

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	17 Lowndes Close, London, SW1X 8BZ		
Proposal	Excavation of a basement incorporating a light-well to rear.		
Agent	Mr Andy Murphie		
On behalf of	Mr Gerry Jackson		
Registered Number	16/11344/FULL	Date amended/ completed	8 December 2016
Date Application Received	30 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

17 Lowndes Close is an unlisted dwelling located within the Belgravia Conservation Area. This application seeks to excavate a basement incorporating a light-well to the rear.

The main issues for consideration are:

- The impact on the character and appearance of the Conservation Area and;
- The impact on the amenities of adjoining residential properties.

5 objections have been received primarily on the grounds of amenity, highways and construction management and these issues are addressed in the main part of this report.

The proposal is considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP) and the NPPF and, consequently the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION:

Any response received to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:

Any response received to be reported verbally.

THE BELGRAVIA SOCIETY:

Any response received to be reported verbally.

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 reinforced concrete underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ENVIRONMENTAL HEALTH:

No objection on environmental noise or nuisance grounds subject to informatives.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 5

5 letters of objection have been received raising the following:

Amenity

- Noise emitted from the proposed works;
- Dirt, dust and smell during construction;
- Quality of air damaging health;

Basement works

- Structural damage to the foundations of the neighbouring property;
- Scaffolding to protect the privacy of 3 Belgrave Place and be properly installed;
- Permitted hours of work to be carefully considered;
- Heavy lorries are not allowed access into the mews in accordance with the Grosvenor Management Scheme;
- No mention of registration with the Considerate Constructor Scheme;
- The roads would be blocked for a long time and;
- The Embassy of Hungary has garages in the Mews and the construction of the basement would obstruct the free movement of traffic;

Other

- Proposed basement plan is missing and not available online;

- Separate ground movement plan is required prepared by a specialist;
- No detail of ventilation equipment (required for the basement) and;
- No noise assessment report has been submitted to identify current background noise levels

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

17 Lowndes Close is an unlisted three storey dwellinghouse located in the Belgravia Conservation Area part of the Grosvenor Estate. It is accessed off Lowndes Place. The building is a single family dwelling house and has been altered in the past. The site lies within a predominately residential area. The rear of the site bounds properties in Belgrave Place and to the north east is the Hungarian Embassy at 35 Eaton Place.

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

Planning permission is sought for the excavation of a basement incorporating a lightwell to the rear. The proposed basement including the lightwell would be located entirely within the footprint of the site. The proposal would also involve minor external changes to the rear elevation including the enlargement of the existing angled bay window which would accommodate a small courtyard to provide natural light and ventilation to the proposed basement living space.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application property is a single family dwellinghouse and the additional residential floorspace that would be provided would enlarge the existing home. In these circumstances the application does not raise any land use issues.

8.2 Townscape and Design

The principle of a basement under the footprint of the building would be considered acceptable and would be in compliance with policies DES1 and DES9 of the UDP. The lower ground floor extension would have no external manifestations and would be retained wholly underneath the existing building. Indeed, the alterations involved are relatively minor and would not dilute further the altered plan form of the building. The proposed basement would have limited impact on the character of the lower ground floor level as the area is enclosed and particularly small, with no real overriding character to the rear and, as such, the works would not harm the character and appearance of the Conservation Area and are unlikely to harm the overall character of the building.

Other alterations include the rebuilding of the existing rear bay window, which is considered acceptable as are the replacement windows and doors, subject to the recommended conditions.

8.3 Residential Amenity

The proposed basement is to be served with natural light and ventilation through the proposed lightwell. It is not considered that the excavation of the basement would result in any significant impacts on the amenity of adjoining residential dwellings, provided that the hours of excavation and building works are complied with, these can be imposed as conditions. The neighbouring properties would be able to see into the lightwell however these views are limited and are not deemed harmful.

Some letters of objection query how the basement will be ventilated. Ventilation is provided via the proposed lightwell and no additional mechanical plant is proposed. It is considered that the proposal would not result in any significant impact on the amenity of the neighbouring properties by reason of loss of sunlight, daylight, privacy and outlook and as such the proposal would be in line with the aims of policy ENV13 of the UDP and policies S29 and S32 of the City Plan.

