

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 January 2019	Classification For General Release	
Report of Executive Director of Growth, Planning and Housing		Ward(s) involved Abbey Road	
Subject of Report	32 Alma Square, London, NW8 9PY		
Proposal	Excavation of a basement underneath the footprint of the property, with glazed covered lightwells to front and rear gardens.		
Agent	Mr Simon Graham		
On behalf of	Mr Goodman		
Registered Number	18/09001/FULL	Date amended/ completed	22 October 2018
Date Application Received	22 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a mid-terraced three-storey building plus lower ground which forms part of a terrace grouping on the southern side of a communal garden. No. 32 Alma Square is an unlisted building of merit within the St John's Wood Conservation Area. Planning permission is sought for the excavation of a single storey basement beneath the existing building footprint and to excavate part of the front and rear garden to create respective lightwells covered by floorlights.

Objections have been received from neighbouring residents on a number of grounds including the design, impact on the conservation area and the impact of excavation works on neighbouring properties and residents.

The key issues in this case are:

- * The impact of the proposal on the appearance of the host building and the character and appearance of the St. John's Wood Conservation Area
- * The impact of the proposal on the amenity of neighbouring residents.

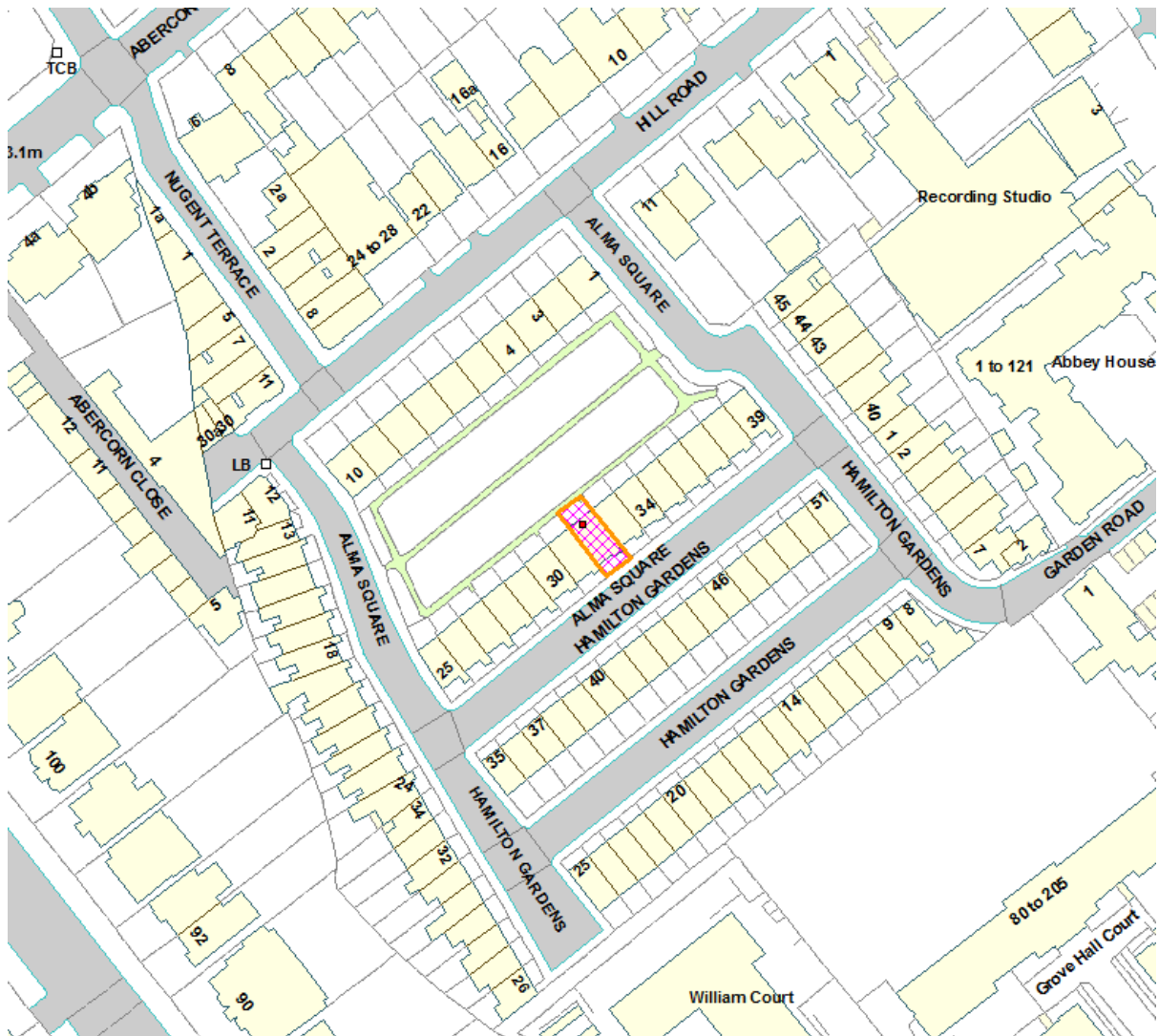
Subject to appropriate conditions as set out in the draft decision letter appended to this report, the redevelopment proposals are considered to comply with the relevant design, conservation, amenity

