

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 16 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>97-104 Marylebone High Street, London, W1U 4RJ,</b>		
<b>Proposal</b>	Erection of a single storey roof extension at 97-104 Marylebone High Street to provide a 1x2 bedroom flat and a 1x3 bedroom flat (Class C3).		
<b>Agent</b>	Howard de Walden Management Ltd		
<b>On behalf of</b>	Howard de Walden Estate Ltd		
<b>Registered Number</b>	15/09537/FULL	<b>Date amended/ completed</b>	18 December 2015
<b>Date Application Received</b>	13 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

1. Grant conditional permission

## 2. SUMMARY

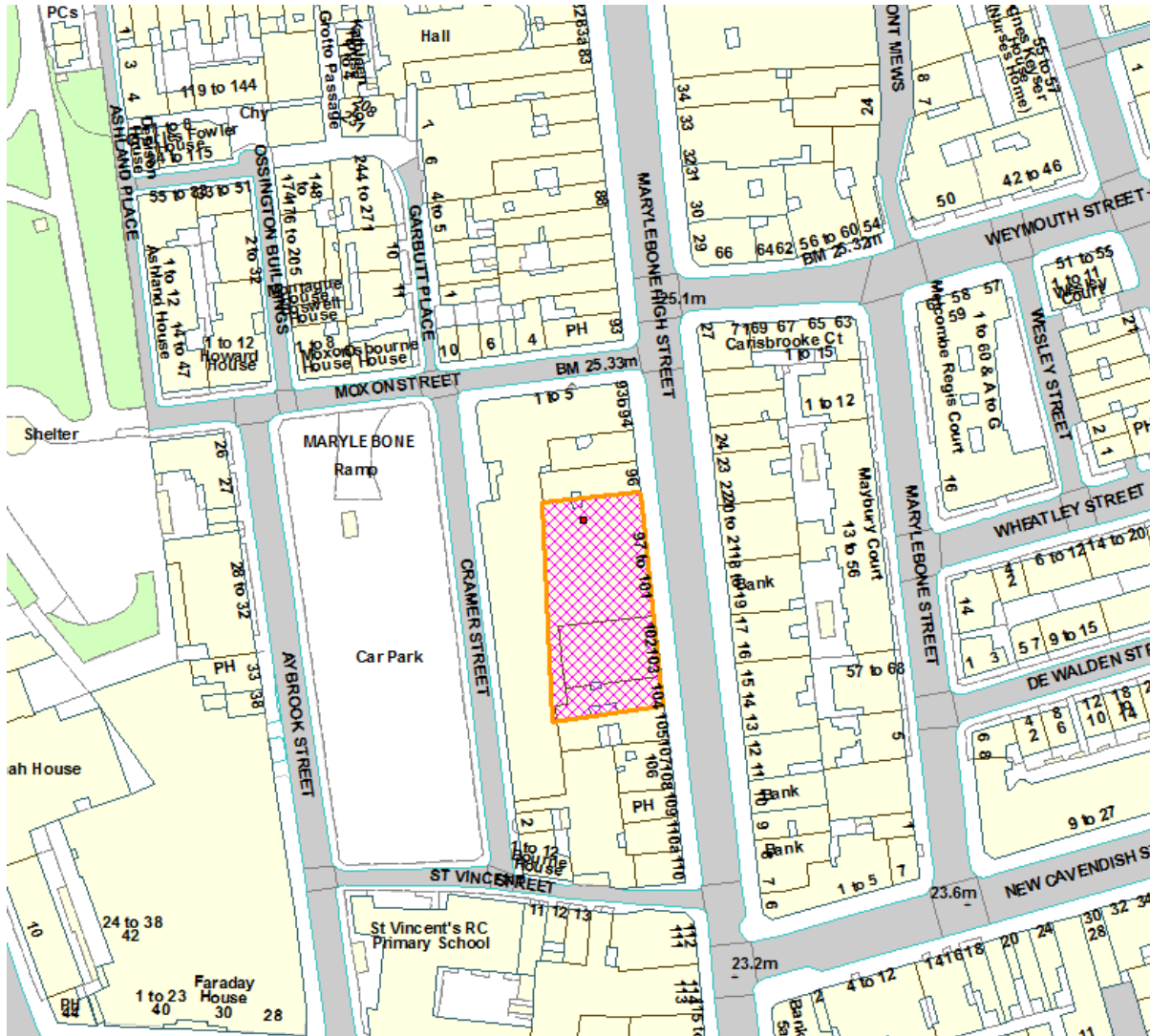
The site comprises three separate buildings all in retail use at ground floor with residential flats at first to fourth floor level. Permission is sought for the erection of a roof extension to all three buildings to accommodate two residential units.

