

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 January 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	Arthur Court Car Park, Queensway, London, W2 5HW		
Proposal	Use of the former car park on the lower ground (basement) and upper ground (ground) floors of the building to self-storage use (Class B8), ancillary office space, internal car parking, internal and external cycle parking, associated external alterations to the facade, forecourt and pavement.		
Agent	Isabella Tidswell		
On behalf of	c/o Agent		
Registered Number	21/03530/FULL	Date amended/ completed	27 May 2021
Date Application Received	27 May 2021		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

## 1. RECOMMENDATION

1. Grant conditional permission subject to a legal agreement to secure the following:
  - a) Highway works outside the site in Queensway to facilitate access to the development.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
  - a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The application site is an unlisted apartment building in the Queensway Conservation Area. This application relates to the basement and ground floor car park.

Permission is sought for the change of use from car park (Sui Generis) to a self-storage facility (Class B8).

The application has received objections from 13 neighbours. These objections primarily relate to land use, amenity, design, highways, procedural matters and fire risk.

The key issues are:

- The impact of the proposed use on the amenity of neighbours
- The impact of the shutters and shopfront on the host building and the conservation area
- The loss of car parking and impact nearby on-street car parking demand

Subject to the conditions as set out in the draft decision letter at the end of this report, the proposals are considered acceptable and complies with the relevant planning policies in the City Plan 2019-2040 adopted April 2021. Accordingly, it is recommended that conditional permission is granted, subject to a Section 106 agreement to secure alterations to the highway.

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#### 4. PHOTOGRAPHS



**Front of Arthur Court.  
Entrance to Existing Basement and Ground Floor Parking Bottom Left.**

## 5. CONSULTATIONS

### COUNCILLORS FOR BAYSWATER

No response received to date.

### BAYSWATER RESIDENT'S ASSOCIATION

No response received.

### SOUTHEAST BAYSWATER RESIDENT'S ASSOCIATION

No response received.

### HIGHWAYS PLANNING MANAGER

The loss of the existing car parking spaces and the provision of 6 car parking spaces for customers is acceptable. Conditions are recommended in order to secure customer car parking, long and short stay cycle parking, ensuring that all servicing takes place from within the premises and that the internal height clearance of 2.4m is maintained at all times. Request that redundant crossovers are reinstated as footway.

### ENVIRONMENTAL HEALTH

No objection, request that a condition controlling noise and controlling opening hours. The premises should be closed between 23:00 and 07:00.

### WASTE PROJECT OFFICER

Objection further information required.

### THAMES WATER

No objection if the developer follows the sequential approach to the disposal of surface water. The proposal does not raise any waste water network and sewerage treatment works. Request that the applicant incorporates a positive pumped device (or equivalent) to prevent sewerage flooding.

### LONDON FIRE BRIGADE

The Commissioner is satisfied with the proposals.

### ADJOINING OWNER/OCCUPIERS

No. consulted: 357

No. of objections: 13

No. of supports: 0

No. of neutrals: 1

The objections are summarised as follows-

### LAND USE

- The facility will be out of keeping with this mostly residential area
- The car park should be retained as it could be an asset to the community and its businesses

## DESIGN

- The shopfront and branding are not sympathetic, in keeping or compatible with the conservation of this 1930s building

## AMENITY

- The 24/7 access to the facility will cause noise disturbance to residents
- The traffic generated will cause air pollution and be detrimental to the quality of life of residents
- The facility may attract loitering, anti-social behaviour and make residents feel unsafe
- The rooflights will cause a loss of privacy for residents in Arthur Court and Hatherley Grove

## HIGHWAYS

- The loss of the car park will create even more pressure on local car parking availability
- The traffic generated will cause problems for this narrow and one-way road
- The customers may stop on the single yellow lines and or Arthur Court's loading bays which are used by residents, threatening pedestrian safety
- The facility will encourage double parking and idling in the carriageway
- The applicant's traffic flow data looks very low
- The applicant's assertion that customers may come via bicycle is disingenuous

## FIRE RISK

- The proposal lacks fire safety and fire escape information
- The roof of car park is used as a fire escape and this will be compromised by the facility
- The operator will be unable to stop hazardous and illegal materials being stored
- The storing of hazardous, illegal, combustible and flammable and tightly packed materials creates a fire hazard for residents

