

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 6 July 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>12 Abbey Gardens, London, NW8 9AT</b>		
<b>Proposal</b>	Excavation to create new basement, replacement rear infill extension, alterations to rear closet wing, external alterations to fenestration and internal alterations.		
<b>Agent</b>	Rowan Orchid Architects		
<b>On behalf of</b>	Mr D Becker		
<b>Registered Number</b>	19/05553/FULL and 19/05554/LBC	<b>Date amended/ completed</b>	23 July 2019
<b>Date Application Received</b>	16 July 2019		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

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

## 2. SUMMARY

The application site contains a Grade II listed mid terrace former townhouse dating to around 1840 and located within the St Johns Wood Conservation Area. The site is currently in use as a single dwellinghouse.

Permission and listed building consent are sought for excavation to create a new single storey basement, replacement rear infill extension, alterations to rear closet wing, external alterations to fenestration and internal alterations.

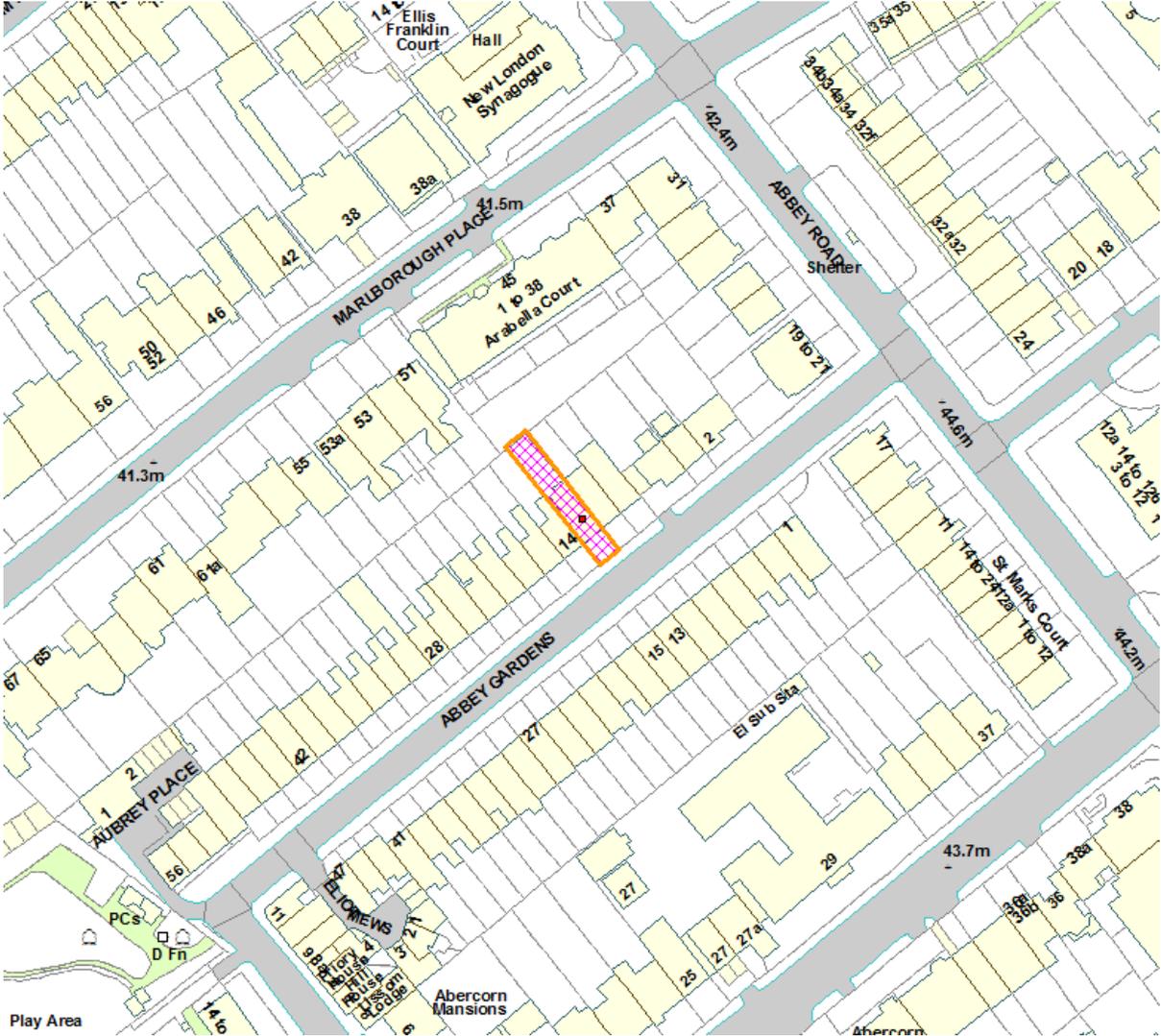
The key issues are

- The impact of the proposals on the special interest of this listed buildings and the character and appearance of the conservation area;

- The effect on the amenity of neighbouring residential properties; and
- Basement excavation.

Objections have been received from 28 neighbouring properties on design, amenity and structural grounds. However, and subject to appropriate conditions, the application is considered to comply with City Plan policies and is therefore recommended for approval.

**3. LOCATION PLAN**



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4. PHOTOGRAPHS



Front Elevation



**Rear Elevation**

## 5. CONSULTATIONS

### ST JOHN'S WOOD SOCIETY

The society objected to the 'over-development of this listed building' stating the proposed basement would set an unfortunate precedent for the Conservation Area. The society also objects to the grill on the front elevation and the removal of the internal walls at lower ground floor.

### BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

### HIGHWAYS PLANNING:

No objection.

### WASTE PROJECT OFFICER:

No objection

### DESIGNING OUT CRIME:

No response received to date.

### ENVIRONMENTAL HEALTH:

No response received to date.