The key issues for consideration are:

- The loss of daylight and sunlight to neighbouring residential occupiers;
- The impact of the extension and terraces on overlooking; and
- The impact of the roof extension on the Harley Street Conservation Area.

The proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Welcome the creation of two additional flats but raise concerns on the grounds of overlooking and loss of privacy from the terraces, lack of information about the layout of the flats below and potential noise impact, requirement for a structural statement, loss of fire escape and the incongruous use of zinc roofing. Consider that this is a lost opportunity for either solar panels or PV's and believe that an environmental performance statement is required to demonstrate that the thermal performance, ventilation and sustainability have been considered. Request that residents parking permits should be restricted and a CMP should be conditioned.

### HIGHWAYS PLANNING MANAGER

Objects to the scheme on the grounds that the provision of two flats with no off street parking will add to parking pressures in the area.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 206

Total No. of replies: 13

No. of objections: 13

No. in support: 0

#### Design

\*Height should not exceed adjoining properties

\*Adverse impact on Marylebone High Street

\* Significant change to roofline through raising chimneys and raising the ridge line

#### Amenity

\* Loss of daylight and sunlight

\* Loss of privacy

\* Overlooking

\* The location of roof terraces above bedrooms and light wells will result in noise disturbance

\* Proposal would result in single aspect housing which could result in overheating, lack of ventilation and lack of adequate daylight

#### Highways

\*Disruption to local traffic

\* Cycle storage for the flats is impractical

#### Other

\*Noise and dust during construction

\* Proposal will be visible from upper floors of buildings opposite

\* Structural impact of an additional floor

\* Loss of fire escape

\* Use of common stairs will result in loss of privacy

- \* Proposals fail to provide inclusive suitable access for residents and visitors and contravenes Housing policies and Building Control legislation
- \* Impact on plumbing connections, extract ventilation, boiler flue locations and general disturbance
- \* Roof terraces are of limited value being only 1m deep

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application lies on the western site of Marylebone High Street within the Harley Street Conservation Area. The site comprises three separate buildings all in retail use at ground floor with residential flats at first to fourth floor level.

The buildings are identified as unlisted buildings of merit in the Harley Street Conservation Area Audit. The view north along Marylebone High Street towards St Marylebone Church is also identified as significant.

### **6.2 Recent Relevant History**

In February 1994 planning permission was granted for the installation of a lift in the central lightwell at 101-102 Marylebone High Street.

In March 1996 planning permission was granted for the part demolition (rear) and re-construction of basement, ground & 3 upper floors for retail, restaurant and residential use with parking (no's 93-110 Marylebone High Street).

In March 2000 planning permission was granted for the use of the first floor of 101 Marylebone High Street as a 2-bedroom flat.

## **7. THE PROPOSAL**

The application involves demolition of part of the rear roof and raising of the existing ridge height of all three properties and rear extensions with terraces to form a new three-bedroom flat above 97-100 Marylebone High Street and a new two-bedroom flat at 101-104 Marylebone High Street.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

Policies S14, S15 and S16 relate to residential use. This use is a priority across Westminster, and residential developments are expected to provide an appropriate mix of units in terms of size, type and affordable housing provision to create mixed communities and to meet housing needs. UDP Policies H3, H4, H5 and H8 are also relevant.

Policy H3 of the UDP seeks to maximise the amount of land in housing use, where appropriate, within the CAZ.

The application provides two new residential units. UDP Policy H5 requires the provision of a range of unit sizes in new housing schemes, including at least 33% family-sized (i.e. 3+ bedrooms). The proposals would provide one family-sized flat to meet the requirements of the policy.

The uplift in residential floorspace is below 1,000sqm and therefore the proposal does not trigger a requirement to provide affordable housing.

#### **Unit sizes and standard of accommodation**

The proposed 2-bedroom flat measures 101sqm in size and the new 3-bedroom flat is 122sqm in size and comply with the size and space standards of the national technical standards. Concerns have been raised on the grounds that the proposal would result in single aspect housing which could result in overheating, lack of ventilation and lack of adequate daylight. The Marylebone Association is also concerned that the proposal fails to provide a ventilation strategy. However, the application has been amended to incorporate rooflights to the front roofslope ensuring that both flats are dual aspect and would have good levels of natural light and ventilation.

