

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	11 Ennismore Gardens Mews, London, SW7 1HY		
Proposal	Excavation of basement under existing building footprint.		
Agent	Cranbrook Basement Design and Construction Ltd		
On behalf of	Borbrugon S.L.		
Registered Number	18/02845/FULL	Date amended/ completed	10 April 2018
Date Application Received	10 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

Grant conditional permission.

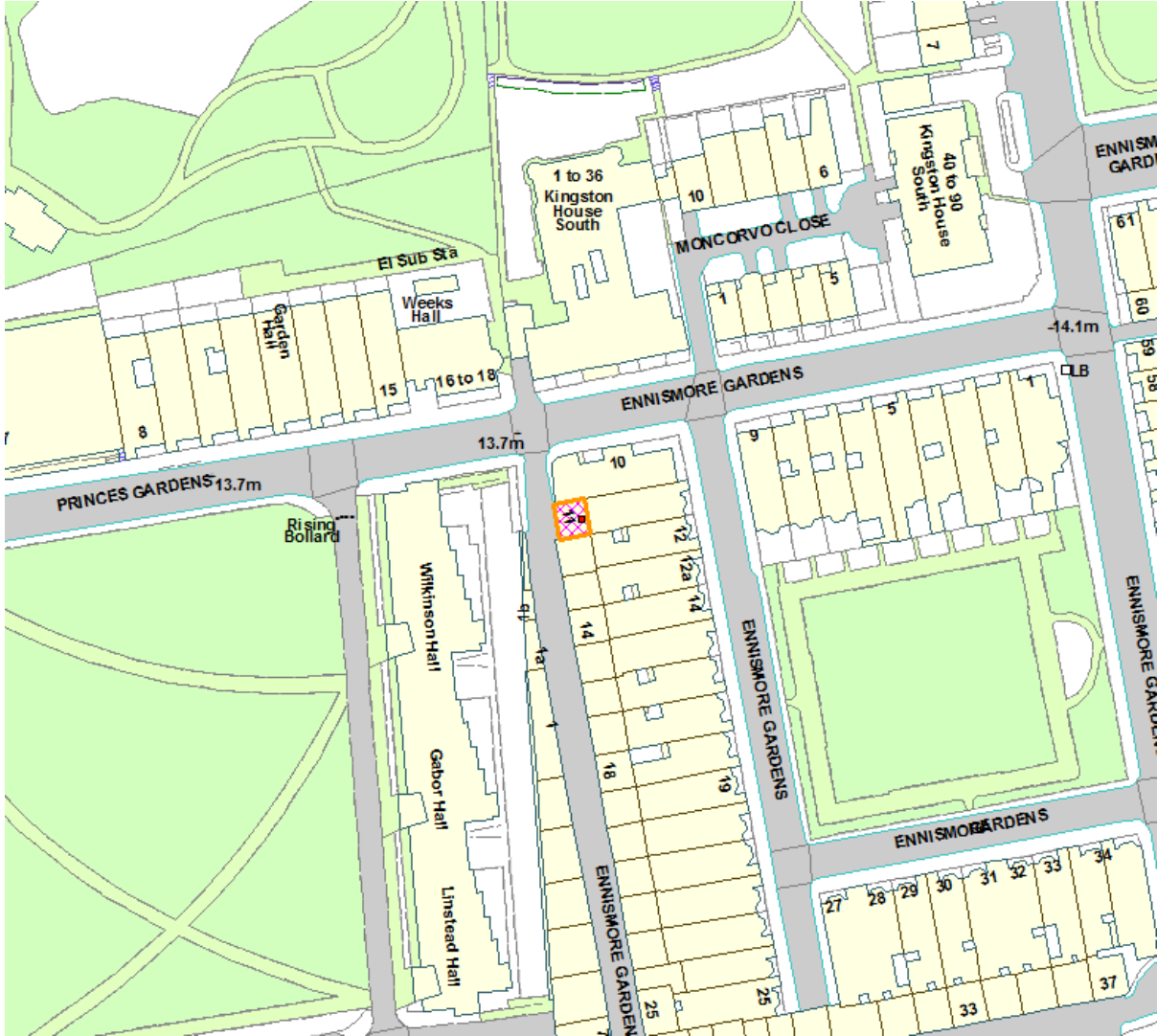
2. SUMMARY

11 Ennismore Gardens Mews is an unlisted building of merit within the Knightsbridge Conservation Area. Permission is sought for the excavation of a single storey basement underneath the existing mews property. This application was submitted at the same as an application for external recesses to the front elevation at ground floor level to create a recessed plant feature. However this application was withdrawn by the applicant in June 2018. Following this withdrawal, the applicant has applied for a Certificate of Lawfulness (proposed) for the same works and this is currently under consideration.

The key issue in this case is the impact of basement construction works on neighbouring residents.

The council has received eight letter so objection that main raise construction impact concerns The proposed development is considered to be acceptable in construction impact terms subject to the imposition of a condition that requires details of evidence that any implementation of the scheme by the applicant or any other party, will be bound by the council's Code of Construction Practice. The proposal is considered acceptable in all other respects for the reasons set out in the report.

LOCATION PLAN



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3. PHOTOGRAPHS



4. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

The proposed basement is not within an Archaeological Priority Area and is unlikely to impact upon significant archaeological remains. No further assessment or conditions are necessary.

THAMES WATER

No objection, informative recommended.

KNIGHTSBRIDGE ASSOCIATION

No objection

HIGHWAYS PLANNING MANAGER

No objection, condition recommended.

ENVIRONMENTAL HEALTH

Holding Objection relating to plant machinery at basement level (Note: the plant has now been omitted and no plant is proposed as part of this application)

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using traditional underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 85

