

Cllr Holloway

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	7-9 Botts Mews, London, W2 5AG,		
Proposal	Demolition of existing buildings and erection of replacement three storey buildings with double basements to provide 2 x 4 bedroom single family dwellinghouses (Class C3), with integral garages and other associated works.		
Agent	Craig Slack		
On behalf of	W11 Construction		
Registered Number	16/09953/FULL	Date amended/ completed	18 October 2016
Date Application Received	18 October 2016		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Refuse permission – extent of excavation and design.

2. SUMMARY

The application site comprises back to back two storey buildings facing Bridstow Place and Botts Mews. None of these buildings are listed but the site is located within the Westbourne Conservation Area. The site is not located within the North Westminster Economic Development Area and therefore the existing employment uses are not protected by adopted policy.

Planning permission is sought for the redevelopment of the site to provide two single family dwellings, set over ground, first and second floor levels including the excavation of a double basement

Considerable objection has been received on various grounds including: The level of excavation, amenity, design and the impact of the development on the highway network.

The key issues for consideration are:

* Whether the proposals are acceptable in design and conservation terms.

* Whether the impact of the proposal on the amenity of the neighbouring residents is acceptable.

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* The impact of the proposals in highways and parking terms.

The application is recommended for refusal as it is considered that the proposed development is contrary with policies within out Unitary Development Plan (UDP) and City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Above: Bridstow Place frontage Below: Botts Mews frontage



5. CONSULTATIONS

CLLR HOLLOWAY:

Request to be kept informed in relation to the development proposals.

HISTORIC ENGLAND:

Do not consider that it was necessary for them to have been notified of the application.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Object to the application on the following grounds:

- Do not like the design which is too high and bulky, which will not preserve or enhance the Westbourne Conservation Area;
- Overlooking, loss of light and increased sense of enclosure to surrounding properties;
- Double basement is against new WCC basement policy;
- If buildings demolished, query if it would be necessary for spoil to be transported across Chepstow Road to a skip in Artesian Road.

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

No objection subject to the following comments:

- The walking route to the east is enhanced in safety;
- No technical evidence against double basement, however note that they do not feel that a strong enough case in this instance. Should a coherent and viable justification for basement be provided no objection;
- Removal of waste and associated disturbance should be minimised through separate dialogue with the council in consultation with the public;
- Ground floors have flexible uses for office or workshops;
- Mews cobbles and greening enhanced;
- A true sloping mansard would allow solar collection and minimise shading

Also comment on social emptiness and squalor of this underused part of the neighbourhood and request for application to be dealt with more evenly.

THAMES WATER:

No objection subject to conditions and informatives in relation to waste, piling, surface water drainage and water.

BUILDING CONTROL:

No objection raised.

HIGHWAYS PLANNING:

No objection raised subject to conditions and informatives.

CLEANSING:

No waste details provided detailing waste storage capacity and plans indicate bin store which opens over the highway. Revised plans requested.

ARBORICULTURAL OFFICER:

No objection raised.

ENVIRONMENTAL HEALTH:

Raise objection as principle living accommodation provided at sub ground floor level which would receive inadequate light or ventilation. Means of escape is inadequate.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 251

No. of replies: 76 objections raising some or all of the following points:

Land Use:

- The proposals do not meet the Councils Public Sector Equality Duty to provide social housing.
- Loss of offices is a loss of a function for the area.

Amenity:

- Loss of light to adjacent properties.
- Loss of privacy and increased noise and overlooking to adjacent properties from windows and terraces.

Design:

- Loss of mews properties unacceptable.
- Increased bulk unacceptable.
- Design of replacement buildings is unacceptable and out of character with area.
- Double basement is excessive and to allow would set a precedent.
- Double basement contrary to Westminster Basement Policy
- 2015 permission protected character of the area.

Highways:

- Surrounding streets cannot cope with increased traffic.
- Query if parking provision has been considered.
- People parking on Botts Mews would block new garages.
- Loss of Botts Mews walkway during construction.

Other:

- Noise, pollution and general disturbance and disruption from construction works.
- Request for restrictions on building hours, including no weekend working.
- Comments in relation to the planning history of various schemes on this site, including a similar scheme which was dismissed at appeal.
- Due to different excavation method, this should be treated as a new application.
- Abuse of the planning system.
- Negative impact on the water table.
- Proposals seek to maximise profits with a detrimental impact on neighbourhood.
- Negative impact of the excavation works on the health of adjacent occupiers.
- Damage to adjacent buildings due to excavation and building works.
- Localism Act allows for shop keepers experiencing hardship, which a building site will cause, to apply to city council for a credit note / reduction of their Business Rates. Such a complaint would affect tax payers.
- Negative impact of additional floor on television signals.
- Development period is likely to be longer than stated in proposals.
- Concerns in relation to an insufficiently wide consultation with neighbours.
- The 'community involvement' section of the application is not comprehensive or accurately includes all of the communities concerns.

- Application should be determined by the Mayor of London.
- Impact on fire escape of adjacent occupiers during building works.

ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a pair of two storey buildings facing Bridstow Place and a short terrace of smaller two storey buildings facing Botts Mews that sit back-to-back to each other. None of these buildings are listed but the site is located within the Westbourne Conservation Area. The site is not located within the Central Activities Zone (CAZ) or the North Westminster Economic Development Area (NWEDA).

The buildings are currently surrounded by hoardings and vacant.

