

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 24 April 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Porchester Court, Porchester Gardens, London, W2 4DF,</b>		
<b>Proposal</b>	Excavation of ground level to form new lowered landscaped courtyard area to the rear elevation, with associated removal of existing structures and trees, including TPO London Plane tree; new landscaping including replacement trees, erection of new walls, gates and bin store to Redan Place, and provision of green wall to western end of courtyard..		
<b>Agent</b>	Turley		
<b>On behalf of</b>	MB 32 SS Ltd		
<b>Registered Number</b>	17/11240/FULL & 17/11241/LBC	<b>Date amended/ completed</b>	3 January 2018
<b>Date Application Received</b>	20 December 2017		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Queensway		

## 1. RECOMMENDATION

1. Grant conditional planning permission, subject to a Section 106 legal agreement to secure the following:
  - i. The provision, management and accessibility of the publically accessible bulk waste store.
  - ii. The provision of a financial contribution of £50,000 for the provision of street trees in the vicinity of the application site.
  - iii. Provision of replacement off-street parking spaces for occupiers of Porchester Court elsewhere in the vicinity of the site.
2. If the S106 legal agreement has not been completed by 24 June 2017 then:
  - a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.
4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The application site comprises the rear parking area/ yard of Porchester Court, which is located at the corner of Porchester Gardens and Redan Place. The site is located within the Queensway Conservation Area. The adjacent buildings comprising Porchester Court are grade II listed and located within the Bayswater Conservation Area. To the rear the site immediately adjoins the rear of the Whiteleys shopping centre to the north and west boundaries, which is also grade II listed.

The application proposes excavation of the ground level of the existing yard area by 1.8 metres to form new lowered landscaped courtyard area between the redeveloped Whiteleys site (see Item 1 on this committee agenda) and the rear of Porchester Court. To facilitate the change in levels it is proposed to remove the three existing trees, which are protected by the fact they are within a conservation area and, in the case of the London Plane tree, it is subject to a Tree Preservation Order (TPO). It is proposed to provide replacement landscaping across the lowered court yard, including new tree planting and a green wall, to act as a screen in front of the western wall of the Whiteleys site. New gates and railings are proposed to the frontage of the site with Redan Place and it is proposed to provide an off-street bin store for the publically accessible bulk waste bins that are currently placed on the public highway outside the site in Redan Place.

The key issues in this case are:

- The impact on the development on the special interest of the listed building and the character and appearance of the Queensway Conservation Area and the neighbouring Bayswater Conservation Area.
- The acceptability of the removal of the TPO London Plane tree and two Sycamore trees.
- The acceptability of the loss of the existing on-site parking for occupiers of Porchester Court.
- The impact on the amenity of neighbouring residents.

Subject to the recommended conditions and the planning obligations set out in Section 1 of this report it is considered that the proposed development, including the removal of the TPO London Plane tree, is acceptable and would accord with the relevant design and conservation, trees and landscaping, amenity and transportation policies in the Unitary Development Plan (UDP) and City Plan. As such, it is recommended that conditional planning permission and listed building consent are granted, as per the detailed recommendation in Section 1 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Redan Place (top) and eastward view within existing yard area (bottom).



Westward view within existing yard area looking towards Redan Place.

## 5. CONSULTATIONS

### WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

### BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

There should be substantial compensation for loss of attractive tree within existing area.

### ARBORICULTURAL MANAGER

Objection to the loss of the existing TPO London Plane tree that is of high amenity value and makes a positive contribution to the character and appearance of the conservation area. Removal of the two Sycamores could be justified if adequate replacement tree planting is proposed, but considers that the replacement landscaping scheme is unrealistic and the space would be dark and uninviting. Not convinced that lowering the ground level, which is required in conjunction with the current application for the redevelopment of Whiteleys, provides sufficient justification for removing the London Plane tree.

### BUILDING CONTROL

Any response to be reported verbally.

### CLEANSING MANAGER

No objection. Not aware of any waste issues.