Small terraces are proposed at the rear, however, neighbours are concerned that the terraces are of limited value being narrow in depth. Whilst the Mayor's Draft Interim Housing SPG makes reference to a minimum 1.5m depth for terraces, it is recognised that in conversion schemes this is not always possible to achieve. The provision of terraces is in accordance with policies H10 and S29

## **8.2 Townscape and Design**

The application site is on the west side of the street and comprises a group of finely detailed buildings of red brick with slate roofs. The rear facades are plain by comparison and feature a large and incongruous concrete access walkway at high level. Nevertheless, they make a positive contribution to the street and surrounding Harley Street Conservation Area.

The roof level alterations envisage creation of additional accommodation by removing the upper part of the roofs and replacing them with a shallow, secondary mansard pitch. The new roof will raise the ridges by varying amounts across the properties, and objections have been received on these grounds and on the impact this would have on Marylebone High Street. However, the increase in height will not be visible from street level and in views from the upper floors of properties on the opposite side of Marylebone High Street the new roof will not appear out of character with the buildings or surrounding roofscape.

At the rear, the alterations will be more obvious from ground level because the cleared site in Moxon Street allows much wider and longer views of the buildings. However, in these views the new roofscape with metal-framed windows, zinc roof and living walls would, despite the concerns of the Marylebone Association, suit the appearance of the buildings and surrounding conservation area. The alterations are technically contrary to

the conservation area audit which states that the buildings are unsuitable for a roof extension. However, the roofscape is not so precious that it cannot be altered and the design of the proposed alteration is sensitive to the character and appearance of the building and conservation area. However, the uncharacteristic glass balustrades should be omitted in favour of black-painted metal railings. This may be dealt with by condition. Subject to this, the proposals are therefore considered to accord with UDP policies DES 6 and DES 9 and it will maintain the character and appearance of the conservation area.

### **8.3 Residential Amenity**

#### **Sunlight and Daylight**

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. The policy also seeks to safeguard the amenity of existing residential occupiers by not allowing proposals that would result in an unreasonable sense of enclosure or overlooking.

The closest residential to the site are the existing flats on the fourth floor immediately beneath the proposed flats, the flats at the rear within the upper floors 14-16 Cramer Street and those on the opposite side of Marylebone High Street. The application is supported by a sunlight/daylight report that demonstrates that there would be some material losses of light to kitchen and bedroom accommodation to flats immediately beneath the proposed extensions. However, in each case, the affected windows are secondary windows facing internal lightwells within rooms which are served by west facing main windows that are unaffected by the proposals. It is not considered that these losses would materially impact on the amenity of existing residents. There would be no material loss of sunlight to any facing residential windows.

#### **Sense of Enclosure**

The proposals involve the raising of the existing ridge and the rear projection of the roof would subsequently introduce additional bulk at roof level. The extensions would be visible from an oblique angle from secondary kitchen windows to flats immediately beneath the proposed extension (the flats at fourth floor level), however, the additional bulk and massing would not be directly in front of any main windows to these flats. It is therefore considered that there would be no material adverse effect on sense of enclosure.

#### **Privacy**

Objections have been raised on the grounds that the proposals would result in a loss of privacy and cause overlooking to neighbouring windows. The flats immediately at the rear (14-16 Cramer Street) are served by a number of rooflights that would be overlooked from the new flats and proposed terraces. However, the closest rooflights serve a hallway and therefore the proposals would not introduce overlooking of any main habitable accommodation. There are other rooflights within this roof that do serve bedroom accommodation but these are high level rooflights and therefore any overlooking would be extremely restricted.

The new windows and terraces at the rear would be in close proximity to lightwell windows to the flats at fourth floor level and whilst there would be some overlooking of these windows, these are mainly non-habitable bathroom windows or secondary windows to kitchen accommodation. A condition however is proposed seeking the addition of privacy screens to limit overlooking. Subject to this, it is considered that the application would not result in any adverse increase in overlooking.

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

No off-street car parking is proposed for the new flats. UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement of five spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is 91%. During the day, the uptake is 49% meaning that on-street parking is already at 'stress level'. The Highways Planning Manager has objected to the scheme on the basis that the absence of any off-street parking provision would exacerbate existing parking stress levels in the vicinity of the site and neighbours are concerned that the proposals would result in disruption to local traffic.

