

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA
REPORT BY EXECUTIVE DIRECTOR,
PLANNING AND BOROUGH DEVELOPMENT**

**APP NO. PP/12/03477/Q21
PLANNING APPLICATIONS COMMITTEE 05/02/2013
AGENDA ITEM NO. C12**

SITE ADDRESS

Park House Onslow Square LONDON SW7 2NG	<u>APPLICATION DATED</u>	20/09/2012
	<u>APPLICATION COMPLETE</u>	21/09/2012
	<u>APPLICATION REVISED</u>	16/01/2013

APPLICANT/AGENT ADDRESS

Miss H Bizoumiz
Gerald Eve LLP
72 Welbeck Street
LONDON
W1G 0AY

<u>LISTED BUILDING</u>	N/A	<u>CONS. AREA</u>	Thurloe and Smith's Charity	WARD	Brompton
<u>CAPS</u>	Yes	<u>ENGLISH HERITAGE</u>	K&C	ART '4'	No

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
111	55	0	0	0

Applicant c/o Agent

PROPOSAL: Excavation of 2 storey basement extension involving partial demolition and reconstruction of existing building.

RBK&C Drawing No(s):PP/12/03477 and PP/12/03477/A

Applicant's Drawing No(s): 100/A, 001/A, 910, 911, 912, 110/A, 101/A, 102/A, 103/A, 104/A, 105/A, 106/A, 201/A, 202/B, 203/B, 204/B, 205, 206/B, 207/B, 208/A, 209, 210 and Construction Impact Report Revision E.

RECOMMENDED DECISION: Grant planning permission

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans, 100/A, 001/A, 910, 911, 912, 110/A, 101/A, 102/A, 103/A, 104/A, 105/A, 106/A, 201/A, 202/B, 203/B, 204/B, 205, 206/B, 207/B, 208/A, 209, 210 and Construction Impact Report Revision E. (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)
3. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C071)**
Reason - To preserve the character and appearance of the Conservation Area. (R072)
4. **Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:**

(a) External Joinery Details (C208)
Reason - In order to safeguard the special architectural or historic interest of the building. (R206)
5. **The development hereby permitted shall not commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this Condition. (C106)**

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Subterranean Development SPD and policy CL2. (R106)

6. **No development shall be carried out until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works hereby approved.**

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Subterranean Development SPD and policy CL5.

7. **The subterranean development hereby approved shall not be used or occupied until the entire dwelling has achieved an EcoHomes rating of Very Good with 40% of the credits achieved under the Energy, Water and Materials sections and a post construction review Certificate for the dwelling has been issued certifying that a Very Good rating has been achieved. (C110)**

Reason – To secure mitigation for the environmental impact of the subterranean development and to comply with policy CE1 of the Core Strategy.

8. **The development hereby permitted shall not be carried out except in accordance with the document 'Construction Impact Report', Revision E, dated 4th December 2012 unless otherwise agreed in writing by the Local Planning Authority.**

Reason - To ensure that the impact of the proposed development upon local traffic and parking is acceptable and to ensure compliance with Core Strategy policy CT1 and the 'Transport' Supplementary Planning Document.

9. **Fumes or odours expelled from any flue serving the hygiene plant or providing ventilation to the swimming pool area shall not be detectable at the property boundary. If at any time the extraction plant is determined by the Local Planning Authority to be failing to comply with this Condition, it (or the source equipment) shall be switched off and not used again until it is able to comply.**

Reason - To safeguard the amenity of neighbouring properties and to comply with development plan policies, in particular Policy CL5 of the Core Strategy.

10. **Noise emitted by all plant equipment serving the swimming pool, including air conditioning, ventilation and hygiene plant all operating together shall not increase the existing lowest LA90(10min) background noise level at any time when the plant**

is operating. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with manufacturers instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply. (C57c)
Reason - To protect the amenities of nearby occupiers. (R57c)

11. All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason - All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended).

12. Prior to the demolition and development hereby permitted commencing at site, a full scheme and sequence of works detailing how the listed arch on Onslow Square will be protected throughout the demolition and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The protection shall be implemented for the duration of the works.

