

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 6 March 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Tachbrook	
<b>Subject of Report</b>	<b>79 St George's Square Mews, London, SW1V 3RZ</b>		
<b>Proposal</b>	Excavation of a basement beneath the footprint of the dwelling.		
<b>Agent</b>	Boyer Planning		
<b>On behalf of</b>	Mr Keith Khoo		
<b>Registered Number</b>	17/10450/FULL	<b>Date amended/ completed</b>	23 November 2017
<b>Date Application Received</b>	23 November 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

79 St George's Square Mews is unlisted mews building located within the Pimlico Conservation Area. Permission is sought for the excavation of a basement beneath the footprint of the dwelling.

The main issue for consideration is the impact on the amenity of neighbouring residents.

Objections have been received from local residents primarily on the grounds of disruption and potential for damage during the course of the basement excavation and construction.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions as set out on the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

No response to date.

### THAMES WATER:

The applicant should be advised to take measures with regards to waste water.

### BUILDING CONTROL:

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 108

Total No. of replies: 3 (objections)

In summary, the neighbouring residents object to the proposal on the following grounds:

- Risk of subsidence to neighbouring properties;
- Damage to adjoining properties during construction;
- Noise disturbance, dust and dirt during construction, and there would be a cumulative impact with other similar developments nearby;
- The existing depth of the basement (which has been infilled) is unknown;
- Potential for flooding and impact on groundwater, the area was formerly swamp land;
- The proposals could set a precedent for other similar excavations on the Mews; and
- The timing of submission was cynical as neighbours may be away.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

79 St George's Square Mews is an unlisted mews building located within the Pimlico Conservation Area. It makes a positive contribution to the character and appearance of the conservation area, and is identified in the Pimlico Conservation Area Audit as an 'unlisted building of merit'.

The site is located within Flood Zone 3, but is in an area that benefits from flood defences.

### 6.2 Recent Relevant History

On 9 August 2017 a Certificate of Lawful Development was issued confirming the proposed 'installation of a replacement door and windows at ground level on the front elevation' would be permitted development. (RN: 17/06538/CLOPUD)

On 30 March 2017 a Certificate of Lawful Development was refused for the proposed 'removal of rubble to clear existing basement, no excavation works are proposed' on the

grounds insufficient information regarding the existence of a basement had been provided. The applicant had contended that a basement level already exists but it was not clear that this was the case. (RN: 17/00821/CLOPUD)

**7. THE PROPOSAL**

Permission is sought for the excavation of a basement beneath the footprint of the dwelling.

The proposal would increase residential floorspace and this is summarised below:

	<b>Existing GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>+/-</b>
C3 (residential)	104	140	36

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

The application property is a single family dwelling house and the additional residential floorspace created would enlarge it. This would raise no land use implications.

**8.2 Townscape and Design**

A single storey basement is proposed. It would result in no external manifestations and the excavation works are not considered harmful to the significance of the building. The proposal would not impact on the character or appearance of the conservation area.

**8.3 Residential Amenity**

The subterranean nature of the excavation means that once complete the basement itself would have no amenity impact on neighbouring properties. The impact of basement excavation and construction is discussed in section 8.12.

**8.4 Transportation/Parking**

The proposal does not represent an increase in residential units. There is no requirement for the provision of cycle or car parking.

**8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

**8.6 Access**

Access arrangements will remain unchanged.

## 8.7 Other UDP/Westminster Policy Considerations

### **Refuse /Recycling:**

The proposal does not represent any increase in residential units, it is not considered necessary to require details of waste storage to be submitted.

## 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 development is not CIL liable, less than 100 square metres of floorspace would be created.

## 8.11 Environmental Impact Assessment

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

## 8.12 Other Issues

### **Basement**

The proposals are considered to be in accordance with the Council's basement policy, CM28.1 of the City Plan, as set out below.