Item No.

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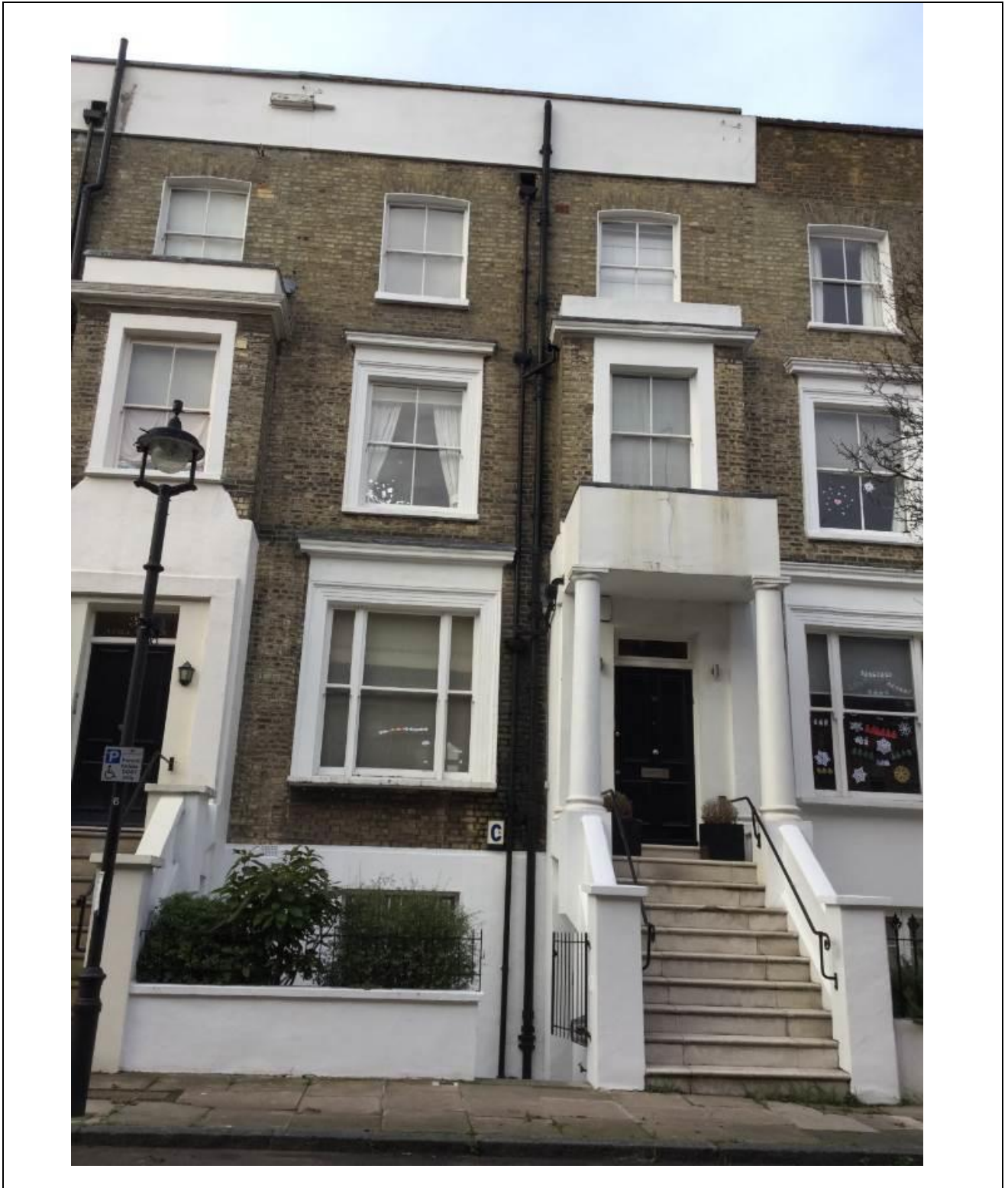
and transportation policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THAMES WATER:

No objection.

ST JOHN'S WOOD SOCIETY:

Notes that the Alma Square residents have raised a number of objections and requests the case officer fully investigate these objections.

BUILDING CONTROL:

Proposals considered to be acceptable, an informative should be attached to remind the applicant to obtain a Technical Approval from the City Council's highways engineers before beginning excavation.

ENVIRONMENTAL HEALTH:

No objection raised subject to recommended informatives.

ARBORICULTURAL OFFICER:

No objection raised subject to conditions and informatives.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 79; Total No. of replies: 12

Twelve objections (from seven addresses) raised on all or some of the following grounds:

Amenity:

- Concerned by impact to access to the communal gardens to the rear whilst works are undertaken
- Noise and vibration from construction works
- Noise from proposed cinema room

Other:

- Construction will increase the risk of subsidence
- Affect the water table levels and increase the chances of flooding
- Construction work will be noisy, dusty and disruptive
- Construction vehicles will cause congestion
- Transport of fill to landfill sites will be environmentally damaging
- Set a precedent
- Queries the lack of specific data relating to the history of Alma Square
- Undermines the sense of place
- Does not indicate how the substantial carbon footprint of this proposal will be minimised
- Does not consider how the basement is to be ventilated or any noise attributed to its ventilation
- Suggests approvals for basements should lapse after 12 months unless substantial construction work is underway

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a three storey plus lower ground floor mid-terrace property located on the southern side of the Alma Square Gardens. The property is an unlisted building of merit and is situated within the St John's Wood Conservation Area. The property is in use as a single dwellinghouse.

6.2 Recent Relevant History

13/08262/FULL

Excavation and construction of a new basement underneath the footprint of the property with glazed covered lightwells to front and rear gardens.

Application Permitted 25 February 2014

7. THE PROPOSAL

The application proposed to excavate underneath the existing building to create a new basement level and also excavate part of the front and rear garden to create respective lightwells covered by floorlights.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The addition of an increased amount of residential floorspace is considered acceptable in principle under housing Policy H3 of the UPD which was adopted in January 2007.

8.2 Townscape and Design

The external manifestations of the proposed basement would be limited to the formation of a discreet lightwell covered by a glass rooflight at the front and rear. The front lightwell would project from the front elevation by approximately 1.1 metres and would be 3 meters wide. The lightwell and associated rooflight would be discreet in size and form and would be flush with the paving. Whilst the front elevations within this terrace grouping are relatively uniform, there are a variety of smaller features including different forms of hardstanding and styles of doors, windows and railings. The addition of a floorlight would not be incongruous, nor would it be an imposing or dominant feature in the context of the surrounding buildings and wider streetscene and it is considered to have a neutral impact on the character of the St John's Wood Conservation Area.

