

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Basement flat, 13 Nottingham Place, London, W1U 5LE		
Proposal	Alterations including excavation of a single storey basement to enlarge existing lower ground floor flat (Class C3), with associated lightwells.		
Agent	Basement Works		
On behalf of	Mr G Herath		
Registered Number	16/12072/FULL	Date amended/ completed	11 January 2017
Date Application Received	20 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

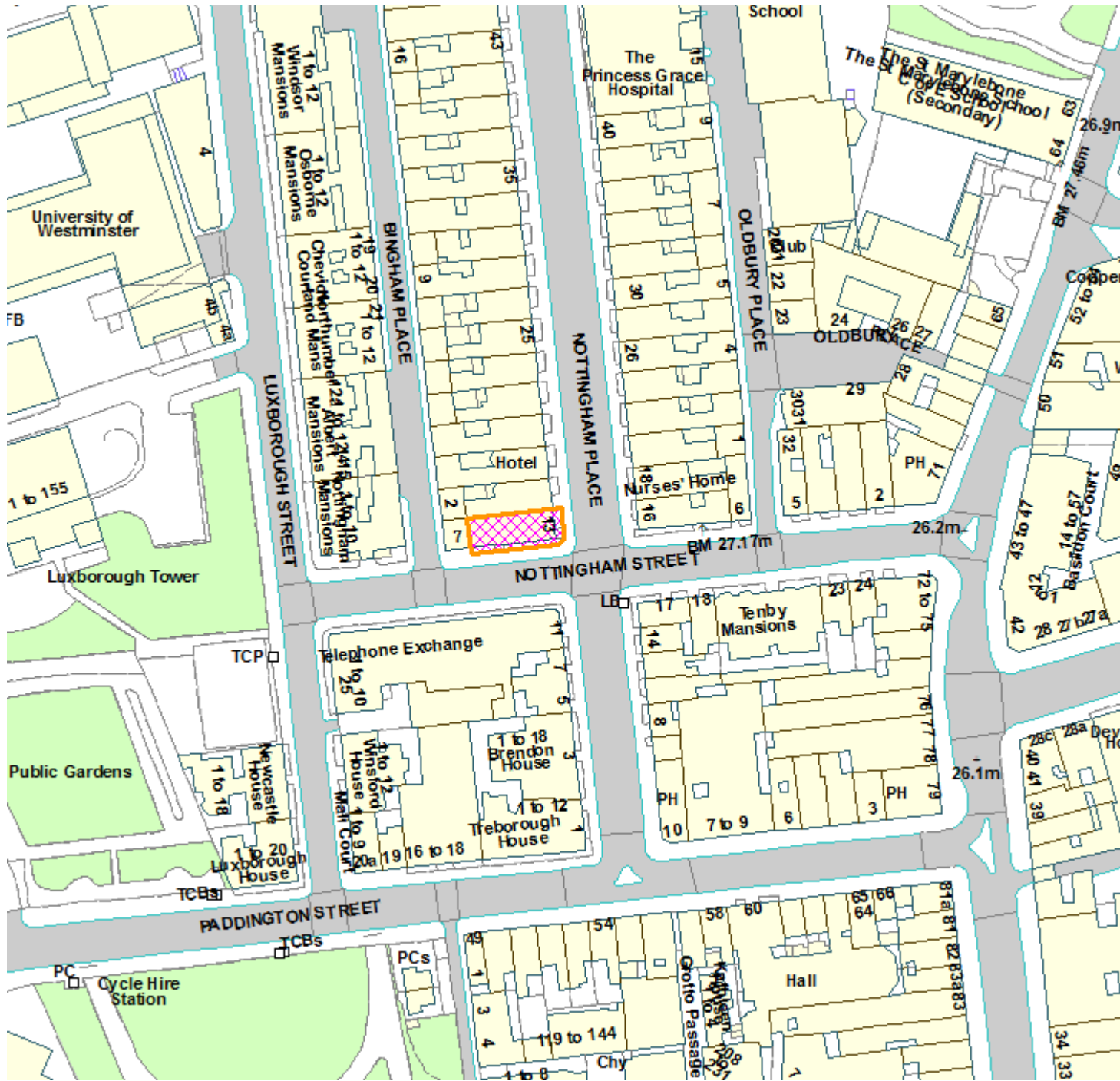
The application relates to an existing lower ground floor flat within one of a group of remodelled late Georgian terraced houses. This unlisted building is located on the corner of Nottingham Street and Nottingham Place and is within the Harley Street Conservation Area. It is lawfully in use as six flats. The proposal is for the excavation of a new basement to provide additional accommodation to the existing lower ground floor flat. Walk-on grilles would be installed within the lightwells on the street frontages to retain access to the existing pavement vaults.