#### *Part A. 1-4*

These parts of the policy relate to ground conditions, structural methodology, the Code of Construction Practice, structural stability and flood risk. Objections have been received from neighbouring residents on the grounds of potential structural damage to adjoining properties and increased risk of flooding. One resident states it is not known precisely what the ground conditions underneath the property are.

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions that are likely to be on this site. The engineer employed by the applicant used numerous sources of data to analyse what the conditions underneath the property are likely to be, and this included exploratory holes at the site. It is understood that there was a previous basement level underneath the property but this level was infilled, and so the precise nature of what the existing structure is underneath the property is not fully known at this stage, and cannot be known until the excavation works are completed. However, as far is reasonable and

practicable at this stage, the applicant has satisfactorily investigated the site and surmised the likely existing ground conditions and provided a suitable structural methodology report in light of it.

It should be noted that the purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the 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. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

A flood risk assessment has been provided as part of the submission and this demonstrates that flood risk would not be exacerbated by the development in this location, which is in Flood Zone 3 but benefits from local flood defences. These defences mean the site is protected against flooding from the Thames to a standard of at least 0.1% Annual Probability. In terms of surface water flooding, the flood risk assessment notes that there is a risk of surface water flooding in the event of local drainage systems failing, but the addition of the basement would not worsen this, and measures will be taken to mitigate the risk.

#### *Part A. 5*

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition recommended to be attached states that no piling, excavation and demolition work is undertaken on Saturdays, Sundays, bank holidays and public holidays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours.

Concerns have also been raised in relation to the cumulative impact of other developments in the Mews. The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicant will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The 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.

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, 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.

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.

*Part A. 6*

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

*Part B. 1 and 2*

The proposal does not involve the loss of trees within the rear garden, nor are there nearby trees of concern, and the landscaping of the rear garden is considered acceptable.

*Part B. 3*

The proposals do include details in relation to explaining the basement will be naturally ventilated, no plant is proposed.

*Part B. 4 and 7*

As the basement is only underneath the existing building, the basement would not impact on local drainage.

*Part B. 5 and 6*

The proposals have no external manifestations and would not negatively impact on the conservation area (see Section 8.2 of this report).

*Part C. 1 and 2*

The basement would do not extend under garden land

*Part C. 3*

A single basement is proposed which is considered acceptable and in accordance with this part of the policy.

