

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 25/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/08186	Agenda Item:	N013		
Address:	31 Gordon Place, LONDON, W8 4JE				
Proposal:	Installation of spiral wine store under existing floor level with access hatch at lower ground floor.				
Applicant:	C Pamberg				
Agent:	Miss K Lea Spiral Cellars				
Properties notified:	Objections:	Support:	Comments:	Petition:	
9	4	0	0	0	
Conservation area: Kensington					

1. Summary

- 1.1 The proposed wine store would preserve the character and appearance of the Kensington Conservation Area and it would ensure good living conditions for the occupiers of neighbouring properties. The proposal would not constitute basement development and therefore should not be considered against Local Plan policy CD11.
- 1.2 Objections received from interested parties have been taken into consideration and are addressed throughout the report and in Section 7. Where appropriate and necessary, conditions may be recommended to address the concerns raised.

It is recommended the Committee grants planning permission with the conditions listed in Section 8 of this report.

2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.

3. The site and its surroundings

- 3.1 The property is a two-storey (over lower ground floor plus later date mansard roof addition) residential building which is sited on the eastern side of Gordon Place. The property forms part of a wider group terrace spanning from No. 19 GP (to the north) till No. 31 GP (to the

south).

3.2 The property is within the Kensington Conservation Area.

4. The proposal and any relevant planning history

4.1 Planning permission is sought for the excavation and provision of a wine store under part of the lower ground floor level, within the footprint at the centre of the dwelling. The proposed wine store would measure approximately 2m wide and 3m deep (3.5 including sub concrete base).

4.2 Officers visited the site on 22nd January 2024.

4.3 The relevant planning history is set out below:

Reference	Description	Decision
PP/23/07147	Enlargement of existing lower ground floor rear extension, erection of a glazed rear infill extension at ground floor, erection of a side extension across lower ground, ground and first floor involving demolition of existing lower ground side extension, installation of a fireplace extract fan, and adjustment to garden levels, with associated landscaping.	Granted 02 nd February 2024

5. Main policies and strategies relevant to the decision

The development plan

5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan 2024
Conservation areas	CD4 and CD15
Living Conditions	CD9 and GB8
Basement development	CD11

5.2 These policies can be read online at:

- Local Plan 2024:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

Other local strategies or publications

5.5 The main relevant supplementary planning documents adopted by the Council are:

- Kensington Conservation Area Appraisal

5.6 These documents can be read online at:

- Conservation Area Proposal Statements and Conservation Area Appraisals:
<https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>

6. Evaluation

- 6.1 Local Plan 2024 policy CD16 (Fire Safety) sets out that all development proposals must demonstrate they will achieve the highest standards of fire safety. Minor or 'other' planning applications must have a Planning Fire Safety Strategy (PFSS) submitted. The applicants have submitted a Reasonable Exception Statement for the property that confirms existing fire safety measures would remain available within the property. This document is therefore acceptable for the purposes of demonstrating the development accords with LP policy CD16.
- 6.2 The decisive issue is:
- i Whether the proposal would constitute basement development.

Basement Development

- 6.3 The installation of a wine store under the lower ground floor level would not constitute basement development and therefore would not trigger the requirements of Local Plan 2024 policy CD11 due to its limited size and use. The area the wine store would reside within, whilst part of the property, would not be 'accommodation' as set out in paragraph 6.89 of the Local Plan 2024, there would be no habitable space created and the excavation works would be minor. Therefore, in this case policy CD11 would not be applicable.

Issues and balancing

- 6.4 The proposal would not constitute basement development and therefore should not be considered against LP 2024 policy CD11. The wine store would preserve the character and appearance of the Kensington Conservation Area and would ensure good living conditions for the occupiers of neighbouring properties and would be acceptable in planning terms.
- 6.5 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

7. Consultations carried out

Comments from interested parties

- 7.1 9 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 13th December 2024. A statutory notice advertising the application was posted near the site on 13th December 2024.
- 7.2 4 letters were received objecting the application, summarised as:

	Comment	Response
1	This proposed cellar is a basement extension and our policies seek to disallow such additions.	This development would not constitute basement development and is not of a scale that would trigger the requirements of Local Plan 2024 policy CD11. This has been addressed within paragraph 6.3 above.
2	Concerns are raised in that the	The proposed wine cellar would be entirely

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	wine cellar would be detrimental to the character and appearance of the conservation area.	provided directly beneath the footprint of the existing building and would not be visible from outside the property. This being the case, the proposals would ensure the character and appearance of the property and its conservation area location would be preserved as per existing conditions.
3	This excavation would add to the disruption and inconvenience faced by local residents.	Although the scale of the works is small which means the requirements of LP 2024 policy CD11 are not applicable in this particular instance, informative No. 5 still informs the applicants they would still be required to observe the Council's Code of Construction Practise. This would as far as practically possible, ensure the implementation of the works would have no adverse material impacts upon local residents.
4	There are concerns the proposed wine cellar would impact underground water flow therefore causing flooding in the area.	There is no evidence to indicate that the provision of a small scale wine cellar such as this would be capable of causing adverse changes to potentially existing levels of underground water flow at this location. Furthermore and given LP 2024 policy CD11 does not apply in this particular instance, there is no requirement for the application to be accompanied by hydrology information.
5	This would increase the risk of subsidence and party wall structural issues to neighbouring properties.	This is unlikely given the scale of the development. In any event, the developer will need to comply with Building Regulations when constructing this development.
6	The excavation to a depth of 3.5m is a materially deeper excavation than some of the permitted cellars that the applicants rely upon as part of this application including ref. PP/17/01079 and PP/19/03983.	Whilst not necessarily identical one to another, the proposed cellar is not dissimilar in terms of its general approximate depth and width when compared to other examples approved by the LPA elsewhere and in the recent years and this includes these two particular examples.

8. Recommended conditions if the application is granted

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. Compliance with approved drawings

The development shall not be carried out except in complete accordance with the details shown on submitted plans 1914-P02 (Existing Location and

Site Plan); Unnumbered Floor Plan depicting location of proposed wine cellar dated Friday, November 29, 2024 by Spiral Cellars; Unnumbered Rear Elevation depicting location of proposed vents exit associated with new wine cellar, dated Friday, November 29, 2024 by Spiral Cellars and; Unnumbered Section drawing depicting location and depth of proposed wine cellar dated Friday, November 29, 2024 by Spiral Cellars.

Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. Wine cellar

Notwithstanding any details shown on drawings hereby permitted and as listed within Condition No. 2, this permission only relates to the excavation and provision of a wine cellar beneath part of the footprint of the existing above ground building and its associated rear elevation vents.

Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

INFORMATIVES

- 1 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website, and which has been followed in this instance.
- 2 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 3 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)

- 4 This property is within a Conservation Area. All building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek the advice of the Directorate of Planning and Place.
- 5 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>

You are advised that it is the duty of the occupier of any domestic property to take all such measures available to him/her as are reasonable in the circumstances to secure that any transfer of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. This includes waste materials produced as a result of building works. You may check whether your waste carrier is licensed on the DEFRA website. (I61)

You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website:

www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

Monday to Friday 8am – 6pm

Saturday, Sunday and public holidays – none permitted

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at dehcmt@rbkc.gov.uk

Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#)

Background papers:

Documents associated with the application (except exempt or confidential information) may be viewed at www.rbkc.gov.uk/PP/24/08186. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

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