The key issues are

- The impact of the proposals upon the appearance of the building and the character and appearance of the conservation area;
- The effect on the amenity of neighbouring residential properties; and
- The acceptability of the proposed basement in an area identified as being of higher risk from surface water flooding.

Objections have been received on design, amenity and structural grounds. However, subject to appropriate conditions, the application is considered to comply with adopted UDP and City Plan policies and is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally

ENVIRONMENTAL HEALTH

No objection

BUILDING CONTROL

No objection, construction methodology appears satisfactory.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18 Total No. of replies: 13 No. of objections: 13 No. in support: 0

- Impact on the appearance of the building and the uniformity and architectural symmetry of the terrace.
- Adverse impact on the character and appearance of the conservation area.
- Impact of double height lightwell exacerbated by internal illumination.
- Drawings inconsistent.
- Poor quality of new accommodation.
- Construction impacts.
- Structural concerns.
- Flood risk.
- Impact on the structural integrity of the highway and underground tunnels.
- Impact on utilities.
- Potential to compromise underground transport infrastructure.
- Access to communal areas disrupted.
- Fire hazard.
- Unwelcome precedent set.
- Economic and financial risk to neighbouring properties.

ADVERTISED/ SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to the lower ground flat within an unlisted building arranged over lower ground, ground and four upper floors. The site is located on a prominent corner at the junction of Nottingham Street and Nottingham Place. The site is within the Harley Street Conservation Area.

The immediate surrounding area comprises a mix of different property styles. Although the area is predominantly residential in character, there are hotels, offices and restaurants in the immediate vicinity.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

The application seeks permission to excavate a single storey basement extension beneath the footprint of existing property to provide additional accommodation to the existing lower ground floor flat. The existing lightwells on the Nottingham Place frontage frontages, would be extended to basement level to serve the new accommodation. A much smaller lightwell at basement level is proposed to be created beneath an existing stair on the Nottingham Street frontage.

Galvanised metal, “walk-on” grilles would be installed within the lightwells, above the height of the new basement windows, to maintain access to the existing pavement vaults whilst allowing the new basement accommodation to be lit and naturally ventilated.

The application has been amended to reconfigure the proposed flat layouts, relocating the principal living accommodation to the upper level and the bedrooms to the basement.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The scheme would provide additional residential floorspace which accords City Plan Policy S14 and UDP Policy H3 and is therefore considered acceptable in principle in land use terms.

An objection has been received on the grounds that the new accommodation would be inadequately lit and ventilated. An objection has also been received on the grounds that the new accommodation poses a fire risk due to the lack of ventilation. Policies S29 of the City Plan and ENV13 of the Unitary Development Plan require new developments to provide a high quality living environment for future residential occupants. The layout has been amended to address officers’ concerns and to ensure that the principle living areas have access to the best possible levels of natural light. Basement living accommodation would be naturally ventilated via the new windows/open grilles.

On the basis that the new basement accommodation is an extension to an existing flat, Environmental Health has raised no objection to the application. Although the creation of living accommodation within the basement is not ideal, given the site constraints it is on balance considered that the proposals would provide an acceptable standard of accommodation for future residents and, consequently, the objection could not be supported.

8.2 Townscape and Design

The building forms the end of a terrace of similar unlisted buildings of merit within the Harley Street Conservation Area. The building has an open lightwell on two sides which

is characteristic of the other properties in the terrace and typical of the Harley Street Conservation Area.

The principal outward manifestation of the proposed extension would be open grilles installed within these lightwells, at lower ground floor level.

Objections have been received on the grounds that the proposals would have a detrimental impact on the appearance of the building, uniformity and architectural symmetry of the terrace of buildings and on public and private views of this part of the conservation area. Objectors are particularly concerned about the impact of the double-height lightwell which would be created, and the potential for internal lighting to exacerbate its impact.

