

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 24 July 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>61A Marlborough Place, London, NW8 0PT</b>		
<b>Proposal</b>	Excavation of single storey basement below existing dwellinghouse with lightwells to front and rear and associated internal and external alterations. Listed Building Consent is sought for Underpinning to No. 59 and No. 61 Marlborough Place in connection with the creation of a basement at the adjoining dwelling at 61A Marlborough Place.		
<b>Agent</b>	GL Studio		
<b>On behalf of</b>	Mr Andrew Terry		
<b>Registered Number</b>	17/10775/FULL & 17/10776/LBC	<b>Date amended/ completed</b>	12 December 2017
<b>Date Application Received</b>	5 December 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St. John's Wood		

## 1. RECOMMENDATION

1. Grant conditional permission and listed building consent.
2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The application site comprises a two storey mid-terrace building located on the south side of Marlborough Place, which is used as a single dwellinghouse. The property is not listed, but it is situated between two Grade II listed buildings at No.59 Marlborough Place and No.61 Marlborough Place. The site is also located within the St. John's Wood Conservation Area.

The application seeks permission for excavation of a single storey basement extension below the existing dwellinghouse with front and rear lightwells and associated internal and external alterations. An associated listed building consent application is also submitted in relation to the underpinning to

the two adjoining listed properties at No. 59 and No. 61 Marlborough Place in connection with the creation of this basement at 61A Marlborough Place.

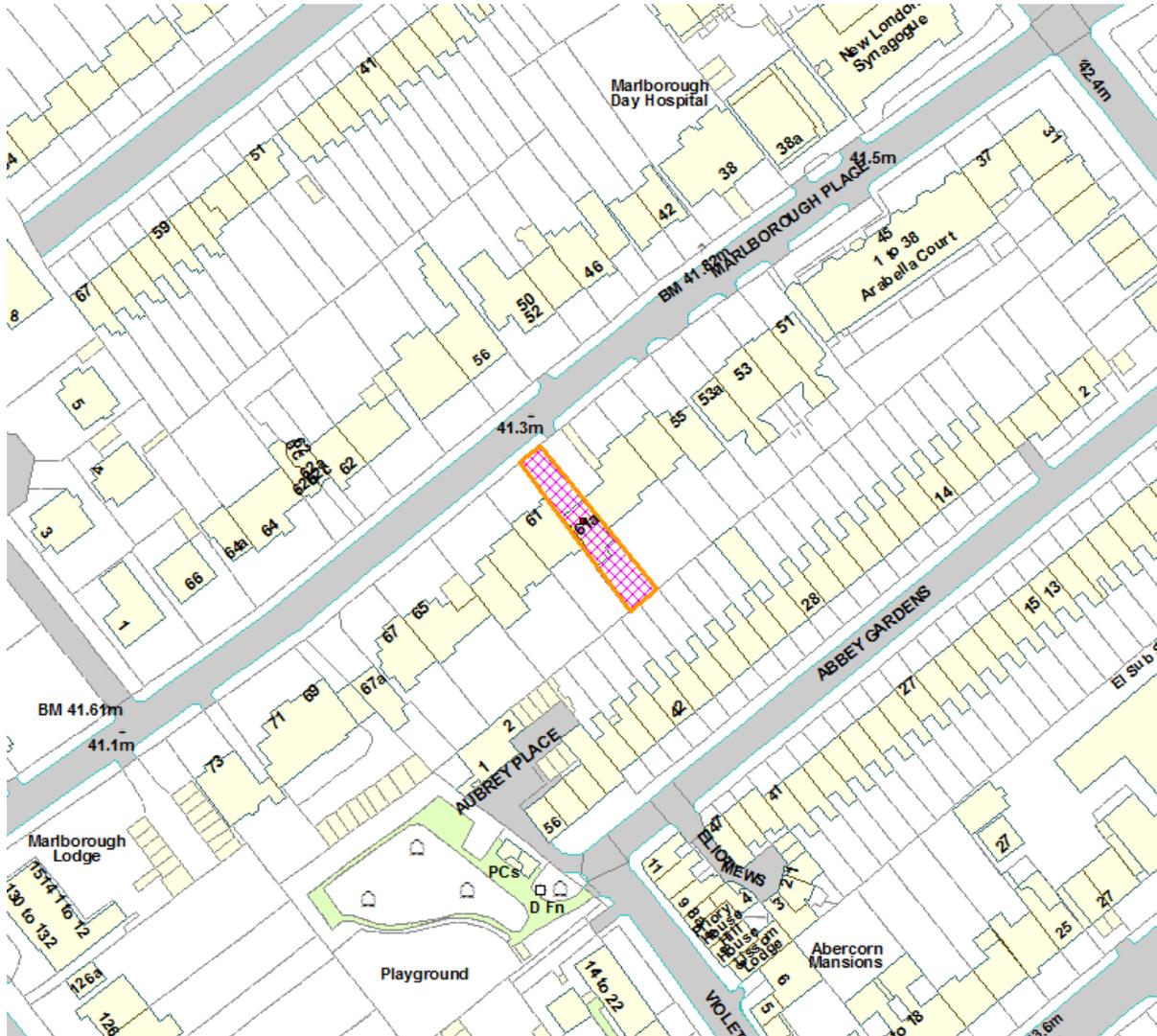
Objections have been raised by three neighbouring residents on the tree impact, amenity, construction impact and structural impact grounds.

