

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	13 Abercorn Place, London, NW8 9EA,		
Proposal	Excavation of basement extension below footprint of existing property with new lightwells to the front and rear.		
Agent	Mr Terry Foulsham		
On behalf of	Mr Kunal Datta		
Registered Number	16/07884/FULL	Date amended/ completed	17 August 2016
Date Application Received	17 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

An application for planning permission for excavation to create a single storey basement extension with associated lightwells to the front and rear and the installation of a new rooflight to the rear of 13 Abercorn Place. The property is in use as a single family dwelling and is within the St John's Wood Conservation Area.

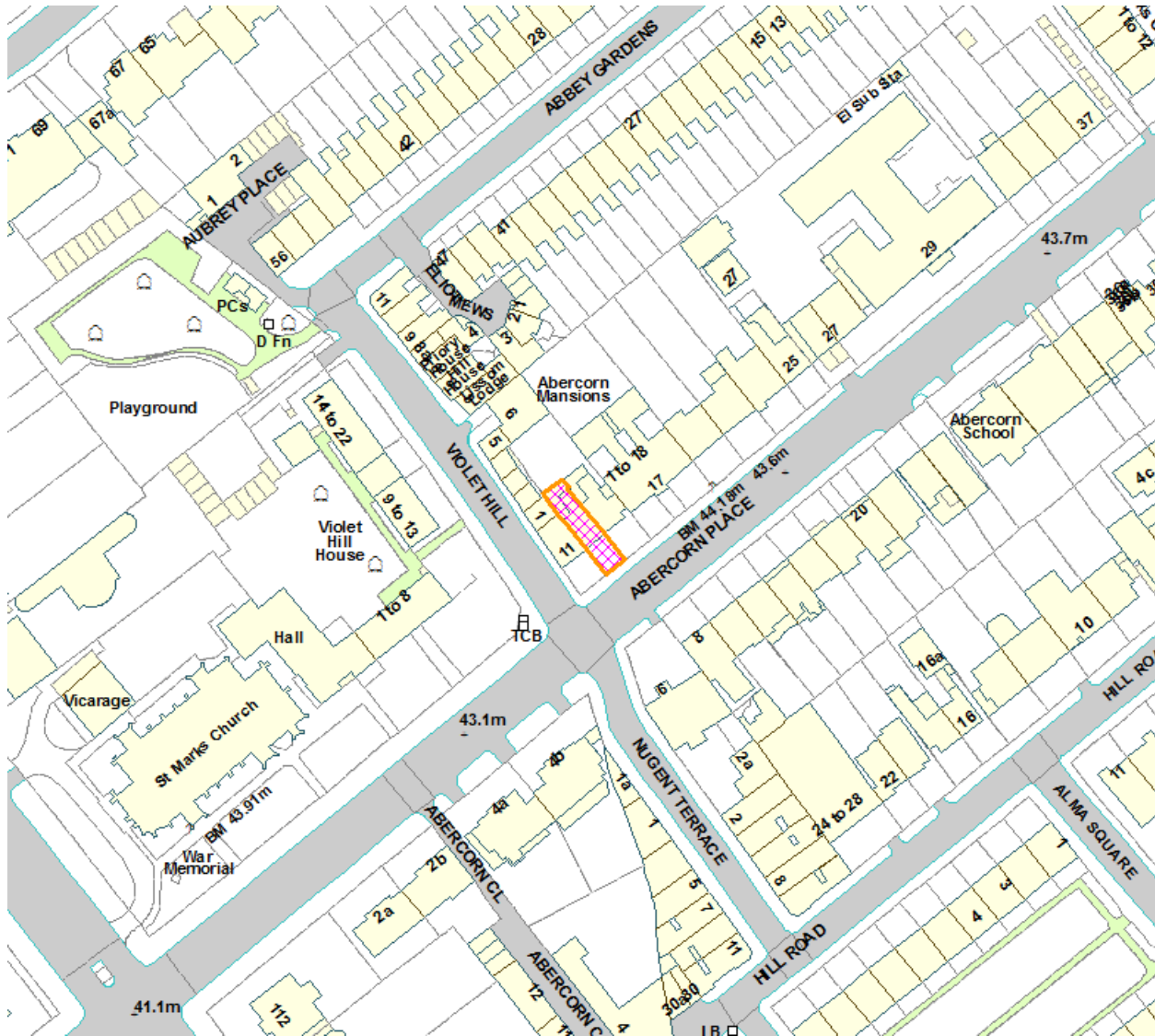
Objections have been received from surrounding occupiers, mainly with concerns in relation to disruption as a consequence of the building works.

