

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 26 April 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	11 Gerald Road, London, SW1W 9EH,		
<b>Proposal</b>	Excavation to create a new basement level extension beneath 2 Burton Mews to the rear of 11 Gerald Road.		
<b>Agent</b>	Mr RODRIGO MORENO MASEY		
<b>On behalf of</b>	Mrs Alison Davies		
<b>Registered Number</b>	15/07820/FULL	<b>Date amended/ completed</b>	21 August 2015
<b>Date Application Received</b>	21 August 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

1. Grant conditional permission.

## 2. SUMMARY

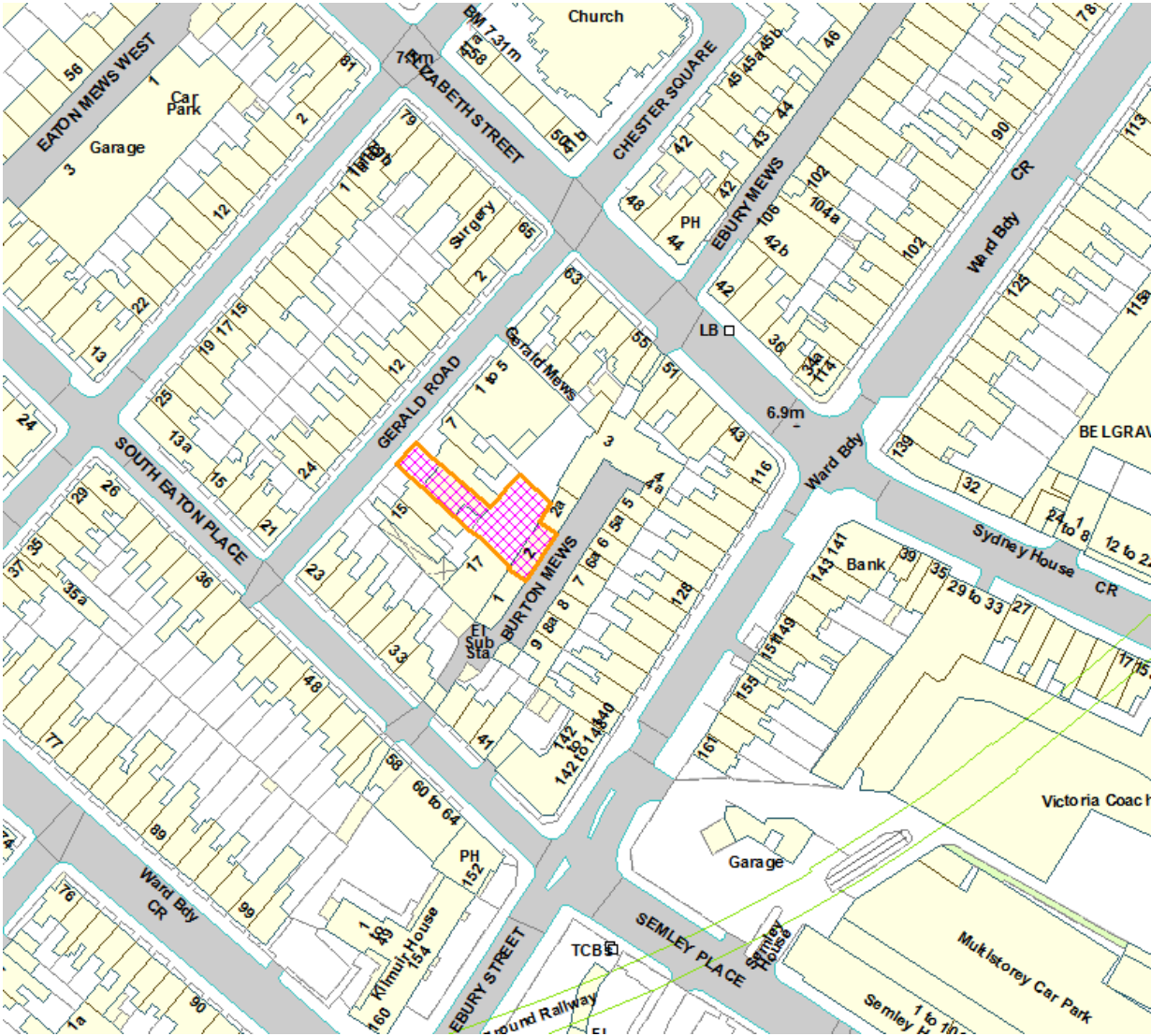
An application has been submitted seeking planning permission for excavation of a new basement level beneath No. 2 Burton Mews.