### DESIGNING OUT CRIME ADVISOR

Comments and recommendations made as set out below:

- Entry and exit point should be adequately protected and fencing proposed is appropriate. Advice provided on the mechanism and design of the proposed gate.
- Currently proposed pedestrian gate is a concern as it is a 'double leaf'. It is suggested that a single leaf door would be more secure. Advice provided on the design and mechanism of a single leaf door.
- Pedestrian gate should have two magnetic locking points. And locked/ opened with a FOB and not a pin code.
- Push release buttons should be situated away from the gate, out of reach.
- Bin store being located outside of the secure area is regrettable. Measures should be considered to prevent the bin store being climbed on to gain access.
- Lighting in the area should conform with BS5489 on a 'dusk to dawn' activation. Advise on the form of light provided.

### ENVIRONMENTAL HEALTH

No objection. Suggest that hours of use of the amenity space should be controlled by condition.

### ENVIRONMENT AGENCY

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

Welcomes storage of bins off the highway. Loss of parking from the rear yard area could only be justified if replacement off-street parking for the occupiers of Porchester Court is provided elsewhere in the vicinity. A condition should be imposed preventing the proposed gates from opening over the highway.

**HISTORIC ENGLAND (ARCHAEOLOGY)**

No objection. There is no need for archaeological investigation on this site.

**NATIONAL GRID**

Any response to be reported verbally.

**THAMES WATER**

Any response to be reported verbally.

**ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 36.  
Total No. of replies: 0.  
No. of objections: 0.  
No. in support: 0.

**ADVERTISEMENT/ SITE NOTICE**

Yes.

**6. BACKGROUND INFORMATION**

**6.1 The Application Site**

The application site comprises the rear parking area/ yard of Porchester Court, which is located at the corner of Porchester Gardens and Redan Place. The site is located within Queensway Conservation Area. The buildings are grade II listed and located within the Bayswater Conservation Area.

To the rear the site immediately adjoins the rear of the grade II listed Whiteleys shopping centre to the north and west boundaries. The latest scheme for mixed use redevelopment of the Whiteleys shopping centre is also on this committee agenda and details of the recent planning history for the Whiteley's site can be found in Section 6.2.2 of this report. This application is linked to the Whiteleys scheme as the proposed landscaping is required to provide garden spaces, increased daylight to the lowest floor level and secondary access to the townhouses, which are proposed along the southern boundary of the Whiteleys site, facing the rear of Porchester Court.

The application site is currently predominantly finished with a gravel surface with a small shed and substation structure, which is to be relocated within the Whiteleys redevelopment. The site has walls and gates to Redan Place. The area currently provides the space for off street parking for the occupiers of Porchester Court as required by Condition 4 of the 1990's permission for the use of Porchester Court as 36 flats (See Section 6.2.1), The applicant advises that it only used for parking by the porter and is not currently used by occupiers of Porchester Court, but this has not been

corroborated and two vehicles were parked in the area at the time of the officer site visit during the application.

The application site, Porchester Court and the Whiteleys site are all in the applicant's ownership.

## **6.2 Recent Relevant History**

### **6.2.1 Porchester Court (Application site)**

15 March 1988 – Permission and consent granted for extension and refurbishment of residential flats including creation of eighteen additional units (RNs: 87/04287/FULL, 87/04288/CAC, 87/04289/FULL and 87/04290/CAC).

22 August 1989 – Permission and consent granted for extensions at first floor level to rear, new third floors and new fifth floors, and refurbishment of existing residential flats (RNs: 88/04024/FULL and 88/04025/LBC).

14 July 1994 – Permission and consent granted for alterations including erection of new fifth floor mansard and extensions at first and third floor levels to rear, in connection with conversion to 18 maisonettes and 18 self contained flats. (Renewal of permission and consent granted on 22 August 1989) (RNs: 94/01071/FULL and 94/01072/LBC).