## PROCEDURAL

- The residents' association the applicant alleges to have consulted does not exist
- The applicant alleges residents were consulted prior to the submission of the application but this is false
- The first occasion residents were aware of the proposal was from the City Council's letters

## OTHER

- The use of the basement will prevent access to many of the building's services and pipework potentially hindering residents' access to water or energy
- The facility may make it difficult for people to get or maintain their mortgages for flats
- The facility will lead to higher insurance premiums and service charges
- The applicant's drawing states the rooflights are existing. However, they have been covered for twenty years
- The loss of car parking for residents may mean they struggle to maintain their mortgages

The one neutral comment stated it was difficult to understand from the information what changes are being proposed.

#### SITE AND PRESS NOTICE

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Arthur Court is an unlisted eight storey plus basement residential building located on the west side of Queensway in the Queensway Conservation Area. This application relates to the basement and ground floor. The basement and ground floor have most recently been used as public car park (Class Sui Generis) but have been vacant since its closure in November 2018. The first to seventh floors of the building are in residential use.

### 6.2 Recent Relevant History

There is not any relevant planning history associated with the Arthur Court car park.

## 7. THE PROPOSAL

Permission is sought for the change of use from car park (Sui Generis) to a self-storage facility (Class B8). The proposal also includes the creation of an ancillary shop area for customers, an office and WC for staff, car and cycle parking as well as external alterations including the creation of the shopfront and the installation of roller shutters.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Car Park (Sui Generis)	1,499		- 1,499
Self-Storage Facility (Class B8)		1,499	+ 1,499

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Loss of Car Parking

Policy 27 of the City Plan 2019-2040 (April 2021) ("the City Plan") states that proposals for redevelopment of existing car parking uses to alternatives uses will be supported. The loss of the existing car parking is therefore supported in principle.

It was raised in objection from a neighbour that the car park should be retained as it could be an asset to the community and local businesses. The City Council understand that the car park was closed in November 2018 due to its limited use by customers. The retention of the car park as existing does not raise any planning benefits, nor is it a benefit for the applicant. It is therefore not considered reasonable that the car park is retained as requested in the objection subject to an appropriate replacement use being



provided.

### 8.1.2 Proposed Storage Facility

The London Plan and the City Plan 2019 – 2040 do not contain policies that directly advise on the creation of self-storage facility uses (or similar). The application site is located outside any land contained with town centre hierarchy designated by the City Plan.

In locations outside of the town centre hierarchy, the City Council typically tend to have a presumption in favour in changes of use to residential uses. However, in this specific instance it is recognised that it would not be practical to convert the basement and the ground floor of the application site into a residential use given the physical limitations of the building. It was raised in an objection from a neighbour that the proposed facility would be out of keeping with the immediate area which is mostly residential. Whilst it is recognised the very immediate setting of the application site is primarily residential in nature it cannot be discounted that the application site is approximately only 25m from the Queensway \ Westbourne Grove Major Centre designated by the City Plan. The application site's close proximity to this major centre and its commercial nature has the potential to create a contribution to the enhancement of the vitality and viability of the centre and its retail focused function which will fulfil other wider planning objectives of the City Council.

Given the economic benefits of the proposal and that it replaces a car park which the City Council are seeking to reduce the provision of, the proposed use can be considered acceptable in land use terms subject to its acceptability on the impact on the amenity of the surrounding residential properties and the manner in which it would be accessed and serviced.

## 8.2 Townscape and Design

### Introductory Text

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant policies for consideration of this case are 38, 39 and 40 of the City Plan



2019 – 2040. Policy 40 states that the City Council seek that features such as shopfronts which form an important part of Westminster's townscape are sensitively integrated into developments. The policy goes on to state that small-scale alterations and additions can have a cumulative impact and as such the design of windows, doors and shopfronts should be carefully considered to relate sensitively to the host building and adjoining townscape.