The proposed rear floorlight would be slightly larger than its counterpart at the front, but the impact would also be minimal. This too would be flush with the hardstanding and would project some 1.2 metres from the existing rear elevation and be 4 metres wide. There is a significant degree of variety to the rear of the garden enclosures at lower ground level, including a variety of boundary fence and hardstandings. The impact of the rooflight would be minimal.

There is no objection to the principle of a basement level for this building in this location and given the proposed basement would have limited external manifestations and the additional floorspace will be at a subterranean level, the additional bulk of the proposed extension would not be readily perceivable at ground level in either public or private views of the site. In this context, the principle and design of a basement in this building and location is acceptable.

The proposal at No. 32 is acceptable in design terms and would not harm the appearance of the building or character and appearance of the St John's Wood Conservation Area. Subject to the recommended conditions, the proposal is considered to accord with Policies S25 and S28 in the City Plan and Policies DES 1, DES 5 and DES 9 in the UDP.

8.3 Residential Amenity

Given the subterranean nature of the proposed basement extension and the limited extent of its external manifestations, the development would not result in a significant impact on the amenity of neighbouring residents.

The proposed floorlights will provide natural light to the bedroom and cinema room in the basement level. An objector has queried how the basement will be ventilated and the noise potentially produced by the plant. However, the drawings do not show any plant and/or associated external manifestations.

An objector has raised concerns about the level of noise pollution from the proposed cinema room within the basement. However, the cinema would be of a domestic scale and located below ground. Accordingly, it is not anticipated that it would result in excessive noise levels for the occupiers of neighbouring properties.

On this basis, the proposal is considered to comply with Policy ENV13 of the UDP and Policy S29 of Westminster's City Plan.

8.4 Transportation/Parking

The proposal does not involve an increase in residential units or loss of vehicle/cycle parking and as such is not contrary to policies TRANS 23 and TRANS 10 of the UDP.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

The proposals are considered to be in accordance with policy CM28.1 of the City Plan (July 2016) for the reasons set out as follows:

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural 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 found on this site. Objections on structural matters have been received, however these cannot be sustained.

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.

Objections have been received on flooding and surface water drainage grounds. However, this site is not located within a surface water hotspot. The flood risk has also been investigated within the Basement Impact Assessment and this indicates the property lies within a flood risk Zone 1 and therefore no flood risk assessment needs to be provided as part of the application.

Part A. 5-6

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 states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

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.

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.

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 surrounding trees would not be unduly impacted by the proposed basement works. The largest, mature trees in the communal rear garden are a considerable distance away and would not be impacted. The nearby street tree on the front pavement closet to the front entrance is at risk of construction damage. However, this can be controlled by a tree protection condition. Therefore the proposal is acceptable.

Part B. 3

The proposals include natural lighting by the two lightwells which will serve a cinema room and a bedroom. Therefore, this is considered acceptable.

Part B. 4 & 7

The only external manifestations of the basement to the front would be the lightwell, which is not considered to have a significant impact in terms of sustainable urban drainage. To the rear of the application site, there will be hard and soft landscaping to provide drainage.

Part B. 5 & 6

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

Part C. 1

The proposals are directly under the footprint of the property with the addition of a small lightwell to the front and rear. It does not extend under more than 50% of this garden area. This part of the policy is therefore considered to have been met.

Part C. 2

As the basement is below the footprint of the above ground building, no soil layer is necessary.

Part C. 3

Only 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.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and to secure the tree protection works mainly to the street tree. The applicant has agreed to the imposition of these conditions.

8.11 Planning Obligations

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

The proposed basement scheme provides an uplift of 65m². This is below the 100m² of new floorspace above which the requirement to pay CIL is triggered.

8.12 Environmental Impact Assessment

The proposed development is of insufficient scale to require the provision of an Environmental Impact Assessment.