The new flats will be in a location which is very well served by public transport and it is considered that the benefit of an increase in residential accommodation in this location outweighs the impact on parking. The Marylebone Association request that future residents should not be entitled to applying for parking permits, however, this is not the Council's policy.

One cycle space is provided for each of the residential flats. However, this is at fifth floor level and it is unlikely, particularly within the new flat at 101-104 which has no lift access, that this will be a useable space. An objection has been received on these grounds. As the flats will be built above the Class A1 use there is no space of the cycle parking to be accommodated at ground floor level. On this basis it is not considered reasonable to request ground floor cycle parking to be accommodated in this building.

#### **8.5 Economic Considerations**

The proposal is in accordance with the UDP and the economic benefits generated are welcomed.

#### **8.6 Access**

Residents have raised concerns on the grounds that the new flats do not comply with Lifetime Homes requirements as the proposals do not incorporate inclusive access. 97-100 Marylebone High Street has lift access only to fourth floor level and the flats at 101-102 and 103-104 have no lift access at all. The applicant argues that there is no existing reasonable space to provide a lift within the common parts of the buildings at 101-102 and 103-104 and that it is not possible to extend the lift at 97-100 given that this would result in additional height to the existing lift enclosure. Given the constraints of



the existing building it is considered that there is no reasonable means to provide fully inclusive access to the proposed flats. The Lifetime Homes Standard has now been superseded by the Building Regulations and this issue will now be entirely dealt with by Building Control.

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

### **Noise**

Residents are also concerned that the application would cause noise disturbance as the proposals would result in living rooms over bedrooms and terraces outside bedrooms. However, the terraces are relatively small in depth and it is not considered that the use of these terraces would result in noise disturbance. The Council's standard internal noise condition is imposed to ensure acceptable internal noise standards.

### **Sustainability and Biodiversity**

The Marylebone Association consider this is a lost opportunity for the provision of either solar or PV panels and that sustainability and thermal performance has not been considered. Whilst these concerns are acknowledged, the proposal is of an insufficient scale to require an Energy Assessment and given the retention of the front roof slope, it is considered that there is limited space for the provision for renewables. In any event, the application will have to meet the energy efficiency and thermal performance requirements under the Building Regulations.

The addition of green walls is welcomed.

### **Construction impact**

Objectors are also concerned by the potential noise and dust during construction. Whilst these concerns are acknowledged, they do not form a basis for the refusal of planning permission. However, the City Council will seek to reduce the impact of building works through mitigation measures. These can, however, only limit disruption and inconvenience and not eliminate it entirely. Conditions are proposed to control the hours of building works and for the requirement of a construction management plan.

### **Refuse /Recycling**

The proposed arrangements for storage of refuse and recyclable materials are considered acceptable and would be secured by condition.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

### **8.12 Other Issues**

Residents have raised concerns regarding the structural impact of the proposed extensions however this is a matter for the Building Regulations.

Concerns regarding impact on plumbing connections, extract ventilation and boiler flue locations are a landlord/tenant matter.

The proposal involves the raising of the three existing common stairs to enable either access or a secondary means of escape for the proposed flats. However, neighbours are concerned that the use of the common stairs would result in a loss of privacy and the alterations to the roof would result in the loss of an existing fire escape across the existing roof. It is not considered that the use of the existing stairs for either access or means of escape for only two new flats would cause a material loss of privacy. The loss of means of escape is a private matter between the two parties and little weight can be given to this within the determination of the application. Nevertheless these concerns are a matter for Building Control. An Informative has been proposed to inform the applicant of this issue.

## **9. BACKGROUND PAPERS**

1. Application form and letter from applicant dated 2 February 2016
2. Email from The Marylebone Association dated 1 December 2015
3. Memorandum from Highways Planning Manager dated 4 December 2015
4. Letter from occupier of Flat 3, Cecil House, dated 6 November 2015
5. Letter from occupier of Penthouse, Falmer House, dated 29 October 2015
6. Letter from occupier of Flat 4, Falmer House, 16-17 Marylebone High Street, dated 29 October 2015
7. Letter from occupier of 16 Cecil House, 100 Marylebone High Street, dated 6 November 2015
8. Letter from occupier of Flat H, 101 Marylebone High Street, dated 7 November 2015
9. Letter from occupier of 4 Markwell Place, Bishop's Stortford, dated 12 November 2015
10. Letter from occupier of Penthouse, 16-17 Marylebone High Street, dated 29 October 2015
11. Letter from occupier of 101E Marylebone High Street, London, dated 3 November 2015
12. Letter from occupier of Flat 1 Cecil House, London, dated 11 November 2015
13. Letter from occupier of Flat 6, Falmer House, dated 27 October 2015
14. Letter from occupier of 61A Regent's Park Road, London, dated 29 October 2015