The key issues in this case are:

- Whether the proposals are acceptable in design and conservation terms
- Whether the impact of the proposal on the amenity of the neighbouring residents is acceptable
- The impact of the proposals on trees
- Compliance with Westminster's basement policy

Despite the objections raised, and subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposed development is considered to comply with the relevant design, conservation, amenity, basement and transportation policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View from street (top) and closer front elevation (bottom).



Rear elevation (top) and view of trees located in front garden of neighbouring property at No.61 Marlborough Place (bottom).

## 5. CONSULTATIONS

### WARD COUNCILLORS (ABBEY ROAD)

Any response to be reported verbally.

### ST. JOHN'S WOOD SOCIETY

No objection, subject to the comments of neighbours.

### ARBORICULTURAL MANAGER

No objections following the submission of a Tree Survey and Arboricultural Method Statement. Conditions requiring tree protection measures and landscaping recommended.

### BUILDING CONTROL

No objection following the submission of further details in relation to the Construction Method Statement.

### HIGHWAYS PLANNING MANAGER

No objection.

### ENVIRONMENTAL HEALTH OFFICER

No objection, as long as the basement is used in conjunction with the main house as a dwellinghouse. Condition recommended to restrict hours of construction work. Informatives relating to Considerate Builders Scheme and noise reduction during construction work are also recommended. Informatives advising of the requirement for natural light and mechanical ventilation are also recommended.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 42.

Total No. of replies: 6.

No. of objections: 6, including 3 from the same addressee.

No. in support: 0.

Representations received from three respondents raising objection on some or all of the following grounds:

#### Amenity

- Noise and disruption for a long period of time to neighbours from construction.
- Not clear whether any mechanical ventilation or an air conditioning system will be installed, which could cause noise disturbance.

#### Trees Impact

- Adverse impact on the roots of the two trees in the front garden of No.61 Marlborough Place, which are the subject of Tree Preservation Orders.

#### Other

- This type of development has previously caused severe subsidence elsewhere in St. John's Wood.

- The downpipes of the adjoining property drains into the drive of 61A Marlborough Place as well as its own downpipes.
- During works to convert the garage of 61A into a residential unit water rose up from the underground stream below St John's Wood.
- Applicant has no regard for neighbours due to the noise and disruption the works will cause.
- The applicant has supplied deficient documentation in support of the application, in light of the standards at pages 14-15 in the 'Basement Development in Westminster' SPD (October 2014).
- A proper construction management plan was not submitted and no schedule or timetable of works or evidence of consultation with local residents has been provided.
- No detail is given for the permanent management of the horizontal and vertical loads from neighbouring properties.
- There is no adequate demonstration of sustainable design principles.
- There has been no proper geo-hydrology report submitted. None of the three borehole investigations cited are within about 500 metres of the site, and two are significantly more.
- Almost the whole of the front drive of No.61A is covered with paving, as is the frontage of No.59, a very substantial house. This presents a risk from surface storm water which cannot run-off.
- Concern about the impact this proposed excavation will have on the foundations of the adjoining listed buildings at 59 and 61 Marlborough Place

#### ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises an unlisted dwellinghouse located within the St. John's Wood Conservation Area. The building sits between two Grade II listed buildings at No. 59 Marlborough Place and No.61 Marlborough Place. The site appears to have originally been part of the property at 61 Marlborough Place, having been added in the 1950's following a planning approval dated 16 September 1959 for 'the conversion of 61 Marlborough Place into 8 self-contained flats and the erection of 2 garages with a self-contained flat over'. The building has been altered and extended since.

### 6.2 Recent Relevant History

#### 16/12216/FULL

Erection of a mansard roof extension to form new second floor level.

Application Refused                      2 June 2017

#### 14/11526/FULL

Erection of replacement hardwood / steel entrance gates and rendered columns to front boundary.

Application Permitted 15 January 2015

11/03010/FULL

Partial demolition of front and rear elevations and total demolition of roof. Alterations to front elevation including new windows and new main entrance door. Laying of new hard standing and erection of new bin store within front garden. Erection of replacement two-storey three-bedroom dwellinghouse behind retained facade including first floor rear terrace and two privacy screens at rear first floor level.

Application Permitted 25 August 2011

## **7. THE PROPOSAL**

Permission is sought for the excavation of a single storey basement, beneath the footprint of the existing building and the formation of lightwells to the front and rear elevations of the building. The lightwell to the rear would include a glazed walkway at ground floor level over the centre of the lightwell to allow access to the garden.

During the course of the application, the scale of the proposed lightwells has been reduced. A listed building consent application has also been submitted as the site adjoins two listed buildings on either side (57 and 59 Marlborough Place and 61 and 63 Marlborough Place) and the underpinning proposed would impact the special interest of these buildings.

Additional information has also been provided during the course of the application to ensure trees are protected during construction works, as well as to provide further information requested by the Building Control Officer, to ensure that the proposal complies with the City Council's basement policy.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

No change of use is proposed; the proposal results in additional 102 sqm residential accommodation, which is considered acceptable in land use terms and in accordance with Policy H3 in the UDP.

### **8.2 Townscape and Design**

In considering the scheme in design terms, the relevant policies are DES 1 and DES 5 of the UDP and CM28.1, S25 and S28 of the City Plan. Also of relevance are Westminster's Supplementary Guidance documents 'Basement Development in Westminster' and 'Development and Demolition in Conservation Areas', in addition to the Bayswater Conservation Area Audit.

Part B(5) of policy CM28.1 in the City Plan seeks to protect the character and appearance of the existing building, the garden setting and the surrounding area, ensuring external manifestations such as lightwells, skylights and means of escape are sensitively designed and discreetly located. Additionally it aims to protect heritage. The

City Council's SPG 'Basement Development in Westminster' provides advice and guidance on the siting and detailed design of the necessary manifestations.

The footprint of the basement is contained beneath the existing building, with the only external manifestations being a lightwell located adjacent to the front elevation and a lightwell located against the rear elevation of the host building. The amended rearward projection of the lightwell to the rear is of an appropriate scale so as not to detract from the landscaping and complete garden setting. Whilst of a contemporary appearance through the use of glazed walkways, this is in keeping with the architectural style of the rear elevation of the host building and therefore in this instance is considered to be appropriate. Additionally the scale of the lightwell to the front, its positioning and the provision of a grill are considered acceptable, having a limited impact on the character and appearance of the conservation area.

The proposals are considered to be in accordance with the identified design and conservation policies and will have a limited impact on the character and appearance of the conservation area.

#### Impact on designated heritage assets

The City Council aims to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historical interest, which it possesses, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, any alteration or extension to no. 61A Marlborough Place will have to be considered in relation to the impact on the neighbouring listed buildings. The support statement submitted with the application provides a section of how the basement will be positioned in relation to the neighbouring buildings and during the course of the application, details have been provided of the internal arrangement of the neighbouring listed buildings as well as photographs of the interior. Firstly, the proposed basement will not extend beyond the party wall line and is shown to have a little impact on the existing foundations of the listed buildings therefore, in design terms the positioning of the basement is considered to be appropriate.