### ARBORICULTURAL OFFICER:

No objection subject to conditions.

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

No. Consulted: 49

Total No. of replies: 38

No. of objections: 38

Objections from residents within Abbey Gardens have been received on some or all of the following grounds:

- Construction impacts.
- Structural concerns.
- Flood risk.
- Potential to compromise foundations of the road.
- Unwelcome precedent set.
- Economic and financial risk to neighbouring properties.
- Adverse impact on the character and appearance of the conservation area.
- No site notice was put up/ a site notice was put up but it was placed under another notice.

- Invasion of privacy - surveyors will need to visit neighbouring properties.
- "Historic Building Impact Assessment" submitted with the application does not meet the tests of national planning policy and legislation and the planning application cannot be determined on the basis of the information submitted; and
- The applicant has not consulted adequately with neighbouring properties.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site contains a Grade II listed mid-terrace buildings dating to around 1840 and located within the St Johns Wood Conservation Area. The site is currently in use as a single dwellinghouse.

### 6.2 Recent Relevant History

14/08621/FULL and 14/08622/LBC

Amalgamation of two flats to form one family dwelling house and associated internal works.

Permission and listed building consent granted 10<sup>th</sup> November 2014

14/08709/FULL & 14/08710/LBC

Demolition of existing extension at lower ground and ground floor levels and replacement with full width extension at rear lower ground floor level and half width extension at rear ground floor level.

Permission refused 10<sup>th</sup> November 2014

16/02723/FULL & 16/02724/LBC

Rebuilding of rear closet wing at lower ground floor, construction of single storey glazed infill extension at lower ground floor level (at an extended depth), installation of a rear ground floor level window and replacement of all rear elevation windows.

Permission granted 25<sup>th</sup> April 2017

17/08671/FULL & 17/08672/LBC

Installation of replacement French doors and rooflight to rear infill extension, installation of new window in rear closet wing, replacement window and new bin store to front light well, part rebuilding of rear side garden boundary wall, replacement paving to front area.