The key issues for consideration are:

- * The impact of the proposals on the appearance of the building and character of the surrounding St John's Wood 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 and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

3. LOCATION PLAN



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PHOTOGRAPHS

Front Elevation



Rear Elevation



4. CONSULTATIONS

ST JOHNS WOOD SOCIETY:

Request that the work on Saturdays is restricted to reduce the loss of amenity to neighbours during the excavation, piling and construction phase.

BUILDING CONTROL:

No objection raised. 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, including underground rivers, 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 RC underpinning retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL OFFICER:

No objection to removal of trees, subject to their replacement. Query impact of construction works on trees to front of property. Note that 1m of soil and 200mm of drainage is not provided above the rear basement. Raise queries in relation to the Construction Management Plan in relation to tree protection. Conditions are recommended in relation to tree protection and a hard and soft landscaping scheme to be submitted.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 35

Total No. of objections: 7 letters raising some or all of the following comments:

Basement construction:

- Substantial disruption and disturbance to area.
- Possible damage as a result of ground movement.
- Report states that development would take 6 months which is considered unrealistic.
- Working hours of 8am-6pm weekdays and 8am to lunchtime on Saturdays is unsparing for neighbours.
- Impact of works on the wellbeing of neighbour with special needs.
- Note that the council has adopted a new basement policy and seeks to control basement proposals.
- Traffic associated with works will disrupt operations of nearby school.

Other:

- Disappointment that the applicants did not consult with neighbours.
- Overdevelopment of the site.
- Presence of underground stream and storm course not mentioned in report. Basement may impact on watercourses.
- Issues with party wall with No 15&13 Abercorn Place.
- Proposals out of character with the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

13 Abercorn Place is an unlisted single family dwellinghouse located within the St Johns Wood Conservation Area. The building sits in the middle of a terrace of three properties on the northern side of Abercorn Place. The property has a front garden, which is currently used as a car parking space and has a rear garden, with boundary walls shared with the properties on Violet Hill and 15 Abercorn Place.

5.2 Recent Relevant History

No recent history.

6. THE PROPOSAL

Planning Permission is sought for the excavation of a basement underneath the footprint of the property and for the installation of a rooflight above the single storey rear ground floor extension. The proposals have been amended slightly during the course of the application, removing a storage room, which extended out under the rear garden and a stair which ran up the side of the front garden providing access down to the basement. The amended proposals includes lightwells to both the front and rear.

7. DETAILED CONSIDERATIONS

7.1 Land Use

No change is proposed to the existing use as a single family dwelling. Despite objections on the grounds of overdevelopment, the proposals to provide additional habitable accommodation are considered to be in accordance with policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land in residential use.

7.2 Townscape and Design

The proposals have been amended from the original submission, removing a staircase which led up from the front basement lightwell to ground floor level along the boundary wall with No 11 Abercorn Place. This was considered to be unacceptable in design and conservation area terms and contrary to the basement supplementary planning guidance. The amended proposals, with discrete covered lightwells to the front and rear, located up adjacent to the host building, are considered to be acceptable and in accordance with policies DES1, DES 5 and DES 9 of the UDP and S25 and S28 of the City Plan.