8.4 Transportation/Parking

The proposed basement would provide additional floorspace to an existing residential unit and therefore there would be no increase in the number of households. As such it is not considered that the proposals would have a detrimental impact on the local highway network or availability of on-street parking.

8.5 Economic Considerations

There are no economic considerations applicable for a development of this size.

8.6 Access

The proposal does not alter access arrangements.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

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

The floor space of the basement would be about 53sqm which would be less than 100sqm gross internal area. Therefore, it would be exempt from paying the Mayoral and Council CIL charges.

8.10 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement of an EIA.

8.11 Other Issues

Basement

Many of the objectors have expressed strong concerns to the excavation of the new basement as it is a risky construction process with potential harm to adjoining buildings. Many also cite that there would be potential damage to air quality from dirt, dust and smell to health of the adjoining residents.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

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. 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. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The Building Control Officer has assessed the report and advised that the proposal would not exacerbate flooding, it would be constructed using traditional underpinning with internal retaining walls and therefore would safeguard the structural stability of the existing building and neighbouring properties. No archaeological deposits were found that would be disturbed by the construction of the basement and it is unlikely that the excavation would impact on drainage.

The Westminster City Plan basement policy CM28.1 sets limits on the depth and extent of basement development where there is potential for impact on neighbouring residential properties. The application site is bounded by residential buildings on all sides. The policy states basement development to existing residential buildings should not extend beneath more than 50% of the garden land. The garden land is defined as the site area excluding the footprint of the original building. As the garden has already been built upon at ground floor level it would not be classified as a conventional garden and therefore the whole of the available curtilage can be developed under part 1.a of the policy. The supporting text to the policy states that the undeveloped strip is expected to be '*a minimum of 0.5 – 2 metres depending on the site. This may be reduced on smaller sites*'. The policy also requires the provision of a minimum of 1m soil depth (plus 200mm drainage layer) and adequate overall soil volume above the top cover of the basement. It further outlines a number of other requirements.

Whilst the proposal would not strictly comply in terms of achieving a 1.2m layer of topsoil between the basement ceiling and the rear garden, given this courtyard is already paved over and (it does not appear as a garden) could only provide limited green landscaping, it would be unreasonable to insist on this depth of soil above. If the applicant were to provide this layer, it would mean greater excavation would be required to achieve the floor to ceiling height for the basement beneath the courtyard. Furthermore, with the exception of this, the excavation would only be for one storey below the original floor level. It should also be noted that planning permission for a comparable size basement has been implemented at the adjoining property No. 19 Lowndes Close under RN 13/11106/FULL, which had similar constraints. Therefore, overall on balance, based on the circumstances of the site, the proposed basement would comply with the objectives of Policy CM28.1.

Construction impact

In terms of the impact of construction on the amenity of neighbours and the operation of the local highway network, whilst it is recognised that there would inevitably be an element of disturbance to residents particularly during construction of the new basement, the applicant would be required to adhere to the Council's Code of Construction Practice (CoCP). The City Council's CoCP and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new CoCP was adopted in July 2016 and the applicant is required to sign up to it. Compliance is monitored by the Environmental Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

In addition, the applicant has advised that the works would be subject to stringent controls by Grosvenor Estates in order to safeguard the adjoining properties and a separate licence from Grosvenor Estates would be required to ensure that the works are completed within the agreement of the licence. This would further ensure that the traffic from the construction of the proposed basement is well managed to mitigate inconvenience to neighbouring residents.

Conclusion

It is considered that the objections raised cannot be sustained in this case and warrant refusing the application. The proposal is considered acceptable in terms of its method of construction, design and impact on amenity and as such conditional permission is recommended as set out in the draft decision letter.

