

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 th February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	18 Pindock Mews, London, W9 2PY,		
Proposal	Excavation to create basement floor under existing building footprint to enlarge existing offices.		
Agent	Mr David Kavanagh		
On behalf of	Mr J Fogarty		
Registered Number	16/10526/FULL	Date amended/ completed	11 November 2016
Date Application Received	3 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

18 Pindock Mews is a two storey property with a loft conversion which is not listed and lies within the Maida Vale Conservation area. The property is currently in use as offices.

Permission is sought for the excavation of a basement below the existing footprint of the building.

Seven objections have been received from neighbouring properties predominantly on construction impact grounds but also on the need for additional B1 floorspace within the mews and potential impact on a communal drain.

The key issues in this case are:

- The principle of basement excavation.
- Principle of additional office floorspace in this location.

Given the site has been in use as an office for a period of over 20 years; that the small increase in floorspace is to be used as an archive and stationary/filing store and that the existing office has not caused any harm to the neighbouring properties, it is considered that although the proposals are contrary to land use policies, as the additional floorspace would not increase the number of

4. PHOTOGRAPHS



Front Elevation

5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

The application appears to comply with the council's basement policy. The construction of a basement in the mews will undoubtedly cause significant disruption to residents, we would expect that a full construction management plan be required as a condition of any consent.

BUILDING CONTROL:

Means of escape require further work. No adverse comments towards structural method statement. Works to the drain are dealt with by Thames Water, however from a Building Regulations perspective, the works will have to comply with Requirement H4 of the Building Regulations (parts 1.3-1.12).

HIGHWAYS PLANNING MANAGER:

No objection.

THAMES WATER:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 21

Total No. of replies: 8

No. of objections: 8

Objections received on all or some of the following grounds:

Principle:

- Residential mews of this nature are not suitable for basement development

Land use:

- B1 office has no need for additional floorspace.

Construction:

- No. 8 Pindock Mews is already undergoing works – work at both properties would be too much disturbance within the mews
- Disturbance from continued works
- Noise pollution from works
- Heavy goods vehicles mounting the pavement to access the mews block the street
- Limited emergency vehicles access
- Congestion

Environmental:

- Potential impact on foul sewer drain

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is a mid-terraced, two storey property with a loft conversion and is currently in lawful use as B1 office. The site lies in the Maida Vale Conservation area and is unlisted. Pindock Mews is a characteristic example of a traditional mews accessed from Warwick Avenue to the west and Castellain Road to the east. The mews is predominantly in residential use with some offices.

6.2 Recent Relevant History

16/06291/P3JPA

Change of use from office (Class B1) to residential (Class C3).

Prior Approval Approved

8 September 2016

7. THE PROPOSAL

Permission is sought for the excavation of a single basement beneath the existing footprint of the building to enlarge the amount of useable floorspace within the property.

A prior approval application for a change of use from B1 to C3 was considered acceptable on the 8th September 2016, however the building remains in B1 use.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is currently in use as B1 offices for Minder Music, a UK based Music Publishing Company and has been for over 20 years. The additional 28m² of office floorspace is proposed to be used as an archive and stationary/filing store and is modest in size.

Policy S20 directs new office development to the Opportunity Areas, the Core Central Activities Zone, North West Economic Development Area and the Named Streets. However given the longstanding B1 use in this location, the modest increase in proposed floorspace and the absence of identified harm from the additional floorspace, this is considered an exceptional circumstance in which to depart from policy and the additional floorspace is considered acceptable.

8.2 Townscape and Design

The works are contained entirely below the existing building with no external manifestations. As such the exterior of the building will not be altered from the existing and it is not considered the works would cause harm to the character of the building, mews or conservation area.

Therefore the works 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

8.3 Residential Amenity

The works are contained entirely below the existing building with no external manifestations. The additional floorspace is for archive and storage purposes only. This would not lead to an increase in employees, visitors or delivery's to the site. There would therefore be no increased comings and goings associated with the additional floorspace. It is not considered that the development, once completed, will have a negative impact on the amenity of neighbours and the proposals are in accordance with ENV 13 of the UDP and S29 of the City Plan and are therefore acceptable on amenity grounds.