7.3 Residential Amenity

Located at basement level, with discrete lightwells to both the front and rear, it is not considered that the development, once completed, will have a negative impact on the amenity of neighbours.

The proposal to install a rooflight to the rear, is also considered acceptable, with such installations being common in similar rear extensions.

7.4 Transportation/Parking

No change to existing arrangements with an off street parking space within the front garden.

7.5 Economic Considerations

Not applicable.

7.6 Access

Access arrangements are unchanged by these proposals

7.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement

The amended proposals are considered to be in accordance with policy CM28.1 of the City Plan (adopted July 2016) as follows:

Part A. 1-4

Strong objection has been received in relation to the proposed works, and request that building works are restricted so that they do not take place on Saturday. The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. The St Johns Wood Society and residents, including those at several of the neighbouring properties in this instance, are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

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 and Policy CM28.1 A of the City Plan seek to 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.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, 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.

A construction methodology statement has been provided as part of the application and whilst concerns have been raised by neighbours in respect of its accuracy particularly in relation to groundwater, the City Council's Building Control Surveyors have raised no concerns regarding this statement. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

Part A. 5 & 6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity. Particular concern is raised from a neighbour with concerns that the proposed works will make daily life difficult and is likely to have a serious impact on the wellbeing of one of the occupiers who has special needs.

In relation to the hours of working, the St John's Wood Society and neighbours have requested no working on Saturdays. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation. To further restrict working hours is considered to be unreasonable and would elongate the time it would take to complete the development, which would lengthen disturbance to neighbours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July and is permission is granted, the applicants will need to comply with this code. This is a fundamental shift in the way the construction impacts of developments are dealt with. Previously the conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and

most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process. Section 2 of the CoCP states 'reasonable steps should be taken to engage with the elderly and residents with disabilities, and with other groups in the neighbouring area who might be affected by construction impact in different ways'. It continues 'The contractor will ensure that occupier of nearby properties, and local amenity associations, business improvement districts or similar groups where these exist, will be informed in advance of works taking place.'

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, in particular those of the neighbour with special needs, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible. An informative is recommended to advise the applicant to consult with neighbours at an early stage of the CoCP process having regard to the representations received as part of this application.

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

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

Part B:

1&2) The proposals involve the loss of two trees within the rear garden. The arboricultural officer has not raised objection to the loss of the trees subject to conditions to secure a landscaping scheme to show the replacement of the trees, which is considered acceptable and a condition is recommended.

3) The proposals do not include any details in relation to ventilation. However, as the proposals include a lightwell to both the front and the rear, the basement will be naturally ventilated. An informative is recommended to advise the applicant that should they require mechanical ventilation, a separate application for planning permission will be required.

4 & 7) The only external manifestations of the basement are the lightwells to the front and rear, which are not considered to have a significant impact in terms of sustainable urban drainage. An informative is recommended to advise the applicant that they will need to ensure that suitable drainage is provided.

5&6) The proposals are considered to be discreet and will not negatively impact on the conservation area (see section 7.2 of this report).

Part C:

- 1) The proposals do not extend under the garden, with the only encroachment being the slim lightwells to both the front and rear, which is in accordance with policy.
- 2) The proposals have been amended from the original submission, removing a store room which extended out under the rear garden. This was removed following officer comment that it did not include sufficient soil depth above, or a large enough boundary of 'undeveloped garden land'. The revised proposals are considered acceptable.
- 3) Only a single basement is proposed which is considered acceptable.

Part D:

The basement does not extend under the highway, therefore this part of the policy does not apply.

8.7.2 Trees

The arboricultural officer has commented in relation to the proposed works and the likely impact during construction. Part of the councils new Code of Construction Impact (CoCP), seeks to ensure the protection of trees during construction. Despite this, further details of tree protection as secured by condition to ensure that these are protected during building works. Conditions are also recommended to ensure that the trees within the rear garden are to be replaced. Subject to these, the proposals are considered acceptable.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

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

7.11 Environmental Impact Assessment (EIA)

The proposals are of insufficient scale to require an EIA.

