

An objection has been received on the grounds of noise and disruption during the course of works if permission was to be granted; given that the site is/ has been surrounded by development works at Dora House, The Compton and Lords Cricket Ground. A noise report addressing the internal noise levels expected to the application site (both existing and proposed units) has been submitted and this is the same as that submitted in 2017.

The objector picks up on this point, in that this isn't a fair representation of the current time. The Environmental Health officer hasn't raised issue with this and it could be argued that the 2017 is a more fair representation of existing background noise levels and this was prior to the works to implement Dora House and The Compton started.

Whilst the objection of noise and disruption during works is noted, it is not itself a reason to withhold permission. A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructors scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

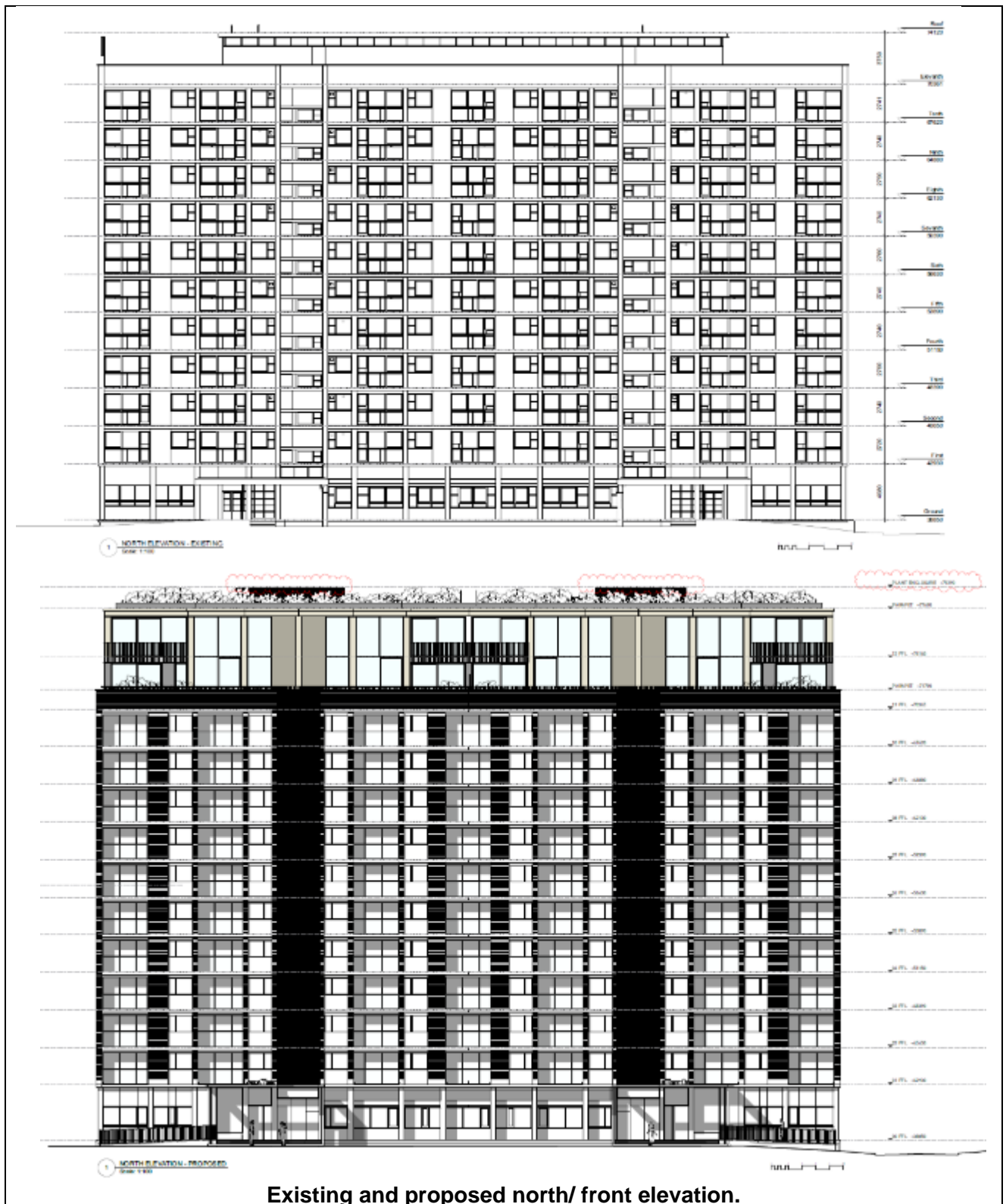
### **Crime and Security**

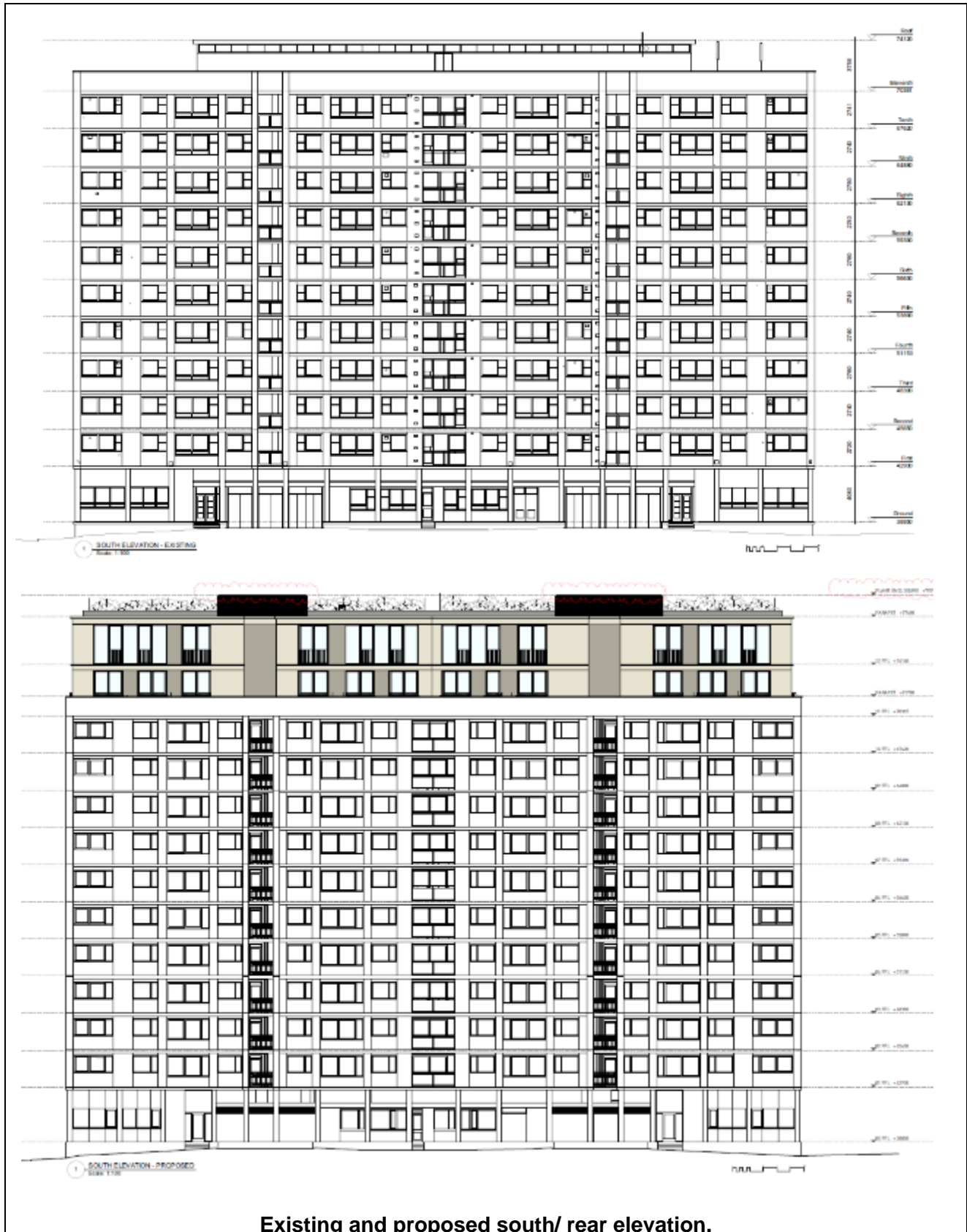
At the time of writing, the Designing Out Crime Officer had not responded to the application. In response to the 2017 application, the Designing Out Crime Officer raised no objections to the proposals subject to an informative advising on security doors to be installed throughout the development. This could be secured through Building Regulations.