Permission granted 6<sup>th</sup> March 2018

20/02169/CLEUD

Confirmation that Planning Permission dated 25 April 2017 for "Rebuilding of rear closet wing at lower ground floor, construction of single storey glazed infill extension at lower ground floor level (at an extended depth), installation of a rear ground floor level window and replacement of all rear elevation windows" (RN: 16/02723/FULL) has been lawfully implemented.

Certificate issued 24<sup>th</sup> April 2020

## **7. THE PROPOSAL**

Permission and listed building consent are sought for excavation to create a new single storey basement largely beneath the existing property, replacement rear infill extension, alterations to rear closet wing, external alterations to fenestration and internal alterations.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The application proposes the excavation of a basement to provide additional living accommodation as part of the existing dwellinghouse. Policy 8 of the City Plan 2019-2040 (adopted April 2021) (“the City Plan”) sets out that residential use is a priority unless otherwise stated.

The site would retain the existing use class of C3 (Residential). The new dwelling would generously exceed the minimum space standards for a unit of this size, as set out in the Nationally Described Space Standards. The works are uncontroversial on land use grounds.

An objection has been received on the grounds that the new accommodation would be inadequately lit and ventilated. Policies 7 and 12 of the City Plan require new developments to provide a high-quality living environment for future residential occupants. The basement living accommodation would be naturally ventilated via the new grilles.

On the basis that the new basement accommodation is an extension to an existing dwellinghouse, the proposals would provide an acceptable standard of accommodation for future residents and this objection could not be supported.

### **8.2 Townscape and Design**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 66 of the same Act 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.”

Section 72 of the same Act requires that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

These current applications follow previous approvals on 25<sup>th</sup> April 2017 of applications 16/02723/FULL and 16/02724/LBC which allowed for the rebuilding of the rear closet wing at lower ground floor, the construction of a single storey glazed infill extension at lower ground floor level, the installation of a rear ground floor level window and the replacement of all rear elevation windows. It is noted that a certificate of lawfulness application was issued on 24<sup>th</sup> April 2020 confirming that application 16/02723/FULL has been lawfully implemented.

Objectors have raised concerns that insufficient information has been provided in order to determine the application on designated heritage assets. A site visit has been undertaken by the conservation officer who is satisfied that the proposed works will not harm the significance of the affected asset.

The increase in floor to ceiling height of 200mm of the existing lower ground floor level will not compromise the character of the interior nor the position of this floor level within the hierarchy of the spaces in the interior of the building. The basement below is considered of a scale proportionate to the remainder of the building. Whilst a marginally higher floor to ceiling height than the proposed lower ground floor level above, it is notably lower than the ground floor and thus will sit comfortably within the hierarchy of the spaces within this listed building. In a considerably altered lower ground floor level, the internal works to this floor level are not considered contentious, and the works to this floor level or the creation of the basement with the inclusion of a new floor structure to lower ground floor level with basement below will not adversely affect the significance of the building in terms of its internal fabric. No other internal alterations are shown other than minor works within the rear closet wing to ground floor level which are considered uncontentious.

The external manifestations of the basement represent the front lightwell with grill over which in itself will have a neutral visual impact in this position, and the rooflights to the rear patio and these are relatively small and will not unduly affect the setting of the building or townscape generally. These elements are considered in line with the City Council’s guidance on basement developments, and with basement policy and design and conservation policy generally.

The replacement rear extension at lower ground is set between the existing closet wing and the side boundary wall and in this location buttressed between these two features, its simply detailed and more modern appearance is considered acceptable. An

extension to this design and location was included in the scheme approved on 25<sup>th</sup> April 2017.

The new bin store to the front garden appears appropriate for the scale of the building and lightwell and will not unduly clutter the frontage of the building. The new grill to the lower ground floor level front window will obscure this feature to some degree but in this more discreet location and given the accessibility of the window and the other similar grills in the area this is not considered unacceptable in this case.