To the southerly end on the building on its front elevation at ground floor level there are three large openings to allow cars into the various levels of the existing car park. It is proposed that the central opening is to have a 'shopfront' installed which comprises of large single window above a stall riser, a single glazed door and a fascia panel above. The design of the shopfront is considered appropriate for this location and its position in this opening is considered acceptable in design terms. It was originally proposed that the shopfront and adjacent fascias would have dark grey aluminium frames. It was raised in an objection from a neighbour that the shopfront and branding are not sympathetic, in keeping or compatible with the conservation area or this 1930s building. Whilst the use of aluminium is acceptable the applicant agreed to amend this part of the development so white was used which is a colour in keeping with window frames in the rest of the building. Accordingly the revised shopfront and associated features are now considered fully acceptable in design conservation terms. Any branding requires separate consideration under an application for advertisement consent.

It is proposed that roller shutters are to be added over the most southerly opening in the building that provides vehicular access into the basement level and another set of roller shutters are to be added over the opening to other side of the proposed shopfront that provides vehicular access to the ground floor level. As shown in the Design and Access Statement, the proposed shutters are to be lightweight and have a decorative art deco style shell design that is considered to be in keeping with the period of the building. Whilst the City Council typically resist roller shutters in most instances, it is considered on this occasion that there is sufficient need for them in order to prevent unauthorised access into this part of the building. Furthermore, the detailed design of the shutters proposed are considered to be of a high quality that is sympathetic to the appearance of the building and the wider streetscape.

In response to Officer advice during the course of the application, the applicant also agreed to replace the existing more solid looking roller shutter over the most northerly opening also with the more lightweight decorative design that matches shutters proposed at the southerly end of the building. As these proposed shutters at the northerly end of the building are to replace existing visually unsympathetic shutters this alteration is regarded as an improvement to the appearance of the building and the conservation area.

As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019 - 2040; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **8.3 Residential Amenity**

The City Council seeks that all development will be neighbourly by protecting and where

appropriate enhancing local environmental quality as set out in policy 7 of the City Plan. In addition to this it is also sought that development prevents the adverse effects of noise and vibration including minimising noise impacts and preventing noise intrusion to residential and sensitive uses as set out by policy 33 of the City Plan.

An objection was received from a neighbour stating that 24/7 access to the facility will cause noise disturbance to residents. It proposed that the premises will be open and staffed Monday to Friday 08.30 – 18.00, Saturday 10.00 – 16.00 and Sunday and Bank Holidays 10.00 – 16.00. The proposed Operational Management Plan states that beyond these stated hours customers will be permitted to access their storage unit but only with prior agreement of the operator. However, customers will not be able to arrange access between the hours of 23.00 and 07.00. The consulted Environmental Health Officer reviewed the Operational Management Plan and states that they raise no objection, but request that a condition is included that requires that the premises are closed between 23.00 and 07.00. Given that it is anticipated that only a small number of customers will be visiting the facility beyond the normal opening hours but within the 07.00 – 23.00 period it is considered that the extent that the proposal will result in any noise that could cause disturbance to residents on the upper floors of the building is likely to be very minor and therefore not unacceptable. On this basis, the proposed opening hours can therefore be regarded as acceptable subject to the inclusion of the requested condition.

The further provisions of the Operational Management Plan including the requirement that all deliveries and collections must take place from within the building and not from the highway, is supported in the interest of preserving the amenity of residents on the upper floors of the building and nearby. The submitted information contained within the application anticipates approximately 24 daily vehicles movements. The activity generated by the vehicles visiting and exiting the application site is unlikely to be significantly different in amenity terms when compared to the pre-existing car park use. It was raised in an objection that the traffic generated will cause air pollution and be detrimental to the quality of life of residents. Given the relatively low frequency that vehicles will visit the application site and that this is not wholly different to its pre-existing use as a car park, the small extent that air pollution will be generated and the extent it will impact on the quality of life of residents is not considered sufficient to warrant refusing permission on these grounds.

The submitted acoustic report explains that mechanical ventilation is to be used within the office and WC areas. However, the fans will only need to domestic sized due to the small scale of these rooms. Environmental Health officers have reviewed the acoustic report and raises no objection to the application but did request that a condition is included which requires that the residential occupiers on the upper floors of the building are protected from vibration and noise exceeding more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

It was raised in an objection that the rooflights will cause a loss of privacy for residents in Arthur Court and Hatherley Grove. The applicant has clarified that there are existing rooflights towards the rear of the building. However, these are currently covered over and are to remain covered over. The formation of the shopfront will not provide any opportunities for any neighbouring properties to be overlooked. On this basis the proposal is not considered to give rise to any overlooking or privacy issues. It was also raised in an objection that the proposal may attract loitering, anti-social behaviour and

make residents feel unsafe. In the view of the City Council the proposal is not considered to attract any more loitering, anti-social behaviour or similar than the existing use. The position of proposed shutters and the measures included on the Operational Management Plan including the use of CCTV, alarmed and code accessible doors for customers is considered sufficient in planning terms for deterring unauthorised access.