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.

LOCATION PLAN



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3. PHOTOGRAPHS



Photograph of 2 Burton Mews

## CONSULTATIONS

### BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported at committee.

### BUILDING CONTROL

Structural Method Statement is considered to be satisfactory.

### HIGHWAYS PLANNING MANAGER

No objection.

### ARBORICULTURAL MANAGER

Risk of loss or damage to protected London plane tree in rear garden. Impact should be controlled by conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 8

No. of objections: 8

No. in support: 0

Eight letters received, seven from neighbouring residents raising the following issues:

#### Highways

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

\*Construction would cause congestion and would disrupt parking.

\*Narrow mews with single exit/entrance point, unsuitable for this kind of traffic.

#### Basement Construction

\*Construction Management Statement makes assumptions about the existing structures present at the neighbouring properties.

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

\*Construction works are detrimental to nearby residents.

\*Structural hazards and potential damage to neighbouring properties.

\*Lengthy construction.

\*Detrimental impact to everyday living to owners and occupiers in the vicinity.

\*Dust and exhaust fumes could have detrimental effect on neighbours suffering from lung ailments or allergies.

#### Other

\*Certificate B not served.

\*Potential loss of tree.

\*Conflict with emerging policy.

\*Damage to neighbouring properties from effect of construction on the water table.

\*Unnecessary proposals, property is already of an ample size.

\*Sizable amount of disruption to surrounding residents in order to provide a 'games' room for an already large property.

\*Lack of response from applicant regarding request for more information about the works.

- \*No party wall agreements entered into.
- \*Missing water and utilities drawings, structural calculations and drawings.
- \*High water table and unknown location of Kingston Aquifer could lead to damp spreading to neighbouring properties.
- \*Lack of emergency response plan or route for emergency vehicles to reach all homes along Burton Mews.
- \*Disturbance to mouse and rat habitats could lead to them invading neighbouring homes.
- \*Potential loss of earnings due to loss of tenant.

SITE/PRESS NOTICE:

Yes

PRESS ADVERTISEMENT / SITE NOTICE: Yes

#### **4. BACKGROUND INFORMATION**

##### **4.1 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. Linked by the garden the application site also includes No. 2 Burton Mews to the rear, which is an unlisted mid-terrace mews building consisting of ground and first floor levels. The properties are located within the Belgravia Conservation Area and outside of the Central Activities Zone in a predominantly residential area.

##### **4.2 Recent Relevant History**

An application to remove the London plane from the rear garden of 11 Gerald Road was refused in October 2015. An appeal has been lodged with the Planning Inspectorate and the appeal decision is awaited.

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

###### 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.

###### 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).

###### 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.

15/07603/FULL

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

## 5. THE PROPOSAL

The application seeks planning permission for excavation of a new basement level beneath No. 2 Burton Mews to provide additional residential accommodation.

## 6. DETAILED CONSIDERATIONS

### 6.1 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.

The submitted drawings show that the basement extends underneath the footprint of the existing mews property. On this basis the basement could be constructed under permitted development legislation.

### 6.2 Townscape and Design

Given the subterranean nature of the proposed basement extension, this will have a minimal impact on the appearance of the existing building, and the development will result in a neutral impact on the Belgravia Conservation Area.

### 6.3 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 existing property 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.

### 6.4 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 6.12 of this report.

## **6.5 Economic Considerations**

Not applicable.

## **6.6 Access**

The access arrangements are unchanged by these proposals.

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

### **Trees**

The London plane tree in the rear garden is protected by virtue of being within the conservation area. The arboricultural officer considers that subject to the method of construction, its roots are at risk of loss or damage if the development is permitted but that it should be possible to control the impact by conditions.

The proposed basement is below the footprint of the existing mews property. It is possible that roots of the London plane tree penetrate below the property, however on balance the arboricultural officer considers significant rooting below the mews house would be unlikely. Conditions are recommended to control development in respect of the London plane tree.

## **6.8 London Plan**

This application raises no strategic issues.