The planning permission includes a condition (Condition 4) requiring the provision of the car parking accommodation shown on the drawings. The planning documents for the application indicate that 3 parking spaces are required to be provided within the courtyard space to the rear. Condition 4 reads as follows:

*'The whole of the car parking accommodation shown on the drawings shall be provided and retained permanently for the accommodation of vehicles of the occupiers of residential accommodation in this development'.*

29 August 1997 – Permission and consent granted for modification of previous consent RNs: 94/1071 and 94/01072 namely for reconstruction of north-west corner as existing but with realigned west flank wall (RNs: 97/04962/FULL and 97/04963/LBC).

30 January 2017 – Tree works application submitted seeking the removal of 1 x TPO London Plane tree (T7) located within the rear courtyard adjacent to southern wall of the Whiteleys shopping centre. Application relates to the same TPO London Plane tree that the current planning application seeks to remove. The tree works application remains under consideration pending the outcome of the current planning application.

### **6.2.2 Whiteleys (Adjacent Site to North and West of Application Site)**

27 April 2016 – Planning permission and listed building consent granted for demolition and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail



courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision (RN: 15/10072/FULL & 16/12204/LBC).

The above application was reported to the Planning Applications Committee on 29 March 2016 at which the committee resolved to grant conditional planning permission and listed building consent subject to the completion of a S106 agreement to secure a package of planning obligations, including a £6m financial contribution to the Affordable Housing Fund and £6m financial contribution to public realm works in Queensway. The S106 agreement was subsequently completed and permission and consent were granted on 27 April 2016.

1 November 2017 – Planning permission and listed building consent granted for: Variation of Condition 1 and removal of Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for: Demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 10 upper floor levels, containing up to 103 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. NAMELY, to reduce the height of the front (Queensway frontage) of the building by 1.5m, reduce the two rear towers by one storey and remodel the new top storey as a recessed roof storey, amend the façade alignment on the set back upper floors to the rear, increase height and bulk of infill blocks between rear towers, omit the residential vehicular drop off in Redan Place and reconfigure the Redan Place façade, increase the depth and reconfiguration of the new basement, reconfigure the location and floorspace quantum of uses within the development including increase in hotel bedrooms and floorspace and gym floorspace, increase the number of residential units to provide up to 129 units, amend residential mix of units, amendment of waste management strategy, relocation of retained central staircase from hotel lobby to one of the principal retail units and associated internal and external alterations (RN: 16/12203/FULL & 16/12204/LBC).

The above application was reported to the Planning Applications Committee on 16 May 2017 at which the committee resolved to grant conditional planning permission and listed building consent, subject to the completion of a deed of variation to the S106 agreement dated 27 April 2016 to ensure the continued provision of the package of planning obligations, including a £6m financial contribution to the Affordable Housing Fund and £6m financial contribution to public realm works in Queensway, that were secured in conjunction with the original planning permission. The deed of variation was subsequently completed and permission and consent were granted on 1 November 2017.

Planning permission and listed building consent for further amendments to the originally approved scheme for the redevelopment of Whiteleys are currently under consideration (RNs: 17/10221/FULL & 17/10258/LBC). These applications include the introduction of

townhouses to the southern elevation of the Whiteleys site, where it faces the rear yard area of Porchester Court. These applications are described as follows and are also on this committee agenda:

*'Variation of Condition 1 of planning permission dated 1 November 2017 (RN: 16/12203/FULL) for the Variation of Condition 1 and removal of Condition 10 of planning permission dated 27 April 2016 (RN: 15/10072/FULL) for the demolition of and redevelopment of building behind retained and refurbished facades to Queensway and Porchester Gardens facades to provide a mixed use development comprising three basement levels, ground floor and up to 8 upper floor levels, containing up to 129 residential units (Class C3), retail floorspace (Class A1 and A3) facing Queensway and arranged around a new retail arcade below re-provided central atrium and central retail courtyard, public car park, hotel (Class C1), cinema (Class D2) gym (Class D2), crèche (Class D1), with associated landscaping and public realm improvements, provision of 103 basement residential parking spaces, cycle parking and associated basement level plant and servicing provision. Currently proposed amendments are NAMELY, to reorganise the layout of the residential units and reduce the number residential units to 113 residential units (Class C3), reorganisation to basement levels and associated non-residential uses, amend the number of residential parking spaces at basement level to 113 with a 36 space public car park, reconfigure the hotel use including increase in number of hotel rooms to up to 50 rooms, conversion of crèche unit to flexible Class D1/D2 located to the Porchester Gardens frontage, formation of separate car and servicing access to Redan Place, formation of townhouses to rear of Porchester Court and associated external alterations.'*

## 7. THE PROPOSAL

The application proposes excavation of the ground level of the existing rear yard area by 1.8 metres to form new lowered landscaped courtyard area between the southern elevation of Whiteleys and the rear of Porchester Court. As referenced in Section 6.1, the proposal is linked to the redevelopment of the adjacent Whiteleys site, as the proposed lowered courtyard garden would provide external amenity space, improved daylight and a secondary means of access to the townhouses proposed along the southern elevation of the Whiteleys site (see Item 1 on this committee agenda).

To facilitate the change in levels, it is proposed to remove the three existing trees, which are protected by the fact they are within the Bayswater Conservation Area and, in the case of the London Plane tree, it is subject to a Tree Preservation Order (TPO). It is proposed to provide replacement landscaping across the lowered courtyard, including new tree planting and a green wall, to act as a screen in front of the western wall of the Whiteleys site.

New gates and railings are proposed to the frontage of the site with Redan Place and it is proposed to provide an off-street bin store for the publically accessible bulk waste bins that are currently placed on the public highway outside the site in Redan Place.

## 8. DETAILED CONSIDERATIONS

## 8.1 Land Use

In land use terms the scheme does not raise any significant concerns as the site is currently in use as ancillary residential land, used as car parking. The proposal would retain the predominant use of the land as ancillary residential land; albeit as external amenity space for the occupiers of Porchester Court and Whiteleys, if the redevelopment of the latter site is carried out. As such, the proposal would accord with Policies S13 and S14 in the City Plan, which seek the retention of residential land and floorspace in this part of the City. The issue of the loss of the existing residential parking is addressed in Section 6.4 of this report.

## 8.2 Townscape and Design (including Tree Removal and Landscaping)

In design terms the existing courtyard space and associated boundary wall and gates make a very limited contribution to the character and appearance of the Bayswater Conservation Area and don't contribute to the significance of the grade II listed Porchester Court. The existing ground level of the area is of limited historical significance and appears to relate to a later addition to Porchester Court at lower ground and ground floor level, albeit the ground level that has been formed is at the cill level of the lower ground floor level windows, rather than at a level consistent with the internal floor levels of these rear extensions as may typically be expected. In this context, the principle in design terms of lowering the level of the area to the rear of Porchester Court, save for the area immediately behind the street boundary along Redan Place is not considered to be objectionable in listed building and conservation area terms.

However, the key consideration in townscape terms in this application is the contribution made to the townscape in this part of the Queensway Conservation Area and the neighbouring Bayswater Conservation Area by TPO London Plane tree and the two Sycamore trees, the former of which is considered to have high public amenity value.

In respect of the Sycamore trees, one is set back significantly from the street frontage and is smaller in scale such that it makes the least contribution to the conservation area of the three trees. The other Sycamore, whilst closer to the street frontage of the site and larger in scale, has an elongated and unusual form with limited canopy. Given the position and form of these trees the Arboricultural Manager does not object to the loss of these trees subject to the provision of adequate replacement tree planting.