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

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

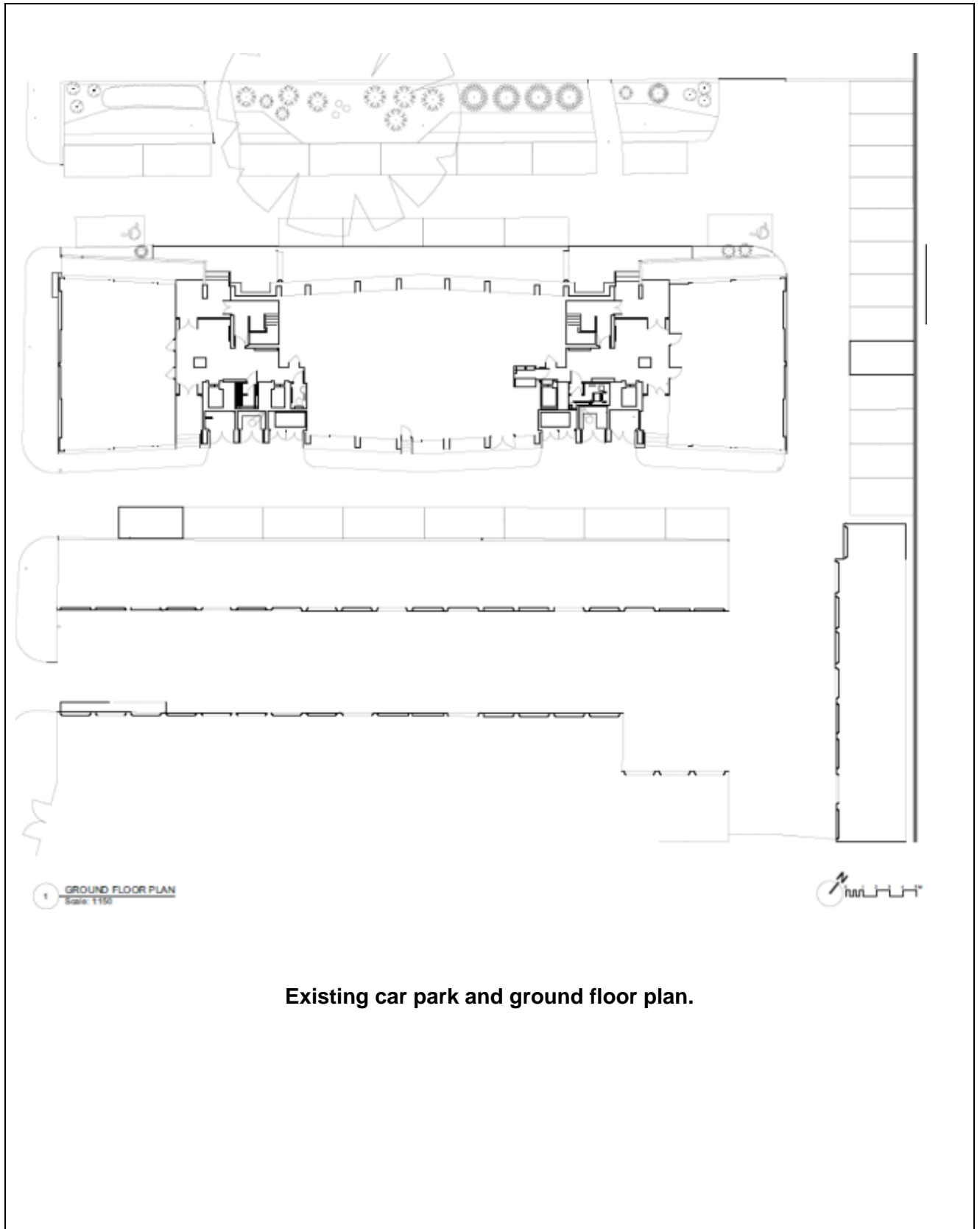
## 9. KEY DRAWINGS



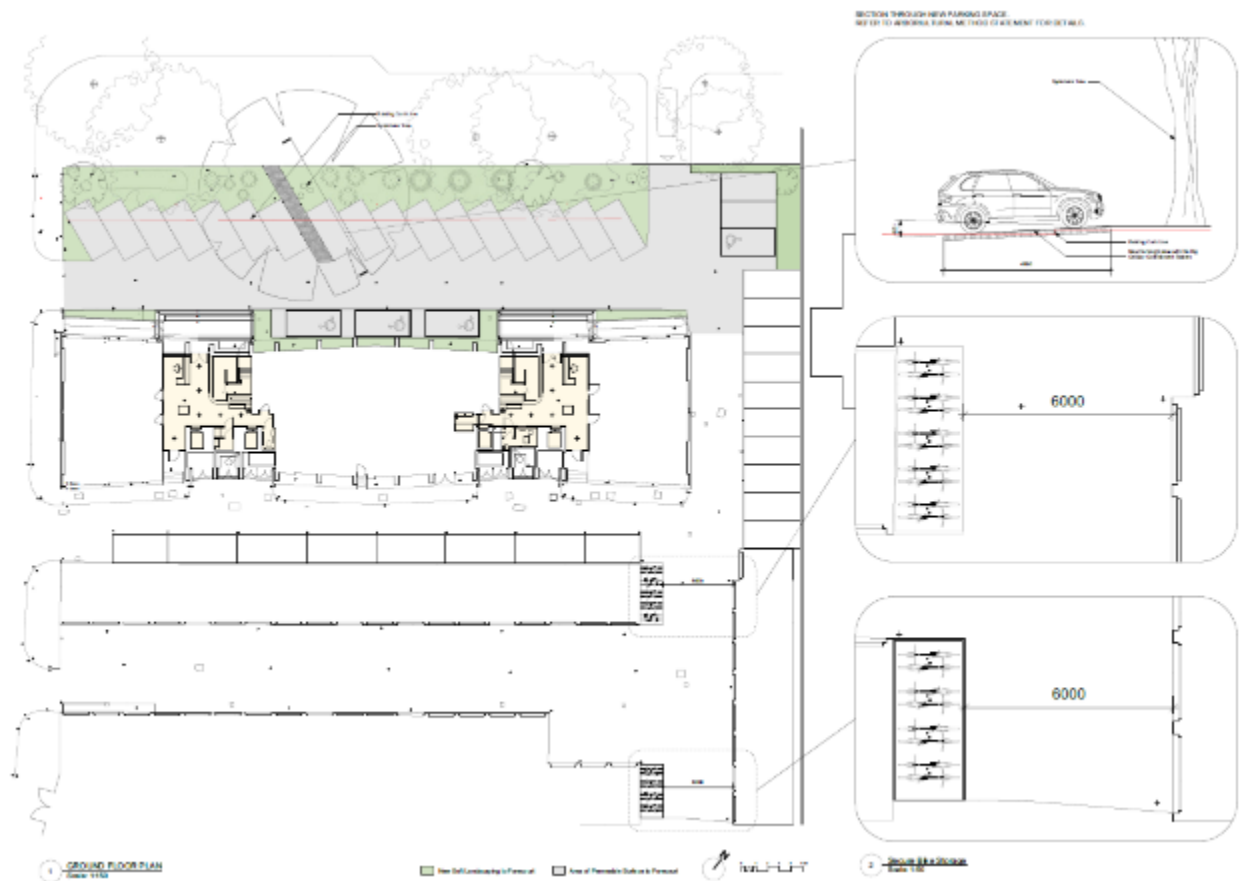