Whilst the grilles will be visible from the pavement and from windows on the upper floors of the building, they would be sited below pavement level, and these views would be limited.

In general views, the appearance of the property from both public and private realms will be unaffected by the proposals during the day time. Whilst there is potential for light spill from new basement rooms, highlighting the existence of the new accommodation, this would have a limited impact as the windows would be shielded by the new grilles.

In conclusion, it is not considered that the proposals would have a material impact on the character and appearance of existing building, the terrace of which it forms part, or the wider Harley Street Conservation Area. Consequently, it is not considered that objections received on design/townscape grounds could be supported.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties. It is not considered that the creation of a new basement storey under the existing property will materially impact upon the amenity of neighbouring properties in these respects.

8.4 Transportation/Parking

The proposal involves the extension of an existing flat and does not have any parking implications.

8.5 Economic Considerations

Any economic benefits generated by the development are welcome.

8.6 Access

The existing access arrangements to the flat are unchanged.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

The development does not trigger any planning obligations.

The increase in floorspace is less than 100 sq.m (GIA) and therefore the proposal is not CIL-liable.

8.10 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment..

8.11 Other Issues

Construction Impacts

The occupants of both the existing building and neighbouring properties have raised concerns in relation to the potential impacts of the proposal during construction such as noise nuisance, impact on light and ventilation and safety to upper floor flats due to the proposed boarding-up of windows, access to the common parts of the existing building, congestion from construction traffic and general disruption.

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

Structural Impact of Basement Excavation

Objections have also been received on the grounds that basement excavation poses a risk of subsidence or movement within the existing building and in neighbouring properties.

The application has been assessed against City Plan Policy CM28.1 which deals with basement excavation. As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. 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.

The submitted objections and referenced report received on structural grounds have been assessed by Building Control who has advised that the proposed structural approach appears satisfactory. The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

An informative is proposed to advise the applicant of the need to obtain a Technical Approval from the City Council's Highways Engineers before beginning excavation works. This will ensure that the structural integrity of the highway will be maintained.

Surface Water Flood Risk

Objection has been received relating to the potential of flooding both within the building an increasing surface water flooding. The site is not in flood risk zones from fluvial flooding and therefore there is no restriction on adding habitable accommodation at basement level in this location from a fluvial flooding perspective. Despite this, by being located within the valley of the River Tyburn, the site is in an area identified within the Basement Development in Westminster SPD (October 2014) as being a surface water flooding 'hotspot' (although this part Nottingham Place and Nottingham Street are not listed as streets of particular risk).

Para 6.3.6 of the Basement Development in Westminster SPD states that basement development beneath gardens may result in increased surface water runoff through reducing infiltration capacity. Furthermore, the reduction in ground capacity may reduce the ability to act as a store for rainwater. The guidance adds that self-contained basement dwellings should be located outside of surface water 'hotspots', to reduce vulnerability to surface water flooding where possible. Furthermore, the reasoned justification for City Plan Policy CM28.1 states that basements are more susceptible to flooding, both from surface water and sewage than conventional extensions, adding that fitting basements with positive pumped devices will ensure that they are protected from sewer flooding.

The proposal is not for a new self-contained dwelling but an extension to an existing dwelling. Moreover, the applicant has proposed the following sustainable urban drainage systems, resistance and resilience measures based on the advice of an appropriate self-certification and suitably qualified engineer:

- The basement development will be entirely tanked (i.e. sealed from water ingress);

- Where perched groundwater is encountered (during site investigation / construction) a sump will be installed to eliminate any residual groundwater;
- A positive pumped sump will be permanently installed;
- Permeable paving will be installed within the existing lightwell which will result in a betterment compared to the existing situation);
- Installation of a pump discharge to the foul sewer, along with 24hr attenuation storage;
- External floor levels to both light wells will be set below the internal finished floor of the new accommodation;
- Sash windows, in place of full height doors, have been specified to each lightwell thus further increasing the developments resilience to water ingress by increasing the height to which water levels would need to reach to enter in to the property.
- Lighting and electrical circuit arrangements will be installed at high level throughout where possible so as to minimise damage should water ingress via a flooding event occurring.

In addition, the applicant has confirmed that a trial pit will be completed prior to undertaking the work to identify the level of the water table. The design of the foundations will have to satisfy the requirement of the Building Regulations which require the water table to be considered.