Total No. of replies:9

No. of objections: 8

No. in support: 1

8 letters of objection have been received on the following grounds:

Impact of Construction

-The proposals will cause disturbance to local residents in terms of noise, vibration, construction traffic and dirt/dust.

- No commitment is made to any code of responsible building, suggesting that high impact work will take place from 8-6, including Saturdays. The Council has a duty to protect residents from aggressive over-development.

-There has already been a subsidence problem relating to the wall between 10 and 11 Ennismore Gardens which has required underpinning works. The drawings and calculations do not reflect the height and weight of the party wall. The excavation works would further jeopardise the stability and integrity of 10 Ennismore Gardens.

-The construction works could reduce the value of neighbouring properties.

-There is an underground river in the vicinity of the proposed excavation area which poses a potential problem for water levels which could impact nearby buildings.

Amenity

-There is no information about what the basement will be used for and its use could lead to additional noise or vibration if used as a gym or media room.

Other

-The applicant has not engaged/consulted with residents
 -Letters of information to residents have not been sent as of 26/4/2018.
 -Fire hazard arising from the open plan kitchen being the only means of escape from the basement has not been addressed.

One letter has been received from a local resident who states that they are willing to support the application on the condition that:

-the works take place between 9am and 5pm on weekdays only; access from the top of the road remains open for deliveries and cars at all times; any run-off mud or dirt is immediately cleaned up; the applicant pays for the windows of neighbouring residents to be cleaned; the applicant fixes any issues that arise from the works i.e cracks or painting; workmen will not smoke on site (leaving cigarette butts) and will be mindful of young and elderly residents, taking extra care with machinery.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

11 Ennismore Gardens Mews is an unlisted building of merit within the Knightsbridge Conservation Area. The building is located at the northern end of Ennismore Gardens Mews and is a single family dwelling currently comprising two storeys.