Reason - In order to protect the adjoining listed arch.

13. Full particulars of the method(s) by which all the existing trees on the site are to be protected during building and other operations on the site shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences, and the protection so approved shall be provided before the commencement of the development and maintained for the duration of building and other operations on site. (C021)

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the amenities of the area. (R020)

14. Full particulars of the following shall be submitted to, and approved in writing by, the Local Planning Authority before the development hereby permitted commences, and the development shall not be carried out otherwise than in accordance with the details so approved:

(a) a landscaping and tree/shrub planting scheme;

Reason - To ensure the appearance of the development is satisfactory, and to safeguard the amenity of the area. (R016)

INFORMATIVES

- 1 I10 Attention to Conditions
- 2 I09 Variations due to Building Regs.
- 3 I63 Subterranean Development
- 4 I67A Construction Management
- 5 I61 Household Waste
- 6 I71 Party Wall Act
- 7 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. A pre-application advice service is also offered.

The scheme was submitted following advice provided through pre-application discussions. On first submission the proposals did not comply with guidance, but improvements suggested by the planning authority were adopted by the applicant.
- 8 The Applicant is advise that any additional external plant or air handling equipment is likely to require the submission of a further planning application.
- 9 I67A Construction Management
- 10 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)

1.0 SITE

1.1 The property is a substantial one to three storey detached single dwelling located in the backland area bounded by Onslow Square, Pelham Crescent, Pelham Street and Pelham Place. The property is accessed from private drives from Onslow Square and Pelham Street.

1.2 The property is located within the Thurloe and Smith's Charity Conservation Area.

2.0 RELEVANT PLANNING HISTORY

2.1 PP/11/02630 and CC/11/02631 – Replacement of an existing single storey rear addition with new two storey element, with excavation of new subterranean extension beneath and under the garden area. Withdrawn, October 2011.

3.0 PROPOSAL

3.1 Planning permission is sought for a two storey basement extension beneath the southern section of Park House and part of the rear garden involving partial demolition and reconstruction of the existing building.

3.2 Conservation area consent sought in conjunction with this application for the proposed demolition works which will facilitate the development.

4.0 CONSIDERATIONS

4.1 The main considerations in this case relate to:

- The principle of demolition;
- Impact on the character and appearance of the conservation area;
- Impact on the amenities of the nearby properties and structural stability;
- Impact on landscaping, drainage, flooding and sustainability;
- Construction Traffic Management; and
- Impact on the listed archway.

4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8th 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan (July 2011), plus relevant 'saved' policies from the UDP. A list of the relevant policies is attached.

4.3 The contents of the Government's National Planning Policy Framework have also been taken into account.

4.4 The following Supplementary Planning Documents and Guidance are also material planning considerations:

- Subterranean Development (adopted May 2009),
- Transport (adopted December 2008), and
- Trees and Development (adopted April 2010).

- 4.5 The Thurloe and Smith's Charity Conservation Area Proposals Statement is also a material planning consideration in this case.

Impact on the character and appearance of the conservation area and the proposed demolition works