7.12 Other Issues

None applicable.

8. BACKGROUND PAPERS

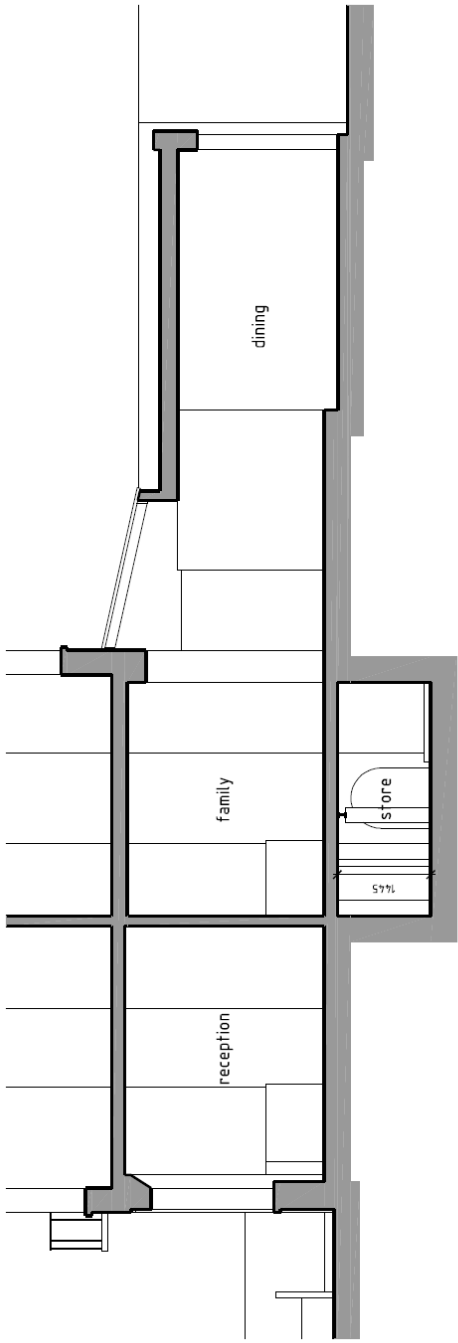
1. Application form
2. Response from Building Control, dated 19 August 2016
3. Response from St John's Wood Society, dated 12 September 2016
4. Response from Arboricultural Officer, dated 9 September 2016

5. Letter from occupier of 2 Violet Hill, London, dated 6 September 2016
6. Letter from occupier of 28 Abercorn Place, London, dated 9 September 2016
7. Letter from occupier of 6 Violet Hill, London, dated 5 September 2016
8. Letter from occupier of Flat 6 a Abercorn Mansions, 17 Abercorn Place, dated 6 September 2016
9. Letter from occupier of 1 Violet Hill, London, dated 8 September 2016
10. Letter from occupier of 11 Abercorn Place, London, dated 6 September 2016
11. Letter from occupier of 5 Violet Hill, London, dated 5 September 2016