## **6.9 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.

## **6.10 Planning Obligations**

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

## **6.11 Environmental Impact Assessment including Sustainability and Biodiversity Issues**

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

## **6.12 Other Issues**

### **Basement**

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. As Burton Mews is a private road the Council does not have any enforcement powers or control over vehicles for the purposes of highway safety and in any case 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, objections claim that the proposals conflict with City Council's emerging basement policy. However, 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.

Objection has also been received suggesting that the proposals are unnecessary as the property is already of an ample size and that such an amount of disruption to surrounding residents in order to provide a 'games' room for an already large property needs to be considered. Although these views are understood, they are not considered to be sufficient reason to refuse planning permission in this instance.

Another objection has raised concern over the lack of emergency response plan or route for emergency vehicles to reach all homes along Burton Mews. A revised Construction Management Plan is recommended to be secured by condition to address such matters as ensuring access is maintained to the Mews throughout the duration of construction.

Disturbance to mouse and rat habitats which could lead to them invading neighbouring homes and the potential loss of earnings due to loss of tenant which have also been raised as objections however these are not planning matters.

Objections have also been raised by adjoining owner/occupiers that no party wall agreement has been entered into with regard to the proposals.

Land ownership and party wall agreements are private matters and permission could not reasonably be withheld on the basis of these objections.

## **7. BACKGROUND PAPERS**

1. Application form
2. Response from Highways Planning - Development Planning, dated 30 September 2015
3. Responses from Tree Section - Development Planning, dated 5 April 2016, 30 March 2016; 23 November 2015.
4. Response from Building Control dated 8 April 2016.
5. Letter on behalf of occupier of 9 Gerald Road, dated 15 December 2015
6. Letter from occupier of 8a Burton Mews, dated 27 September 2015
7. Letter from occupier of 7 Gerald Road, dated 2 October 2015
8. Letter from occupier of 6A Burton Mews, dated 22 October 2015
9. Letter from occupier of 2a Burton Mews, dated 1 October 2015
10. Letter from occupier of 2a Burton Mews, dated 4 October 2015
11. Letter from occupier of 21 Eriswell Crescent, Hersham, Walton-on-Thames, dated 1 October 2015
12. Letter from occupier of 17 Gerald Road, dated 4 October 2015