- 4.6 As detailed in Section 1, Park House is not listed but is situated within the Thurloe/ Smith's Charity Conservation Area. The property was originally constructed as two cottages in the early 1840's. The cottages remain to the north west of the site, albeit with a number of unsympathetic alterations, but they still make a positive contribution to the conservation area and the setting of adjacent listed buildings on Onslow Square and Pelham Crescent. The cottages have been extended substantially over the years particularly at the rear with the addition of a studio building in 1888 and associated links and orangery which were amalgamated in the 1980s to form one residential property.
- 4.7 The sections of the building to be demolished were added later to the original cottages and include the significantly altered studio/orangery and linking structures. The remaining elements of the original cottages will not be affected by the proposals.
- 4.8 The former studio to the rear has been altered over the years and is now of little architectural interest to the house and contributes very little to the character and appearance of this part of the Thurloe/Smith's Charity Conservation Area. In light of this the Council's Conservation and Design Team support the proposal to demolish and rebuild these later elements as near facsimiles of the existing. A response has been received from English Heritage to advise that the application should be determined in line with advice from the Council's Conservation and Design Team.
- 4.9 The new building works include improvements with the modern 1980's orangery being replaced with a more sympathetic design comprising more solid walls and arched headed French doors and a glass roof set behind a parapet. This design will better complement the parent building than the existing structure and will help to enhance this part of the conservation area.
- 4.10 The removal of the domed rooflights to the ridge of the former studio and their replacement with conservation rooflights will help to improve the roofscape of the house.
- 4.11 The visual impact of the subterranean extension beneath the elements of the house to be demolished is also acceptable as it will not be discernible from above ground level. The subterranean rooms will be lit discreetly by a rooflight to the stair well and two walk on rooflights within the internal courtyard. The external manifestations will be discreet and the subterranean extension will not have a harmful impact on the character and appearance of the conservation area.

Impact on the amenities of the nearby properties and structural stability

- 4.12 The extensions are comparable in size and siting to the existing built form on site and as such will not cause a loss of light, outlook or increased

sense of enclosure to neighbouring properties. The extensions and alterations will not give rise to loss of privacy to neighbouring properties.

- 4.13 The proposal includes a two storey, subterranean extension under the house and under part of the garden. The extension incorporates a swimming pool.
- 4.14 The Applicant has submitted a Construction Method Statement and this complies with the 'Subterranean Development' Supplementary Planning Document, notably the guidance given at section 6 of that document. The statement describes the existing and proposed building structure, sets out the intended sequence of works, and provides the result of a borehole trial in which approximately a metre of made ground is set over 8 metres of sand/gravel over London Clay with groundwater encountered 0.5 metres above the clay.
- 4.15 This document has been prepared by a suitably qualified engineer and confirms that *'the distance of the new basement from the adjacent buildings is such that the excavation of the basement should not have any significant effects on the adjacent buildings'*.
- 4.16 Condition 5 is recommended to ensure that the works are supervised by a suitably qualified engineer and the details are to be approved in writing by the Local Planning Authority prior to the commencement of the proposed development. Additional issues relating to the structural stability of the basement are dealt with primarily under the Building Regulations legislation and approval process. Issues concerning the stability of the adjoining land and property are primarily dealt with under the Party Wall Act 1996.
- 4.17 With regard to construction working noise, Condition 6 is recommended to ensure that the works are carried out by a member of the 'Considerate Constructors Scheme' to help to minimise the impact of the construction process on nearby properties as far as is reasonably possible.
- 4.18 Other matters relating to noise and disturbance could be considered, and enforced against, under separate Environmental Health legislation. Influence on construction arrangements may also be achieved under Party Wall legislation. The proposals are compliant with the relevant planning policies of the development plan.
- 4.19 Whilst a noise survey has been received no details have been submitted for any air conditioning condenser units, basement area mechanical ventilation or odour control systems for the new basement. In light of this, Conditions 9 and 10 have been recommended to safeguard the existing living conditions of neighbouring occupiers from noise, disturbance and/or odour from the swimming pool equipment and proposed plant. In addition, Informative 8 has been recommended to advise the applicant that any external plant or equipment is likely to require further planning permission.

Impact on landscaping, drainage, flooding and sustainability

- 4.20 The subterranean extensions do not exceed 85% of either the front or rear gardens. 1m of top soil is proposed where it extends beneath the

rear garden area. This is compliant with the 'Subterranean Development' SPD and would ensure that adequate opportunities for landscaping and natural drainage are retained on the site.