6.2 Recent Relevant History

Nos. 1A and 2A Bridstow Place:

Planning permission was granted on 24 November 2003 for the use of the building from a bakery (Class B2 – General Industrial) to a yoga studio and treatment rooms (Class D1 – Non-residential Institution). This permission was never implemented.

It was deemed on 19 April 2004 that using the buildings as an office (Class B1 – Business) would not require planning permission as changing the use from Class B2 to Class B1 constitutes ‘permitted development.’

Planning permission was granted on 6 October 2004 for the use of the building as a ‘relaxation centre’ (Class D1). This permission was not implemented.

Planning permission was granted on 20 October 2004 for the use of the entirety of the first floor and part of the ground floor as 1x1 bedroom flat and 1x2 bedroom flat with two off-street car parking spaces (Class C3). This permission was also not implemented.

Given that none of the above permissions were implemented the lawful use of the building is still as a bakery (Class B2).

Nos. 7 – 9 Botts Mews:

Planning permission was granted on 12 February 1982 for the use of the first floor as a photographic studio (Class B1).

Two applications for planning permission (and linked conservation area consent applications) were refused by the City Council on 17 December 2013. The refusals were appealed, with the appeals subsequently dismissed on 22 September 2014 (appeal decision within background papers).

Nos. 7-9 Botts Mews & 1A-2A Bridstow Place

Application 1: Demolition of 7-9 Botts Mews and 1A-2A Bridstow Place and erection of 3 x 3 bedroom dwelling houses over sub-basement, basement, ground, first and second floor levels, including garage parking, terraces and associated works., Application 2: Demolition of 7-9 Botts Mews and 1A-2A Bridstow Place and erection of 3 x 3 bedroom dwelling houses over sub-basement, basement, ground, first and second floor levels, including terraces and associated works. This application was refused on design ground. [RN's 13/07718/FULL & 13/07719/CAC]

Application 2: Demolition of 7-9 Botts Mews and 1A-2A Bridstow Place and erection of 3 x 3 bedroom dwelling houses over sub-basement, basement, ground, first and second floor levels, including terraces and associated works. This application was refused on both design and highways grounds due to lack of parking provision. [RN's 13/07819/FULL & 13/07820/CAC]

An application was approved on 31 March 2015 for the Use of 7-9 Botts Mews and 1A-2A Bridstow Place as 2x3 bedroom single family dwellinghouses (Class C3) with integral garages and excavation of two storey basement, removal of water tanks and associated alterations. [RN 14/02993/FULL]

Permission granted on 17 December 2015 in relation to a pre-commencement condition for the submission of details of the biodiversity management plans in relation to the brown roofs pursuant to Condition 15 and sustainable urban drainage pursuant to Condition 17 of planning permission dated 31 March 2015 referenced 14/02993/FULL. [15/10635/ADFULL]

A certificate of lawful development was issued on 15 March 2017 for Confirmation that material operations took place on site (7-9 Botts Mews and 1A-2A Bridstow Place, London W2 5AG) within the terms of Section 56 of the Town and Country Planning Act 1990 to implement the planning permission dated 31 March 2015 (ref: 14/02993/FUL) before the expiry of the statutory three year time period, and therefore the continued development of this site in accordance with the above planning permission is lawful.

7. THE PROPOSAL

Permission is sought for the redevelopment of the site to provide two single family dwelling houses (Class C3) including the excavation of a double basement across the whole site. The new dwellings are to lie over sub basement, basement, ground, first and half second floor levels. The second floor level will also feature a terrace which looks out over Botts Mews. A garage is to be provided for each dwelling accessed from Botts Mews.

8. DETAILED CONSIDERATIONS (APPLICATION 1)

8.1 Land Use

Objections have been raised on the grounds that the development does not provide social housing, and in relation to the loss of office floorspace.

The existing buildings are currently vacant but were last in commercial uses. The recently approved certificate of lawful development application has confirmed that works have commenced on site to implement permission granted 31 March 2015, which was for the use of the site as two residential buildings and the excavation of a double basement. The lawful use of the site is therefore now considered to be as two residential dwellings. The continued use of the site as two dwellings is therefore considered to be acceptable.

The provision of additional residential accommodation is supported by Policy S14 in the City Plan and Policy H3 in the UDP.

In relation to the lack of social housing, as the proposed increase in residential floorspace falls below the 1,000sqm threshold there is no requirement to provide affordable or social housing, in accordance with City Plan Policy S16.

All new housing is expected to provide a well designed living environment. As a large proportion of the dwellings are subterranean it is important to ensure that the dwellings as a whole represent an acceptable standard of residential accommodation. The applicant has proposed internal lightwells in the middle of the two houses and devices such as glass decks in order to provide the reception rooms and bedrooms at basement level and the media and games rooms at sub-basement level with light. The Environmental Health Officer has raised concerns in relation to light and ventilation to basement levels. As with the extant approved scheme, the proposed layout is not ideal for family-sized units due to the reliance on devices such as glass floors, and the poor outlook from the main reception room at sub ground floor level. Given that the units are used as single family dwellings, with three above ground floors, with suitable light and outlook, and given that permission has been granted for a double basement, it is not considered that refusal on the grounds of poor living arrangements could be sustained. In relation to ventilation, should the proposals have been considered acceptable an informative would have been recommended to advise the applicant

8.2 Townscape and Design

The mews properties proposed to be demolished appear on historic maps dating from the mid-late 19th century and formed part of the original development of Westbourne, now the Westbourne Conservation Area. Botts Mews is one of only a handful of mews developments in the area. Nos. 7-9 Botts Mews have the charm of small mews properties, glimpsed in views from Chepstow Road (No.7 is particularly small in scale). Bridstow Place is a unique street; characteristic of a mews but street-sized and featuring two storey cottages which are protected by an 'Article 4 Direction' which removes some rights normally afforded to householders to alter their properties without the need for planning permission. Nos. 1a and 2a Bridstow Place form the terminating building in long views along this street and are attractive examples of their type.