Sections of the rear garden wall which are in particularly poor condition are to be replaced to match, using reclaimed brickwork where possible. Given the condition of these sections on site, this is considered acceptable.

Notwithstanding the concerns received from the public consultation process, the proposals are considered acceptable, mindful of policies 38, 39, 40 and 45 of the City Plan; and therefore, a recommendation to grant conditional permission and consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **8.3 Residential Amenity**

Policy 7 of the City Plan seeks to ensure proposals are neighbourly by protecting and enhancing amenity, preventing unacceptable impacts such as in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking as well as protecting local environmental quality.

The subterranean elements of the extension, the proposed replacement rear infill extension and works to the front lightwell would not hamr neighbouring properties in terms of overlooking, sense of enclosure or loss of daylight/sunlight once built. To the rear, the proposed extension has previously been approved and is therefore uncontroversial on amenity grounds.

### **8.4 Transportation/Parking**

The enlargement of the dwelling would not have a material impact on traffic generation or on-street parking pressure in the area.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Access arrangements will remain unchanged

### **8.7 Trees**

The proposals have developed since the previously withdrawn application (ref: 19/00919/FULL) which the Tree Section were unable to support as the proposed basement was contrary to the Council's basements policy.

The Arboricultural Manager objects to the absence of soil above the basement. However, and given the current application has reduced the basement size to stay within the footprint of the existing patio and the revised proposal provides an 0.5m margin of undeveloped land at either side of the basement, a refusal on this basis would not be justified.

No trees are to be removed as part of the proposal. The Arboricultural Impact Assessment by Arboricultural Solutions LLP (dated July 2019) provides an Outline Arboricultural Method Statement, this provides options for different types of protective fencing and some general provisions. Final details will be secured by way of planning condition.

Proposed re-landscaping details and details of the proposed green roof covering for the replacement first floor roof have not been provided. Conditions are recommended to secure these details.

### **8.7 Westminster City Plan**

During the course of the determination of this application, the City Council 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.

### **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**

An Environmental Impact Assessment is not required for a scheme of this size.

### **8.12 Other Issues**

#### **8.13.1 Construction Impacts**

The occupants of neighbouring properties have raised concerns in relation to the potential impacts of the proposal during construction such as noise nuisance, dust, congestion from construction traffic, parking issues and general disruption.

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

Additionally, a condition is recommended to ensure that any building work which can be heard at the boundary of the site is only carried out between 08.00 and 18.00 Monday to Friday, between 08.00 and 13.00 on Saturday and not at all on Sundays, bank holidays and public holidays. Piling, excavation and demolition work will only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays, bank holidays and public holidays.

### **8.13.2 Structural Impact of Basement Excavation**

Objections have also been received on the grounds that basement excavation poses a risk of subsidence or movement and damage within the neighbouring properties and to the surrounding road networks.

The application has been assessed against policy 45 of the City Plan which deals with basement excavation. As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The submitted objections and referenced report received on structural grounds have been assessed by Building Control who has advised that the proposed structural approach appears satisfactory. The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

An informative is proposed to advise the applicant of the need to obtain a Technical Approval from the City Council's Highways Engineers before beginning excavation works. This will ensure that the structural integrity of the highway will be maintained.

### 8.13.3 Flood Risk

An objection has been received relating to the potential of increased flooding to the neighbouring rear gardens and stating that the groundwater survey was completed during a very dry summer. An objector also notes that this site is within a Surface Water Hotspot.

From the studies that have been undertaken as part of this application, it is concluded that this site can be successfully developed without causing problems to the subterranean drainage. The Basement Impact Assessment accompanying the application concludes that, despite the presence of groundwater and this site location in a Surface Water Hotspot, the proposed development will not increase the risk of groundwater flooding. The site is considered to be at low risk from identified potential sources of flooding as the ground floor is elevated 1.5m from the surrounding ground level. Furthermore, the formation of the basement will necessitate the implementation of SUDS (including a basement dewatering system), which the Engineers state will actually reduce the overall risk of flooding post-development. The basement can be constructed and operated safely in flood risk terms without increasing flood risk elsewhere and is therefore considered NPPF compliant.

