

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	11 Gerald Road, London, SW1W 9EH		
Proposal	Excavation of lower ground floor and basement under the front garden. Replacement of front basement lightwell stair.		
Agent	Mr Rodrigo Moreno Masey		
On behalf of	Miss Alison Davies		
Registered Number	15/07603/FULL	Date amended/ completed	17 August 2015
Date Application Received	17 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

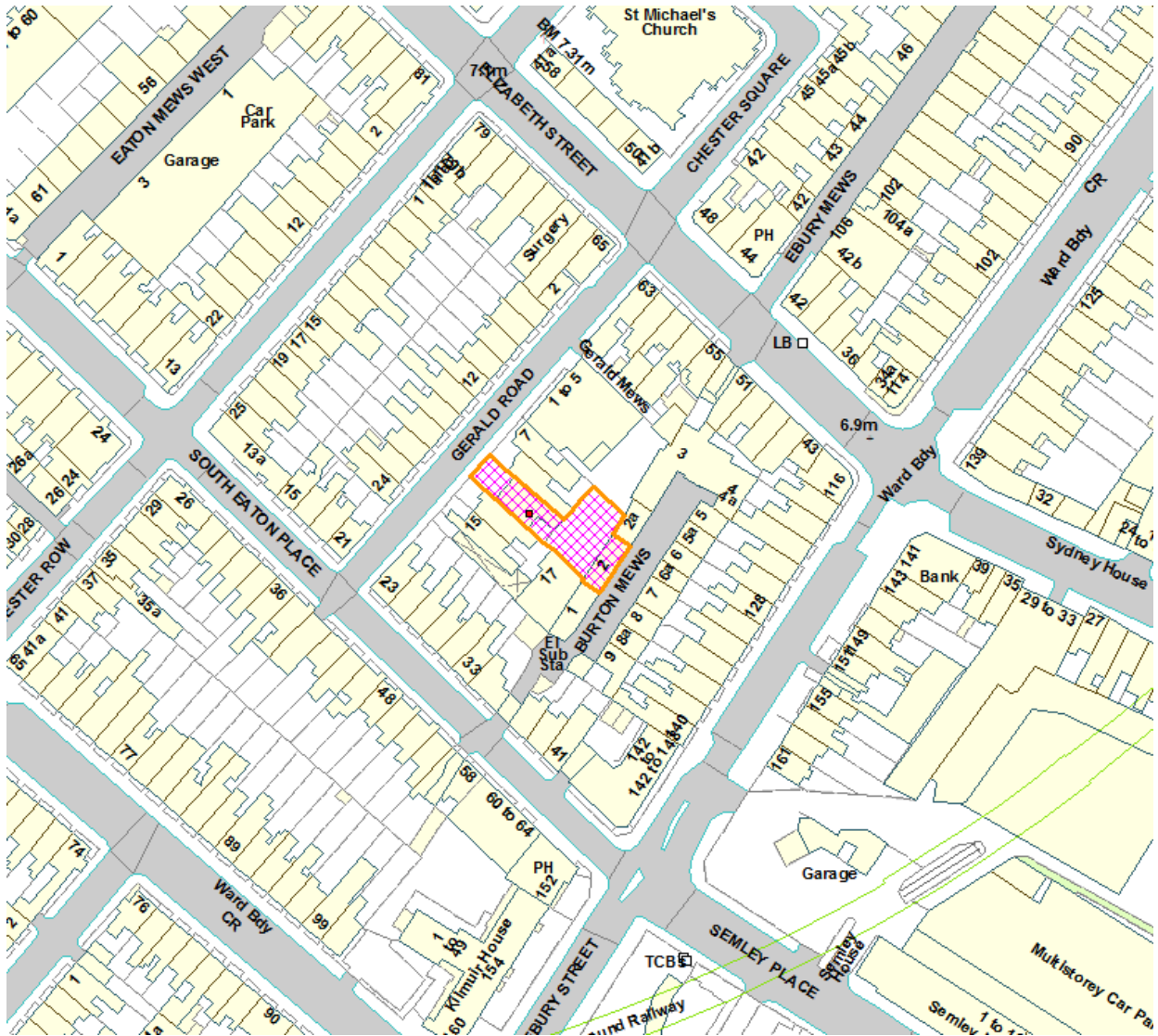
An application has been submitted seeking planning permission for excavation of a lower ground floor and basement under the front garden and replacement of front basement lightwell stair.