There was an appeal decision in 2014 for the redevelopment of this site in which the Inspector concluded that the existing buildings make a positive contribution to the character and appearance of the Westbourne Conservation Area. She noted that in the absence of a satisfactory scheme to redevelop the site the demolition of the existing buildings would fail to enhance the character and appearance of the conservation area.

The applicant considers that the proposed buildings can be demolished, subject to the replacement building being acceptable. Officers consider that while there is scope to develop,

potentially with some demolition of the buildings, the current scheme does not offer a suitable replacement development. While all the existing buildings are capable of adaptive reuse, they would require significant alterations to accommodate the new dwellings, as demonstrated by the scheme approved in 2015.

The existing buildings on either side of the site are of clearly different styles, which is an interesting acknowledgment of the sites history, a point the Inspector noted in 2014, when they stated: "Taken as a group, I consider the existing buildings, whilst more utilitarian and domestic in scale compared to many buildings in the nearby area, make a modest positive contribution to the character and appearance of the Westbourne Conservation Area".

The Botts Mews buildings are two storey rendered buildings with garage doors to ground floor level and multiple paned metal windows to the first floor, there are slated pitched roofs behind. The Bridstow Place elevation has two elements, one of which is a horizontal character 1950s style warehouse building, while the other (a former Bakery) is a smaller stuccoed building adjacent to the Chepstow Road corner building.

City Plan policies S 25 and S 28 and UDP Policies DES 1 and DES 9, require development to be of the highest standards and to preserve the built heritage of the City.

The former Bakery building facing Bridstow Place is the older of the buildings on this side of the group. This Victorian building has attractive arched windows at ground floor level and a hay loft door at first floor. Its more elaborate detailing is a quirky element in this mews entrance setting and contributes to the character and appearance both of the mews and the wider conservation area. As such, it should be retained and reused, both for its value as a vestige of the former uses of the site and its architecture and appearance. The façade could readily be retained and form an interesting counterpoint to a new development adjacent, should that building not be retained. It is noted that retaining the bakery would require the structure to be carefully integrated into a revised design. Such a design would need to ensure a comfortable relationship to the rest of its context in terms of building heights and floor levels. It should also be noted that the applicants have permission to convert and retain all the buildings in a development which allows the residential use and basement excavation.

Given the need to pay due regard to preservation or enhancement, the City Council expects high quality development to enhance conservation areas. In terms of replacement buildings, in order to justify the loss of the present buildings, these should offer a greater positive contribution to the conservation area than existing structures.

The new development is broadly acceptable in terms of its scale, being two storey and attic to both elevations. However, its form neither reads as a suitable replacement for buildings reflecting utility / light industrial warehousing or the typical mews housing found to the rear of higher status streets.

The proposed design of new buildings heavily feature steel windows frames which evoke the industrial character of the former garages. However, the setting of the openings within the proposed elevations which lacks cohesion reduces their effect.

For example, in place of the demolished bakery building, there is a rendered house twice the plot width of a traditional mews house. The appeal proposal had three houses on the Bridstow Place elevation, but there are just two houses in the present scheme, which run

between the two frontages, whereas the setting calls for greater plot subdivision. These excessive plot widths run counter to the typical topography of the conservation area.

While the elevation design has been divided into bays, with brick and render being used, the resulting composition is confused. There are four differently sized openings to both the ground and first floors of each house and the location of openings lacks a comfortable visual rhythm.

The two bays of each house are divided by a central darker section (on both elevations), but neither the bays, nor the central section are reflected in the design of the mansard, which has one party wall upstand between the two houses.

The fenestration of the mansard is atypical. The curved dormers to Bridstow Place are uncommon in the area and they are positioned without consideration to the fenestration on the storeys below, being asymmetric to each other and to the houses to either side.

The mansard fenestration varies again on the Botts Mews side with much larger double door and single door dormers. These are again asymmetrically located and between them a fixed full height roof light is located. The design is also supplemented by a full width terrace across both properties with an unusually detailed terrace setting set on, rather than behind the parapet. Such a device is an atypical addition to a traditional mews setting, as it introduces uncharacteristic metalwork detailing and high level visual clutter.

While render is proposed on some of the elevations, few mews houses were designed with render and therefore with the exception of the bakery building (which should be retained) the use of high quality brickwork should be prioritised. If a contrast is needed then there are other ways to achieve this through skilful use of brick detailing/texture, colour etc. Brick is a traditional and high quality material which ages well, render not so well. Render in mews setting is typically a later evolution, as the original utilitarian buildings would have been brick faced.

The appeal decision on the previous scheme noted a number of deficiencies, with that design, including the irregular window arrangements. The overall palette of materials, bulk and footprint were considered suitable for the site. However, the present design does not offer an equal or greater contribution to the conservation area than the present buildings, nor does it satisfy or resolve the issues raised in the appeal.

