

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

APP NO. PP/13/05274/Q21
PLANNING APPLICATIONS COMMITTEE 04/02/2014
AGENDA ITEM NO. S16

SITE ADDRESS

25 Ovington Street
LONDON
SW3 2JA

APPLICATION
DATED

18/09/2013

APPLICATION
COMPLETE

19/09/2013

APPLICATION
REVISED

22/11/2013

APPLICANT/AGENT ADDRESS

Mr K Scott
Kevin Scott Consultancy Limited
Centaur House Ancells Business Park
Ancells Road
Ancells Road FLEET
Hampshire
GU51 2UJ

<u>LISTED</u> <u>BUILDING</u>	Grade II	<u>CONS.</u> <u>AREA</u>	Chelsea	WARD	Hans Town
<u>CAPS</u>	Yes	<u>ENGLISH</u> <u>HERITAGE</u>	N/A	ART '4'	No

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
4	38	0	0	0

Applicant Property Investment Chelsea Limited

PROPOSAL: Construction of single storey basement extension and internal alterations.

RBK&C Drawing No(s):PP/13/05274 and PP/13/05274/A

Applicant's Drawing No(s): 25OV_000 Rev. A, 25OV_010 Rev. A, 25OV_011 Rev. A, 25OV_012 Rev. A, 25OV_013 Rev. A, 25OV_020 Rev. A, 25OV_021 Rev. A, 25OV_040 Rev. A, 25OV_041 Rev. A, 25OV_401 Rev. A, 25OV_209 Rev. A, 25OV_210 Rev. A, 25OV_211 Rev. A, 25OV_212 Rev. A, 25OV_213 Rev. A, 25OV_220 Rev. A, 25OV_221 Rev. A, 25OV_240 Rev. A, 25OV_241 Rev. A, 25OV_242 Rev. A

RECOMMENDED DECISION: Grant planning permission

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

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 25OV_000 Rev. A, 25OV_010 Rev. A, 25OV_011 Rev. A, 25OV_012 Rev. A, 25OV_013 Rev. A, 25OV_020 Rev. A, 25OV_021 Rev. A, 25OV_040 Rev. A, 25OV_041 Rev. A, 25OV_401 Rev. A, 25OV_209 Rev. A, 25OV_210 Rev. A, 25OV_211 Rev. A, 25OV_212 Rev. A, 25OV_213 Rev. A, 25OV_220 Rev. A, 25OV_221 Rev. A, 25OV_240 Rev. A, 25OV_241 Rev. A, 25OV_242 Rev. A
Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. **Construction Traffic Management Plan (CTMP)**
No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:
 - a) routing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity;
 - b) access arrangements to the site;
 - c) the estimated number and type of vehicles per day/week;
 - d) details of any vehicle holding area;
 - e) details of the vehicle call up procedure;
 - f) estimates for the number and type of parking suspensions that will be required;
 - g) details of any diversion or other disruption to the public highway during demolition, excavation and construction works; and
 - h) work programme and/or timescale for each phase of the demolition, excavation and construction works;
 - i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
 - j) work programme and/or timescale for each phase of the demolition, excavation and construction works;
 - k) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
 - l) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.
Reason - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Subterranean Development SPD and policies CT1 and CL5 of the Core Strategy.

4. **Professional management of engineering works**
 No development shall 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.
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(g) (ii) of the Core Strategy.
5. **Considerate Constructors Scheme (CCS)**
 No development shall commence 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 forming the subject of this permission.
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 of the Core Strategy.
6. **Applicable EcoHomes Standards**
 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 Letter of Compliance for the dwelling has been issued certifying that a Very Good rating has been achieved.
Reason – To secure mitigation for the environmental impact of the subterranean development and to comply with policy CE1 of the Core Strategy.

INFORMATIVES

- | | |
|---|-------------------------------------------|
| 1 | Enforcement of Conditions (PP) |
| 2 | Care in the Conservation Area |
| 3 | GTD/No pre-app/Amendmnts to comply Est. G |
| 4 | Working Hours on Building Sites |

5 You are reminded of the purpose of the Construction Traffic Management Plan, which is to mitigate impact upon the living conditions enjoyed by residents of neighbouring properties as well as to ensure the safe and unobstructed function of the highways in the vicinity. You are also reminded of the membership of the Considerate Constructors Scheme, required by condition and which has similar objectives. Care and sensitivity is required when carrying out development in residential areas.