- 4.21 The site has a variety of established trees including a protected London Plane tree which is approximately 20m tall. The trees provide a comprehensive green screen to a number of properties directly adjacent to Park House.
- 4.22 The arboricultural report submitted with the application has been assessed by the Council's Arboriculturist alongside information regarding construction works which have been included in the Construction Traffic Management Plan.
- 4.23 The Council's Arboriculturist is satisfied with the information provided regarding works proposed to trees on the site. The removal of some trees is required to aid construction but their removal is not considered unreasonable and would have little impact on the local landscape overall. Various conditions have been recommended to ensure the trees to be retained on site are afforded adequate protection during the construction process.
- 4.24 Condition 11 is recommended as priority bird species have previously been recorded in the local area. This is necessary as some removal of vegetation is proposed on site. Given that the main period buildings are to be retained with only the newer additions demolished the Council's Ecology Team have confirmed no further habitat or bat surveys are required.
- 4.25 With regard to drainage and flooding, the site is not within a designated flood risk zone. In addition, the basement is largely contained under the footprint of the building, encroaching only into a small part of the garden area. Given this arrangement the permeability of the site would not be significantly affected by the proposals.
- 4.26 The site investigation (bore hole testing) showed there to be ground water at a depth of approximately 8m below ground level. The Construction Method Statement confirms that this level will be monitored and the ground water results at this level have informed the construction methods proposed.
- 4.27 The applicant has submitted an Ecohomes pre-assessment which demonstrates that the entire dwelling could achieve the 'very good' standard following completion of the development.
- 4.28 On submission, the Ecohomes pre-assessment did not demonstrate that 40% of the credits could be achieved in the water section. This has been resolved with the introduction of a rainwater harvesting system for the proposed swimming pool.
- 4.29 The Applicant's Sustainability Consultant has confirmed that the rainwater harvesting system will be sized to provide enough water to top up the pool and provide for any other external irrigation or cleaning requirements.

- 4.30 Condition 7 is recommended to ensure this standard is achieved prior to the first use of the basement. This would ensure compliance with policy CE1.

Construction Traffic Management

- 4.31 A key consideration in this case is the impact of construction traffic given that the backland site of Park House is bound by residential properties on all sides. In order to demonstrate that the works can be achieved without compromising highway and pedestrian safety or the health of trees on site a full Construction Traffic management Plan (CTMP) has been submitted with the application.

- 4.32 This CTMP has been assessed by the Council's Transportation Team and changes to the CTMP have been made in light of their comments. The CTMP secured by Condition 8 has been agreed by the Transportation Team and they raise no objection to the development subject to compliance with this CTMP. The main entrance to the site (between 7 and 11 Onslow Square) will be used for the majority of the construction traffic.

Listed Archway

- 4.33 Care will need to be taken with the listed archway between 7 and 11 Onslow Square so that damage is not caused through the movement of vehicles associated with the construction works.

- 4.34 Whilst some information has been included in the CTMP, Condition 12 is recommended which requires a full method statement to be submitted which explains how the arch will be protected during the course of construction. This statement will be submitted to and approved in writing by the local authority.

Mayor of London's Community Infrastructure Levy

- 4.35 The proposed development would provide 695 sqm of additional internal residential floorspace and as such a contribution of £34,750 is required to the Mayor of London's Community Infrastructure Levy (CIL).

5.0 PUBLIC CONSULTATION

- 5.1 111 consultation letters were sent to neighbouring occupiers and site notices were put up close to the site. A press notice was also published.

- 5.2 To date, 55 objections have been received. These are attached in full as an appendix to this report but the main concerns are summarised below:

- 5.3 **Development will cause harm to the character of the conservation area.**

This is discussed in Section 4.

- 5.4 **Proposals are disproportionate and out of keeping; and
The scale of the development is excessive.**

This is discussed in Section 4.

- 5.5 **CL3 does not permit the demolition of buildings of architectural merit; and
The buildings/extensions to be demolished are of special interest.**

This is discussed in Section 4.

- 5.6 **The loss of trees is unacceptable;
Insufficient tree protection is given to trees being retained; and
A landscape scheme would be required to mitigate any tree removal.**

This is discussed in Section 4. Appropriate landscaping and tree protection conditions are recommended.

- 5.7 **Major concerns with regard to construction traffic management; and
No CTMP has been received.**

A CTMP has been received and agreed by the Council's Transportation Team.

- 5.8 **Noise, dust and disturbance to neighbours during construction will be unacceptable. The project will take up to 25 months.**

This is discussed in Section 4.