The proposed replacement buildings are of insufficient design quality to provide an enhancement to the character and appearance of the Westbourne Conservation Area and therefore they fail to meet the design requirements outlined in City Plan and UDP Policies S25, S27, DES 1 and DES 9 or the tests applied by the NPPF.

These policies require the highest quality in the form and design of new development and for it to result in an enhancement of the conservation area. Given the qualities of the existing buildings and their established role in the local townscape, a high design quality is required of the proposed development, which will enhance the significance of the Westbourne Conservation Area.

For this reason, it is recommended that the application be refused.

8.3 Residential Amenity

The application site is surrounded by residential properties, both on Botts Mews to the south and Bridstow Place to the north. Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity. Concerns have been raised by residents in respect of the impact of the proposed development on their light, privacy, noise and outlook.

9.3.1 Sunlight and Daylight

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the adjacent residential properties. This report finds that, as a result of the development, no windows within neighbouring residential units will suffer a reduction in light above what is recommended under the BRE guidelines. For this reason, the impact of the development on the quality of the environment within neighbouring residential properties in terms of daylight and sunlight terms is considered acceptable.

9.3.2 Sense of Enclosure

There is an existing party wall which diagonally dissects the site, separating the existing properties facing Bridstow Place from the properties facing Botts Mews. The buildings facing Bridstow Place are taller and on a slightly higher level than the Botts Mews Properties. The proposals include the erection of a mansard roof extension at second floor level, which is set back on the Botts Mews frontage to provide roof terraces. Due to the level changes, the actual increase in height of the new buildings is relatively minor at approximately 0.9m at the lower end of the site (to the east) and 0.3m at the higher end of the site (to the west).

Due to the relatively small increase in bulk and the setting back of the top storey on the Botts Mews frontage, it is not considered that the proposed development would result in a material increase in the sense of enclosure for residents on the opposite side of Botts Mews. Similarly, it is not considered that the increase in bulk over the existing building would result in a material impact on residents at the opposite side of Bridstow Place or within Hereford Mansions. The scheme is therefore considered acceptable in this regard.

9.3.3 Privacy, Overlooking and Noise

There are windows in both street facing elevations of the existing buildings, while the proposals do include a greater number of windows and new windows at second floor level, it is not considered that these would give rise to such a negative impact as to justify refusal. The proposals also include the provision of a terrace at second floor level on the Botts Mews frontage.

There are existing terraces at second and third floor levels to the properties on the other side of Botts Mews. Some of these properties are used as single family dwellings and some are divided into flats. 2 Chepstow Road, has frontages onto both Chepstow Road and Botts Mews and has windows located at a similar level to the proposed terrace. There is also a window in the rear of 6-8 Chepstow Road just above the application site, which would appear from records to be residential use.

The scheme refused in 2014 also included the provision of terraces in the same location to those currently proposed, however in a slightly different arrangement as the previous application was for three dwellinghouses rather than two. Officers did not consider that the proposals resulted in a negative impact in terms of loss of amenity as to recommend refusal.

The application was subsequently appealed, within which the inspector agreed with the statement of common ground, which set out that the proposals would not have adverse effect on the living conditions of either future occupants or occupants of nearby properties. It is not considered that Westminster Policies or the site situation have changed considerably since this time, and therefore it is not considered that refusal on these grounds could be sustained.

8.4 Transportation/Parking

The Highways Planning Manager has raised no objection to the proposal for one off-street car parking space (within an integral garage) accessed from Botts mews, for each of the proposed dwellings and such provision is in accordance with UDP Policy TRANS 23.

Provision is made for the storage of a bicycle for each of the proposed dwellings. Such provision is in accordance with UDP Policy TRANS 10.

8.5 Economic Considerations

As outlined in Section 8.1 of this report, the lawful use of the site is now considered to be residential and therefore there is no loss of employment floorspace. Any economic benefits of the proposed scheme are welcomed.

8.6 Access

Were the proposals considered acceptable in other terms a condition would have been recommended to ensure that each of the dwellings would benefit from step free access to accords with Policies TRANS27 and DES1 in the UDP.

A comment has been received in relation to blocking of a walkway. It is assumed that this would be as a result of construction works. As such works would only be temporary, it is not considered that refusal on these grounds could be sustained. Any suspension of the public highway would require prior consent from Highways licensing.

8.7 Other UDP/Westminster Policy Considerations

Basement:

Permission was granted in 2015 for the excavation of a double basement beneath the existing buildings on the site. Prior to this, the 2014 applications also included a double basement, which were not refused on grounds of the extent of excavation. The recently approved certificate of lawful development certificate has also been issued, which confirms that the 2015 permission has been implemented. The applicant is therefore able to implement this permission in perpetuity, which is also a material consideration.

Strong objection has been received to the development proposals on the grounds that they are contrary to adopted policies within the updated City Plan (November 2016).

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015 and were adopted in July 2016, with subsequent revisions to the City Plan adopted November 2016. They are material considerations that full weight will be attached to in the determining of the planning application.

The current proposals are considered to be in contrary to policy CM28.1 C 3 of the updated City Plan (November 2016). The proposals are assessed against the new policy as follows:

Part A. 1-4

Strong objection has been received in relation to the proposed works. 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 the type of piling/underpinning proposed and in relation to groundwater, the City Council's Building Control Surveyors has raised no objections on these grounds. He has commented that sheet piling is proposed due to the ground conditions and will provide support to the excavated sides of the basement. 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 health wellbeing of adjacent occupiers.