15. Letter from occupier of 16 / 17 Marylebone High Street, London, dated 30 October 2015
16. Letter from occupier of Flat D, 101 Marylebone High street, London, dated 17 November 2015

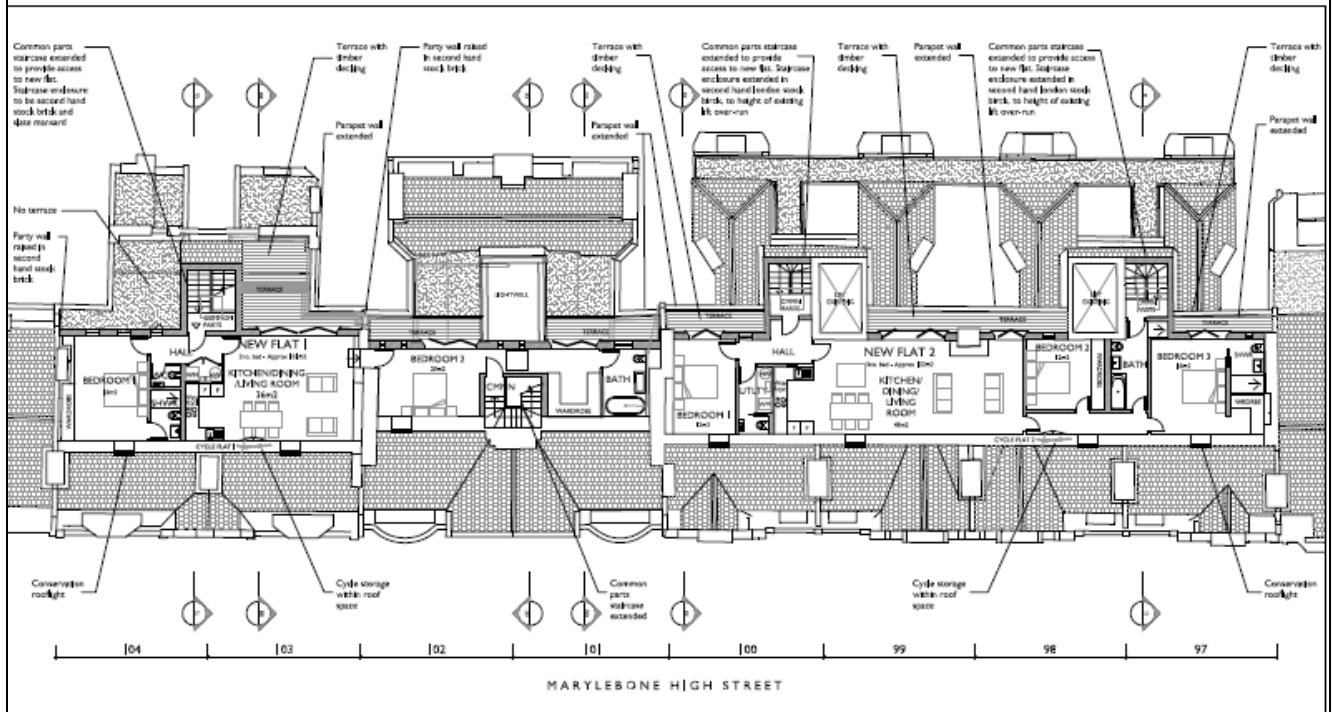
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JO PALMER ON 020 7641 2723 OR BY EMAIL AT [CentralPlanningTeam@westminster.gov.uk](mailto:CentralPlanningTeam@westminster.gov.uk)