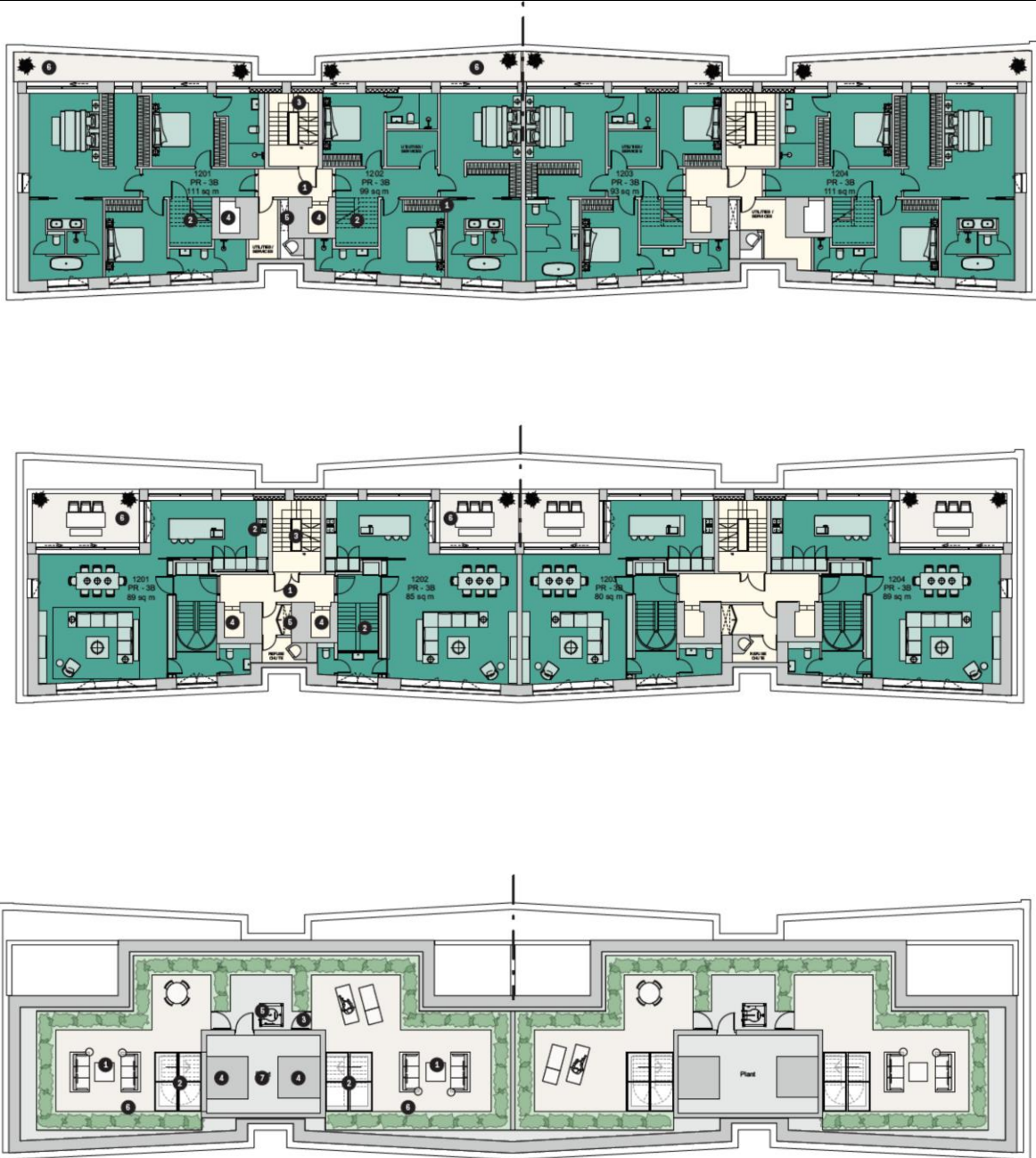


Existing and proposed side (east and west) elevations.