Concern was raised with the applicant of the potential damage to the listed buildings during the course of the construction works. As the interior information demonstrates, the walls located against the application site contain limited features of interest and therefore any disruption to these walls will not disturb features of historic or architectural interest.

Therefore, the proposals are considered to have little or no impact on the special interest of the heritage assets and their setting.

### **8.3 Residential Amenity**

By virtue of its location below ground, the proposed basement would not result in unacceptable loss of light, sense of enclosure or loss of privacy for the occupants of neighbouring properties. The proposal is therefore in accordance with policies ENV13 of Westminster's Unitary Development Plan (adopted January 2007) and S29 of Westminster's City Plan.

Objections have been received in relation to noise disruption during construction work. This has been discussed in section 8.7.1 of this report which deals with Basement Development.

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

The proposed extensions, including basement extension would not protrude under the highway. The proposal also does not represent an increase in residential units or loss of parking and is therefore not contrary to UDP policy TRANS23. As there is no increase in the number of units, there is no requirement for cycle parking provision on site. The development is therefore acceptable in highways terms.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposals would not alter the existing access to this private dwellinghouse.

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

##### **8.7.1 Basement Development**

The amended proposals are considered to be in accordance with CM28.1 of the City Plan (November 2016) for the reasons set out as follows:

###### *Part A. 1-4*

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions found on this site.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

Concerns have also been raised in relation to sufficient and satisfactory information provided within the submitted Construction Method Statement, such as details of the findings of the boreholes, as cited by one of the objectors. At this stage, the submitted Construction Method Statement is provided for information to sufficient detail required for the purpose of the planning application, but is for information only. This document is

not endorsed or approved by the Council. The construction of the basement will be the subject of the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects. The applicants will be reminded of this by informative.

A flood risk assessment has been provided as part of the structural method statement and this demonstrates that flood risk would not be exacerbated in this location, which has a low flood risk and is not in an area identified as being susceptible to surface water flooding.

*Part A. 5 & 6*

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays, Sundays or bank holidays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

*Part B. 1&2*

There are protected trees close to the application site which will be required to be protected. The applicant has provided a Tree Survey and Arboricultural Impact Assessment which has been considered by the Arboricultural Officer. Following further information, the Arboricultural Officer is satisfied that trees will not be adversely affected by the proposed basement construction providing tree protection measures are in place. The Arboricultural Officer does not agree with the location shown of one of the trees located close to the front boundary of the application site within the adjacent front garden of no. 61 Marlborough Place. However, they are satisfied that this tree will still would not be adversely affected. A revised Arboricultural Method Statement and Tree Protection Plan will therefore be required by condition and the submitted documents will therefore not be approved documents but for information only.

A comment has been received stating that there are two protected trees within the front garden of the adjacent property at no. 61 Marlborough Place. The Tree Protection Plan only shows one tree. However, the second tree is located some distance away from the location of the proposed works and the Arboricultural Officer is satisfied that this would not be adversely affected.

*Part B. 3*

The proposals do not include any details in relation to ventilation. However, the front lightwell is to have a grill, to provide natural ventilation, and there are also two lightwells proposed to the rear elevation of the basement. An informative is recommended to advise the applicant that should they require mechanical ventilation, a separate application for planning permission will be required.

*Part B. 4 & 7*

The external manifestations of the basement would comprise of the lightwells and railings, as well as a grill to the front lightwell and a glazed walkway between the two lightwells at the rear. These are not considered to have a significant impact in terms of sustainable urban drainage. The basement has been set in from the boundaries within the garden to provide drainage around the subterranean structure.

*Part B. 5&6*

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

*Part C. 1*

The proposal basement is mainly under the footprint of the existing house with additional extension to the front and rear to provide lightwells. It does not extend under more than 50% of the garden area. A margin of undeveloped garden land is retained around the proposed basement. This part of the policy is therefore considered to have been met.

*Part C. 2*

This part of the policy requires a minimum soil depth of 1.2m to provide drainage over the proposed basement. However, as the majority of the basement is subterranean with the elements that are not being to provide lightwells, this soil depth would not be required.