5.2 Recent Relevant History

07/01650/FULL

Removal of water tank and installation of air conditioning unit at roof level.
 Application Permitted 22 May 2007

18/02846/FULL

External recesses to front elevation at ground floor level to create recessed plant feature.
 Application Withdrawn 20 June 2018

18/05232/CLOPUD

External recesses to front elevation at ground floor level to create recessed planting feature.
 Application Pending

6. THE PROPOSAL

Planning permission is sought for a single storey basement under the footprint of the existing mews property, to provide additional habitable space. No external works are proposed under this application.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The basement would enlarge an existing dwelling house. In land use terms the creation of a larger single family dwelling house is considered to be acceptable and in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

7.2 Townscape and Design

There will be no external manifestations relating to the basement. As such there would be no permanent impact on the external appearance of the building or on the character and appearance of the Knightsbridge Conservation Area. The proposals would therefore be compliant with Policies S25 and S28 of the City Plan, and with DES 1, DES 5 and DES 9 of the UDP.

7.3 Residential Amenity (Daylight, sunlight, sense of enclosure)

The scheme will have no material impact on residential amenity as all works will be below ground level.

A concern has been raised by one of the objectors that no information has been provided about what the basement will be used for and that certain uses could lead to additional noise and vibration. The scheme is for a basement extension to a residential property as such the basement can only be used for residential purposes. Given this, it is not considered that the proposal will have any significant effect on residential amenity through noise and disturbance.

The proposals are considered to be in compliance with policies S29 of the City Plan and ENV13 of the UDP.

7.4 Transportation/Parking

The enlargement of the dwelling would not have a material impact on traffic generation or on-street parking pressure in the area.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

Access arrangements will remain unchanged

7.7 Other UDP/Westminster Policy Considerations

There are none.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

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

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

7.11 Environmental Impact Assessment

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

7.12 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 that the proposals could be harmful to neighbouring buildings in terms of structural stability, rising water levels and subsidence. It is noted that one of the objectors considers that the drawings and calculations provided do not reflect the height and weight of the party wall.

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology statement 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. Accordingly, it is considered that 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.

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.

Part A. 5

Objections have also been received from neighbouring residents on the grounds that the proposals will cause disturbance in terms of noise, vibration, construction traffic and dirt/dust.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted the applicants 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. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours.

Additionally, a condition is recommended to ensure that any building work which can be heard at the boundary of the site is only carried out between 08.00 and 18.00 Monday to Friday, between 08.00 and 13.00 on Saturday and not at all on Sundays, bank holidays and public holidays. Piling, excavation and demolition work will only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays, bank holidays and public holidays.

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.

Part B. 3

No details about how the basement will be ventilated have been provided at this stage. Any plant machinery will need to be applied for separately under a further application.

Part B. 4 and 7

The flood risk assessment states that as a precautionary mitigation measure the owner of the property would subscribe to the Environment Agency's Flood Warning service and ensure that this service is made available to all occupants of the building. An informative has been attached, advising that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

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 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.

Overall, the proposed basement is considered to comply with City Plan Policy CM28.1.

Fire Hazard

Objectors have raised concern that the proposals could create a fire hazard. Whilst noted, this is a matter to be considered under the building regulations.

Public Consultation

In accordance with our Statement of Community Involvement (adopted January 2007) the City Council has sent 85 letters notifying local residents about the application. The application has also been advertised in the local newspaper and a site notice displayed.