These mitigation measures are considered to be adequate through improving the surface water infiltration capacity of the site and through incorporating suitable resistance and resilience measures within the design of the basement. For this reason, it is considered that the proposal is acceptable despite being located within a surface water flooding 'hot spot'.

Size, Design, Location and Depth of Basement

The proposed basement is in accordance with City Plan Policy CM28.1(B) through: (i) Incorporating permeable surfaces to reduce peak rate run-off; (ii) Not resulting in the loss of any trees; (iii) Being naturally ventilated; (iv) Protecting the character and appearance of the Harley Street Conservation Area (as set out within Section 8.2 of this report); and (v) Including protection from sewer flooding. Furthermore, in respect to the depth and extent of the basement development, the proposed basement is in accordance with City Plan Policy CM28.1(C) due to the additional accommodation being located beneath the existing footprint of the building and through not involving excavation more than one storey below the lowest original floor level.

Impact on the Jubilee Line

Concerns have been raised regarding the impact of the proposal on the Jubilee Line Tunnel. This tunnel runs along Marylebone Road, to the north of Nottingham Place. The application site is outside of the London Underground Structures consultation zone which identifies the area which a development may impact on the London Underground tunnels, and required London Underground to be consulted. Consequently, this objection cannot be supported.

Future transport infrastructure

Objectors consider that the proposal would compromise future underground transport initiatives. There are no planned transport projects for this area which would be

compromised by the proposal and therefore a recommendation for refusal on these grounds could not be justified.

Impact on utilities

Objections have been raised regarding the potential impact of the development on existing utilities. There is no reason to believe that utilities cannot be relocated, if required, and a refusal on this basis is not justified.

Access to communal areas

Occupants of the application building have objected on the grounds that they believe the proposal will restrict communal access and rights of way. This is a private matter between the affected parties and permission cannot justifiably be withheld on these grounds.

Economic impact on neighbouring properties

One objection has been received from an existing flat owner who is concerned that tenants would not wish to occupy his property during construction works. However, this objection could not form the basis for refusing the application.

Precedent

Objectors are concerned that the scheme would set an unwelcome precedent for similar development in the area. The proposal is considered to be acceptable in the context of the adopted development plan policies. Any future applications in relation to other sites would be assessed on their individual merits and refusal on the grounds of precedent cannot be justified.

Inconsistent drawings

One objection has been received on the grounds that the submitted plans and elevations are inconsistent. The drawings have been amended to remove this inconsistency.