8.13 Other Issues

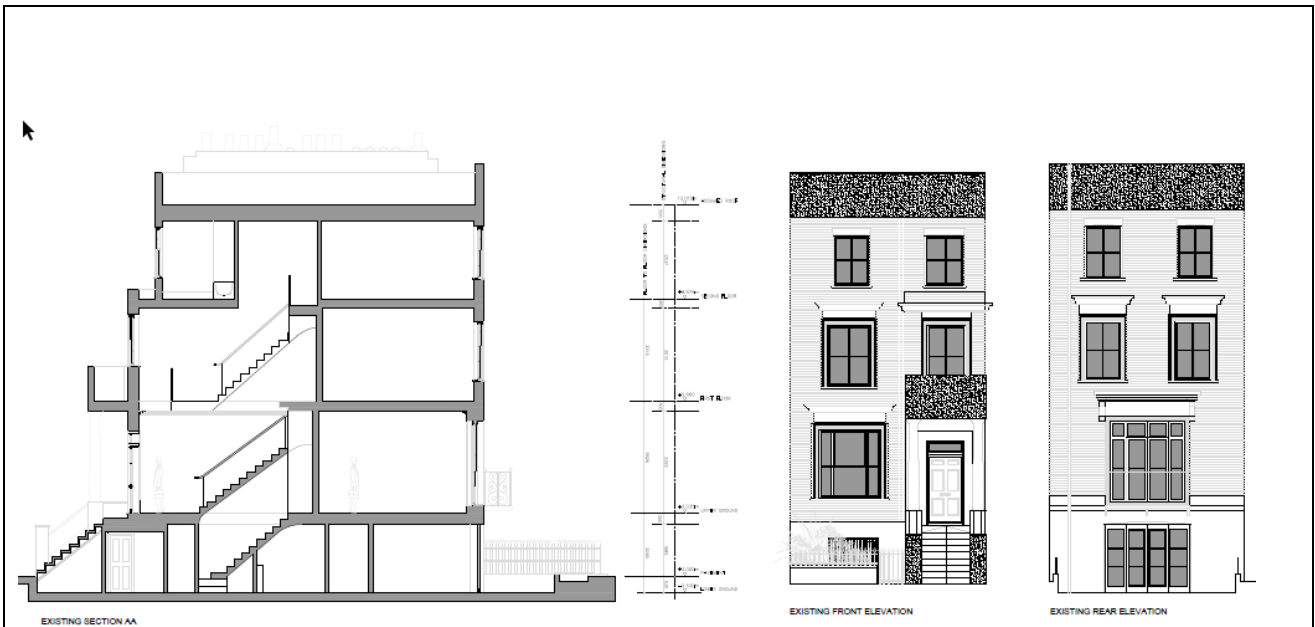
Objections have been raised on the grounds on noise and disruption during the course of works and construction traffic occupying parking spaces and result in congestion. As has been noted in the basement excavation section of this report, the applicant has agreed to sign up to the City Council's Code of Construction Practice which seeks to ensure that development is carried out with as minimal impact to neighbouring properties as possible. It is also recommended that the City Council's standard hours of working condition is attached so as to minimise disruption as far as possible. Under planning law, permission could not reasonably be withheld on these grounds.

An objection has been received in terms of the proposal setting a precedent within the Alma Square Gardens area. However, each case is considered on its own merits with regards to the provisions in the development plan, nature of the proposed development and the characteristics of the development site.