The Arboricultural Manager has more significant concerns regarding the loss of the TPO London Plane tree, which she considers makes a positive contribution to the conservation area, and she therefore objects to the application on the basis of its removal. This tree was retained as part of the redevelopment of the Whiteleys site in the 1980's. However, whilst the contribution of this tree to the conservation area is acknowledged, the tree has continued to grow in size since it was previously retained and due to its large size and location, immediately abutting the southern elevation of Whiteley, it is considered that it has outgrown the site such that it compromises the overall landscaping that can be achieved on the application site. A further consideration is that the tree whilst large, is screened in many views from the north by the bulk of the existing building on the Whiteleys site and this screening would be further increased by implementation of the extant scheme for redevelopment of the Whiteleys site.

Consequently, the amenity value of the tree is largely limited to the immediate public

views within the southernmost section of Redan Place and the private views from within Porchester Court and the rear views from uppermost floor properties opposite in Kensington Gardens Square. The properties immediately opposite the site in Kensington Garden Square are in hotel use. In this context, it is considered that the loss of the TPO tree can be justified in this case if suitable mitigation measures are offered in the form of replacement tree planting and enhanced landscaping across the whole of the application site.

In terms of mitigation measures, the applicant proposes the provision of replacement landscaping across the whole of the application site, which includes 8 trees (7x Gleditsias and 1 x Acer), as well as other soft landscaping and a large 3 storey green wall at the eastern end of the site. Given the existing hard landscaped nature of the site, the general landscaping approach (i.e. predominantly hard landscaped scheme with planters, hedges and trees) is considered to be acceptable. However, the Arboricultural Manager's concerns regarding the number of trees being 'an oversupply', given the limited size of the space, are shared. It is therefore recommended that the detailed design of the landscaping scheme is reserved by condition to allow the applicant to review the number of trees proposed and ensure that the species choice for planting within the landscaped area is consistent with the submitted ecology report.

The provision of a green wall of substantial scale to the eastern end of the site will substantially improve the setting of the space in views from Redan Place. Currently the yard area is 'hemmed in' on two sides by the blank brickwork facades of the rear of Whiteleys. This would be altered if the redevelopment scheme for Whiteleys, which is also on this committee agenda is approved, as this would introduce an active residential frontage to the north side of the space; however, a utilitarian western elevation to the eastern end of the application site would remain, as a large passive air intake vent is proposed in this elevation. The applicant has confirmed that the proposed green wall has been designed to be compatible with the proposed air intake vent located behind it, such that it will act as a biofilter system that improves the quality of the air entering the air intake vent, as well as acting as a visual screen for the vent. It is recommended that the final detailed design of the green wall and its provision on site as part of the scheme are secured by condition.

The proposed boundary treatment to Redan Place and associated publically accessible bulk waste bin store enclosure are formed of appropriately detailed railings and these would provide a permeable boundary treatment which would allow views of the enhanced landscaping and green wall from Redan Place. This would assist in softening the appearance of this area to the rear of Porchester Court in public views of the site. These physical structures, which would replace a modern brick wall and gates (likely dating from the 1990's alterations and extensions to Porchester Court), would not adversely affect the significance of the listed buildings, nor would they harm the character or appearance of the Queensway or Bayswater Conservation Areas.

In conclusion in design, townscape and arboricultural terms the proposed development is considered to be acceptable. Whilst the loss of the TPO tree is regrettable, it is considered that its amenity value and contribution to the conservation area are limited due to its growing position within a relatively enclosed part of the conservation area. Given this, and the benefits that can be secured in terms of the improved landscaping to the application site (including replacement tree planting) and the provision of new on-

street tree planting in the vicinity, it is considered that the scheme accords with Policies DES1, DES5, DES9, DES10, ENV4, ENV16 and ENV17 in the UDP and Policies S25, S28 and S38 in the City Plan and the removal of the TPO tree is therefore justified in this case.

### **8.3 Residential Amenity**

In amenity terms the proposal would not have any significant impacts on the amenity of neighbouring occupiers. The reduction in the ground level of the application site would ensure that the communal amenity space formed to the rear of Porchester Court would not afford users of it views back into the rear lower ground floor flats in Porchester Court. The ground floor windows of the townhouses proposed to the south elevation of the Whiteleys site would be screened by planted hedges. As such, there would not be significant overlooking to neighbouring occupiers.