*Part D*

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

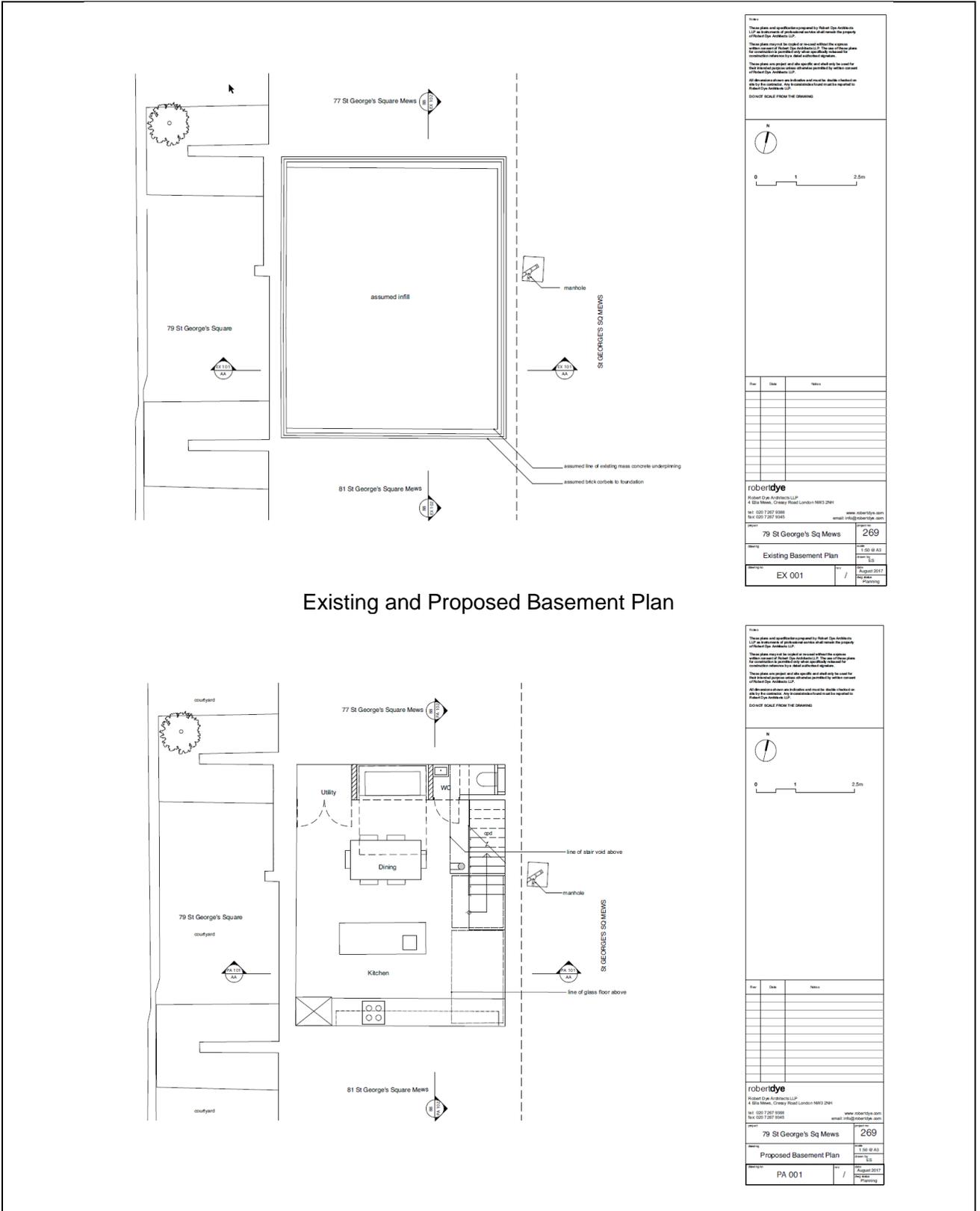
**9. BACKGROUND PAPERS**

1. Application form
2. Response from Building Control, dated 18 January 2018
3. Response from Thames Water, dated 5 December 2017
4. Objection from BNP Paribas Jersey Trust Corporation on behalf of the owners of 83 St George's Square, dated 19 December 2017
5. Objection from occupier of 83 St George's Square, dated 3 January 2018
6. Objection from occupier of Flat 2, 83 St George's Square, dated 3 January 2018

(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: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

10. KEY DRAWINGS



Existing and Proposed Basement Plan



**DRAFT DECISION LETTER**

**Address:** 79 St George's Square Mews, London, SW1V 3RZ

**Proposal:** Excavation of basement below existing footprint of the property.

**Reference:** 17/10450/FULL

**Plan Nos:** Site Location Plan; EX 001; EX 002; EX 003; EX 101; EX 102; EX 201; EX 202; PA 001; PA 002; PA 003; PA 101; PA 102; PA 201; PA 202; Planning Statement (Boyer); Design and Access Statement (Robert Dye).

For Information Only:

Geoenvironmental Assessment Report (MLM Consulting Engineers Limited); Flood Risk Assessment (MLM Group); Structural Methodology Statement (MLM Group); Construction Management Plan (Transport Planning & Infrastructure Limited); Draft C of Appendix A.

**Case Officer:** Anna H...

**Direct Tel. No.:** 020 7641 2069

**Recommended Condition(s) 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 officers pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only.

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

#### **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 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). These documents must be sent to

[environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention

- 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk)
- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, 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.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk) Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

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.

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