Proposed 11th, 12<sup>th</sup> and roof plan.



**Proposed Visuals – for information only**





**Consented 2017 roof extensions**



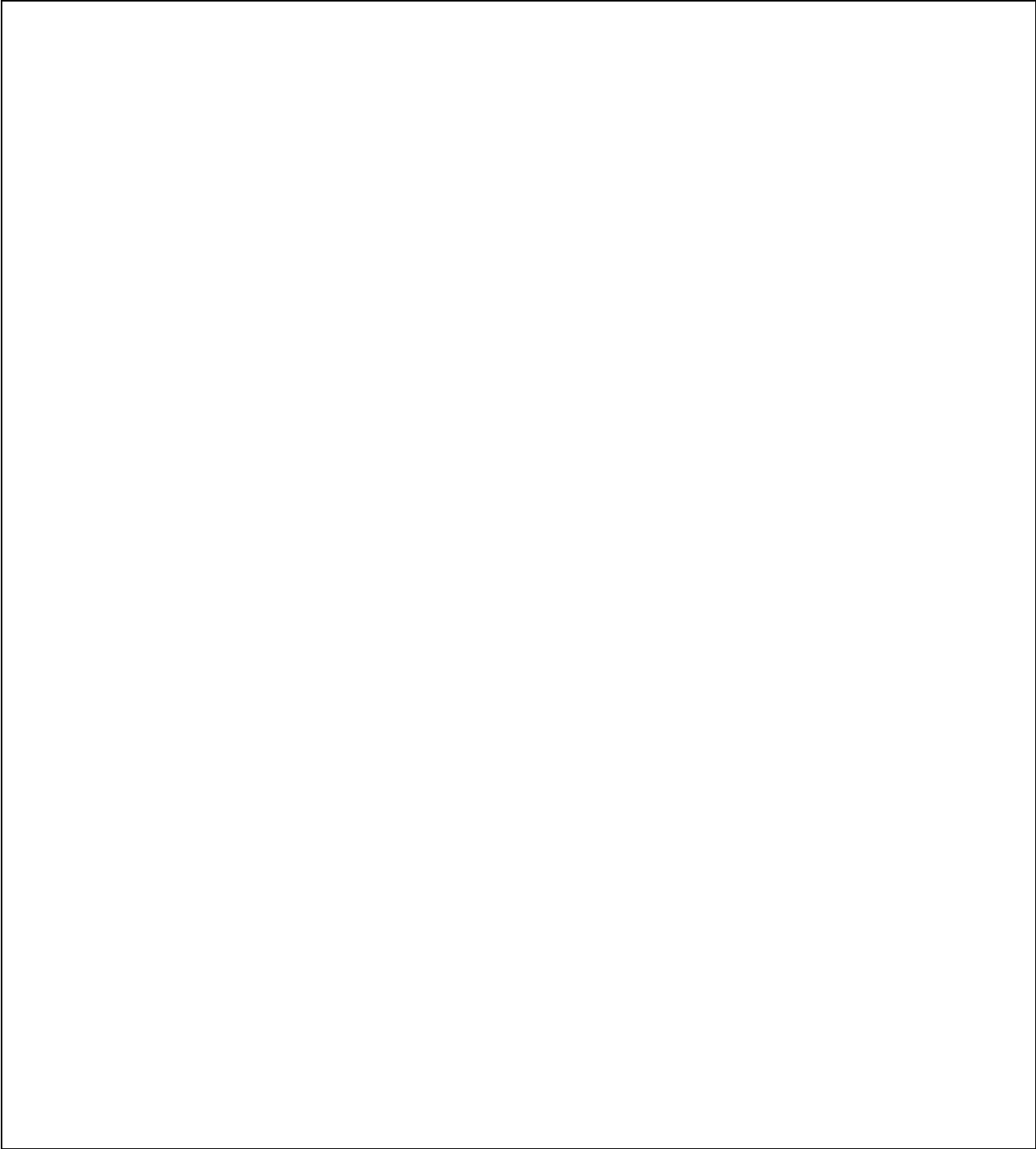
*Above: sketch to show decorative panels and lush planting at the front boundary of the site*