The proposed green wall would be set away from neighbouring windows in Porchester Court such that this would not enclose or cause a loss of light to existing windows.

The use of the amenity space would be unlikely to generate significant noise given the limited overall scale of the space, which is proposed to be further broken down in to a series of landscaped spaces. Environmental Health suggest a condition to control the hours of use of the gardens; however, as they are to be used for residential purposes and not for commercial purposes this not considered to be necessary.

In summary the amenity impacts of the proposal are considered to be acceptable and in accordance with Policies ENV6 and ENV13 in the UDP and S29 and S32 in the City Plan.

### **8.4 Transportation/ Parking**

As set out in Section 6.2.1 the rear yard area of Porchester Court is intended to be used as off-street parking for the residents of Porchester Court and its use is reserved for that purpose under Condition 4 of the 1990s permissions for alteration and extension of Porchester Court to provide 36 flats. The documents for the 1990s applications indicate that 3 parking spaces were to be provided within the rear yard area. The applicant has advised that the yard area is not currently offered as parking to residents of the Porchester Court flats and has not been offered to them for a significant period of time. Nevertheless, this does not override the requirement of the condition attached to the 1990s permissions which secures this space for parking, with the intention that this limits the impact of occupiers of Porchester Court on on-street parking occupancy levels in the vicinity of the site. The loss of this off-street residents parking without alternative provision would therefore be contrary to Policies STRA25 and TRANS23.

In light of the above concern, the applicant proposes the provision of alternative parking for the residents of Porchester Court in the vicinity of the site. Their intention is to provide the parking for residents of Porchester Court within the basement of the neighbouring Whiteleys redevelopment, which is a site also in their ownership. It is recommended that the provision of alternative off-street parking for the residents of Porchester Court in the vicinity of the site in perpetuity is secured via a legal agreement

and an informative added to the decision letter advising the applicant that it is expected that 3 parking spaces will be provided within the basement parking area of the Whiteleys redevelopment. Details of access arrangements to the parking spaces for occupiers of Porchester Court will also be secured via the legal agreement.

The Cleansing Manager does not object to the proposed public bulk waste bin store and the Highways Planning Manager welcomes the provision of a facility that will allow the publically accessible bins to be relocated off the public highway (they are currently located outside the site on the highway in Redan Place). It is recommended that the provision of the public bulk waste bin store enclosure is to be secured by way of a legal agreement, as well as details of the future management and accessibility of the proposed facility. These details will include who is responsible for ensuring the bin store is open to the public and kept clean and tidy and during what hours the bin store is accessible to the public.

## **8.5 Economic Considerations**

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

## **8.6 Access**

The scheme includes the provision of a platform lift to provide access to the garden area at the lowered garden level. A condition is recommended to ensure that the platform lift is provided. Subject to the recommended condition the scheme would comply with Policy DES1 in accessibility terms.

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

### **8.7.1 Crime and Security**

Whilst the Designing Out Crime Advisor is concerned that double gates to the landscaped area, as proposed, are less secure than a single leaf gate, it is not considered that permission could reasonably be withheld on this ground as the access to the existing yard area is via double gates. As such, there would be no material worsening in the security of the application site. The detailed advice provided by the Designing Out Crime Advisor, including regarding the method of opening/ fixing of the gates and the gate access system, has been made available to the applicant to assist them in ensuring the security of the scheme is maximised.

The publically accessible bin store does not include a roof and this addresses the Designing Out Crime Advisor's comments regarding whether this structure could be scaled by intruders.

### **8.7.2 Drainage**

The applicant has noted the need for sustainable urban drainage systems to be incorporated to prevent increases in water run off rates; however, the detail of what measures are to be delivered are unclear. It is recommended that these details are secured by condition.