### 8.13.4 Size, Design, Location and Depth of Basement

The proposed basement is in accordance with City Plan Policy 45 through: (i) Incorporating permeable surfaces to reduce peak rate run-off; (ii) Not resulting in the loss of any trees; (iii) Being naturally ventilated; (iv) Protecting the character and appearance of the Conservation; and (v) Including protection from sewer flooding. Furthermore, in respect to the depth and extent of the basement development, the proposed basement is in accordance with City Plan Policy 45) due to the additional accommodation being located beneath the existing footprint of the building, not extending under more than 50% of the garden area, and through not involving excavation more than one storey below the lowest original floor level.

An objection has stated that the floor to ceiling height of the basement breaches the 2.7m limit within policy 45 of the City Plan. However, the sections and elevation submitted with the application show the floor to ceiling height is below 2.7m.

### 8.13.5 Economic impact on neighbouring properties

Objections have been received from neighbouring properties with regards to costs caused by damages and costs of alternative accommodation during construction works. However, this is not a material planning consideration.

### 8.13.6 Precedent

Objectors are concerned that the scheme would set an unwelcome precedent for similar development in the area. This particular proposal is considered to be acceptable in the context of the adopted development plan policies. Any future applications in relation to other sites would be assessed on their individual merits and refusal on the grounds of precedent cannot be justified.

### 8.13.7 Air Conditioning Unit

The St John Wood society raised concerns with regards to the air conditioning unit which was being proposed in the lightwell not being shown on plans, the air conditioning unit proposed in application 19/00919/FULL has been removed from the front lightwell of the building due to its prominent location and has been omitted from the current proposal. A technical room is incorporated at basement level, under the existing sunken patio area. The applicant has confirmed that this will be to contain the water tank, booster pump, incoming services and cylinders.

### 8.13.8 Ownership Certificates

Objectors noted that the applicant had incorrectly filled in Certificate A on the application form and that Certificate B should have been completed and notice served accordingly. The applicant has now amended the application form to include Certificate B and correctly served notice on the adjoining property owners.