In summary of the above, the proposal is considered to be in accordance with the policies 7 and 33 of the City Plan and can therefore be regarded as acceptable in amenity terms.

#### **8.4 Transportation/Parking**

The loss of land which is used for car parking purposes is in accordance with policy 27 of the City Plan. Policy 27, Part G specifically states that proposals for the redevelopment of car parks into alternative uses will be supported in highways planning terms. The City Council require that servicing, collection and delivery should take place within the development site and that locations for servicing, collection and deliveries take place behind or below buildings.

The consulted Highways Planning Manager raised no objection to the loss of the existing 28 car parking spaces. They stated that that the trip generation for the proposed storage facility would not be significantly different from the operation of the existing car parking, if the facility was in use. Whilst it is recognised that the figure is reasonably low, the applicant has demonstrated there is an evidence base for the figures and given that the consulted Highways Planning Manager considers that the facility will function in a similar way to the existing car park the neighbour's concern is not considered a great enough reason that permission can be refused on.

It was raised in an objection that the loss of the car park will create even more pressure on local car parking availability. The City Council understands that the existing car park had an occupancy rate of around 25.7% before its closure. In addition, information also provided by the applicant stated that data has also shown that this demand had been decreasing over time. In respect of this low demand and the application site's very good access to public transport the subsequent impact of the loss of the car parking spaces on nearby on-street car parking demand is not significant enough to warrant refusing permission, particularly as the car park closed approximately three years ago any additional demand has already been absorbed.

The Highways Planning Manager supports the location of the servicing bays for delivering and collecting goods from within the application site. In the interest of preventing the possibility of delivery and collection directly from the highway and to prevent adverse impacts to the surrounding carriageway and footway, a condition is recommended to require that all servicing takes place from within the facility as stated in part 6 of the Operational Management Plan. The proposed 2.4m internal height clearance is acceptable given the size of vehicle that would be anticipated to visit the premises. In the interest of taking measures to prevent any reason for servicing from the highway a further condition is recommended requiring that this internal height clearance is maintained at 2.4m at all times.

The proposed plans show that six car parking spaces are to be provided for customers

within the facility and there are to be 10 short-stay cycle parking spaces for customers and 2 long-stay cycle parking spaces for staff. The Highways Planning Manager raised no objection to the number of car parking spaces for customers and requested that the designation of car parking spaces for customers is secured for the lifetime of the development as well as the provision of two long-stay and 10 short-stay cycle parking spaces are secured by condition. It was raised in an objection that the applicant's assertion that customers may visit the storage facility via bicycle is disingenuous. Whilst it is recognised that customers will be unlikely to deliver or collect large items via bicycle, this is not a reason to not provide cycle parking or not grant planning permission.

It was raised in an objection that the traffic generated will cause problems for this narrow and one-way road. Due to the trip generation being anticipated to be similar to the functioning of the existing car park and that all there is considered sufficient car parking spaces within the proposed facility, the impact on traffic generation on this northerly part of Queensway would not lead unacceptable impacts on the local highways network.

It was raised in objections from neighbours that customers may park their cars on the single yellow lines or on Arthur Court's loading bays which are used by residents threatening pedestrian safety and that the facility will encourage double parking and idling in the carriageway. The applicant's Operational Management Plan makes it clear that servicing cannot take place from the highway. As such, customers should have no reason to park on single yellow lines or double park within the highway. The Operational Management Plan also states that all customers will be reminded of these vehicle restrictions in all communication. On this basis, the risk that customers may park their cars in single yellow lines or in existing loading bays used by Arthur Court or park their cars illegally in the highway are not considered sustainable reasons to refuse the proposal when they will have sufficient space from within the application site. If customers happen to be unable to enter the application site at that point in time they will have to return at a later time or date when they can enter the facility as delivering or collecting goods from the highway will not be permitted.