### **8.7.3 Archaeology**

Historic England have confirmed that the archaeological value of the site is likely to be low and therefore no further archaeological investigation of the site is required by condition.

### **8.8 London Plan**

This application itself does not raise any strategic issues. It is though linked to the redevelopment scheme for Whiteleys, which does raise strategic issues, and the report for the Whiteleys scheme (Item 1 on this committee agenda) deals with the relevant strategic issues and compliance with the adopted and draft versions of the London Plan.

### **8.9 National Policy/ Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

As referenced in Sections 6.2 and 6.4 of this report, planning obligations are necessary to ensure that the impacts of the proposed development in Arboricultural and parking terms are adequately mitigated and to ensure that the planning benefits offered in terms of enhanced public bulk waste bin storage are secured. The draft 'Heads' of agreement are proposed to cover the following issues:

- i. The provision, management and accessibility of the publically accessible bulk waste store that is to be formed to the Redan Place frontage of the site.
- ii. The provision of a financial contribution of £50,000 for the provision of street trees in the vicinity of the application site.
- iii. Provision of replacement off-street parking spaces for occupiers of Porchester Court elsewhere in the vicinity of the site to mitigate the loss of existing off street parking for the occupiers of Porchester Court.

The scheme would not generate a requirement for a CIL payment as no new floorspace is proposed.

### **8.11 Environmental Impact Assessment**

The proposed development does not necessitate the submission of an Environmental Impact Assessment. Where relevant the environmental impact of the proposed development has been assessed in other sections of this report.

### **8.12 Other Issues**

None relevant.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Email from the South East Bayswater Residents Association dated 4 January 2018.
3. Undated email from the Metropolitan Police Designing Out Crime Officer.
4. Email from Environmental Health dated 11 January 2018
5. Memo from the Cleansing Manager dated 12 January 2018.
6. Letter from Historic England (Archaeology) dated 24 January 2018.
7. Memo from the Arboricultural Manager dated 5 April 2018.
8. Email from the Highways Planning Manager dated 13 April 2018.

(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: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk).



10. KEY DRAWINGS

The drawings consist of three parts:

- Top:** A site plan of the development showing the location of existing trees T6, T7, and T8. T6 and T7 are circled in red dashed lines. T8 is also circled in red dashed lines. The plan includes labels for 'MOTS', 'Porchester Court Courtyard', and 'Subground'.
- Middle:** A landscaping plan showing the proposed layout of trees and outdoor seating areas. The trees are represented by green icons. A red dashed line indicates the boundary of the landscaped area. A vertical label 'Routon Pt' is on the left.
- Bottom:** A long section showing a multi-story building facade with windows. In front of the building, there are three trees and a landscaped area with people walking and sitting. A car is parked on the left.

**Legend:**

- T6 – Sycamore - B
- T7 – London Plane - A
- T8 – Sycamore - B

The proposed scheme suggests the demolition of the 3 existing trees and replacement of 8 new trees.

Plan of development showing position of existing trees

Note: Vegetation and materials shown for illustrative purposes and subjected to further refinements.

Trees to be removed including TPO tree (T7) (top), proposed landscaping plan (middle) and proposed long section (bottom).



Proposed short section looking east (top) and proposed short section looking west towards Redan Place (bottom).

**DRAFT DECISION LETTER - 17/11240/FULL**

**Address:** Porchester Court, Porchester Gardens, London, W2 4DF

**Proposal:** Excavation of ground level to form new lowered landscaped courtyard area to the rear elevation, with associated removal of existing structures and trees, including TPO London Plane tree; new landscaping including replacement trees, erection of new walls, gates and bin store to Redan Place, and provision of green wall to western end of courtyard.