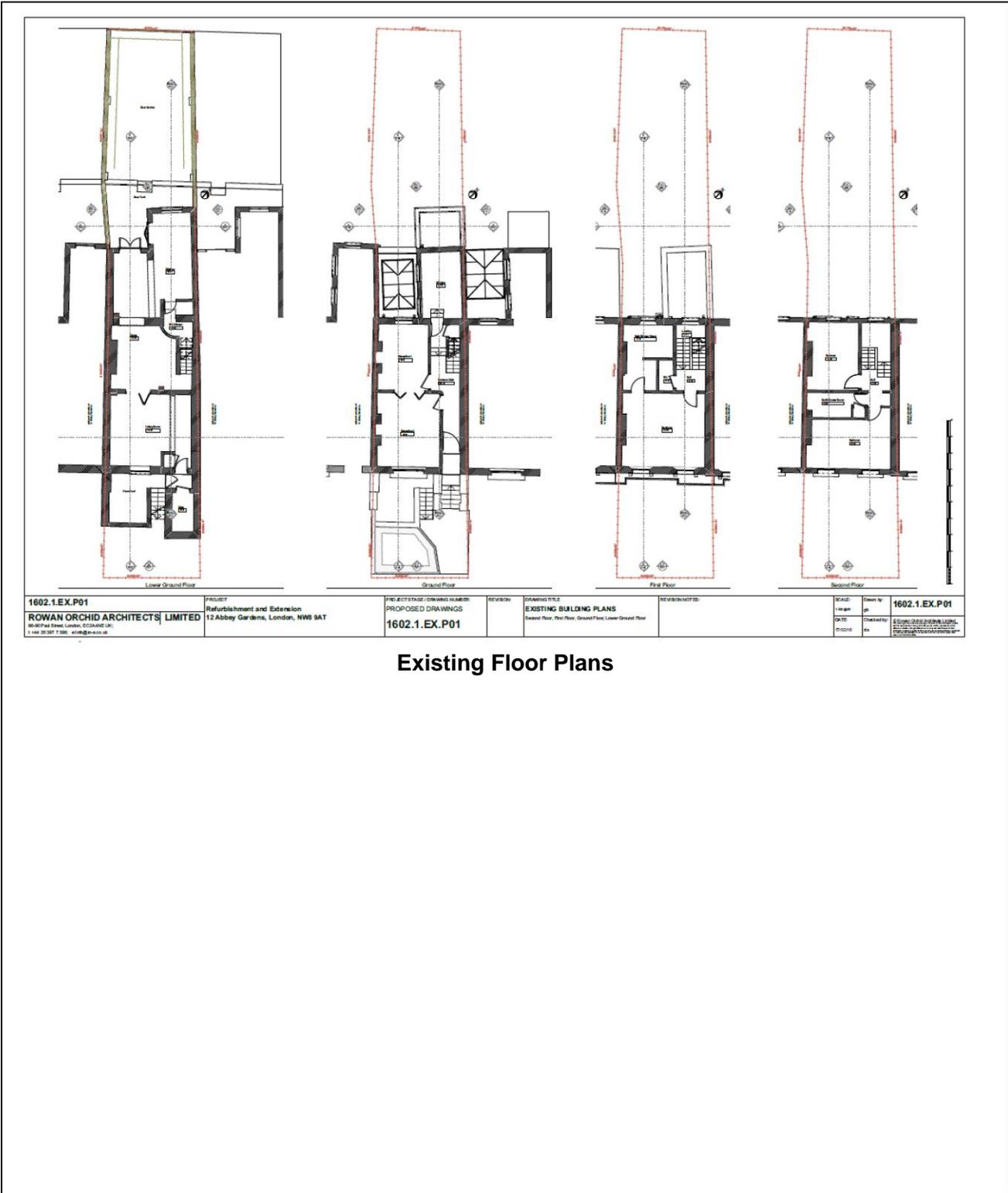
### 8.13.9 Site Notices

Objectors have stated that there was no site notice in place for the proposed development, time stamped photo's have been provided by the company contracted to post the site notice's. These photos show a site notice was placed on Abbey Gardens on 30 July 2019 at 15.55 and removed on 2 September 2019 at 09.55.

(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: BY EMAIL AT [northplanningteam@westminster.gov.uk](mailto:northplanningteam@westminster.gov.uk).

**KEY DRAWINGS**



**Existing Floor Plans**



<b>1602.4.PA.P01</b> <b>ROWAN ORCHID ARCHITECTS LIMITED</b> <small>85-86 Pall Mall, London, W1K 7BS, UK          T: +44 (0)20 7333 7333, A: +44 (0)20 7333 7333</small>	<b>PROJECT</b> Refurbishment and Extension 12 Abbey Gardens, London, NW8 5AT	<b>PROJECT STAGE / DRAWING NUMBER</b> PLANNING APPLICATION DRAWINGS <b>1602.4.PA.P01</b>	<b>REVISION</b> U	<b>DRAWING TITLE</b> <b>PLANNING PLANS</b> <small>Ground Floor, Lower Ground Floor, Second Floor, First Floor, Restaurant</small>	<b>REVISION HISTORY</b> <small>Revision 02, 2020/02/05          general update following consultation with planning authority</small>	<b>SCALE</b> 1:400 1:400 1:400 1:400 1:400 <b>Drawn by</b> JH <b>Checked by</b> JH <b>1602.4.PA.P01</b> <small>© Crown Copyright and Database Right. All Rights Reserved. Ordnance Survey Licence No. 100019200</small>
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**Proposed Floor Plans**



Existing Elevations and Sections



Proposed Elevations and Sections.