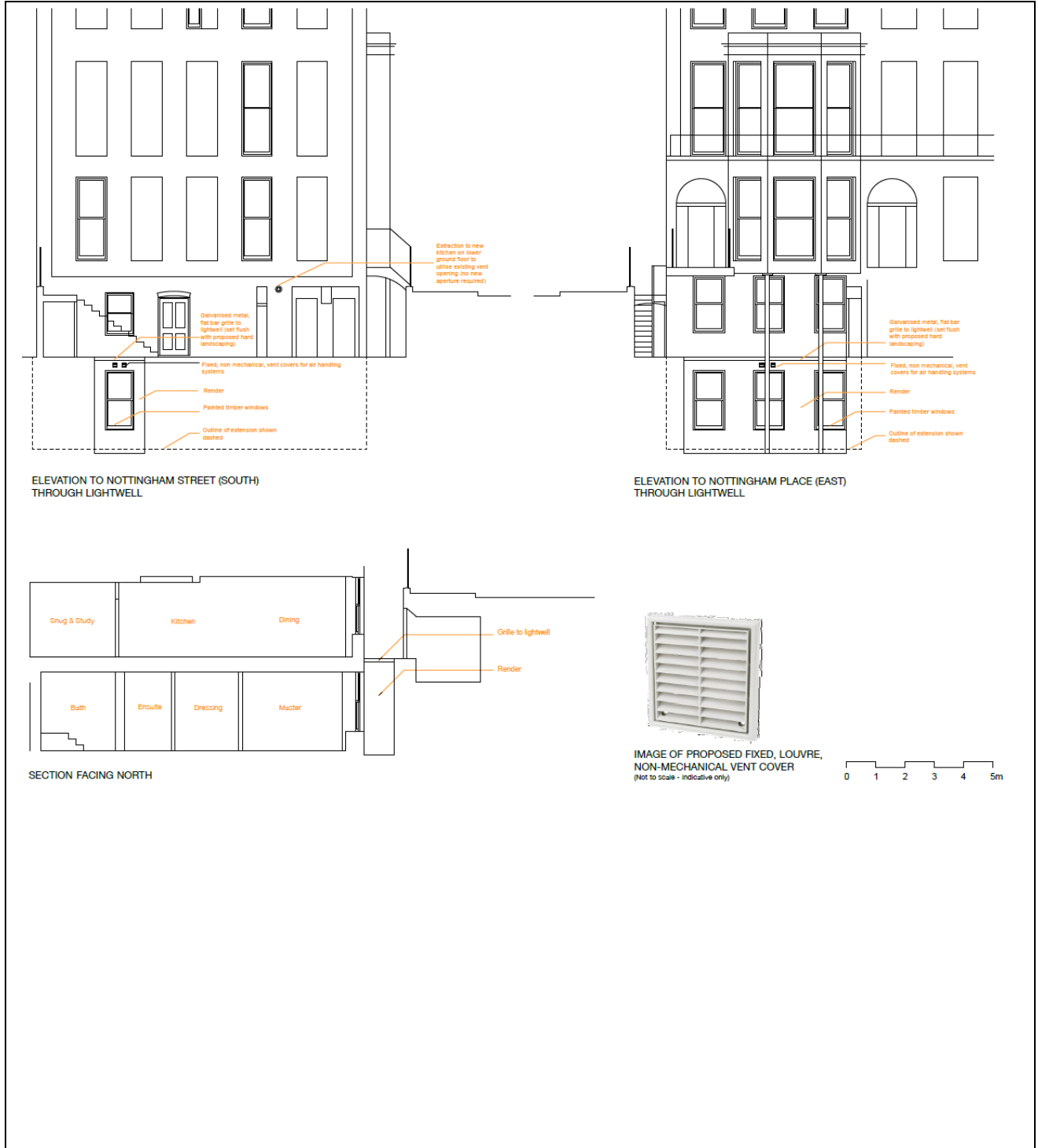
9. BACKGROUND PAPERS

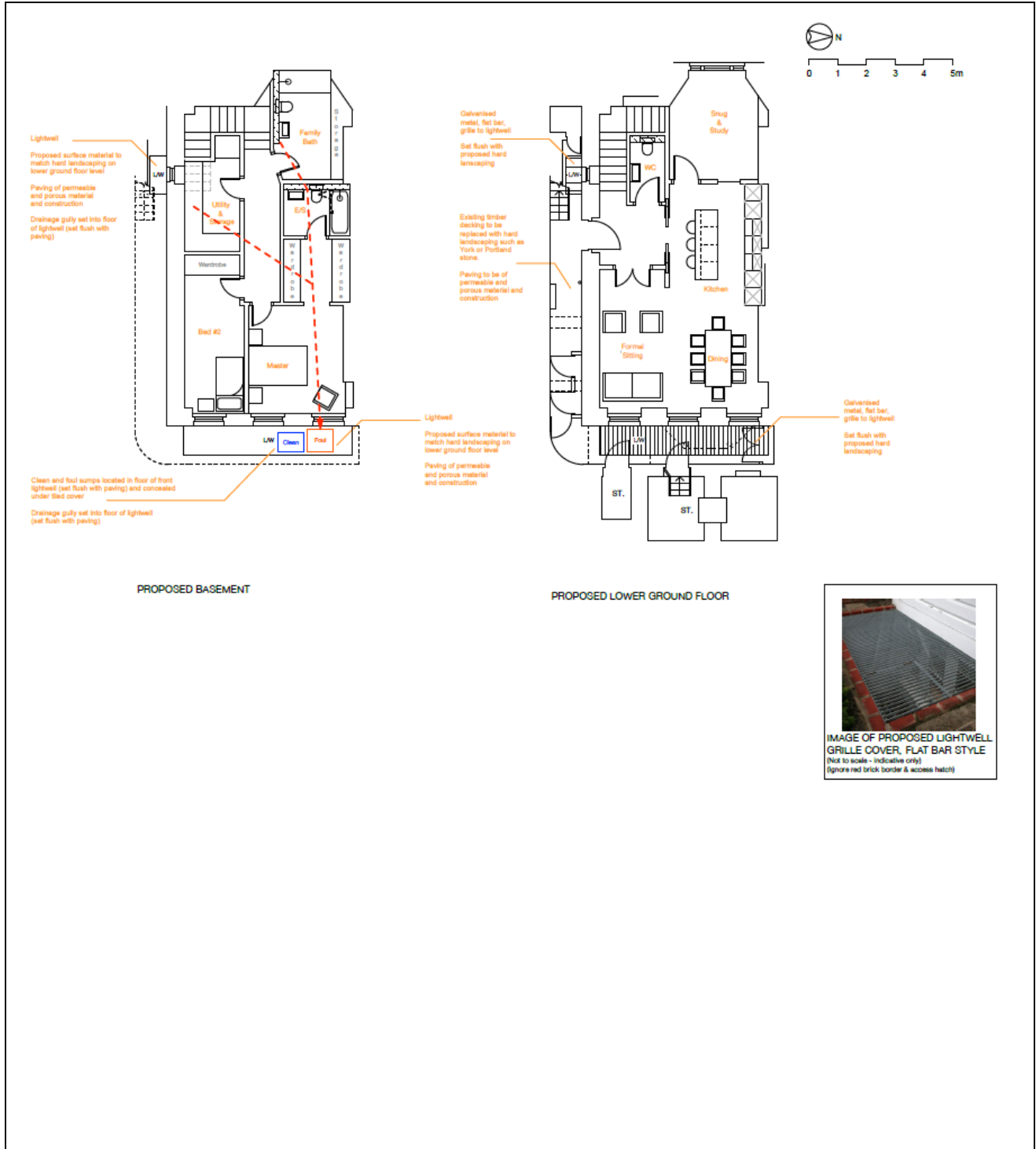
1. Application form
2. Responses from Building Control, dated 31 January and 24 February 2017
3. Memorandum from Environmental Health dated 16 February 2017
4. Letter from occupiers of Flat 1, 13 Nottingham Place, dated 29 January 2017
5. Letters from the occupier Flat 1, 13 Nottingham Place dated 30 January and 3 February 2017.
6. Letter from occupier of Flat 2, 13 Nottingham Place, dated 1 February 2017
7. Letter from occupier of Flat 3, 13 Nottingham Place, dated 1 February 2017
8. Letter from occupier of 15 Nottingham Place, dated 2 February 2017
9. Letter from occupier of 16a Nottingham Place, dated 2 February 2017
10. Letter from occupier of 17 Nottingham Place, dated 2 February 2017
11. Letters from occupier of 18 Shepherds Close, dated 1 February and 9 February 2017
12. Letter from occupier of 7A, Nottingham Street, dated 2 February 2017
13. Letter from occupier of 8 Brendon House, 3 Nottingham Place, dated 3 February 2017
14. Letter from occupier of Flat 11, Treborough House, dated 3 February 2017
15. Letter from occupier of Laburnums, Nottingham Road South, dated 3 February 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: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK .

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: Basement Flat , 13 Nottingham Place, London, W1U 5LE

Proposal: Alterations including excavation of a single storey basement to enlarge existing lower ground floor flat (Class C3), with associated lightwells.

Reference: 16/12072/FULL

Plan Nos: P06, P04-C, P05-B and Flood Risk Assessment, Resistance & Resilience Measures (dated 7 March 2017).

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

- 1 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 Harley Street 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)

- 2 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development :

- i grilles, and
- ii windows and vents.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings. (C26DB)

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 Harley Street 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)

- 3 You must apply to us for approval of samples and specifications of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Harley Street 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 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Harley Street 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)

- 5 You must not put any plant, machinery, ducts, tanks, or associated equipment, in the basement or lower ground floor lightwell.

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 Harley Street 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)

- 6 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.

- 7 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)

- 8 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)

- 9 The resistance and resilience measures set out within Section 4 of the approved Flood Risk Assessment, Resistance & Resilience Measures (dated 7 March 2017) shall be implemented in full and retained for the life of the development.

Reason:

To ensure that the development does not exacerbate and is resilient to surface water flooding, as required by Policy CM28.1 of our City Plan that we adopted in November 2016 and in order to accord with the guidance contained with the Basement Development in Westminster Supplementary Planning Document (adopted 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. 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 10 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.

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.