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 2016. Had the application been considered acceptable, the applicants would 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.

Concerns have been raised by a resident in relation to the impacts of the development on their health and wellbeing. 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 health issues, 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. Should the proposals have been considered acceptable an informative would be 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 would also be recommended requiring evidence to be submitted of compliance with the CoCP prior to commencement of development.

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

Part B:

1&2) The Arboricultural Officer has raised no objection in relation to the removal of a self-planted young Tree of Heaven, which is therefore considered acceptable.

3) The plans indicate a plant room at basement level, no details have been provided to confirm if this is to serve plant equipment and no details of ventilation have been provided, which has been raised by the Environmental Health Officer. Should the proposals have been considered acceptable in other terms, conditions would have been required to provide details and to confirm that any external plant equipment would require planning permission.

4 & 7) The site is not located within a flooding hot spot, and it is not considered that the basements would have a severe impact on surface water. Should the proposals have been considered acceptable, an informative would have been recommended to advise the applicant that they will need to ensure that suitable drainage is provided.

5&6) As there are no external manifestations of the basement, the proposals will not negatively impact on the character of the area area (see section 8.2 of this report).

Part C:

1&2) The proposals do not have a garden therefore these points are not applicable.

3) This part of the policy 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 and is within a dense residential context, with Botts Mews being a narrow street and residential properties on the other side of Bridstow Place. The site is small and access is limited. The policy states basement development to existing residential buildings will not involve the excavation of more than one storey below the lowest original floor level. It is considered that the proposed double basement development would be harmful to neighbours. The criteria set out for the extent of basement development underneath existing residential buildings is intended to strike a balance between allowing development, while ensuring that it is not of an excessive scale. This is to ensure the harmful

impacts on neighbours that are associated with basement development are lessened. The proposal here would significantly exceed the limit set out by the policy, and the policy only allows for exceptions to be made in specific and/ or exceptional circumstances. The policy only allows an exception to be made if the site is large and of high accessibility and that no heritage assets are affected. It is not considered that this site is highly accessible, located in a tight residential location.

Recent appeal decisions have subsequently been dismissed which related to the excavation of double basements and are therefore relevant to this case. The inspector on appeals at 34 Old Queen Street (Ref APP/X5990/W/16/3149719) and 7 Chesham Mews (Ref APP/X5990/D/16/3162479) upheld the council's decision to refuse as it was considered that the proposals would cause unacceptable harm to the environment and amenities of the area, contrary to this part of the policy. The proposals to excavate a double basement are contrary to this part of the policy and the proposal is therefore recommended for refusal.

Part D:

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

Refuse /Recycling

Should the proposals have been considered acceptable, a condition would have been recommended for details of waste and recyclable storage to be submitted and approved to the City Council.

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.

The estimated CIL payment would be £319,600.

8.11 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement for the submission of an Environmental Impact Assessment.

8.12 Other Issues

Objections have raised issues on which planning permission could not be withheld, including disruption to television signals, impacts on local shops during construction, which could result in fees against the council, and concerns in relation to consultation. In relation to consultation, additional consultation letters were sent out to neighbours during the applications process.

It is considered that the council has undertaken in excess of what is statutorily required, with neighbour letters, site notice and an advert being placed in the press.

An objection has been received from Environmental Health in relation to means of escape from the basement. Such considerations are a matter of building regulations, it would not be sustainable to withhold planning permission on these grounds.

9. BACKGROUND PAPERS

1. Application form
2. Appeal decision dated 22 September 2014
3. Response from Historic England, dated 7 November 2016
4. Response from South East Bayswater Residents Association, dated 20 December 2016
5. Response from Notting Hill East Neighbourhood Forum, dated 30 November 2016
6. Response from Thames Water Utilities Ltd, dated 21 November 2016
7. Response from Highways Planning, dated 8 November 2016
8. Response from Cleansing, dated 9 November 2016
9. Response from Arboricultural Section, dated 12 December 2016
10. Response from Environmental Health, dated 21 November 2016
11. Responses from Building Control, dated 14 March 2016
12. Letter from occupier of 3, Bridstow Place, dated 10 November 2016
13. Letters from occupiers of Apartment 4, 2 Chepstow Road, dated 8 & 14 November 2016
14. Letter from occupier of Flat One , 4 Monmouth Place, dated 14 November 2016
15. Letter from occupier of 56a Hereford Rd, Lower Ground, dated 14 November 2016
16. Letter from occupier of 55 Hereford Road, dated 15 November 2016
17. Letter from occupier of 10 Hereford Mansions, Hereford Road, dated 15 November 2016
18. Letter from occupier of 17 Bridstow Place, dated 16 November 2016
19. Letter from occupier of 6 Talbot Road, dated 16 November 2016
20. Letter from occupier of 38 Bark Place, dated 16 November 2016
21. Letter from occupier of 98 Westbourne Terrace, dated 16 November 2016
22. Letter from occupier of 30 Bridstow Place, dated 16 November 2016
23. Letter from occupier of 78 Chepstow Road, dated 16 November 2016
24. Letter from occupier of 26 Bridstow Place, dated 17 November 2016
25. Letter from occupier of 9 Artesian Road, dated 17 November 2016
26. Letters from occupier of 13 Bridstow Place, dated 18 & 21 November 2016
27. Letters from occupier of 60 Westbourne Park Villas, dated 18 & 20 November 2016
28. Letter from occupier of 16 Sunderland Terrace, dated 19 November 2016
29. Letters from occupier of 49 Hereford road, dated 19 & 24 November 2016
30. Letter from occupier of 15 Artesian Road, dated 20 November 2016
31. Letter from occupier of 26 Artesian Road, flat 3, dated 20 November 2016
32. Letter from occupier of Pentagram Design Limited, 11 Needham Road, dated 21 November 2016
33. Letter on behalf of occupier of 22 Artesian Road, dated 21 November 2016
34. Letter from occupier of 9 Needham Road, dated 21 November 2016
35. Letter from occupier of 1-5Needham Road, dated 21 November 2016
36. Letter from occupier of 34-35 New Bond Street, dated 21 November 2016
37. Letter from occupier of 13 Tavistock Mansions, 49 St Lukes Road, dated 21 November 2016
38. Letters from occupier of 57 Artesian Road, dated 21 November and 12 December 2016
39. Letter from occupier of Second Floor Flat, 16 Artesian Road, dated 21 November 2016