- 5.9 **Possible impact on party walls; and
Concerns regarding the structural stability of neighbouring buildings.**

The applicant has submitted a construction method statement which complies with the requirements of policy CL2 and the 'Subterranean Development' Supplementary Planning Document. It is therefore adequate for the determination of the planning application.

- 5.10 **The Applicant has not consulted with neighbours.**

The Local Planning Authority have consulted directly with neighbours.

- 5.11 **Concerns regarding surface water drainage;
Water displacement could cause subsidence and rising damp in nearby houses; and
Project may cause flooding and affect the water table.**

This is discussed in Section 4.

- 5.12 **The listed arch will not provide adequate access for construction vehicles.**

The CTMP submitted discusses this issue. Condition 12 has been recommended to ensure the listed arch is protected during the course of

the works so construction traffic will be limited by the presence of this listed structure.

5.13 **Development does not comply with the EcoHomes standard as 40% will not be achieved for water.**

This is discussed in Section 4. Revised and additional information has been received to overcome this issue.

5.14 **Loss of privacy during construction works from builders and trucks; and
Loss of privacy and overlooking.**

This is partly discussed in Section 4.

5.15 **Concerns regard the value of neighbouring properties.**

This is not a material planning consideration.

5.16 **The large plant room could give rise to noise and smells.**

Environmental Health have reviewed the proposal and recommended appropriate conditions to safeguard the existing living conditions of neighbouring occupiers.

5.17 **Local residents have not been properly consulted on the planning application.**

Details of the consultation process are included in paragraph 5.1.

5.18 **An application to list Park House has been made to English Heritage**

A letter from English Heritage was recently sent to the Applicant (dated 10th of January 2013). This letter confirms that an application to list Park House had been received. However, also confirms that the Secretary of State has decided not to take the application to a full assessment and the building will not be added to the list at this time.

In addition, English Heritage have advised that the conservation area consent application can be determined in line with the Council's own Conservation and Design advice.

6.0 CONCLUSION

6.1 The proposed two storey subterranean development and subterranean swimming pool would appear as visually discreet additions to Park House that would preserve the character and appearance of the Thurloe and Smith's Conservation Area. The demolition works and new extensions are also considered to preserve the character and appearance of the conservation area. Once the proposed development is complete, the extension would not result in any material loss of amenity to nearby residents and the conditions imposed would adequately control and mitigate the impacts of the construction process. The proposed development is in accordance with the relevant development plan policies and Supplementary Planning Documents.

7.0 RECOMMENDATION

7.1 **Grant planning permission**

**JONATHAN BORE
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

List of Background Papers:

The contents of file PP/12/03477 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Excavation of 2 storey basement extension involving partial demolition and reconstruction of existing building.

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to the National Planning Policy Framework (NPPF), Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

Core Strategy adopted 8 December 2010

CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL5	Amenity
CT1	Improving alternatives to car use
CE1	Climate Change
CR6	Trees and landscape
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology

'Saved policies of the Unitary Development Plan adopted 25 May 2002

CD47	Resist Proposals for Extensions
CD63	Conservation Area Views

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: De Vere, Kensington Court and Cornwall adopted 25 Feb 1985 (09BCD), Subterranean Development adopted 26 May 2009 (0903), Trees and Development adopted 20 April 2009 (0901), Transport adopted 10 December 2008 (0803). These documents were adopted following public consultation. The material circumstances of the case, including site history, location, and impact on amenity were considered. In addition, consideration was given to the results of public consultation.

The proposed two storey subterranean development and subterranean swimming pool would appear as visually discreet additions to Park House that would preserve the character and appearance of the Thurloe and Smith's Conservation Area. The demolition works and new extensions are also considered to preserve the character and appearance of the conservation area. Once the proposed development is complete, the extension would not result in any material loss of amenity to nearby residents and the conditions imposed would adequately control and mitigate the impacts of the construction process. The proposed development is in accordance with the relevant development plan policies and Supplementary Planning Documents.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.