*Part C. 3*

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

*Part D*

The basement does not extend under the highway; therefore, this part of the policy does not apply in this case

## **8.8 London Plan**

The application does not raise any 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**

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on officer measurements of the Gross Internal Area (GIA) of the proposed basement, measured to be 102sqm, the estimated CIL payment would be £64794.46 for Westminster's CIL (£50 per square metre; Residential Prime Area), and £7158.30 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The applicant however considers that the proposed GIA is below 100sqm, which is below the threshold for CIL liability for this type of development. However, CIL liability will be assessed again after the decision of this application is made to ensure that both officers and the applicant agree on this matter.

## **8.11 Environmental Impact Assessment**

The proposals are of insufficient scale to require an Environmental Impact Assessment. Where relevant, environmental impact issues are addressed in other sections of this report.

## **8.12 Other Issues**

The objections raised are largely addressed above. However, the following is also noted.

An objection has been received by a resident who says that they had not had notice served on them by the applicant. The applicant has subsequently re-confirmed the names and addresses and dates on which notice was served on all affected neighbours.

It is therefore considered that this requirement to serve notice has been followed, and should the objector consider otherwise that this matter is a civil matter. The case officer has discussed the application with the neighbour concerned and the neighbour agrees that, although they maintain that they did not receive this notice, they cannot deny that they had not been aware of the application, which has been under consideration for a few months, and therefore they do not wish to pursue the matter. It should be noted that a second letter was received from this neighbour, which followed the first phone call with the case officer, but sent out before the second phone call from the case officer where it had explained that the agent had re-confirmed when notice had been carried out.

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

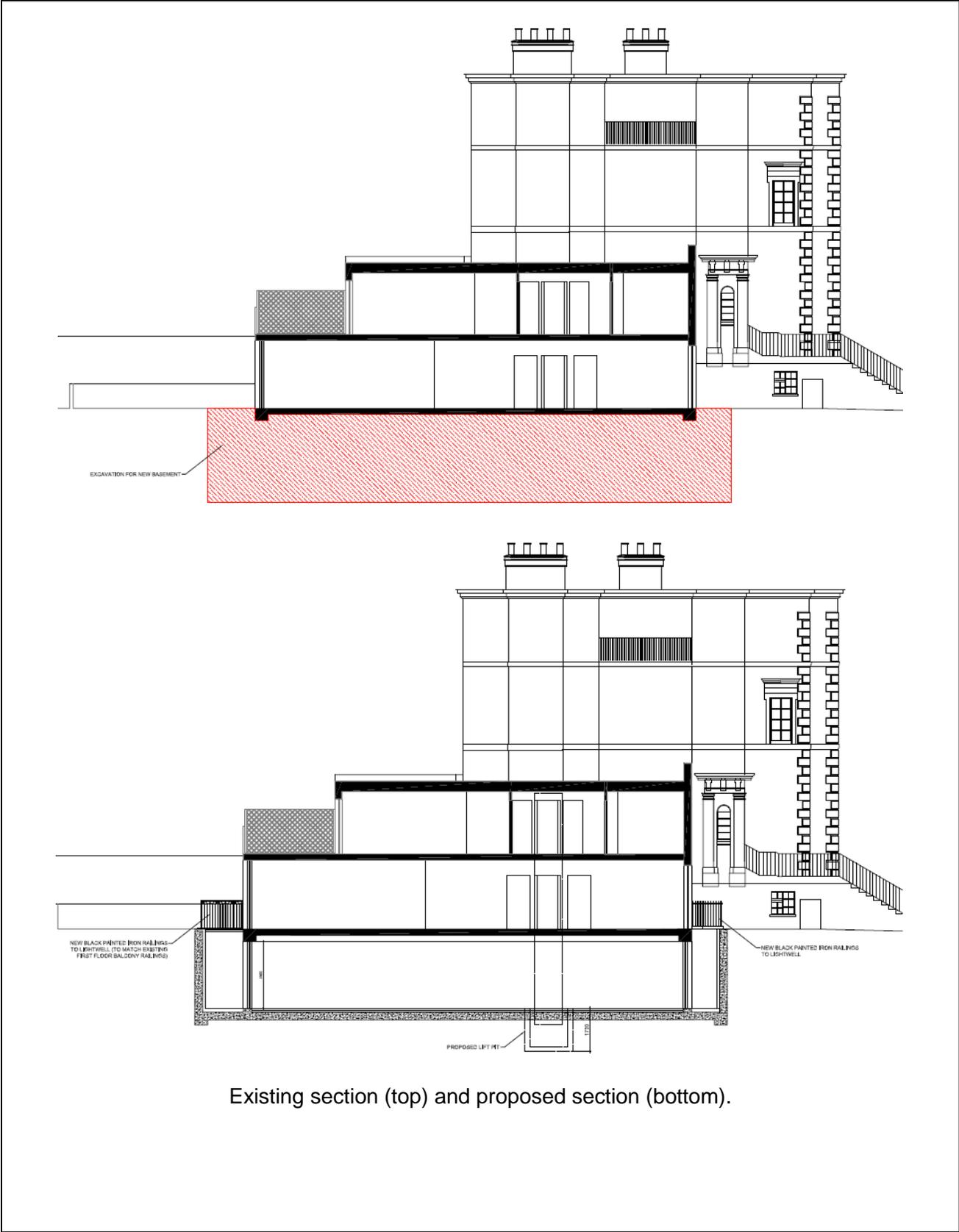
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk).