Construction impact

Objections have been raised regarding the impact the works would have on other properties within Pindock Mews. Objectors have highlighted issues caused by a development at No. 8 and raised concerns that the works at No. 18 would result in the same issues and a continued period of disturbance for residents. These objections are addressed under 8.7 of the report.

8.4 Transportation/Parking

It is considered that in terms of people and services arriving and departing the site, the levels would be similar to the existing use and therefore no significant change will occur. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on on-street parking levels will be minimal. The increase in floor space is below the threshold for cycle parking to be provided.

The Highways Planning Manager has raised no objection to the proposals. The works are in accordance with TRANS 20 and TRANS23 of the UDP and S42 of the City Plan.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the site will remain the same as the current situation.

8.7 Other UDP/Westminster Policy Considerations

CM28.1 BASEMENT DEVELOPMENT

Part A

The applicant has submitted detailed evidence demonstrating that site specific ground conditions, drainage and water environments in the area have been investigated and taken into account when compiling the structural method statement.

The structural methodology submitted in relation to the basement excavation proposed has been assessed by Building Control who have advised that they see no cause for concern and have raised no objection to the method of excavation for the ground conditions found in this location. Accordingly, the requirements of CM28.1 in respect of the structural impact of this part of the development have been met.

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: particularly in regards to congestion, noise, emergency vehicle access and safety of large reversing vehicles throughout the lifetime of the proposed works.

The objections also refer to issues that arose during the works at No. 8 Pindock Mews which they do not wish to be subjected to again, and the accumulative harm of two basement developments within the Mews in quick succession. The harm to residents amenity caused by

Proforma Appendix A has been submitted, demonstrating the applicant will comply with all relevant parts of the Code of Construction Practice (CoCP). This is now compulsory for all basement applications in Westminster following the council's adoption of the (CoCP) at the end of July 2016. The objections received on the grounds of congestion, noise, emergency vehicle access and safety throughout the lifetime of the works can be monitored and controlled through the CoCP. The agreement to the CoCP addresses the objections raised and the objections are therefore not considered a reason for refusal.

Part B

The works are solely beneath the existing property which has no any garden space, as such no details of landscaping are required. There are no trees within the boundary of the site or of the immediate neighbouring properties therefore no arboriculture report is required. There is a large Portuguese Laurel shrub to the rear of the property opposite on Warwick Avenue, however the City Council Arboricultural Officer has verbally confirmed that the proposed works would not harm the Laurel shrub.

The basement is considered discreet and would not harm the character of the mews or conservation area, as there are no external manifestations. An informative is recommended to advise the applicant that they will need to ensure that suitable drainage is provided.

Part C

The basement is single storey with a floor to ceiling height of less than 2.7 meters. The excavation is below the building only and therefore the remainder of Part C does not apply.

Part D

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

The works are in accordance with CM28.1 of the City Plan and are therefore considered acceptable

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

This development does not require an Environmental Impact Assessment.

8.12 Other Issues

Building control have suggested that the staircase between the basement and ground floor Staircase should be enclosed leading from basement directly to exit door without having to pass through the office space. This is not a planning matter however the applicant is to be made aware of this by way of a informative.

Comment has been received regarding the access to a shared drain which runs below the main slab of No 18 Pindock Mews. Access to the drain and how the drain is operated is not a planning issue. Works to the drain are dealt with by Thames Water, however from a Building Regulations perspective, the works will have to comply with Requirement H4 of the Building Regulations (parts 1.3-1.12).