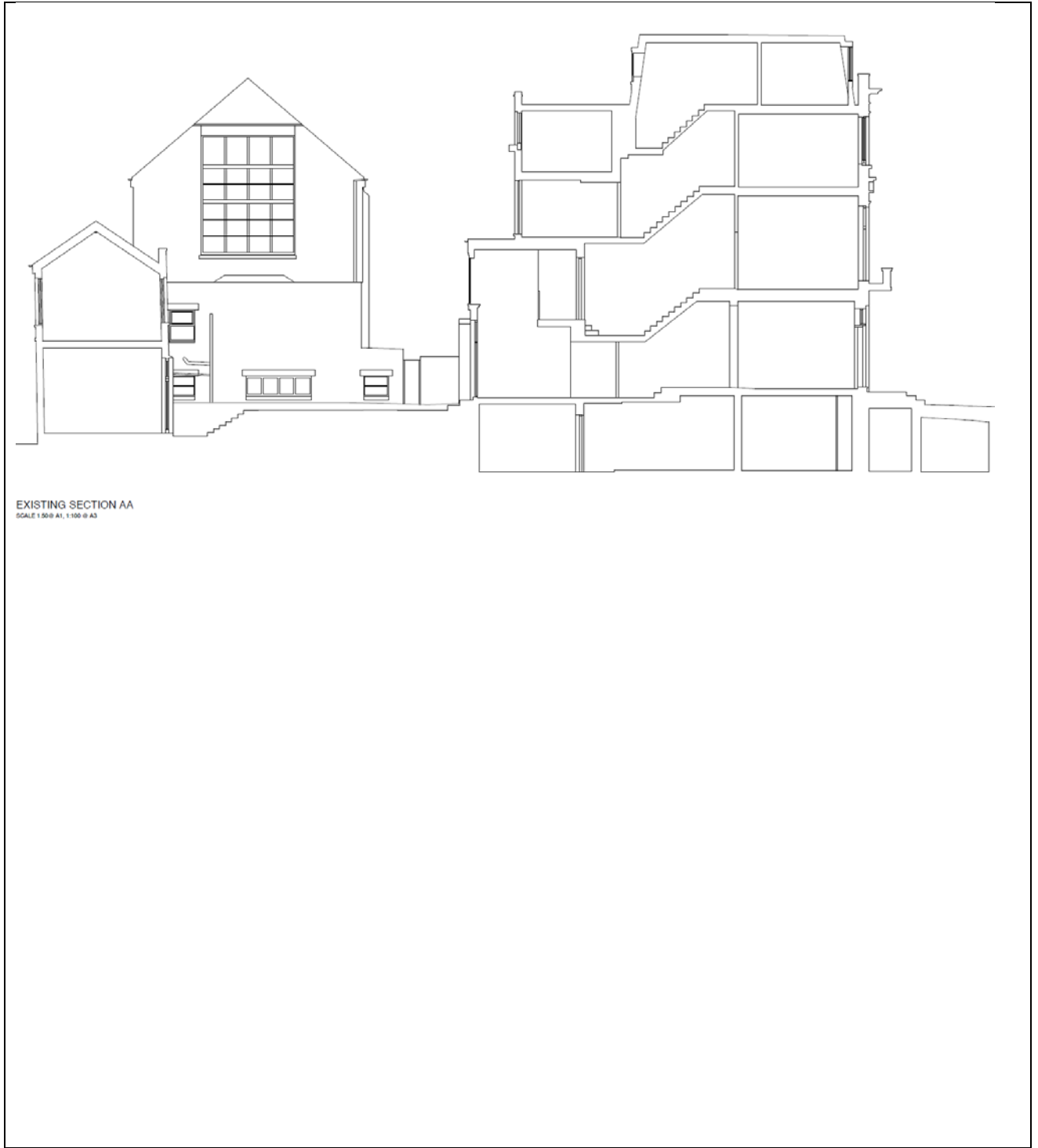
### **Selected relevant drawings**

(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 MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

**KEY DRAWINGS**





EXISTING SECTION AA  
SCALE 1:50 @ A1, 1:100 @ A3



PROPOSED MEWS FRONT ELEVATION  
 SCALE 1:50 @ A1, 1:100 @ A3



PROPOSED SECTION AA  
 SCALE 1:50 @ A1, 1:100 @ A3

**DRAFT DECISION LETTER**

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

**Proposal:** Excavation to create a new basement level extension beneath 2 Burton Mews to the rear of 11 Gerald Road.

**Reference:** 15/07820/FULL

**Plan Nos:** 1000 Rev. P1; 1001 Rev. P1; 1002 Rev. P1; 1003 Rev. P1; 1004 Rev. P1; 1005 Rev. P1; 1006 Rev. P1; 010 Rev. P1; 1011 Rev. P1; 1012 Rev. P1; 1013 Rev. P1; 1201 Rev. P1; 1202 Rev. P1; 1203 Rev. P1; 1204 Rev. P1; 1205 Rev. P1; 1206 Rev. P1; 1210 Rev. P1; 1220 Rev. P1; 1221 Rev. P1; 1222 Rev. P1; Planning, Heritage and Design and Access Statement; Construction Management Statement, prepared by ADL Planning Limited; Tree Survey and Preliminary Arboricultural Report dated 19 August 2015, prepared by ACS Consulting (London); (for information only) Engineering Design & Construction Method Statement dated August 2015, prepared by Elliott Wood Partnership LLP; Basement Impact Assessment dated August 2015, prepared by Site Analytical Services Ltd; Phase 1 Preliminary Risk Assessment dated July 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 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 **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 what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 6 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including: - identification of individual responsibilities and key personnel., - induction and personnel awareness of arboricultural matters., - supervision schedule, indicating frequency and methods of site visiting and record keeping, - procedures for dealing with variations and incidents., , You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule. , , (b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 7 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 tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on and adjacent to the site will rely heavily on an appropriate means of construction.
- 6 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 7 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)



- 8 Condition 5 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of: , \* the order of work on the site, including demolition, site clearance and building work;; \* who will be responsible for protecting the trees on the site;; \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;; \*how you will deal with accidents and emergencies involving trees;; \* planned tree surgery;; \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;; \* how you will remove existing surfacing, and how any soil stripping will be carried out;; \* how any temporary surfaces will be laid and removed;; \* the surfacing of any temporary access for construction traffic;; \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;; \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;; \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;; \* the place for any bonfires (if necessary);, \* any planned raising or lowering of existing ground levels; and , \* how any roots cut during the work will be treated.

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.