9. KEY DRAWINGS

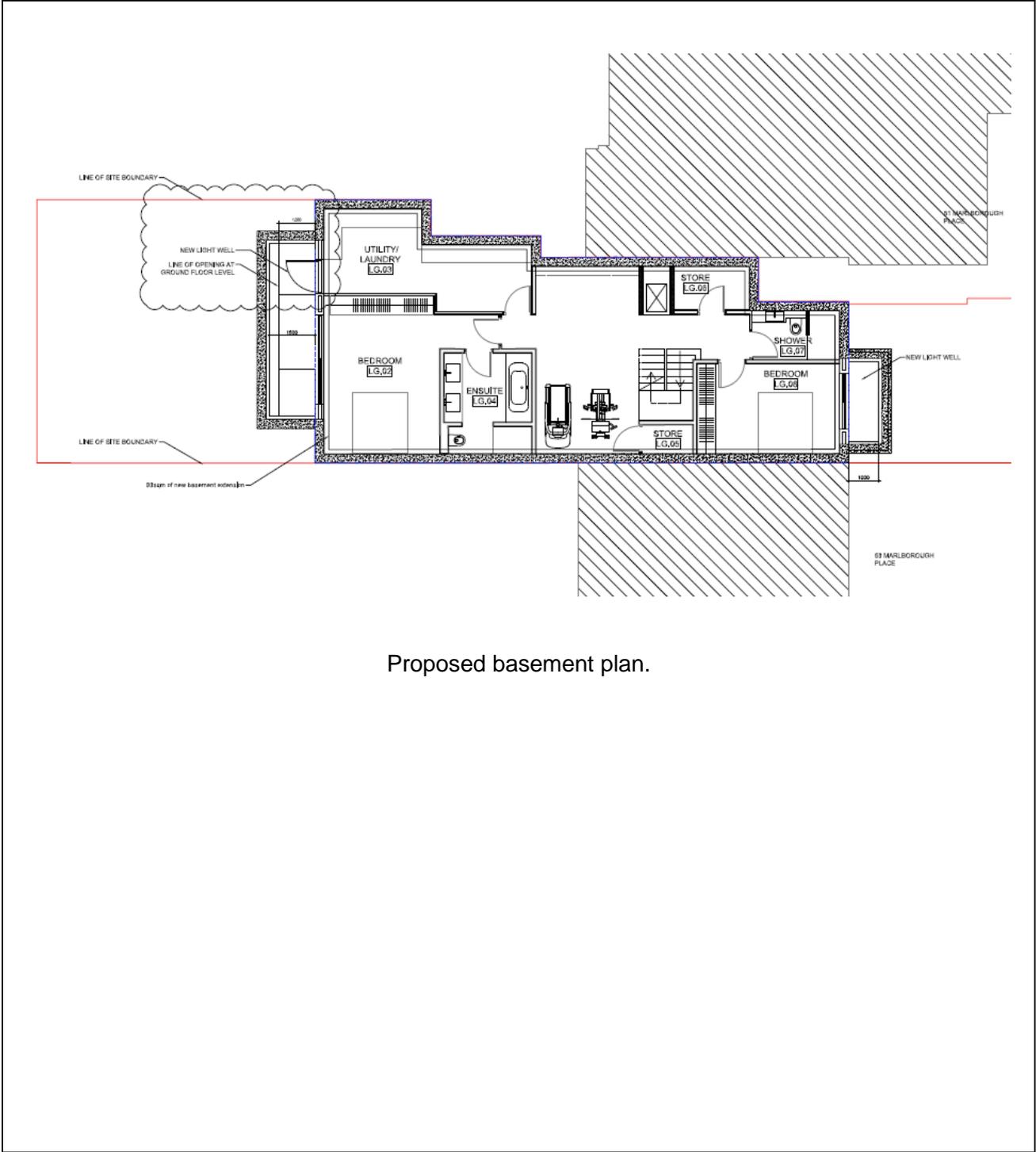


Existing and proposed front and rear elevations (top) and proposed front and rear elevations (bottom)





Existing section (top) and proposed section (bottom).



Proposed basement plan.

**DRAFT DECISION LETTER**

**Address:** 61A Marlborough Place, London, NW8 0PT

**Proposal:** Excavation of single-storey basement with lightwells to front and rear. (Linked to 17/10776/LBC)

**Reference:** 17/10775/FULL

**Plan Nos:** Site Location Plan; Site Plan; 0003 E200; 0003 E300; 0003 P200; 0003 P300; 0003 E100 Rev A; 0003 P100 Rev C; 0003 P10B Rev B; 003 P300 Rev A; Heritage Design and Access Statement; Arbtech AIA 01; Arbtech TCP 01; Tree Survey by Arbtech dated 26/01/2018; Tree Survey by Arbtech dated 27 January 2018; Appendix A- Checklist B: Code of Construction Practice- Basements; For Information Only: Construction Method Statement dated November 2017; Arboricultural Method Statement by Arbtech dated 1 February 2018; Arbtech TPP 01

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641 2857

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

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

Reason:

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

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

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

- o between 08.00 and 18.00 Monday to Friday; and
- 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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 apply to us for approval of detailed drawings showing the following alteration(s) to the scheme details of the railings around the lightwells. 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. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS23, ENV5 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 6 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 what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 7 Notwithstanding the details submitted in your Arboricultural Method Statement and Tree Protection Plan, 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 include the ash tree located at 61 Marlborough Place in your tree protection proposals.

**The submitted details must include:**

- specific details of ground protection in relation to the proposed weight of construction activity;