The CTMP as submitted is unacceptable and should address the following points:

- No information regarding coordination has been provided to ensure that there would be no unacceptable disruption to highway users and residents in the surrounding area;

- Any acceptable plan would have modify the routing to avoid Beuchamp Place. The following loop should be used. Sloane Street/Pont Street/Walton Street/Ovington Street/Milner Street/Cadogan Square/Pont Street (or vice versa). The coordination would have to ensure that the movements are in one direction.

6 Party Wall Act 1996

7 Thames Water

8 Thames Water - Sewers

9 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)

10 I.40

1.0 SITE

- 1.1 The application site comprises of three storey property, with lower ground floor level, located on the west side of Ovington Street. The building is grade II listed and lies within the Chelsea Conservation Area. The building is in use as a single dwelling house and there are no Article 4 directions relating to the property.

2.0 RELEVANT PLANNING HISTORY

- 2.1 TP/87/02397 and TP/87/02398 – Erection of mansard roof, a first floor rear extension and roof terrace – Granted 08.04.1988
- 2.2 LB/09/02738 – Minor alterations and refurbishment to the front elevation – 12.01.2010

3.0 PROPOSAL

- 3.1 The application seeks planning permission and listed building consent (the latter under application LB/13/05275) for the following works to the building:
- excavation and construction of a single storey basement with associated roof light to the rear; and
 - associated internal alterations and alterations to the rear fenestration.
- 3.2 Additional information was received during the course of the application comprising of the following:
- Construction Traffic Management Plan;
 - Additional supporting information to the Construction Method Statement to address differential movement within the terrace.

4.0 CONSIDERATIONS

- 4.1 The main considerations in this case relate to:
- the impact on the special architectural and historic interest, character and significant of the Grade II Listed Building, and the character and appearance of the Chelsea Conservation Area;
 - the impact on the living conditions of nearby properties;
 - the impact on local traffic and parking;
 - the impact on trees, landscaping, drainage; and
 - sustainability.
- 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. Relevant policy includes:

Core Strategy 2010

CL1 (Context and Character)

CL2 (New buildings, extensions and modifications to existing buildings)

CL4 (Listed Buildings)

CL3 (Heritage Assets – Conservation Areas and Historic Spaces)

CL5 (Amenity)

CE1 (Climate Change)

CE6 (Noise and vibration)

CT1 (Improving alternatives to car use)

'Saved' Unitary Development Plan 2002 (amended 2007)

CD63 (Identified views in Conservation Areas)

- 4.3 The guidance contained in the Chelsea Conservation Area Proposals Statement and the Subterranean Development Supplementary Planning Document (SPD) and Transport SPD were also taken into consideration. The contents of the Government's National Planning Policy Framework have also been taken into account.

Impact on listed building and character and appearance of conservation area

- 4.4 The proposals relate to the construction of a 5.1m deep single storey basement within the garden of the listed building. In terms of external manifestations, the plans show the provision a single roof light to the rear garden measuring 1.5m x 1.5m. The proposed obscure glazed roof light would appear as a discreet addition to the site, taking into account views from other buildings and gardens, and would preserve the setting of the listed building and the character and appearance of the conservation area.

- 4.5 Access to the proposed basement will be via a new stair located in the non-original rear extension. This, combined with the location of the basement under the rear garden, will ensure that the proposal will not impact on the hierarchy of rooms and floor levels within the building, in accordance with Core Strategy policy and guidance contained in the 'Subterranean Development' SPD.

- 4.6 The applicant has submitted a construction method statement (CMS). The CMS includes site specific soil test results and complies with the guidance contained in the 'Subterranean Development' SPD and satisfies policy CL2.

- 4.7 The plans show that the basement construction would begin directly under the rear wall of the listed building. Such a proposal would require underpinning of the original rear wall of the listed building. The CMS demonstrates that the proposed construction could be carried out without having a detrimental impact on the structure and fabric of the listed building and the adjoining listed buildings, including the existing historic foundations of the building.