The key issues for consideration are:

- * The impact of the proposals on the appearance of the building and character of the surrounding Belgravia Conservation Area.
- * The impact of the proposals on the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photograph of front garden and hedge at 11 Gerald Road

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

BUILDING CONTROL

Structural Method Statement is considered to be satisfactory.

ARBORICULTURAL MANAGER

Build up over proposed basement will allow for suitable landscaping. Landscaping should be reserved by condition. Clarification should be sought on whether hedge will be removed or retained in the revised Construction Management Plan.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10

Total No. of replies: 6

No. of objections: 6

Six letters received from or on behalf of neighbouring residents raising the following issues:

Design

*Development is out of keeping with the character of Gerald Road.

*Property is in conservation area and a major feature of the setting of the house is the large and well-established hedge on the Gerald Road frontage. Inconsistencies in documentation on whether this is to be retained. Council should exercise its powers to protect trees in the conservation area.

* Property is contrary to the City Council's Basement SPD which states that front excavation is not always desirable – the historic form of the front vault would be lost and a single large, deep excavated box would result.

Highways

*Narrow one way road, unsuitable for this kind of traffic.

*Impact of construction on traffic flow in the mews over a protracted period.

*Construction would cause congestion and would disrupt parking.

Basement Construction

*Should be restricted to a single level storey.

*Double basement dig is not appropriate on a road of this size and width.

*Noise, dust and vibration and disturbance arising from the construction.

Other

*Certificate B not served.

*Previous residents agreed on a survey by Grosvenor Estate that no more permissions would be given for sub-basement excavations.

*Loss of capital value.

*Vault could not be constructed as shown owing to the presence of a historic lower ground floor vault extension at No. 9.

*Inadequate soil depth to allow planting which is a breach of the SPD.

*Weight should be given to the emerging basement policy, applicant is seeking credit for where the application does comply, so negatives should also be considered.

SITE/PRESS NOTICE:

Yes

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 11 Gerald Road is an unlisted, mid-terrace single family dwelling consisting of lower ground, ground and first to third floor levels. The property is located within the Belgravia Conservation Area and outside of the Central Activities Zone in a predominantly residential area.

6.2 Recent Relevant History

Committee resolved to grant planning permission for the excavation to create a new basement level extension beneath 2 Burton Mews to the rear of 11 Gerald Road in April 2016.

There are three other applications currently pending determination at the site. These are:

15/09279/FULL

Excavation to increase size of existing basement under 11 Gerald Road and rear mews, alterations to the landscaping of the rear garden, installation of new stairs from lightwell and installation of grills to lightwells and garden area for plant ventilation.

15/10141/FULL

Excavation to create enlarged basement extension with swimming pool and associated plant beneath main house, part front and rear gardens, and rear Mews building (Site includes 2 Burton Mews).

16/02032/FULL

Erection of rear extension at ground floor level to replace existing. Formation of new roof terrace and alterations to existing roof terrace, at first floor level. Installation of replacement windows and doors to the front and rear elevations of the mews building and to the main building. Installation of rooflights to the mews building and rooflights and roof lantern to the main building.

7. THE PROPOSAL

The application seeks planning permission for excavation of a lower ground floor and basement under the front garden and replacement of front basement lightwell stair.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal seeks to extend the existing residential accommodation which is acceptable in principle in land use terms and in accordance with H3 of the UDP and S14 of Westminster's City Plan.

8.2 Townscape and Design

An objection has been raised that the development is out of keeping with the character of Gerald Road. Given the subterranean nature of the proposed basement extension, the basement itself will have a minimal impact on the appearance of the existing building.