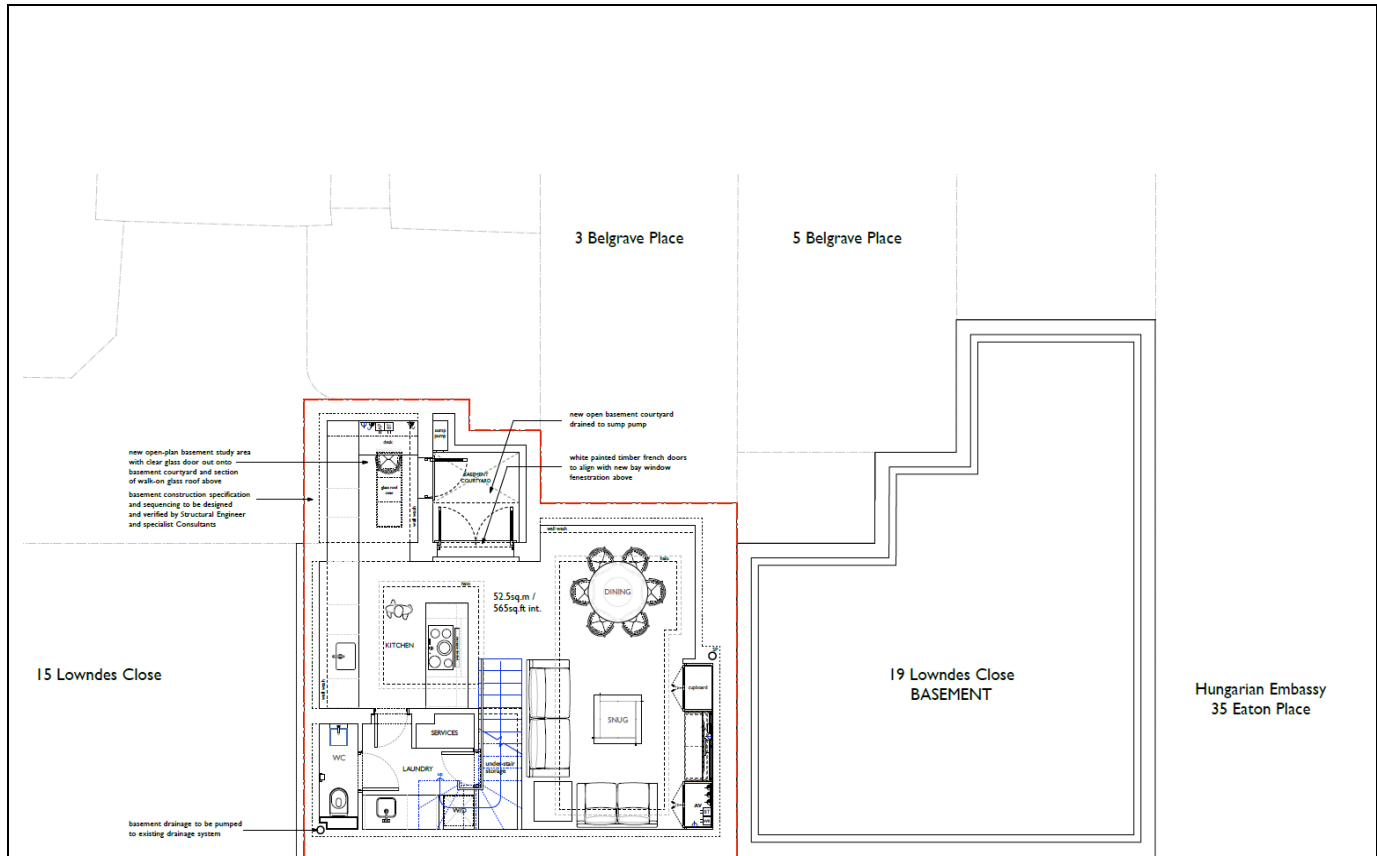
9. BACKGROUND PAPERS

1. Application form.
2. Response from Environmental Health, dated 15 December 2016.
3. E-mail from Building Control dated 26 April 2017.
4. Letter from occupier of 15 Lowndes Close dated 4 January 2017.
5. Letter from Embassy of Hungary to UK, 35 Eaton Place dated 17 January 2017.
6. Letter from occupier of 19 Lowndes Close dated 16 January 2017.
7. Letter from occupier of Flat 4, 3 Belgrave Place dated 21 December 2016.
8. Letter from occupier of Venture House, 27-29 Glasshouse Street dated 4 January 2017.