9. BACKGROUND PAPERS

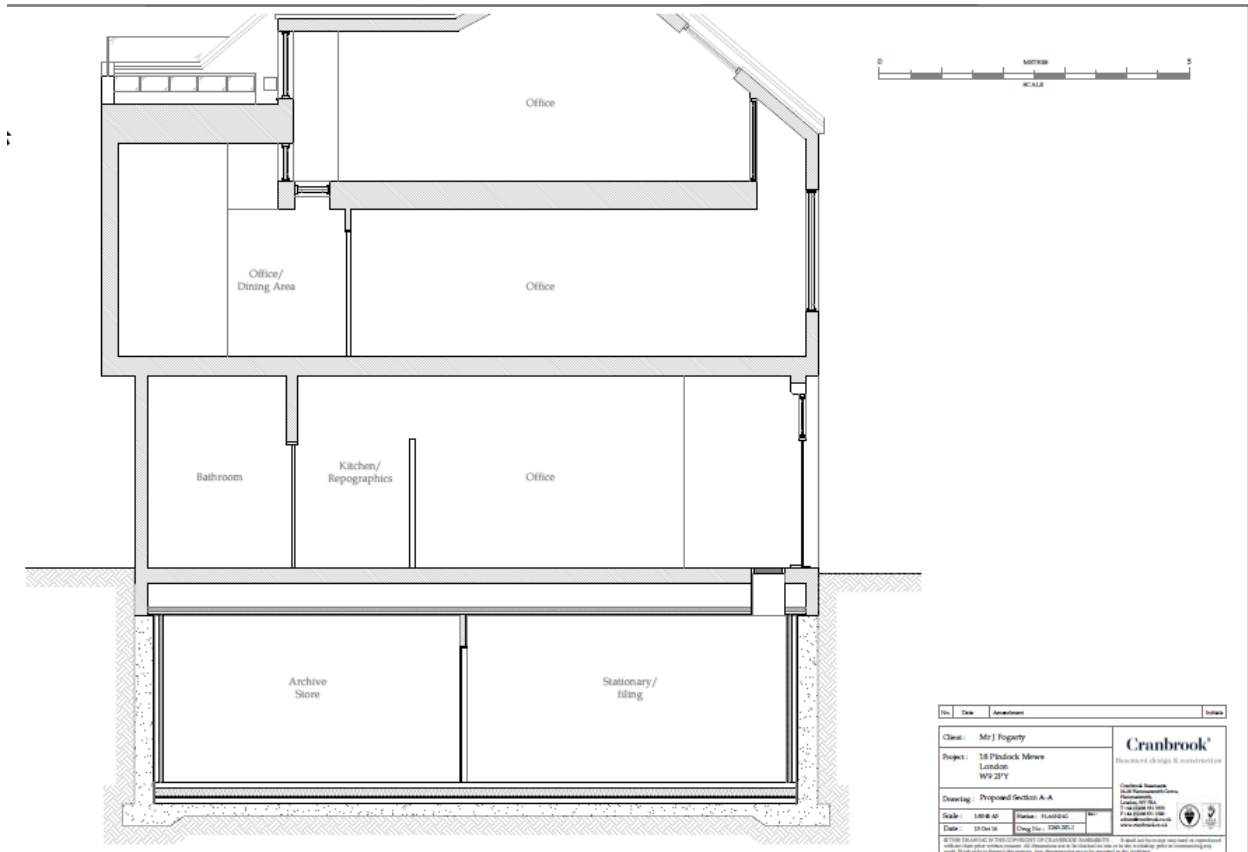
1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 20 December 2016
3. Response from Highways Planning, dated 1 December 2016
4. Response from Building Control, dated 4 December 2016 and 1 February 2017
5. Letter from occupier of 17A Pindock Mews, London, dated 25 November 2016
6. Letter from occupier of 1 Pindock Mews, London, dated 4 December 2016
7. Letter from occupier of 15 Pindock Mews, London, dated 5 December 2016
8. Letter from occupier of The Cottage, 19 Pindock Mews, dated 5 December 2016
9. Letter from occupier of 14 Pindock Mews, London, dated 6 December 2016
10. Letter from occupier of 13, Pindock mews, dated 7 December 2016
11. Letter from occupier of 31, Hamilton Terrace, dated 12 December 2016
12. Letter from an anonymous person dated 5 December 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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk
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10. KEY DRAWINGS