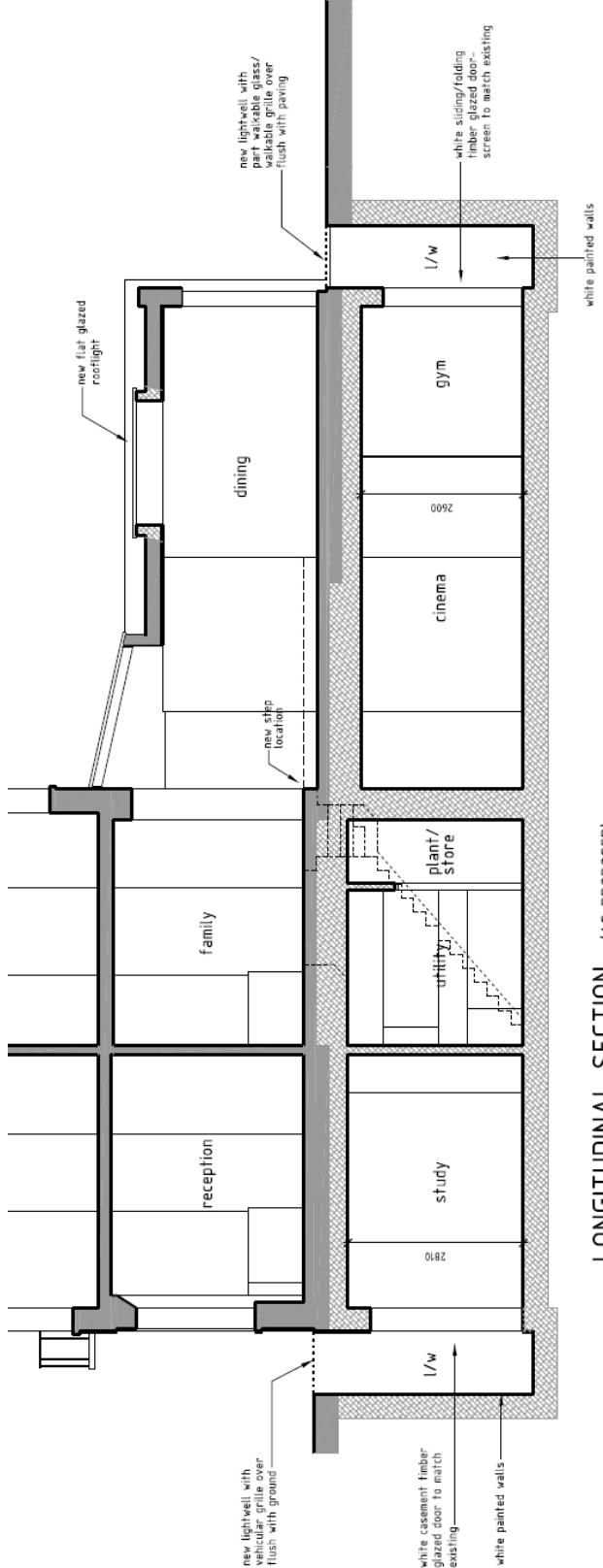
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

Section as existing and proposed



LONGITUDINAL SECTION (AS EXISTING)



LONGITUDINAL SECTION (AS PROPOSED)

DRAFT DECISION LETTER

Address: 13 Abercorn Place, London, NW8 9EA,

Proposal: Excavation of basement extension below footprint of existing property with new lightwells to the front and rear. Installation of rooflight to rear.

Plan Nos: 16-019-01A Sheet 1; 16-019-01A Sheet 2; 16-019-01A Sheet 3; 16-019-01A Sheet 4; 16-019-01A Sheet 5; 16-019-02 A Sheet 1; 16-019-02 A Sheet 2; 16-019-02 A Sheet 3; 16-019-02 A Sheet 4; Design and access statement; 14 titled photographs; Sustainable Urban Drainage System (SuDS) Statement; Tree Statement by Tree Sense dated 9 August 2016;

For information only: Subterranean Structural Statement dated 16 August 2016 from Crof Structural Engineers; Construction Site Traffic Management Plan A; Environmental Performance Statement by eb7 dated 19 July 2017.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 (July 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 provide 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. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season 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 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

- 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 (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 6 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 Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 (July 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 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)
- 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 3 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 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.
- 6 You are advised that should you wish to install any external mechanical ventilation, a new application for planning permission is likely to be required.
- 7 You are advised to incorporate 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.
- 8 You are advised to consult with neighbouring occupiers at an early stage as part of your Code of Construction Practice, with particular reference to the representations received as part of this application.