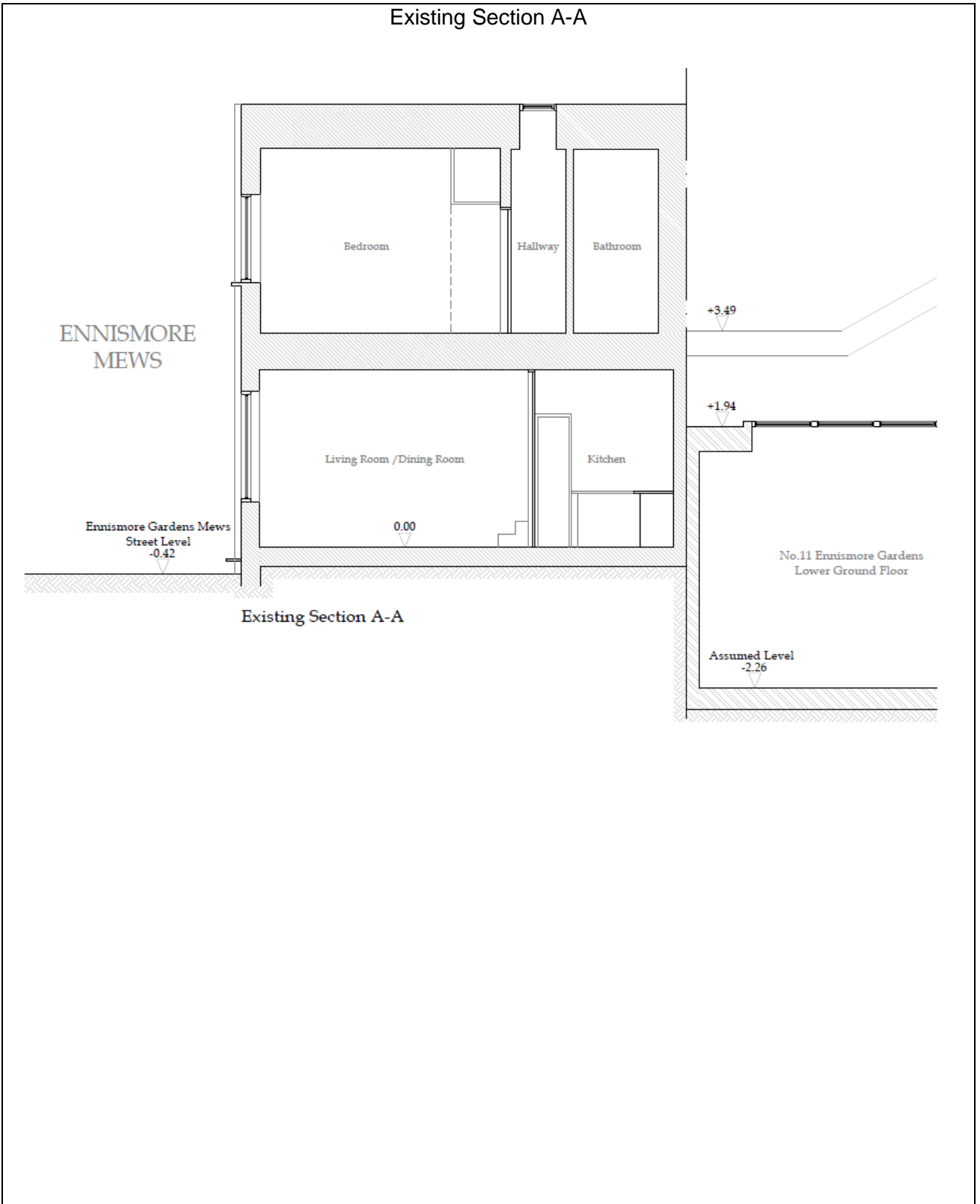
Property Values

Loss of property values is not a material planning consideration.