Given the highly enclosed nature of the front lightwell the replacement of the stair and installation of a window to the vault elevation to match the existing window is considered acceptable.

Objections have been raised on the grounds of the proposed potential loss of the front hedge given the conservation area setting. The hedge, although being an attractive feature, is not considered to be typical of houses in this area and as such its removal would not be resisted on design and conservation grounds.

An objection has been received stating that the property is contrary to the City Council's Basement SPD which states that front excavation is not always desirable and that the historic form of the front vault would be lost and a single large, deep excavated box would result.

As the building is not listed and the existing and proposed vault is fully within the site boundary, rather than under the pavement, it is not considered justifiable to refuse planning permission for the proposals on these grounds.

The development is therefore considered acceptable in design and conservation terms and will result in a neutral impact on the Belgravia Conservation Area.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

It is considered that the creation of a new basement storey under the front garden will not materially impact upon the amenity of neighbouring properties in terms of loss of privacy, daylight or sense of enclosure.

As such, the proposals are considered acceptable in amenity terms, in accordance with Policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

As the enlarged property will continue to be used as a single family dwelling, the proposals are considered acceptable in Highways terms.

The impact associated with the excavation and construction is considered in Section 8.12 of this report.

8.5 Economic Considerations

Not applicable.

8.6 Access

The access arrangements are unchanged by these proposals.

8.7 Other UDP/Westminster Policy Considerations

Landscaping

An objection was received on the grounds that there is inadequate soil depth to allow planting, which would breach the City Council's SPD on Basement Development adopted in October 2014. The proposals have subsequently been revised to provide 1.2m soil depth, which on balance the arboricultural officer considers will allow for suitable landscaping to be provided in the front garden.

Details of landscaping are recommended to be required by condition. An informative has been added stating that the Construction Management Plan and landscaping details should clarify whether the front garden hedge is intended to be removed or retained as this is a prominent feature of the street scene and if its removal is necessary to facilitate construction it should be replanted or replaced with similar planting.

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

The proposals are of insufficient scale to generate a requirement for any planning obligations.

8.11 Environmental Impact Assessment

The proposals are of an insufficient scale to require an environmental assessment.

8.12 Other Issues

Basement

The application was submitted prior to 1 November 2015, from which date the City Council has sought to apply elements of its emerging Basement Revision to the City Plan, prior to its full adoption.

Were the application assessed against this policy, the proposals would be unacceptable as they propose excavation of more than one storey and do not meet the exceptional circumstances criteria which may make further excavation acceptable. Objections have been received on these grounds.

However, given the date of submission of the application officers consider that it would be unreasonable to refuse planning permission on these grounds.

Objections have been raised in relation to the basement proposal on the grounds that Construction Management Statement makes assumptions about the existing structures present at the neighbouring properties and regarding the structural hazards and potential damage to neighbouring properties which could arise as a result of the proposal. Also, they suggest that there are missing water and utilities drawings, structural calculations and drawings and that the high water table and unknown location of Kingston Aquifer could lead to damp spreading to neighbouring properties.

With regard to the construction of the basement itself, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. 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.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are 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. This report will be attached for information purposes to the decision letter.

Construction impact

Neighbouring residents have raised concerns in relation to the management of construction traffic, access arrangements during construction and the general disturbance and potential damage caused by the construction process and construction traffic. Planning applications cannot reasonably be refused on grounds of construction impact. However, it is possible to mitigate the effects of construction through a Construction

Management Plan (CMP) and through controlling the hours when noisy works are permitted.

An initial CMP has been submitted with the application. This details the measures proposed to minimise the impact of the construction works on surrounding neighbours. It is recommended that a full CMP is secured by condition.

A condition is recommended to limit the hours when noisy works are permitted to Monday to Friday 08.00 to 18.00 and Saturdays 08.00 to 13.00. Notwithstanding this, it is recommended that no basement excavation is carried out at all on Saturdays

An Informative has been added to encourage the applicant to join the nationally recognised Considerate Constructors Scheme.