**DRAFT DECISION LETTER**

**Address:** 12 Abbey Gardens, London, NW8 9AT

**Proposal:** Excavation to create new basement, replacement rear infill extension, alterations to rear closet wing, external alterations to fenestration and internal alterations.

**Reference:** 19/05553/FULL

**Plan Nos:** Site location plan; 1602.1.EX.P01; 1602.4.PA.E01; 1602.4.PA.P01 Rev U; 1602.1.EX.E01

For Information: Desk study, ground investigation and ground conditions basement impact report dated 14 January 2019; Structural methodology statement for proposed basement works at 12 Abbey gardens by Michael alexander consulting engineers.

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 07866037773

**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).

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

Reason:

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

- 4 You must apply to us for approval of a sample, or a photograph of a sample, of the new external paving and facing for the new external stairs. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this/these sample(s). (C26DB)

Reason:

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

- 5 The new windows and new external doors hereby approved shall be formed in glazing and white painted timber framing ( with the exception of the 'Patio Sliding Doors' (as defined on drawing 1602.4.PA.E01) to rear ground floor level which shall be formed in aluminium).

Reason:

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

- 6 The grille to the front lightwell shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal.

Reason:

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

- 7 The bin store to the front lightwell shall be painted and maintained in a white colour

Reason:

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

- 8 The new sections of rear garden wall (as highlighted on drawing 1602.4.PA.E01T and 1602.4.PA.P01U) shall be formed from reclaimed brickwork where possible, and otherwise in new brickwork which matches the existing original garden wall brickwork in terms of colour, texture, face bond and pointing. The new section of wall shall be designed to match exactly the constructional form and details of the existing walls adjacent

Reason:

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

- 9 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

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

- 11 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 12 Months 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 12 months 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 Johns Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

**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 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).
- 3 With reference to condition 9 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan

(basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

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

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

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

- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

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

5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

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

- 6 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.
  
- 7 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 and to apply online please visit [www.westminster.gov.uk/suspensions-dispensations-and-skips](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).

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:** 12 Abbey Gardens, London, NW8 9AT

**Proposal:** Excavation to create new basement, replacement rear infill extension, alterations to rear closet wing, external alterations to fenestration and internal alterations. Linked to 19/05553/FULL)

**Reference:** 19/05554/LBC

**Plan Nos:** Site location plan; 1602.1.EX.P01; 1602.4.PA.E01; 1602.4.PA.P01 Rev U; 1602.1.EX.E01

For Information:, Desk study, ground investigation and ground conditions basement impact report dated 14 January 2019; Structural methodology statement for proposed basement works at 12 Abbey gardens by Michael alexander consulting engineers.

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 07866037773

**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 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 this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 3 You must apply to us for approval of a sample, or a photograph of a sample, of the new external paving and facing for the new external stairs. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to this/these sample(s). (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.  
(R27BE)

- 4 The new windows and new external doors hereby approved shall be formed in glazing and white painted timber framing

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.  
(R27BE)

- 5 The grille to the front lightwell shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.  
(R27BE)

- 6 The bin store to the front lightwell shall be painted and maintained in a white colour

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.  
(R27BE)

- 7 The new sections of rear garden wall (as highlighted on drawing 1602.4.PA.E01T and 1602.4.PA.P01U) shall be formed from reclaimed brickwork where possible, and otherwise in new brickwork which matches the existing original garden wall brickwork in terms of colour, texture, face bond and pointing. The new section of wall shall be designed to match exactly the constructional form and details of the existing walls adjacent,

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.  
(R27BE)

**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, the London Plan (March 2021), the City Plan (April 2021), 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:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of 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. (159AA)

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.