**Plan Nos:** A-PCC-011-XX-01-PL, A-PCC-011-XX-02-PL, A-PCC-011-XX-03-PL, A-PCC-EX-031-00-01-PL, A-PCC-EX-031-B1-01-PL, A-PCC-EX-053-XX-01-PL, A-PCC-EX-064-XX-01-PL, A-PCC-DE-031-00-01-PL, A-PCC-DE-031-B1-01-PL, A-PCC-DE-053-XX-01-PL, A-PCC-DE-064-XX-01-PL, A-PCC-031-00-01-PL, A-PCC-031-B1-01-PL, A-PCC-053-XX-01-PL, A-PCC-064-XX-01-PL, CCL09918 Rev.1 (Tree Constraints Plan), CCL09918 Rev.1 (Tree Removal Plan), Tree Schedule, Arboricultural Report and Impact Assessment dated 18 December 2017, Design and Access Statement dated December 2017, Planning Statement dated December 2017, letter from Turley dated 19 December 2017, Historic Environment Assessment dated December 2017, Biodiversity Survey and Report dated December 2017, TPO Tree Works Supporting Information Report dated 14 August 2017 (for information only).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must paint, or otherwise finish, the railings hereby approved black and thereafter retain them in that colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 Notwithstanding the landscaping scheme shown in the submitted drawings and documents, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes:

- (i) the number, size, species and position of trees and shrubs;
- (ii) samples of hard paving and facing materials for walls within the garden area;
- (iii) the depth of top soil to be provide across the site; and
- (iv) the sustainable urban drainage system(s) to be utilised to reduce water run off from the landscaped area.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within five of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38

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of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 6 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the proposed green wall to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and install the green wall prior to first use of the landscaped area. Thereafter retain and maintain the green wall in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 7 You must provide the platform lift between street level and the lower level of the landscaped area that is shown on the drawings hereby approved prior to first use of the landscaped area. Thereafter you must retain and maintain the platform lift for the lifetime of the development.

Reason:

To make sure that there is reasonable access for people with disabilities as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 8 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. The provision, management and accessibility of the publically accessible bulk waste store.
  - ii. The provision of a financial contribution of £50,000 for the provision of street trees in the vicinity of the application site.
  - iii. Provision of replacement off-street parking spaces for occupiers of Porchester Court elsewhere in the vicinity of the site.

You are advised that in respect of (iii), it is expected that the replacement off-street parking provision for residents of Porchester Court will be provided in the basement car park of the redeveloped Whiteleys site, unless the redevelopment of that site does not occur.

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 4 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 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).

**DRAFT DECISION LETTER - 17/11241/LBC**

**Address:** Porchester Court, Porchester Gardens, London, W2 4DF

**Proposal:** Excavation of ground level to form new lowered landscaped courtyard area to the rear elevation, with associated removal of existing structures, erection of new walls, gates and bin store to Redan Place, and provision of green wall to western end of courtyard.

**Plan Nos:** A-PCC-011-XX-01-PL, A-PCC-011-XX-02-PL, A-PCC-011-XX-03-PL, A-PCC-EX-031-00-01-PL, A-PCC-EX-031-B1-01-PL, A-PCC-EX-053-XX-01-PL, A-PCC-EX-064-XX-01-PL, A-PCC-DE-031-00-01-PL, A-PCC-DE-031-B1-01-PL, A-PCC-DE-053-XX-01-PL, A-PCC-DE-064-XX-01-PL, A-PCC-031-00-01-PL, A-PCC-031-B1-01-PL, A-PCC-053-XX-01-PL, A-PCC-064-XX-01-PL, CCL09918 Rev.1 (Tree Constraints Plan), CCL09918 Rev.1 (Tree Removal Plan), Tree Schedule, Arboricultural Report and Impact Assessment dated 18 December 2017, Design and Access Statement dated December 2017, Planning Statement dated December 2017, letter from Turley dated 19 December 2017, Historic Environment Assessment dated December 2017, Biodiversity Survey and Report dated December 2017. TPO Tree Works Supporting Information Report dated 14 August 2017 (for information only).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The works 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 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must paint, or otherwise finish, the railings hereby approved black and thereafter retain

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them in that colour.

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)