In the interest of improving the pedestrian environment consistent with the City Council's wider public realm objectives, the Highways Planner requested that the redundant vehicle crossover at the northern end of the site is reinstated as part of the footway and that this is secured by legal agreement. The applicant confirmed that they agreed to this request and provided a further drawing showing the areas where the footway will be reinstated, which has been considered acceptable by the Highways Planner. If this application is considered acceptable overall, permission will be recommended for approval subject to the completion of a Section 106 legal agreement to secure the necessary alterations to the highway.

In summary of the above the proposal can be regarded as acceptable in highways planning terms.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

Vehicular access into the ground floor and basement levels of the site is the same as existing. The 'shopfront' area for customers will be accessed directly from the public footway.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Refuse /Recycling**

The City Council seek that all new development must provide appropriate facilities for the storage and separating of waste streams which are safe and convenient to access for the deposit and collection as set out in policy 37 of the City Plan. This is supported by policy 7 Part G of the City Plan which seeks that development is neighbourly by making appropriate and effective waste management arrangements.

The Waste Project Officer raised an objection the proposal on grounds that the submitted plans did not show a designated waste store. They advised that the two bins are required in order for the separation of general waste and recyclable materials. It is noted that the Operational Management Plan requires that when customers vacate their storage unit they will have to remove the entire content of the unit, and that there will be a small waste store provided for the use by staff on the premises. The absence of designated waste store for customers is considered unacceptable as it may encourage customers to leave waste on the highway or nearby to the application site. It is therefore recommended that revised floor plans are obtained to secure a designated internal waste store for customers and that this is secured by condition.

## **8.8 Westminster City Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **8.9 Neighbourhood Plans**

There are not any neighbourhood plans relevant to this planning application.

## **8.10 London Plan**

This application does not raise any strategic issues.

### **8.11 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

### **8.12 Planning Obligations**

The draft 'Heads of terms' of the legal agreement are proposed to cover works to the reinstate the redundant crossovers as part of the footway to the front of the building of which the applicant has agreed to.

### **8.13 Environmental Impact Assessment**

The proposal does not raise any environmental issues.

### **8.14 Other Issues**

#### **8.14.1 Fire Risk**

Objections were received from neighbours that raised concern over the proposal creating an additional fire risk. The objections stated that the operator will be unable to stop hazardous and illegal materials being stored and that the storing of hazardous, illegal, combustible and flammable and tightly packed materials creates a fire hazard for residents.

The applicant has presented their Fire Safety Strategy to the London Fire Brigade who stated that they are satisfied with the proposals. Further precautions are taken in the Operational Management Plan, which forbids customers from storing illegal goods, firearms, explosives, hazardous materials, waste, livestock or any perishable items. Given the precautions in the Operational Management Plan which the applicant will be required to fully adhere to for the lifetime of the development, it is considered that the applicant at this planning stage has taken as many reasonably practicable precautions to prevent the storing of potentially dangerous items. It is therefore not considered reasonable that permission is not granted on these grounds.

One objection stated that the roof of proposed storage facility currently acts as the fire escape and this will be comprised by the proposal whilst another stated that it lacks fire escape information. It is not clear why the proposed change of use would compromise this given that there are no roof level alterations proposed. As means of escape considerations are included in the Fire Safety Strategy which were presented to the London Fire Brigade and that they raised no objection, it is not considered reasonable that permission is refused on these grounds. In summary of the above, the proposal is not regarded as presenting fire or safety risks to nearby residents to an extent permission could reasonably be refused on these grounds.

#### **8.14.2 Procedural Matters**

It was raised in objections from residents that the residents' association the applicant alleges to have consulted does not exist. It has also been raised that residents were not

consulted prior to the submission of the application and that they only became aware of the application from the City Council's consultation letters. Whilst it is regrettable that the proposal was not fully publicised to residents to the building prior to its formal submission to the City Council, the applicant was not required to do this nor were they required to consult with any residents association or similar body. In respect of this it is not considered reasonable to refuse permission on these grounds.