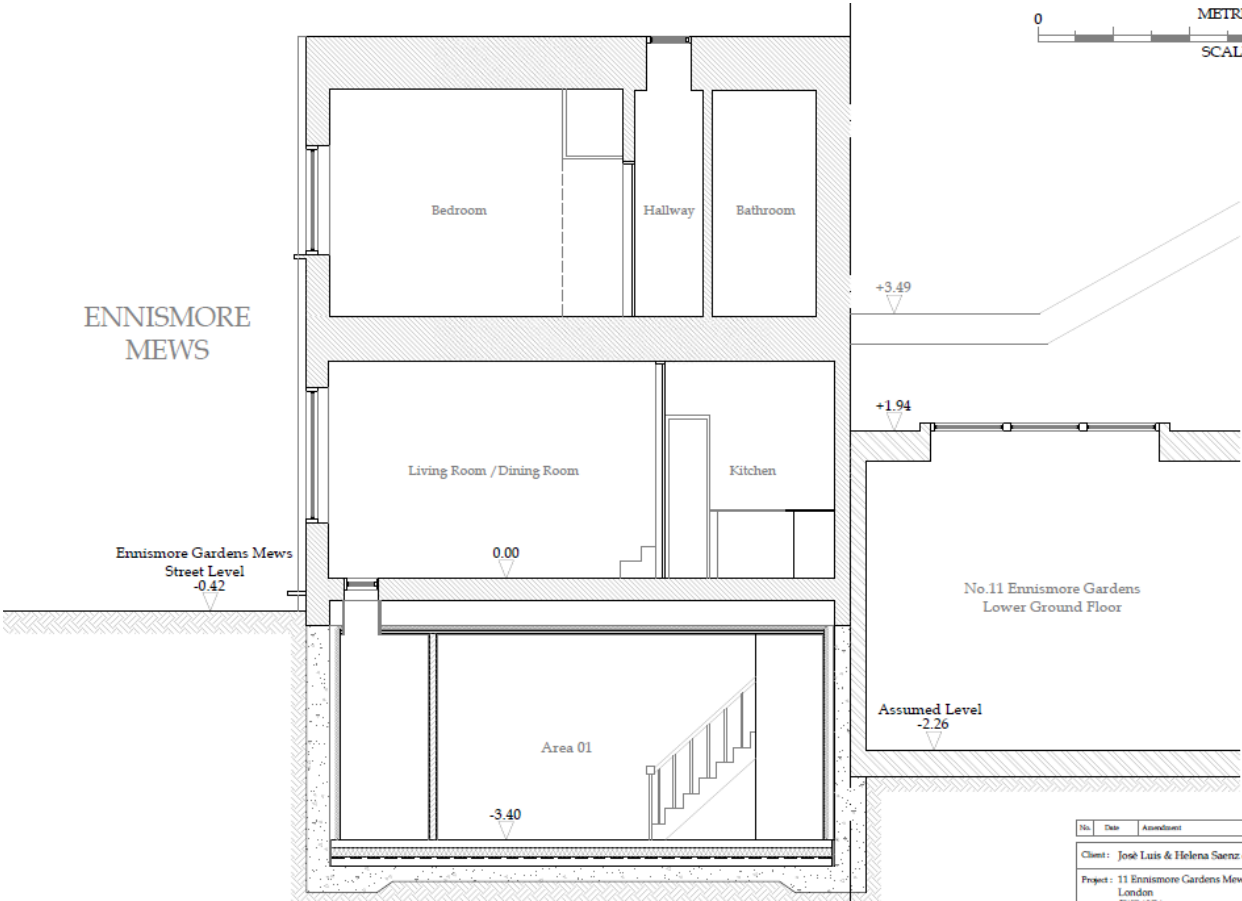
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