*Above: Flood images*

**Front boundary treatment sketches – for information only**

Item No.
<b>2</b>



**DRAFT DECISION LETTER**

**Address:** Lords View One, Lords View, London, NW8 7HJ

**Proposal:** Erection of 2 storey extension to accommodate residential (Class C3) accommodation including terraces and green roofs. Associated works to include refurbishment of the existing exterior and landscaping in connection with the provision of additional parking spaces.

**Plan Nos:** ST-DM-02-100 P0; ST-DM-02-110 P0; ST-DM-02-111 P0; ST-DM-02-11 P0; ST-DM-03-100 P0; ST-DM-03-101 P0; ST-DM-03-102 P0; ST-DM-03-102 P0; ST-EX-01-002 P0; ST-EX-01-100 P0; ST-EX-02-110 P0; ST-EX-02-111 P0; ST-EX-02-113 P0; EX-03-100 P0; ST-EX-03-101 P0; ST-EX-03-102 P0; ST-EX-05-100 P0; ST-PR-02-100 P0; ST-PR-02-110 P0; ST-PR-02-111 P0; ST-PR-02-112 P0; ST-PR-02-113 P0; ST-PR-03-100 P1; ST-PR- 3-101 P1; ST-P2-03 102 P1; ST-PR-05-100 P2

Covering Letter dated March 2021; Design and Access Statement with revised Drawing LV1005 and Parking and Boundary Treatment; Daylight and Sunlight Assessment dated March 2021; Energy Statement dated March 2021; Structural Statement; Noise Impact Assessment Report 15698.NIA.01 Rev B; Planning Compliance Report 15698.PCR.01 Rev B.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 07866036948

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

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

Reason:

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

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

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

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

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

## Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing and panelling. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials.

## 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)

- 4 You must apply to us for approval of detailed drawings at 1:20 of the roof edge detail. You must then carry out the construction according to these details.

## 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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

## 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)

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

## 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)

- 7 The front boundary treatment shall exceed no more than 1m in height above pavement level.

## 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)

- 8 You must provide each car parking space shown on the approved drawings prior to occupation



of the development and thereafter permanently retain them. Each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

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

Reason:

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

- 10 (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 Noise Technical Guidance Note (November 2019), 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)

- 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 Noise Technical Guidance Note (November 2019). (R48AB)

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant at ground floor level will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), 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)

- 13 You must apply to us for approval of the details of the ways in which you provide adequate soil

to provide a suitable rooting environment for the proposed soft landscaping on the rooftop, including soil depths and volumes and details of a drainage layer and other components and the proposed soil specification and profile. You must not start work on this part of the development until we have approved what you have sent 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 Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 14 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 6 months 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 3 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

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

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 16 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:

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

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.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 17 You must apply to us for approval of the details of the construction of the parking spaces, footpaths, boundary walls and shrub bed edging within the root protection areas of retained trees. You must demonstrate that the surfacing in these areas will be no-dig and permeable and that the foundation design will allow the retention and protection of significant tree roots (roots with a diameter of more than 25mm and clumps of fine roots). The submitted details must be in accord with the tree protection details to be approved under condition (C31CC). You must not start work on any of these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 18 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the roof terraces to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 19 You must provide a pourous surface to all of grounds/ carpark to ensure that the scheme has a sustainable urban drainage system, as offered in the application. This must be maintained and retained thereafter.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

**Informative(s):**

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

- 2 **HIGHWAYS LICENSING:**

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

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

**BUILDING REGULATIONS:**

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

- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

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

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and

open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

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

- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 6 Conditions 10,11,12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 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.

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