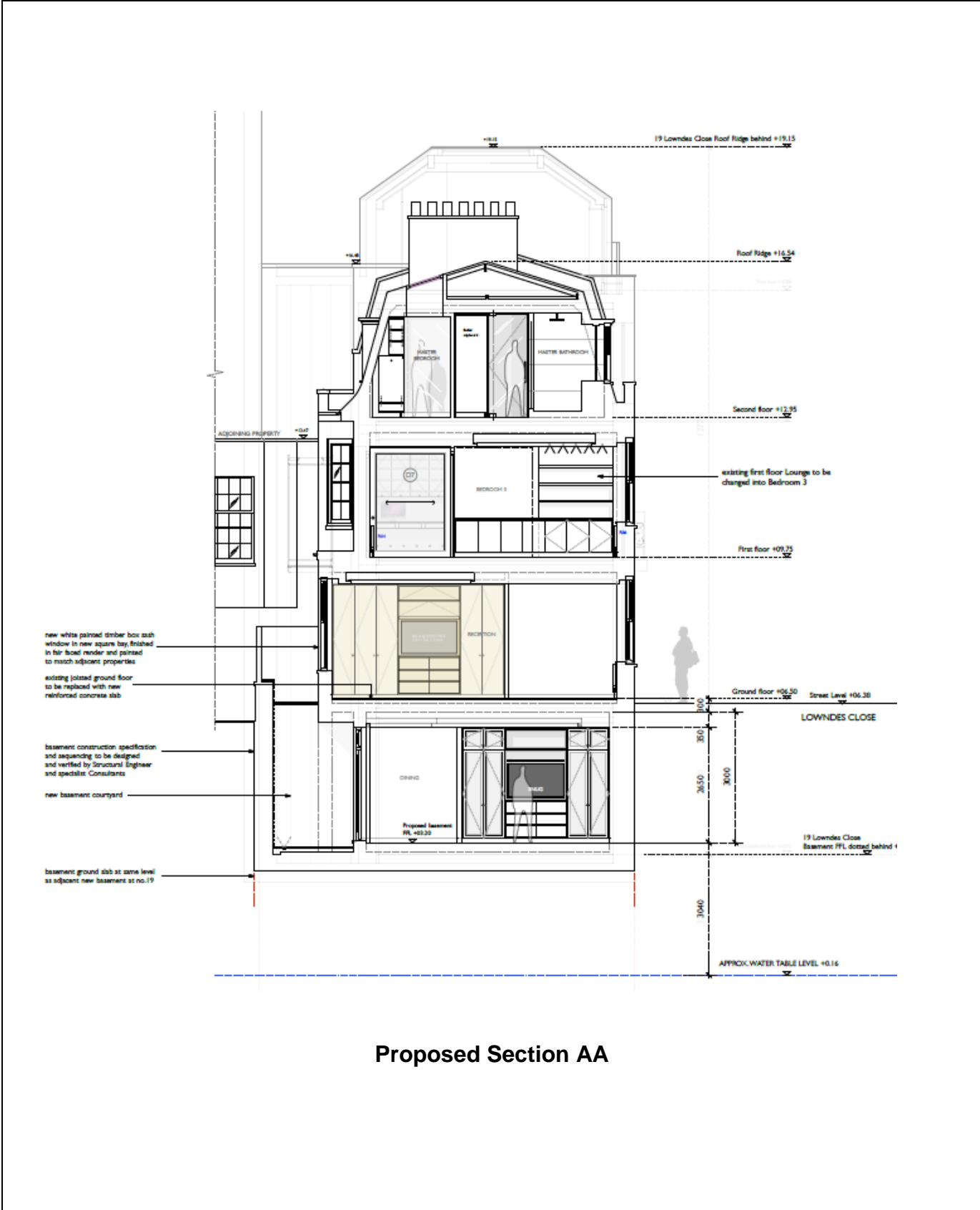
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