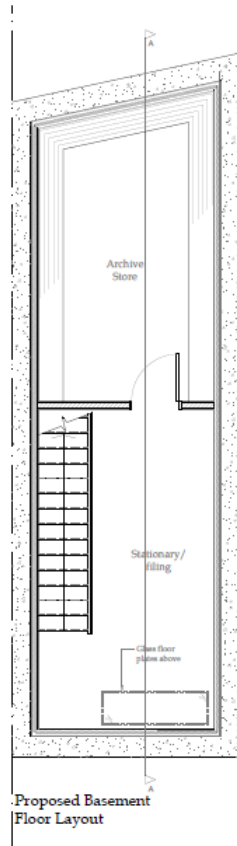
Proposed Section AA



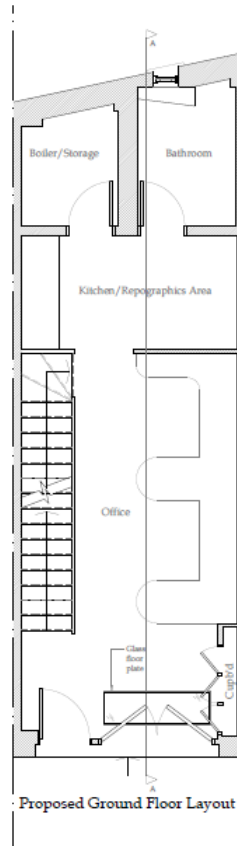
Proposed Section A-A

No.	Date	Amendment	Notes												
<table border="0"> <tr> <td>Client: Mr J Fogarty</td> <td rowspan="2">  Research Design & Construction </td> </tr> <tr> <td>Project: 18 Pinlock Mews London W9 2PY</td> </tr> <tr> <td colspan="2">Drawing: Proposed Section A-A</td> <td> Detailed Services Full Specifications Contract 10% B/L 10% Retention on completion 10% Retention on handover www.cranbrook.co.uk </td> </tr> <tr> <td>Scale: 1/8th @ 10m</td> <td>Title: PLANNING</td> <td>  BS 1192:2009 BS 1193:2009 </td> </tr> <tr> <td>Date: 28/04/14</td> <td>Drawn By: J. B. B. J.</td> <td> © 2014 Cranbrook. All rights reserved. Cranbrook is a registered trademark of Cranbrook Design & Construction. All other trademarks are the property of their respective owners. </td> </tr> </table>				Client: Mr J Fogarty	 Research Design & Construction	Project: 18 Pinlock Mews London W9 2PY	Drawing: Proposed Section A-A		Detailed Services Full Specifications Contract 10% B/L 10% Retention on completion 10% Retention on handover www.cranbrook.co.uk	Scale: 1/8th @ 10m	Title: PLANNING	 BS 1192:2009 BS 1193:2009	Date: 28/04/14	Drawn By: J. B. B. J.	© 2014 Cranbrook. All rights reserved. Cranbrook is a registered trademark of Cranbrook Design & Construction. All other trademarks are the property of their respective owners.
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Proposed Floor Plans



Proposed Basement Floor Layout



Proposed Ground Floor Layout



No.	Date	Amendment	Initials

Client: Mr J Fogarty		Cranbrook Residential Design & Construction
Project: 18 Finslock Mews London W8J 2DZ		
Drawing: Proposed Basement & Ground Floor Layouts		
Date: 15/06/16	Scale: 1:50	Drawn by: H. J. J. J.
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DRAFT DECISION LETTER

Address: 18 Pindock Mews, London, W9 2PY,

Proposal: Excavation to create basement floor under existing building footprint to enlarge existing offices.

Reference: 16/10526/FULL

Plan Nos: 2263-100, 2263-101, 2260-102, 2263-200.1, 2263-201.1, 2263-500, 2263-501; Design and Access Statement dated 13 October 2016; For Information only: Construction Management Plan; Basement Construction Method Statement.

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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 , onot 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 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 Maida Vale 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)

4

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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

5

You must use the basement of the property for office or ancillary storage only. You must not use it for any other purpose, including a recording studio.

Reason

To make sure that the development is completed and used as agreed, and to make sure that it meets ENV13 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

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

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

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

6

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.

7

You are reminded that building control have commented that the means of escape does not appear to comply. Ideally, there should and be enclosed staircase leading from the basement directly to the exit door without having to pass through the office space on the ground floor.

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.