40. Letter from occupier of 165 Gloucester Terrace, dated 21 November 2016
41. Letter from occupier of 12 Artesian Road, dated 21 November 2016
42. Letter from occupier of Flat 5, 24 Artesian Road, dated 21 November 2016
43. Letter from occupier of 7 Talbot Road, dated 21 November 2016
44. Letter from occupier of 45 Mortimer Street, 5th Floor, dated 21 November 2016
45. Letter from occupier of 12 Needham Road, dated 22 November 2016
46. Letters from occupier of 29A Bridstow Place, dated 22 November & 19 December 2016
47. Letters from occupier of 25 Artesian Road, dated 22 & 23 November 2016
48. Letters from occupier of 5 Bridstow Place, dated 22 & 23 November 2016
49. Letter from occupier of 19 Artesian Road, dated 22, 24 & 25 November and 2 December 2016
50. Letter from occupier of 57 Hereford Rd, dated 22 November 2016
51. Letters from occupiers of 10B Chepstow Road, dated 22 & 23 November 2016
52. Letter from occupier of Flat B, 17 Westbourne Park Road, dated 22 November 2016
53. Letter from occupier of 10A Chepstow Rd, dated 22 November 2016
54. Letter from occupier of 58 Westbourne Park Villas, dated 23 November 2016
55. Letter from occupier of 6 Monmouth place, dated 23 November 2016
56. Letter from occupier of Basement Flat, 49A Chepstow Road, dated 23 November 2016
57. Letters from occupiers of 53 Artesian Road, dated 23 November 2016
58. Letter from occupier of 7 Bridstow Place, dated 23 November 2016
59. Letter from occupier of C/O 47 Hereford Road, dated 23 November 2016
60. Letters from occupier of 19 Artesian Rd, dated 22 November 2016
61. Letter from occupier of 10 Bridstow Place, dated 23 November 2016
62. Letter from occupier of 38 Chepstow Road, dated 23 November 2016
63. Letter from occupier of 15A Artesian Road, dated 23 November 2016
64. Letter from occupier of 14 Bridstow Place, dated 23 November 2016
65. Letter from occupier of 17 Cornwall Grove, dated 24 November 2016
66. Letter from occupier of Flat 3, 5 Botts Mews, dated 25 November 2016
67. Letter from occupier of Flat 2, Hereford Mansion, received 28 November 2016
68. Letters from occupier of Apartment 1, The Gate Apartments, received 29 November and 5 December 2016
69. Letter from occupier of 23, Artesian Road, dated 2 December 2016
70. Letter from occupier of 29 Artesian Road, dated 13 December 2016
71. Letter from occupier of 5 Botts Mews, Flat 1, dated 25 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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS



EXISTING BOTTS MEWS ELEVATION

SCALE: 1:100@A3



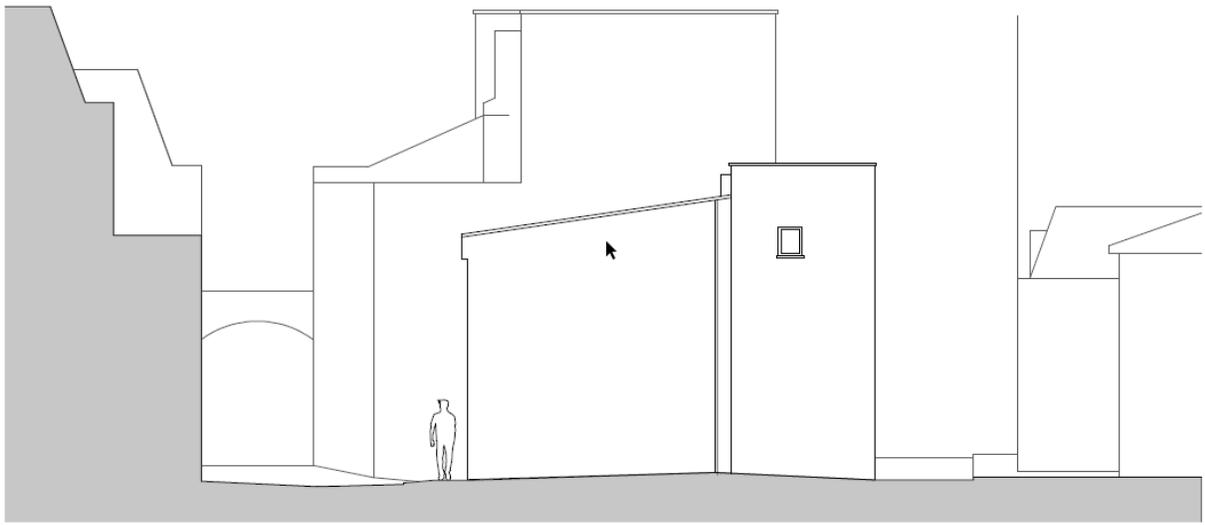


EXISTING BRIDSTOW PLACE ELEVATION

SCALE: 1:100@A3

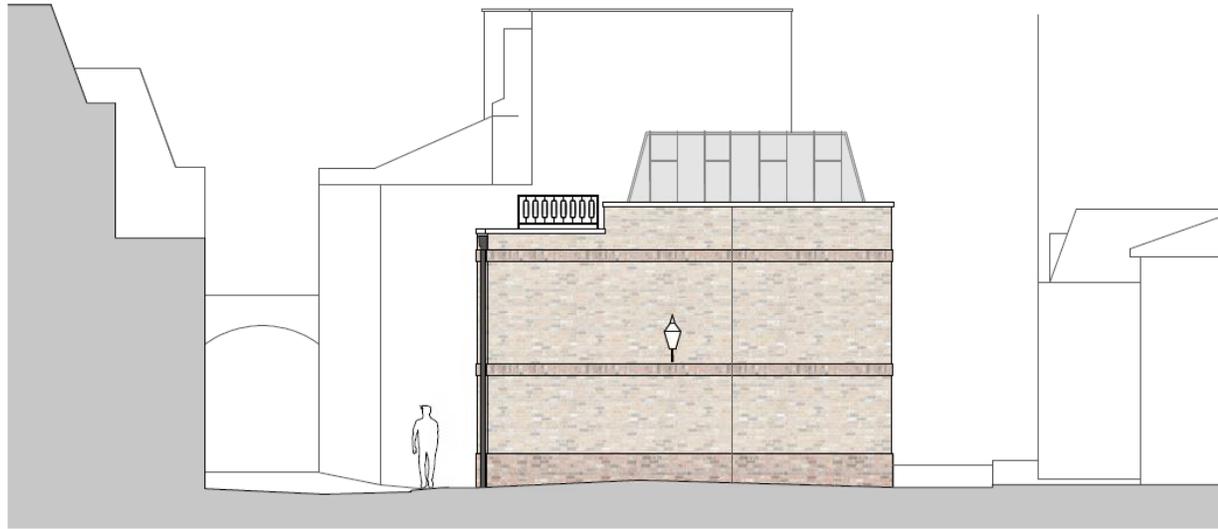


Proposed Bridstow Place elevation



EXISTING EAST ELEVATION

SCALE: 1:100@A3

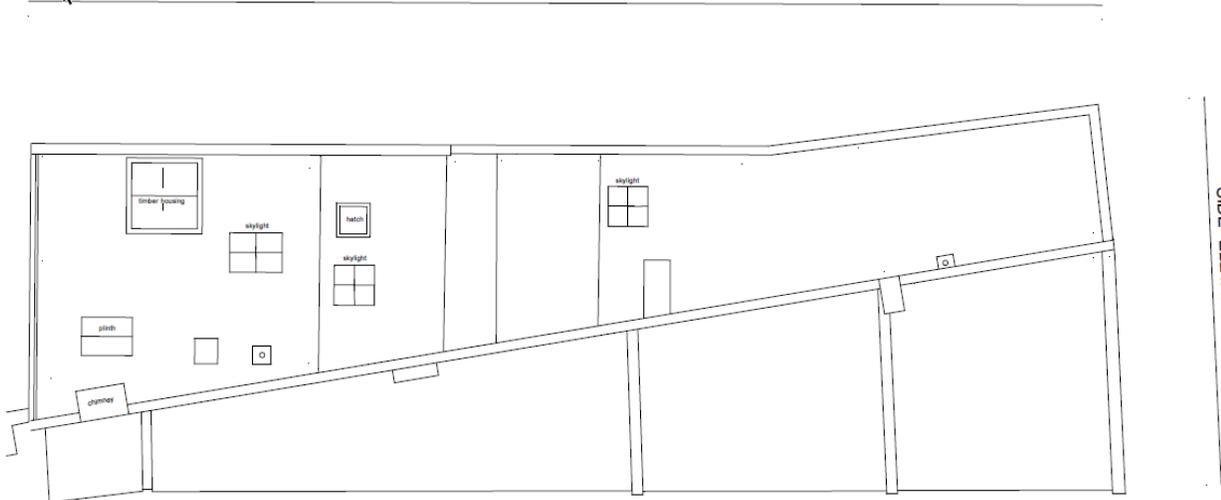


PROPOSED EAST ELEVATION

SCALE: 1:100@A3



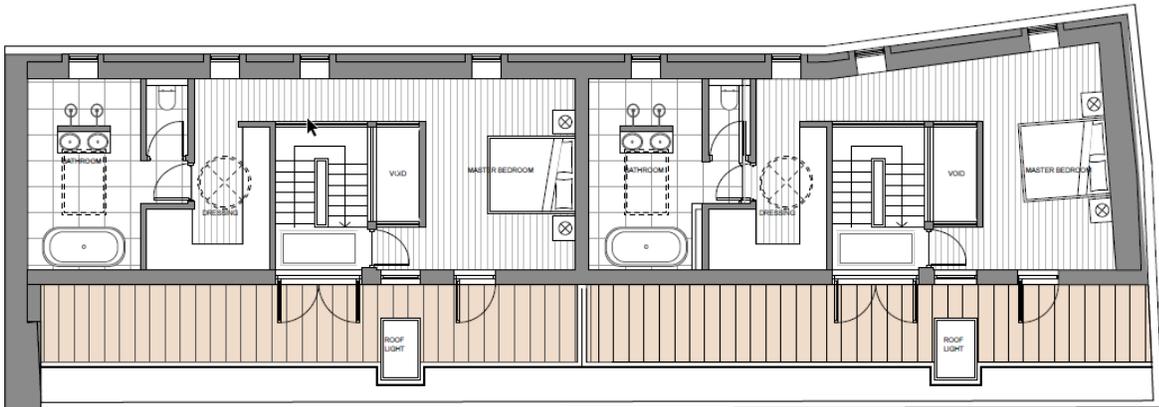
BRIDSTOW PLACE ELEVATION



SIDE ELEVATION

ROOF PLAN

BOTTS MEWS ELEVATION



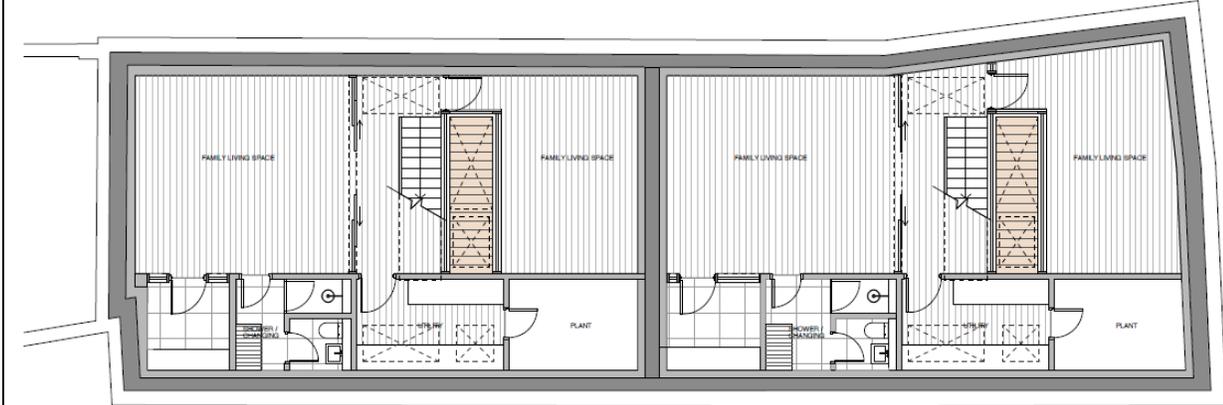
SECOND FLOOR PLAN
SCALE: 1:100@A3, 1:50@A1

N



BASEMENT FLOOR PLAN

SCALE: 1:100@A3, 1:50@A1



SUB BASEMENT FLOOR PLAN

SCALE: 1:100@A3, 1:50@A1



DRAFT DECISION LETTER

Address: 7-9 Botts Mews, London, W2 5AG,

Proposal: Demolition of existing buildings and erection of replacement three storey buildings with double basements to provide 2 x 4 bedroom single family dwellinghouses (Class C3), with integral garages and other associated works.

Plan Nos: 2000 PP1; 2050 PP1; 2051 PP1; 2052 PP1; 2061 PP1; 2062 PP1; 2063 PP1; 2070 PP1; 2100 PP1; 2101 PP1; 2102 PP1; 2103 PP1; 2104 PP1; 2108 PP1; 2200 PP1; 2201 PP1; 2202 PP1; 2210 PP1; Design and Access Statement by moreno:massey dated September 2016; Planning Statement by Turley dated October 2016; Waste management plan by W11 construction ltd dated 21 September 2016;

For information only: Daylight & Sunlight Study by behan partnership ltd dated 19 September 2016; Construction Management Plan by W11 dated October 2016; Statement of community involvement; Geotechnical and geo-environmental site assessment by RSK dated May 2012; Structural Engineer's structural method statement by Form dated 14 October 2016.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