Other

Objection has been raised on the grounds that Certificate B was not served. The applicant has subsequently submitted Certificate B.

Also, objection has been received on the grounds that weight should be given to the emerging basement policy as the applicant is seeking credit for where the application does comply with this, so negatives should also be considered. As previously addressed, it is not the City Council's position to apply the emerging policy in this instance as the application was submitted before 1 November 2015.

An objection has been received stating that the vault could not be constructed as shown owing to the presence of a historic lower ground floor vault extension at No. 9. However, the application must be assessed on the basis of the drawings submitted and it should be expected that those responsible for undertaking the existing survey have the requisite level of professional competence to produce accurate drawings in this regard.

Potential loss of capital value has also been raised as an objection however this is not a planning matter.

A comment was made that the previous residents agreed on a survey by Grosvenor Estate that no more permissions would be given for sub-basement excavations. This is a private matter and permission could not reasonably be withheld on this basis.

9. BACKGROUND PAPERS

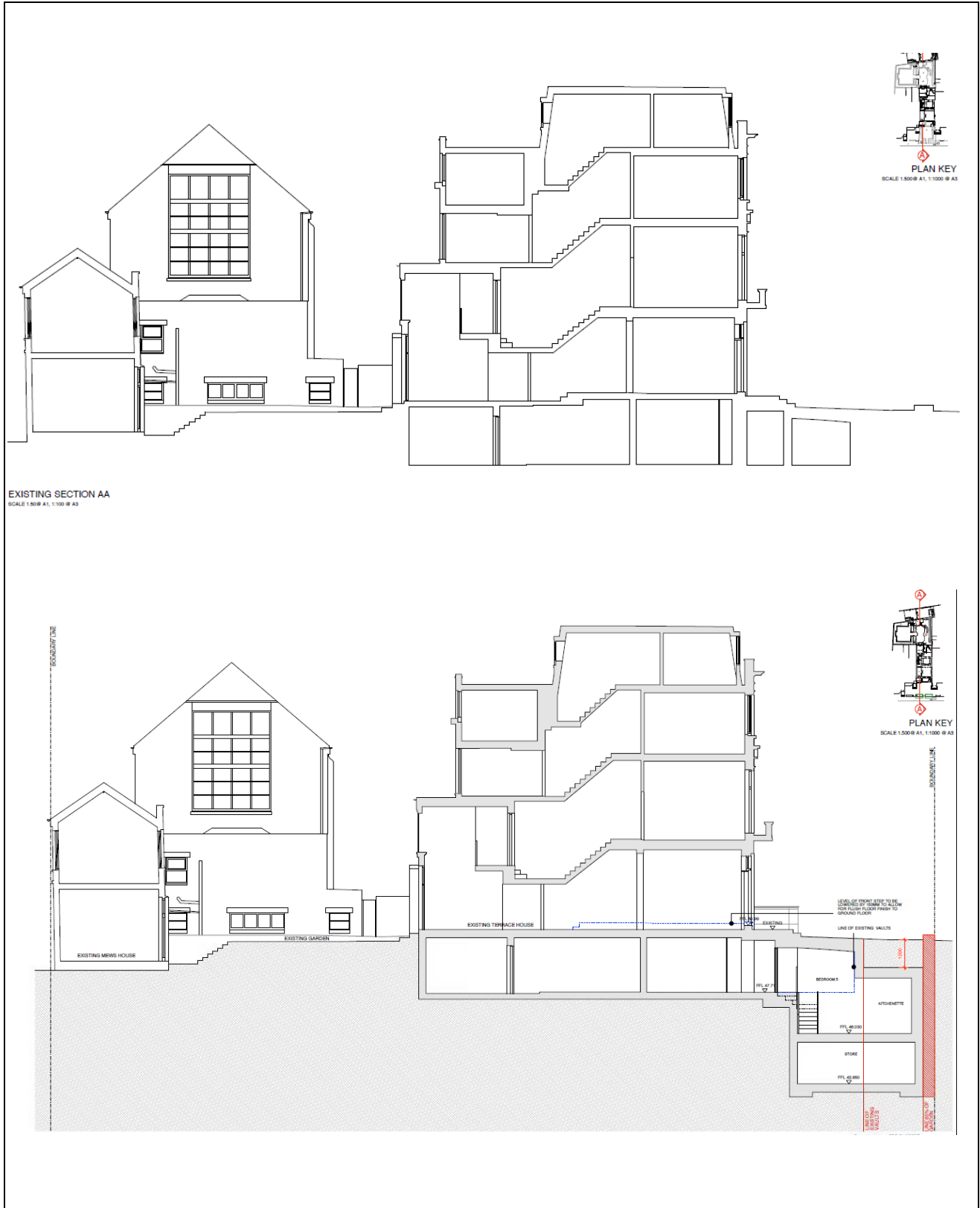
1. Application form
2. Response from Tree Section - Development Planning, dated 6 May 2016.
3. Response from Building Control dated 2 October 2015.
4. Letter from occupier of 13 Gerald Road, London, dated 25 September 2015
5. Letter from occupier of 20 Gerald Road, London, dated 30 September 2015
6. Letter from occupier of 10 Gerald Road, Belgravia, dated 2 October 2015
7. Letter from occupier of 16 Gerald Road, London, dated 2 October 2015
8. Letter from occupier of 2A Gerald Road, London, dated 8 October 2015
9. Letter on behalf of occupier of 9 Gerald Road, dated 15 December 2015