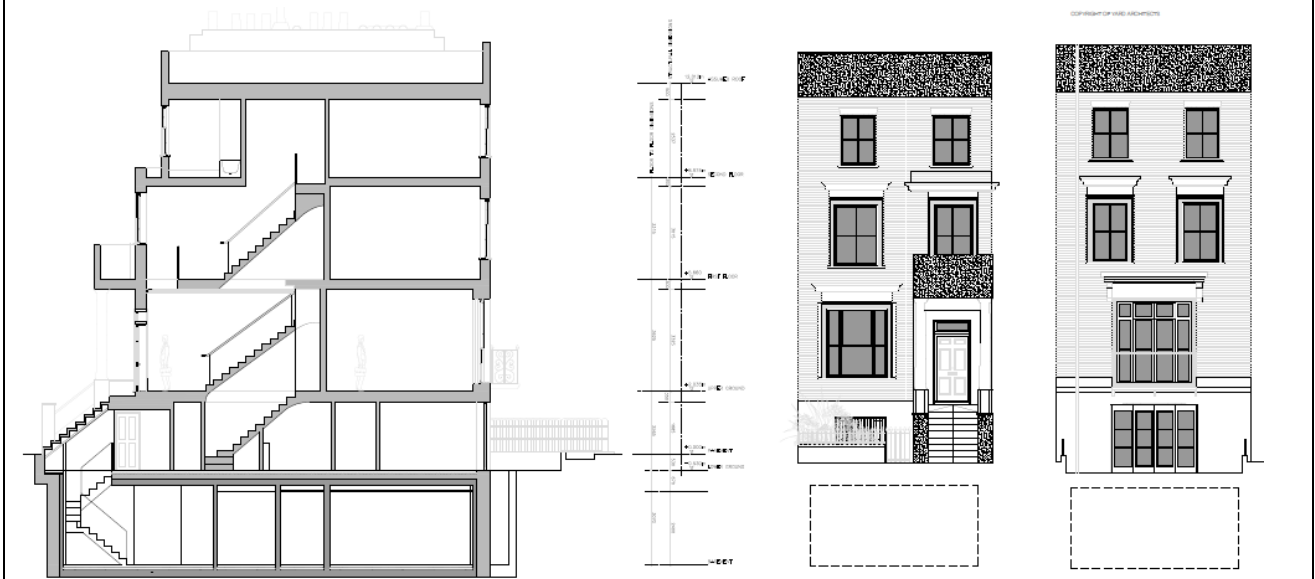
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT northplanningteam@westminster.gov.uk