- a methodology for any resurfacing with the RPAs of retained trees, using a no-dig, porous surface.

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 carry out the work according to the approved details.

**Reason:**

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

**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 (November 2016), 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 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)

- 3 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).
- 4 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 You are advised that should mechanical ventilation be required, a separate application for planning permission will be required to include an acoustic report and details of where the equipment will be ventilated
- 6 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 7 The submitted Tree Protection Plan and Arboricultural Method Statement are not approved documents and listed as for information only. This is because condition no. 7 requires a revised Tree Protection Plan and Method Statement.

- 8 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:

*<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.**

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

**DRAFT DECISION LETTER**

- Address:** 61A Marlborough Place, London, NW8 0PT
- Proposal:** Underpinning to No. 59 and No. 61 Marlborough Place in connection with the creation of a basement at the adjoining dwelling at 61A Marlborough Place. (Linked to 17/10775/FULL)
- Reference:** 17/10776/LBC
- Plan Nos:** Site Location Plan; Site Plan; 0003 E200; 0003 E300; 0003 P200; 0003 P300; 0003 E100 Rev A; 0003 P100 Rev C; 0003 P10B Rev B; 003 P300 Rev A; Heritage Design and Access Statement;

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

- 1 The works 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 and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)  
  
Reason:  
To protect the special architectural or historic interest of the adjoining listed buildings. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)
- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)  
  
Reason:  
To protect the special architectural or historic interest of the adjoining listed buildings. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)