### 8.14.3 Other

It was raised in objections from residents that the proposed use of basement will prevent access to many of the building's services and pipework potentially hindering residents' access to water or energy. Whilst this concern from residents is understood, it is regrettably not regarded as material planning consideration and therefore cannot be used to inform the outcome of this application.

Objections were also received that raised personal financial matters such as, the proposal making it difficult to get or maintain mortgages for flats within the building, the possibility that the proposal may lead to higher insurance premiums and service charges as well as the loss of car parking meaning residents may struggle to maintain their mortgages. Whilst this concern from residents is understood, these financial matters are not material planning considerations.

(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 KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)



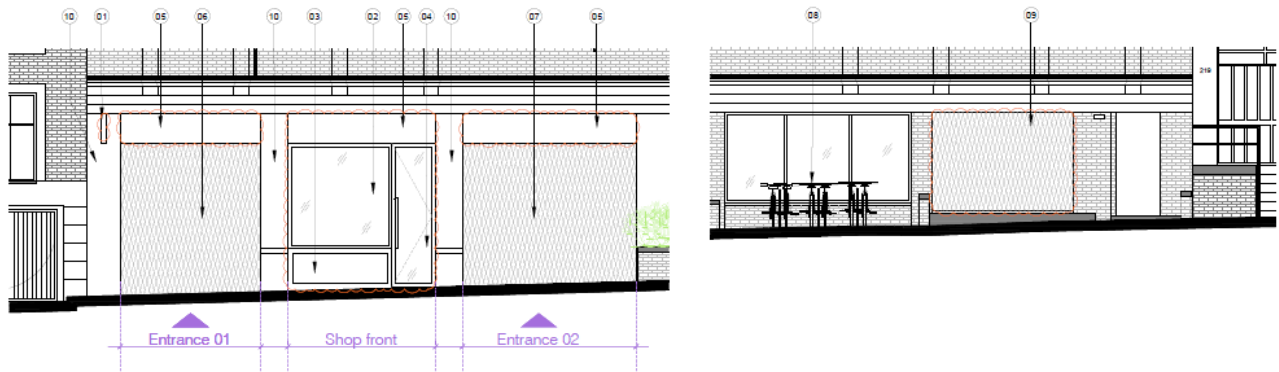
## 9. KEY DRAWINGS



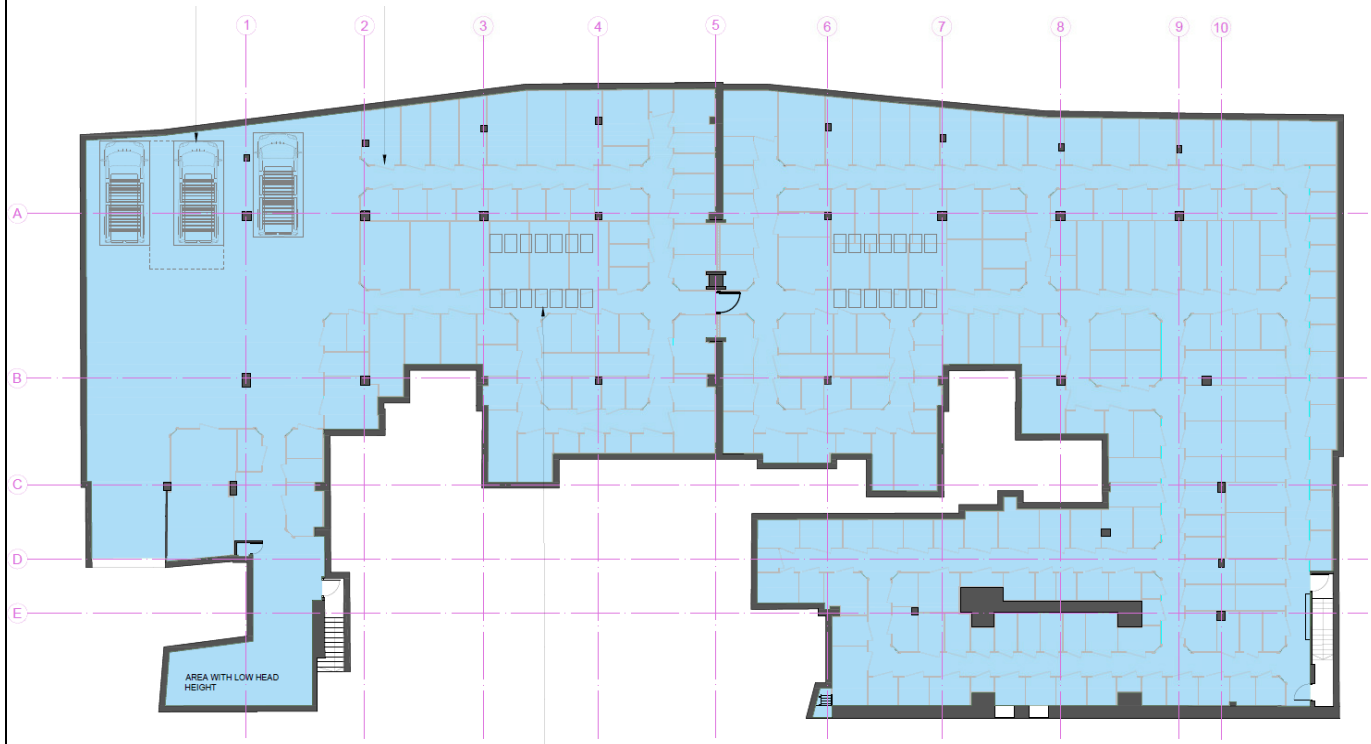
Existing Front Elevation



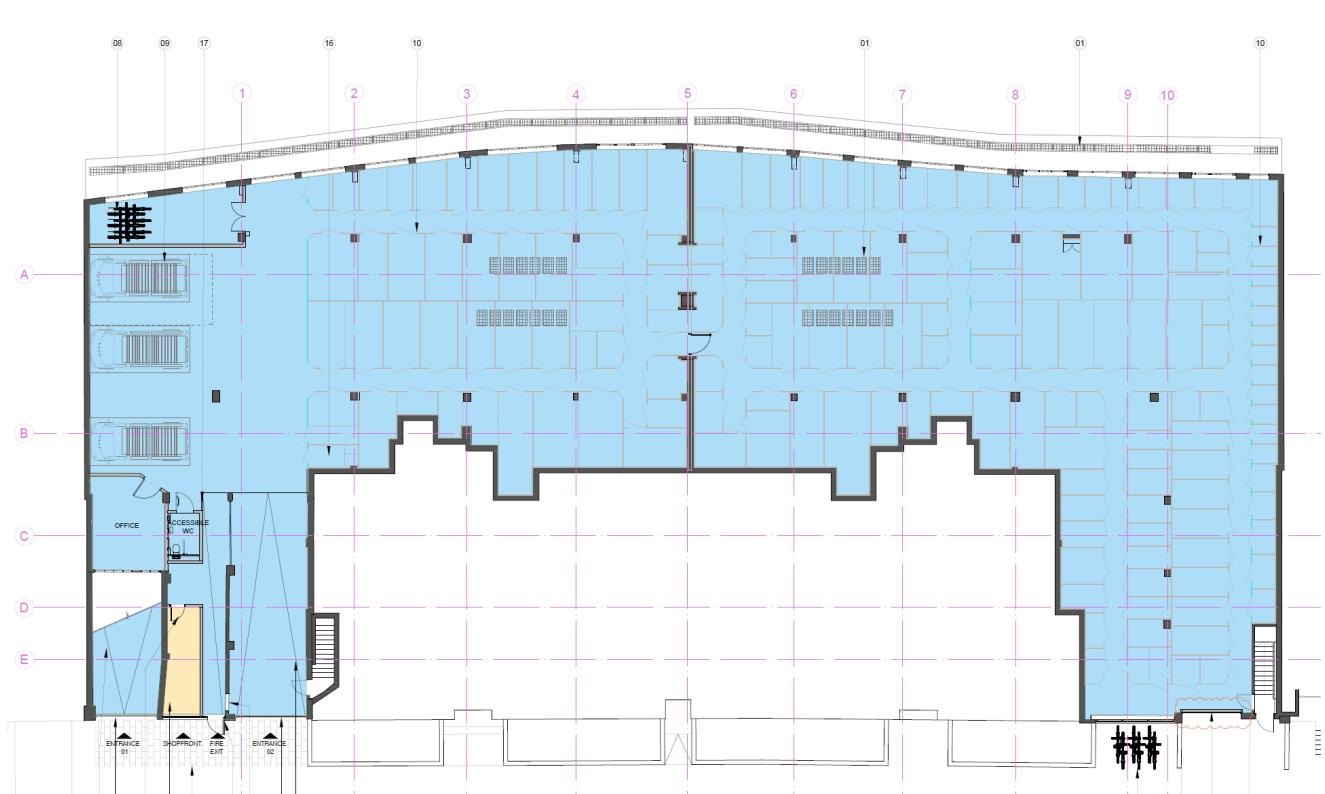
Proposed Front Elevation



**Proposed Front Elevation Excerpts**



**Proposed Basement Plan**



**Proposed Ground Floor Plan**

**DRAFT DECISION LETTER**

**Address:** Arthur Court Car Park, Queensway, London, W2 5HW

**Proposal:** Use of the former car park on the lower ground (basement) and upper ground (ground) floors of the building to self-storage use (Class B8), ancillary office space, internal car parking, internal and external cycle parking, associated external alterations to the facade, forecourt and pavement.