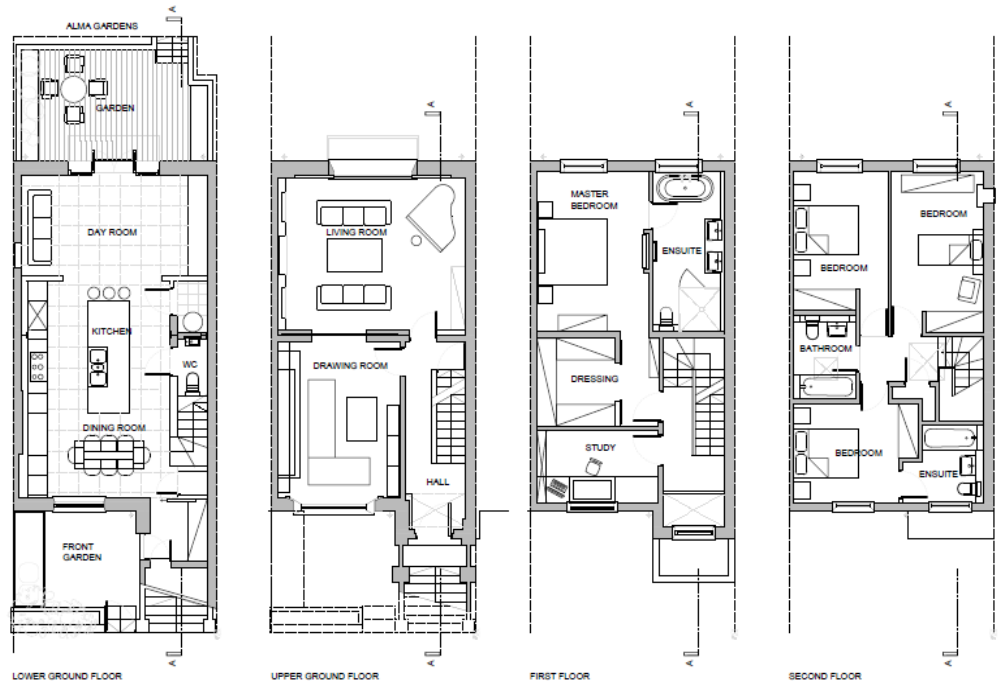
9. KEY DRAWINGS



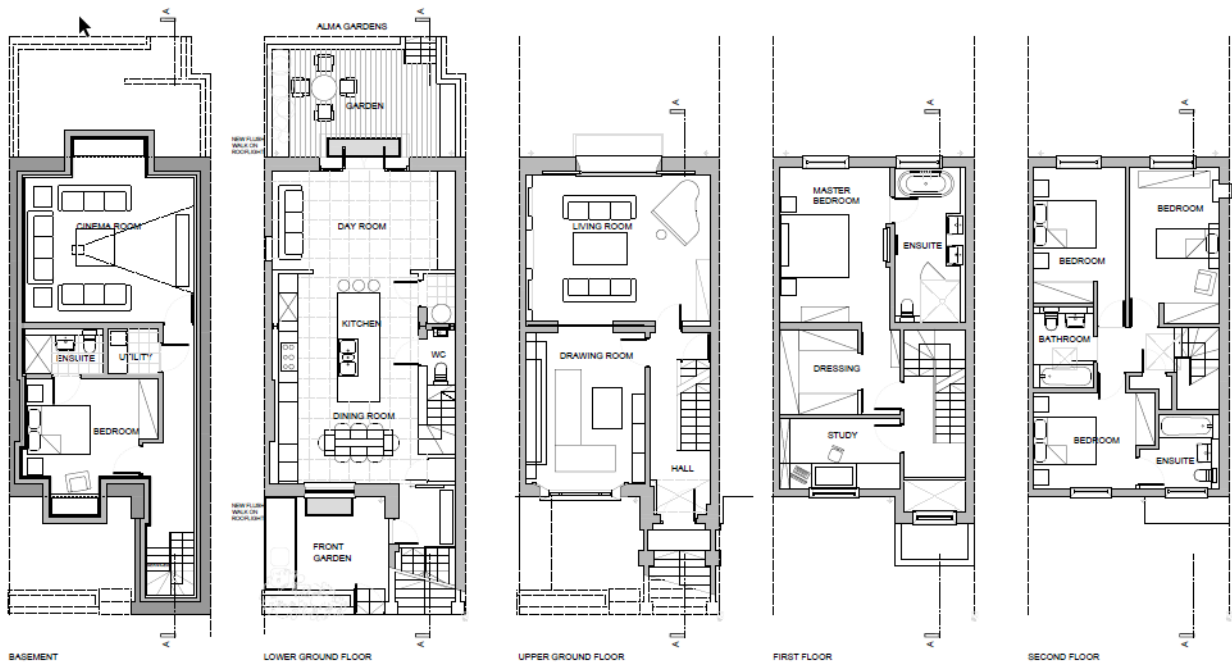
Existing Section and Elevations



Proposed Section and Elevations



Existing Floorplans



Proposed Floorplans

DRAFT DECISION LETTER

Address: 32 Alma Square, London, NW8 9PY

Proposal: Excavation of a basement underneath the footprint of the property, with glazed covered lightwells to front and rear gardens.

Reference: 18/09001/FULL

Plan Nos: Site Location Plan, EX-02 Rev P1, EX-01 Rev P1, PP-02 Rev P1, PP-01 Rev P1.
For information only: Basement Impact Assessment dated August 2013 and Construction Management Plan.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 **Pre-Commencement Condition.** 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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 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 St John's Wood 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 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, in particular the street tree to the front of the property. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
- 5 The proposed rooms in the basement are acceptable on proportionality grounds if used with upper storeys as part of a single dwellinghouse.

Please note that if the room is used for staff accommodation this would not be considered as a

dwellinghouse use but would be regarded as separate use. The proposals are then likely to fail the Housing Health and Safety Rating System test under the Housing Act 2004 due to the lack of natural light and reasonable views from these rooms and may therefore be liable for enforcement action by the Environmental Health Residential Enforcement Team.

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.