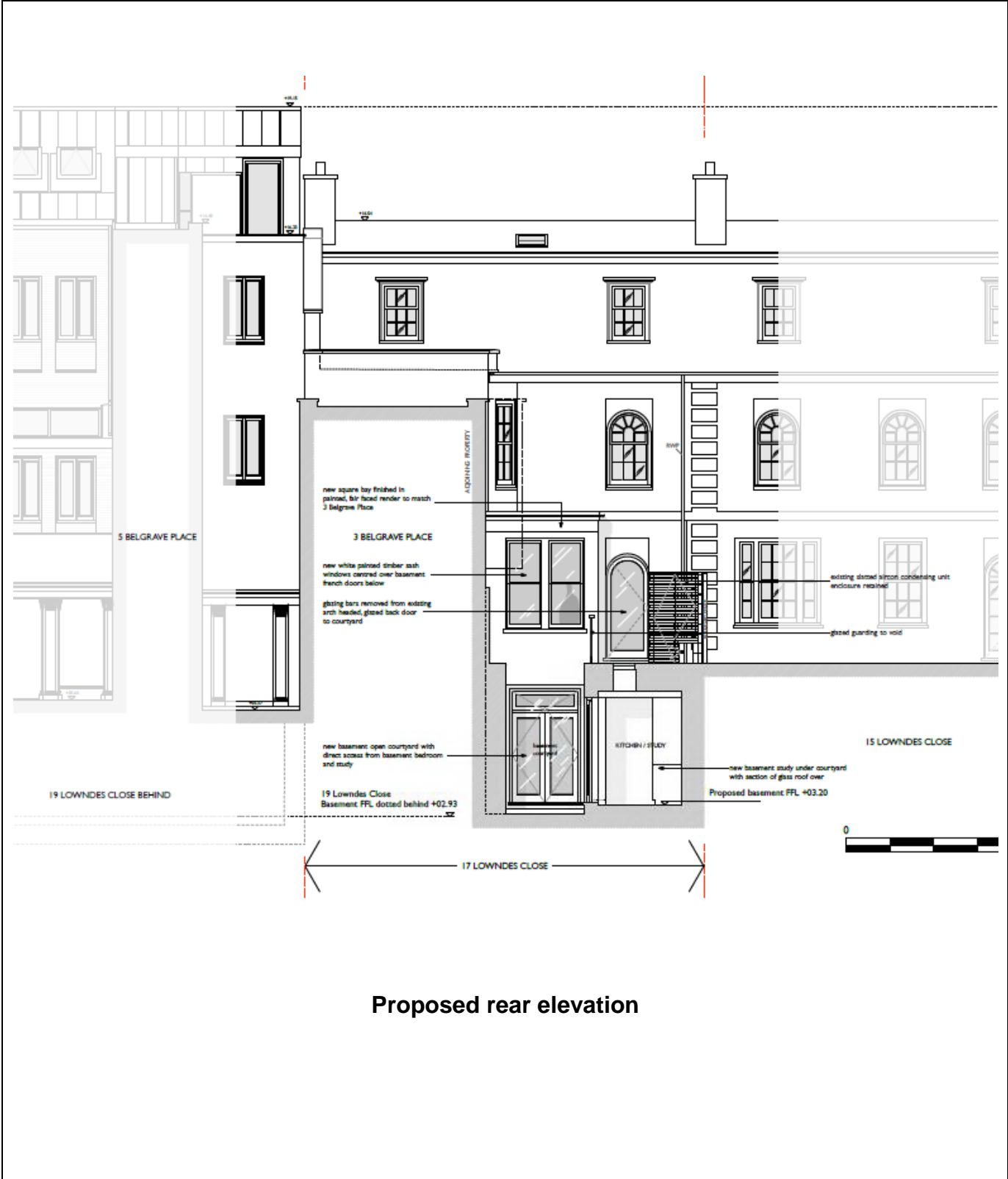
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

10. KEY DRAWINGS



Proposed Basement Plan





Proposed rear elevation

Address: 17 Lowndes Close, London, SW1X 8BZ

Proposal: Excavation of a basement incorporating a lightwell to rear and minor alterations to rear elevation.

Reference: 16/11344/FULL

Plan Nos: D204, rev: B, D101, D102, D103, D104, D108, D109, D110, D111, D112, D113, D114, D202B, D203A, D204B, D205B, D201 rev: A, Design and Access Statement, Flood risk assessment, heritage statement, construction management plan, archaeological statement and structural methodology.

Case Officer: Nosheen Javed

Direct Tel. No. 020 76412858

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 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 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)

- 4 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 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)

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 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.
- 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 or visit www.ccscheme.org.uk.

- 4 With reference to condition please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible. This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
- 6 The applicant is advised that technical approval is required before excavation is undertaken.

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.