### 10. KEY DRAWINGS



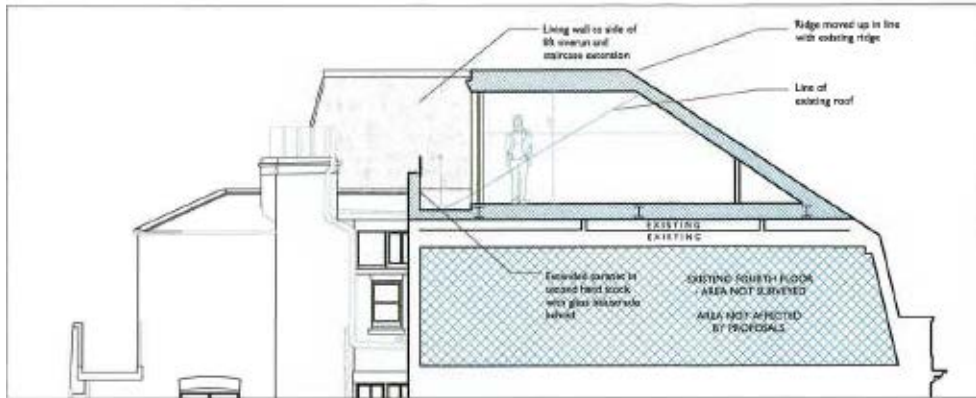
PROPOSED FRONT ELEVATION 1:100



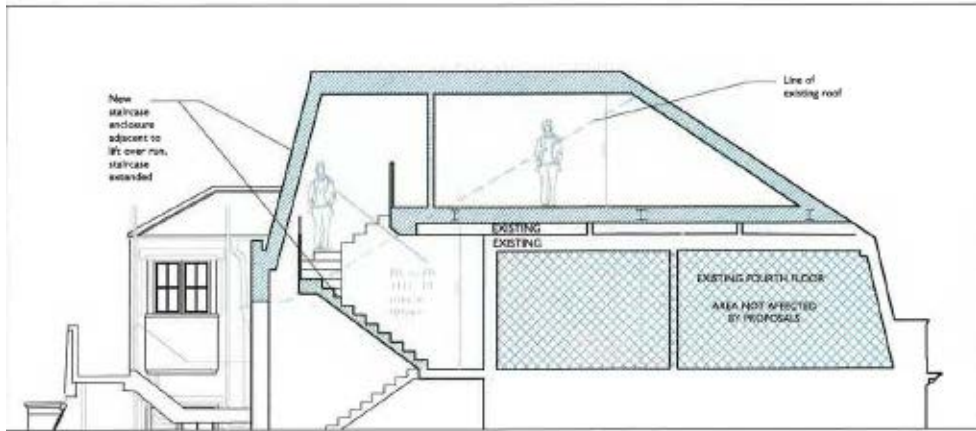
PROPOSED FIFTH FLOOR PLAN 1:100



PROPOSED REAR ELEVATION 1:100



SECTION KK - 100 MHS 1:100



SECTION II - 97 MHS 1:100

**DRAFT DECISION LETTER**

**Address:** 97-98 Marylebone High Street, London, W1U 4RJ,

**Proposal:** Erection of a single storey mansard roof extension at 97-104 Marylebone High Street to provide additional residential floorspace (Class C3) incorporating a 1x2 bedroom flat and a 1x3 bedroom flat. (SITE INCLUDES 97-104 MARYLEBONE HIGH STREET)

**Reference:** 15/09537/FULL

**Plan Nos:** 15B PL PRO 02 Rev C, 03 Rev C, 04 Rev A, 05 Rev A, 01 Rev A, 06 Rev A, 07 Rev A, 08, 09, 10, 12, 13; 15B PL DEM 01, 02, 03, 04, 05, 06, 07

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641 2723

**Recommended Condition(s) and Reason(s):**

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

**Reason:**

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

- 2 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

**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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development

Plan that we adopted in January 2007. (R26BE)

- 4 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies.

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- 1) Omission of all glass balustrades in favour black-painted metal railings.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of detailed drawings (at scale 1:50) showing the following alteration to the scheme:

- 1) Installation of privacy screens on the party wall lines between 102 to 103 and between 100 to 101 and the internal lightwell at 101 to 102 Marylebone High Street to prevent overlooking to neighbouring windows

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

living walls

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

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 9 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
  - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
  - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
  - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must provide the waste store shown on drawing 15B PL PRO 02 Rev C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)



**Reason:**

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 11 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 12 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning

portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>  
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.  
**You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 You are advised to address the impact of your proposal on the means of escape in relation to the residents of 97-104 Marylebone High Street. You are advised of the need to maintain any established means of fire escape from adjacent flats. Please contact our Head of District Surveyors' Services and/or The London Fire Authority regarding this aspect of your proposal.