- 4.8 A supplementary document to the CMS has been provided during the course of the application to address differential movement within the terrace given the extent of basement construction proposed within Ovington Street. This document demonstrates that the ground under which the proposed basement would be constructed is dry, dense sands and gravels known as the Kempton Gravels. The depth of the proposed basement would be approximately 3.5m above the interface with the underlying London Clay, and the supporting information sets out that the potential uplift on the structure due to a significant increase in water level can be accommodated within the design of the concrete box which forms the basement construction. The supporting information goes on to confirm that due to the presence of dense gravel ground conditions, any underpinning to the building and the basement construction itself, would not generate differential settlements that will have an adverse impact on the immediate party walls, internal fabric, or the remainder of the listed terrace.

- 4.9 Further issues relating to the structural stability of the basement are dealt with under the Building Regulations and the stability of adjoining land and property primarily dealt with under the Party Wall Act 1996.

- 4.10 The submitted information is adequate for the assessment of the applications for planning permission and listed building consent. It is recommended that the development is supervised by a suitably qualified engineer and condition 4

secures this.

- 4.11 The basement and construction would not cause harm to the special architectural and historic interest of the listed building, in accordance with Core Strategy Policies CL2 and CL4 and the aims and requirements of the 'Subterranean Development' SPD.
- 4.12 The Construction Management Plan submitted with the application sets out that a hole would be formed in the ground floor level of the property in order to house the conveyor. The spoil could be removed from the site without harm to the listed building. This approach would be harmful to the surviving historic fabric at this principal floor level. Recommended condition 4 (a) of LB/13/05275 requiring the submission of details of the proposed route and all details of the proposals for the disposal of the excavated spoil through the listed building prior to the commencement of the works. An alternative approach for the removal of spoil from the site should be provided.
- 4.13 The proposed internal alterations to the listed building in connection with the proposed basement are located within a later date extension and would have a limited impact on the historic fabric of the listed building. The proposals would therefore preserve the significant and special architectural and historic interest of this heritage asset, in accordance with Core Strategy Policy CL4.

Living conditions

- 4.14 As the basement does not entail any additional bulk above the ground level, once complete, the basement would not adversely affect the living conditions of nearby properties in accordance with policy CL5. With regards to the living conditions of occupants of the dwelling, the Subterranean Development SPD requires all sleeping accommodation at basement level to be provided with natural light and ventilation. The plans show a minimum height of 2.589m, in accordance with the guidance contained within the SPD.
- 4.15 With regard to the construction process, planning conditions can be used to supplement powers under other legislation such as the Environmental Protection Act, Highways Acts, and Control of Pollution Act. Recommended condition 3 would secure the provision of an acceptable construction traffic management plan prior to the commencement of the works and recommended condition 5 would ensure that the works are carried out only by a member of the Considerable Constructors Scheme.

Impact on local traffic and parking

- 4.16 The proposal would have an impact during its construction. The application has been submitted alongside a construction traffic management plan, but the CTMP as submitted is not acceptable. Condition 3 requires the submission of an acceptable construction traffic management plan prior to the commencement of the works. Concerns have been raised regarding the cumulative impact of the proposals on parking and highway safety in the surrounding area. However, each application is considered on its merits at the time of submission in accordance with the relevant development plan policies. This includes the impact on highway safety in the surrounding area and recommended condition 3 will ensure that the impact of the development in the area is addressed prior to the commencement of the development. An informative is recommended to set out the matters which should be addressed in the submission of a CTMP for the development.

Impact on trees, landscaping, drainage, flooding and groundwater

- 4.17 The 'Subterranean Developments' SPD states that basements should cover no

more than 85% of both the front and rear gardens and should provide 1m of soil above. These measures would ensure that opportunities exist for mature landscaping and natural drainage and these requirements are applicable to both the front and rear gardens. The submitted plans show that the basement does not exceed 85% of the rear garden and does not extend into the front garden. Furthermore, the plans show the provision of 1m of permeable topsoil above all of the basement level, in accordance with the requirements laid out in the 'Subterranean Development' SPD. The proposal complies with Core Strategy policy CL2.

Sustainability

- 4.18 In accordance with policy CE1 of the Core Strategy the applicant has submitted an EcoHomes Assessment which is accompanied by detailed drawings and supporting information. This document demonstrates that the entire dwelling could achieve the 'very good' standard following completion of the development without causing harm to the special architectural and historic interest of the listed building. Condition 6 is recommended to secure this standard by way of a post construction review certificate for the dwelling.