**Reference:** 21/03530/FULL

**Plan Nos:** 2103-BG-ZZ-LGF-DR-A-10.201 P1, 2103-BG-ZZ-00-DR-A-10.271 P1, 2103-BG-ZZ-00-DR-A-10.202 P1, 2103-BG-ZZ-01-DR-A-10.203 P1, 2103-BG-ZZ-00-DR-A-10.251 P1, 2103-BG-ZZ-LGF-DR-A-20.201 P1, 2103-BG-ZZ-01-DR-A-20.203 P1, 2103-BG-ZZ-01-DR-A-20.203 P1, 2103-BG-ZZ-00-DR-A-20.251 P1, 2103-BG-ZZ-00-DR-A-10.101 P1, 2103-BG-ZZ-00-DR-A-20.202 P4, 70052520-SK-006 Rev E, 2103-BG-ZZ-00-DR-A-20.271 P2, Noise Impact Assessment, Cover Letter, Construction Logistics Plan, Design and Access Statement by Rev 1: P1, Planning Statement, Transport Statement, Operational Management Plan July 2021..

**Case Officer:** Harry Berks

**Direct Tel. No.** 07866037030

**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:
  - between 08.00 and 18.00 Monday to Friday;
  - between 08.00 and 13.00 on Saturday; and
  - not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

## Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 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 Queensway Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

- 4 You must only use this part of the basement car park as self-storage facility use. You must not use it for any other purposes, including any within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

## Reason:

We cannot grant planning permission for unrestricted use within Class B8 because it would not meet policies 7 and 33 of the City Plan, April 2021.

- 5 The self-storage facility use and its opening hours shall be carried out in accordance with the Operational Management Plan (July 2021) at all times. If you wish to amend the Operational Management Plan you must apply for and obtain our permission before you make any changes to the use of the site.

## Reason:

To preserve the amenity of nearby residents and to prevent adverse impacts to the surrounding highway network as set out in policies 7, 24, 25, 29 and 33 of the City Plan 2019 - 2040 (April 2021)

- 6 All servicing, loading and unloading associated with the use hereby permitted must occur from within the subject site and not from the highway.

## Reason:

To preserve the amenity of nearby residents and to prevent adverse impacts to the surrounding highway network as set out in policies 7, 24, 25, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 7 The six car parking spaces on the hereby approved plans must be dedicated for use of the customers of the self-storage facility only. These car parking spaces must be implemented and maintained for the lifetime of the development.

## Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23BC)

- 8 Prior to commencement of the use hereby approved, a minimum of two long-stay cycle parking spaces and 10 short-stay cycle parking spaces must be provided for cycle parking and thereafter maintained for the life of the development.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 9 All areas with vehicle access shall maintain a minimum of 2.4 metres vertical clearance.

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23BC)

- 10 You must apply to us for approval of annotated floor plans to show how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the hereby approved use.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 11 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 12 The three sets of roller shutters to the front of the building on drawing no. 2103-BG-ZZ-

00-DR-A-20.271 P2 must be in accordance with the details contained within page 17 of the Design and Access Statement by Barr Gazetas Rev: P1 (21 May 2021).

**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 Queensway Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit



our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)

- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk).

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.