Selected relevant drawings

(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 SEBASTIAN KNOX ON 020 7641 4208 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 11 Gerald Road, London, SW1W 9EH,

Proposal: Excavation of lower ground floor and basement under the front garden. Replacement of front basement lightwell stair.

Reference: 15/07603/FULL

Plan Nos: 1000 Rev P1; 1001 Rev P1; 1002 Rev P1; 1010 Rev P1; 1013 Rev P1; 1100 Rev P2; 1101 Rev P2; 1102 Rev P2; 1110 Rev P2; 1120 Rev P2; Planning, Heritage and Design and Access Statement; Construction Management Statement (Revised February 2016), prepared by ADL Planning Limited; (for information only) Engineering Design & Construction Method Statement Rev P2 dated July 2015, prepared by Elliott Wood Partnership LLP; Basement Impact Assessment dated August 2015, prepared by Site Analytical Services Ltd.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:, * 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., , You must carry out basement excavation work only:, * between 08.00 and 18.00 Monday to Friday; and, * not at all on Saturdays, Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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 Belgravia 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 **Pre Commencement Condition.** Notwithstanding the submitted Construction Management Plan, no development shall be carried out until a revised construction management plan for the proposed development has been submitted to and approved by the City Council as local planning authority. The plan must include a construction programme, a code of construction practice, a 24 hour emergency contact number, the hours of building works and measures taken to ensure satisfactory access and movement within the building for existing occupiers during construction. You must also include a site set up plan to show how you will accommodate all site storage and activities in line with the details which are required under the terms of the tree protection conditions attached to this permission. 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.

- 5 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 6 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 2 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 Belgravia 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: Strategic Policies adopted November 2013 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)

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 For the avoidance of doubt the Construction Management Plan referred to under Condition 4 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 3 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.
- 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 should ensure that the details you submit to satisfy the construction management and landscaping conditions are prepared in conjunction with each other and make clear whether the front garden hedge is intended to be removed or retained.
- 6 The Council considers that the amount of daylight into and the view that is likely from the basement would not be enough for the use of this space as the main or only living area. (You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view.) The proposals have been accepted because the house as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the house will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the house in a different way, the property is likely to be considered for action under the Housing Act

2004 by our Residential Environmental Health team; in those circumstances, that team would have the power to require works to improve daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.

- 7 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 or visit www.ccscheme.org.uk.
- 8 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, perhaps by issuing regular bulletins about site progress.
- 9 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk, , Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. , , Thames Water requests you to incorporate within your proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. , , Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 10 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be

employed with this development in order to help minimise the potential risk to their network. Please contact: , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk

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.