5.0 PUBLIC CONSULTATION

- 5.1 The following units were notified of the proposals:

23, 37 Ovington Street
34, 36 Hasker Street

In addition to this, a site notice was erected outside the property and a press notice issued. To date, 38 letters of objection have been received, summarised as:

- 5.2 **Noise and disruption in the street during construction. Cumulative scale of projects.**

The concern regarding the effect of this proposal and other developments in the area are noted. There would be some disturbance during construction, but permission could not be refused on this basis. Working hours are restricted under Environmental Health legislation. However, an informative is recommended setting out the hours during which noisy work can be carried out at the site.

- 5.3 **Construction works, deliveries, scaffolding etc remove parking in the street for residents. Disruption for emergency vehicles in the area.**

This matter is addressed in section 4.17 above. The submission of an acceptable construction traffic management plan prior to the commencement of development is secured by recommended condition 3.

- 5.4 **Dirt and dust from construction harming living conditions of residents.**

Control of noise and dust during the construction phase are controlled with under Environmental Health legislation

- 5.5 **Damage to listed buildings. When there is more than one, the risk is significantly greater.**

This matter is addressed in section 4.4 – 4.14 above.

- 5.6 **Lack of notification. Site notices have been removed.**

The Council has carried out the appropriate consultation for the application as set out in section 5.1 above.

- 5.7 **History with problems with the landlord (applicant) in the surrounding**

area.

This is not a material planning consideration.

5.8 How long does the applicant have to implement proposals?

The applicant has three years from the date of the decision within which to implement the works. This is covered by condition 1.

5.9 Loss of property values and rental incomes.

This is not a material planning consideration.

5.10 Proposals would set a precedent for such proposals elsewhere in the Borough.

Each application is considered on its merit at the time of submission, in accordance with the relevant development plan policies.

5.11 The additional space is not required.

This is not a material planning consideration.

5.12 The roof light would not have 1m of topsoil under, contrary to the guidance in the SPD.

This matter is addressed in section 4.18 above.

5.13 Disruption to local sewerage.

It is the responsibility of the applicant to ensure that local services are not disrupted during construction.

5.14 Damage to streets/pavements should be addressed by the applicant.

This is covered by other legislation. The applicant would be responsible for any damage to the public highway during construction works.

5.15 The additional documentation gives no further reason for the applications to be approved.

This matter is addressed in section 4.8.

5.16 The basement coverage is greater than the 50% considered acceptable by the current Core Strategy.

Proposals must be determined based on the existing development plan. The revised policy regarding basements has not yet been through the government's examination process and it has limited weight in the determination of this application.

5.17 The proposal to complete works in 30 weeks is hugely optimistic.

Noted. However, the planning system cannot control the period of construction works. As set out above, the development can be constructed in such a way whereby there would be no significant detrimental impact on the living conditions of neighbouring properties.

6.0 CONCLUSION

6.1 Once complete the subterranean development would be an unobtrusive addition to

the site and would preserve the special architectural or historic interest of listed building and the character and appearance of the building, terrace and wider Chelsea Conservation Area. The proposals would not result in significant harm to the living conditions of nearby properties and conditions are recommended to mitigate the impact of the construction process as far as it reasonably possible under planning control. Overall the proposals are compliant with the relevant Development Plan policies.

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/13/05274 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Construction of single storey basement extension and internal alterations.

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

CE1	Climate Change
CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology
CL5	Amenity
CL6	Small-scale Alterations and Additions
CT1	Improving alternatives to car use

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

CD63	Conservation Area Views
------	-------------------------

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Chelsea adopted 10 June 1986 (18), Transport adopted 10 December 2008 (0803), Subterranean Development adopted 26 May 2009 (0903). 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.

Once complete the subterranean development would be an unobtrusive addition to the site and would preserve the special architectural or historic interest of listed building and the character and appearance of the building, terrace and wider Chelsea Conservation Area. The proposals would not result in significant harm to the living conditions of nearby properties and conditions are recommended to mitigate the impact of the construction process as far as it reasonably possible under planning control. Overall the proposals are compliant with the relevant Development Plan policies.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/13/05274>. If you do not have access to the internet you can view the application electronically on the ground floor of the Town Hall, Hornton Street, London, W8 7NX.