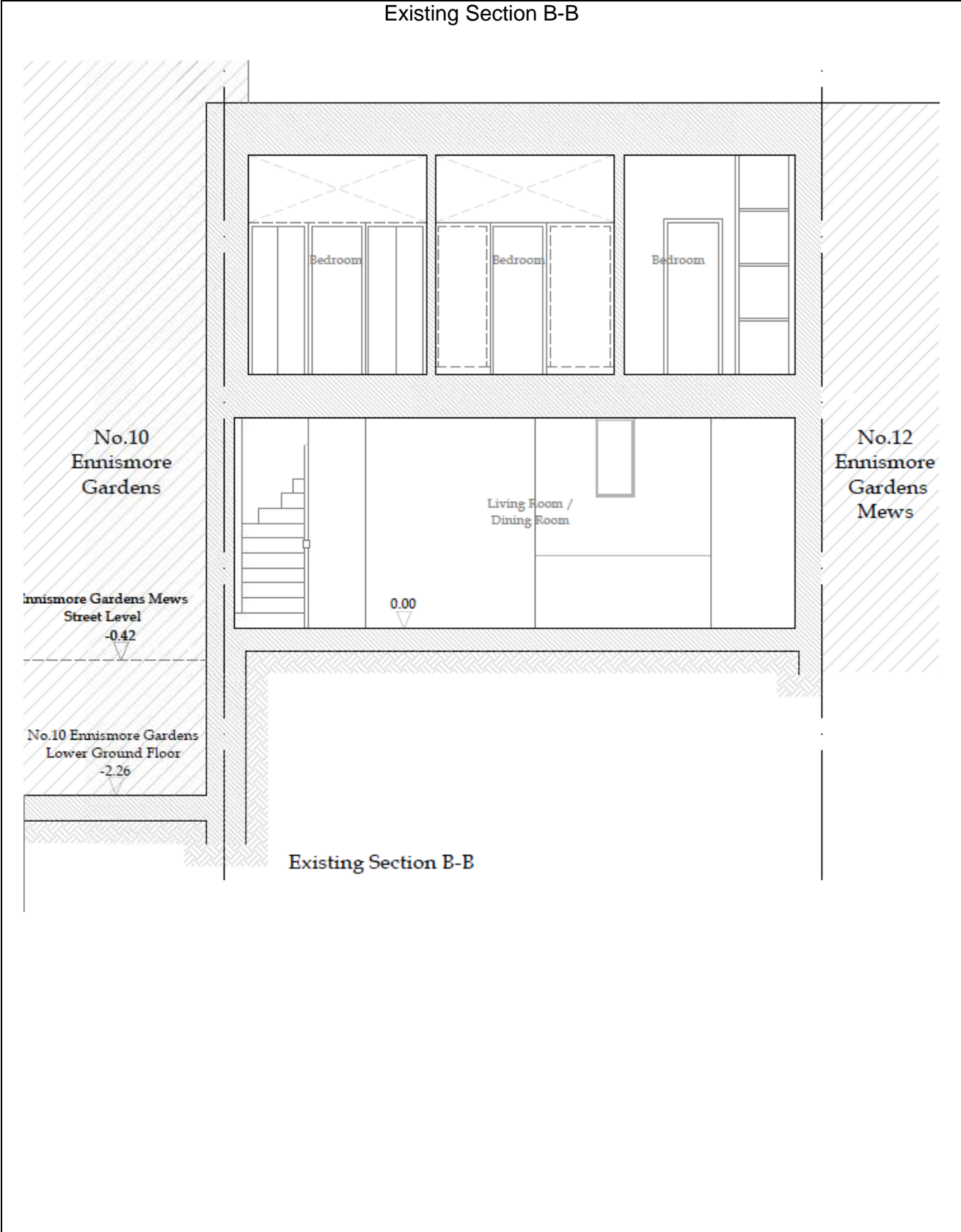
8. KEY DRAWINGS



Proposed Section A-A

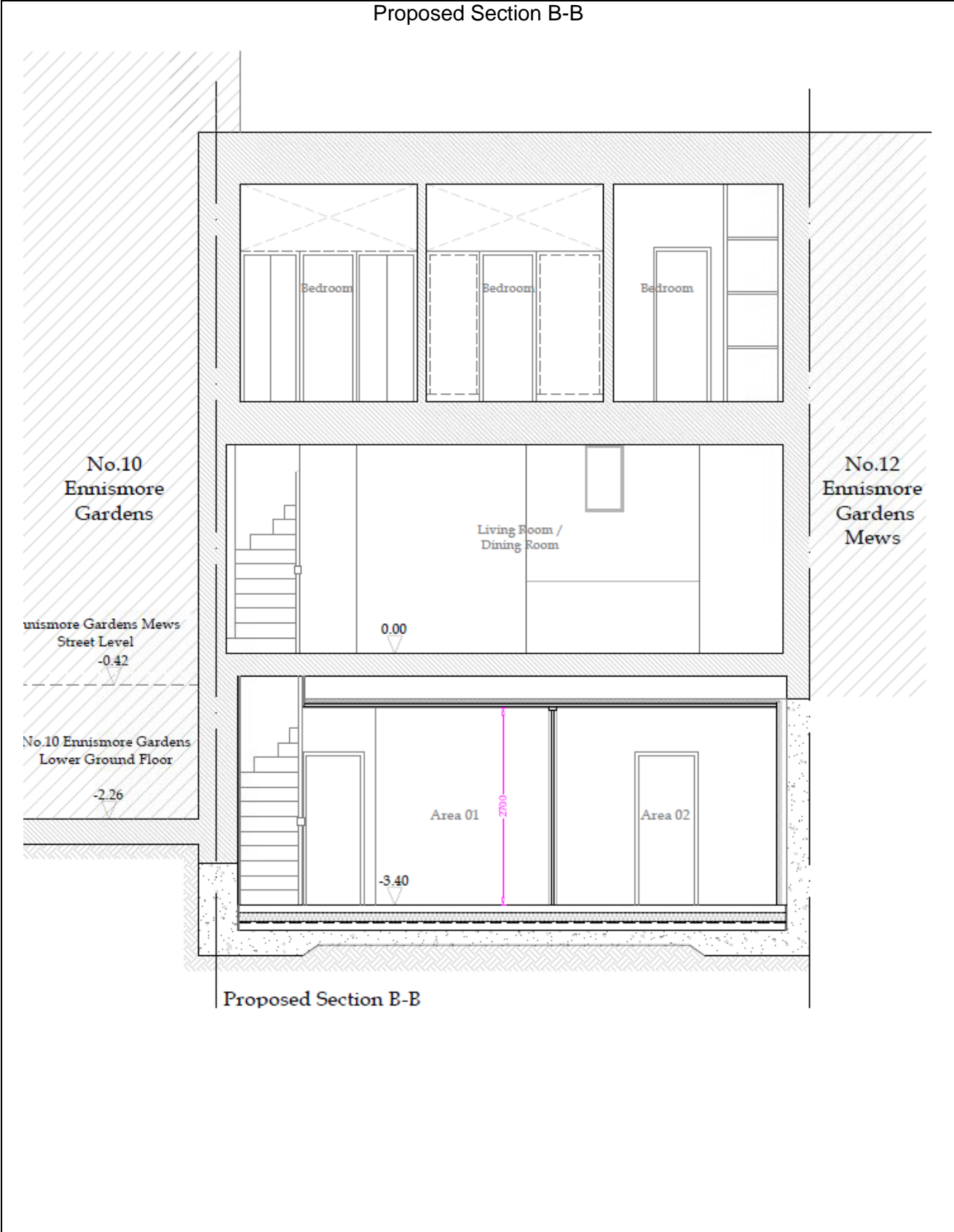


Existing Section B-B



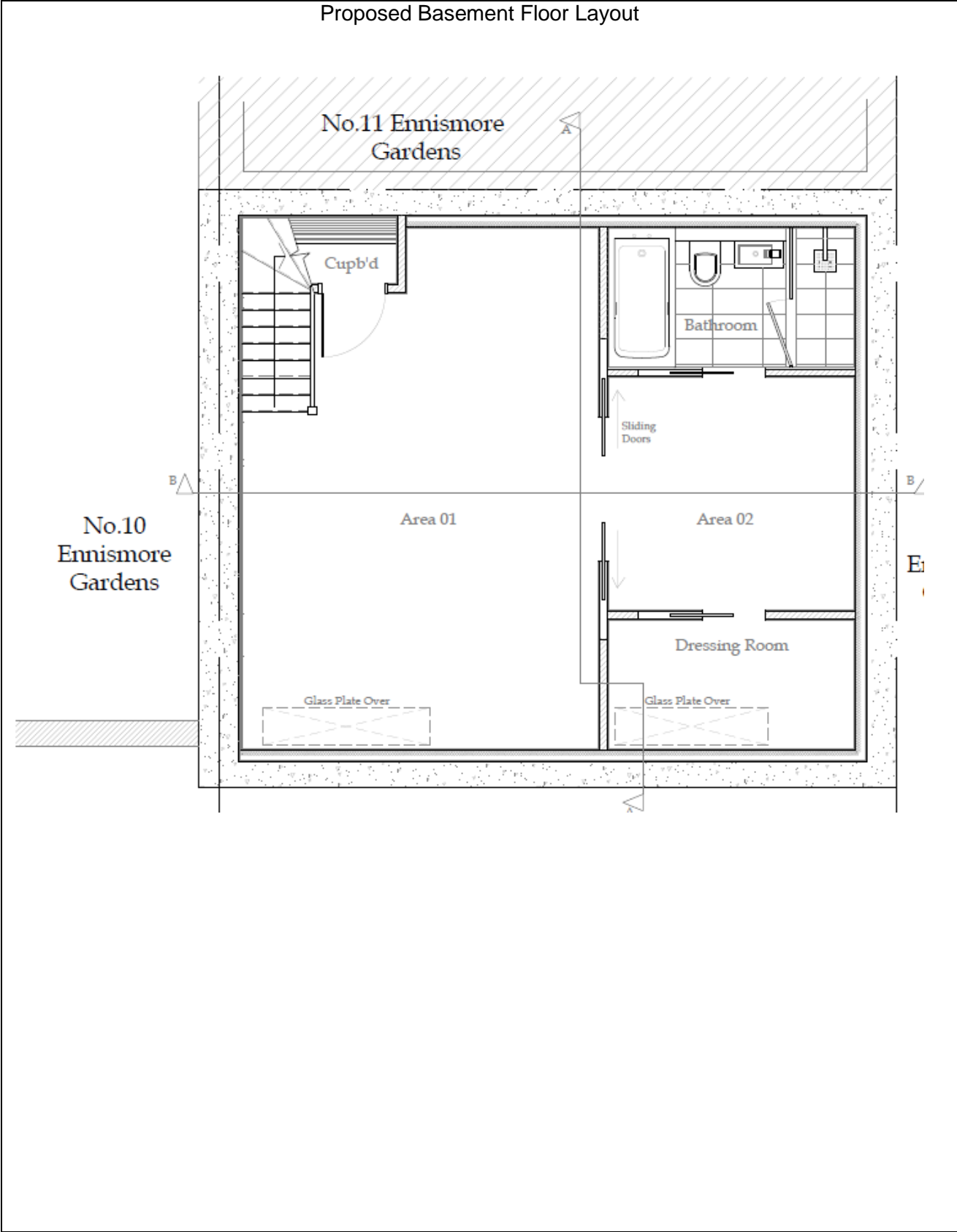
Existing Section B-B

Proposed Section B-B



Proposed Section B-B

Proposed Basement Floor Layout



DRAFT DECISION LETTER

Address: 11 Ennismore Gardens Mews, London, SW7 1HY

Proposal: Excavation of basement under existing building footprint.

Reference: 18/02845/FULL

Plan Nos: 2299-500; 2299-501; 2299-103; 2299-200 Rev. A; 2299-201; 2299-202; 2299-203.

For information: Geotechnical Survey Report dated March 2018; Structural Design Philosophy Report dated 9 April 2018; Planning and Heritage Statement dated 15 March 2018; Flood Risk Assessment Report dated March 2018; Design and Access Statement dated 4 April 2018; Cover Letter dated 4 April 2018; Construction Management Plan dated 27 March 2018; Appendix A, Checklist B dated 5 April 2018; 2299-SK01 Rev. A; 2299-SK02 Rev. A..

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.You must carry out piling, excavation and demolition work only:
 - o between 08.00 and 18.00 Monday to Friday; and
 - 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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the

Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.. Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 5 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.
- 6 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.

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

- 7 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. Thames Water would expect you to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquires should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.go.uk. Application forms should be completed online via 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.