- Reason:
- 1 Because of the loss of the existing buildings, as well as the form, plot widths, proportions and detailed design of the replacement buildings, the development would fail to maintain or improve (preserve or enhance) the character and appearance of the Westbourne Conservation Area. This would not meet S25 and S28 of Westminster's City Plan adopted November 2016 and DES 1, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

The development is also contrary to the City Council's guidance contained within adopted and published Supplementary Planning Guidance entitled, 'Development and Demolition within Conservation Areas' (City Of Westminster: 1994) and The Westbourne Conservation Area Audit (City Of Westminster: 2002).

- Reason:
- 2 The proposal would result in subterranean excavation that would extend two storeys underneath the original lowest floor level. The proposal would therefore be contrary to Policy CM28.1 of the Westminster's City Plan (July 2016), and the guidance in our Basement Development in Westminster Supplementary Planning Document, adopted in October 2014.

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 so far as practicable. 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- Reduction to a single storey basement extension;
- Retain and restore the facade of the bakery building;
- Revise plot divisions to reflect a mews form (party wall up stands in roof); fenestration arrangement to be more regular/cohesive; materials to be brick to both sides;
- Symmetrically locate dormers on each element/omit arched dormer top/use steel windows;
- Reconsider horizontal brick string course detailing as this emphasizes width;
- Set terrace railing behind a parapet.