

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 8 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	6 Churton Place, London, SW1V 2LN,		
<b>Proposal</b>	Installation of security gate.		
<b>Agent</b>	Mr Derrick Allan Pears		
<b>On behalf of</b>	The Churton and East Pimlico Residents Association		
<b>Registered Number</b>	16/06412/FULL	<b>Date amended/ completed</b>	3 August 2016
<b>Date Application Received</b>	7 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

1. Grant conditional permission

## 2. SUMMARY

6 Churton Place is an unlisted building located in the Pimlico Conservation Area. The application relates to an access way on Churton Place, leading to a communal yard that is used by properties on Warwick Way, Denbigh Street, Churton Place and Tachbrook Street.

Planning permission is sought for the erection of a full height, freestanding, manually operated gate within the entrance way to the yard in the same position as a security roller shutter that was removed in February 2016.

The main issues for consideration are:

- \* The impact of the proposal in design and conservation terms, particularly the size, bulk and finish of the proposed gate;
- \* The impact of the proposals upon the amenity of neighbouring residents;
- \* The potential of the proposal to result in improved health and safety for local residents by reducing crime in the rear yard area.

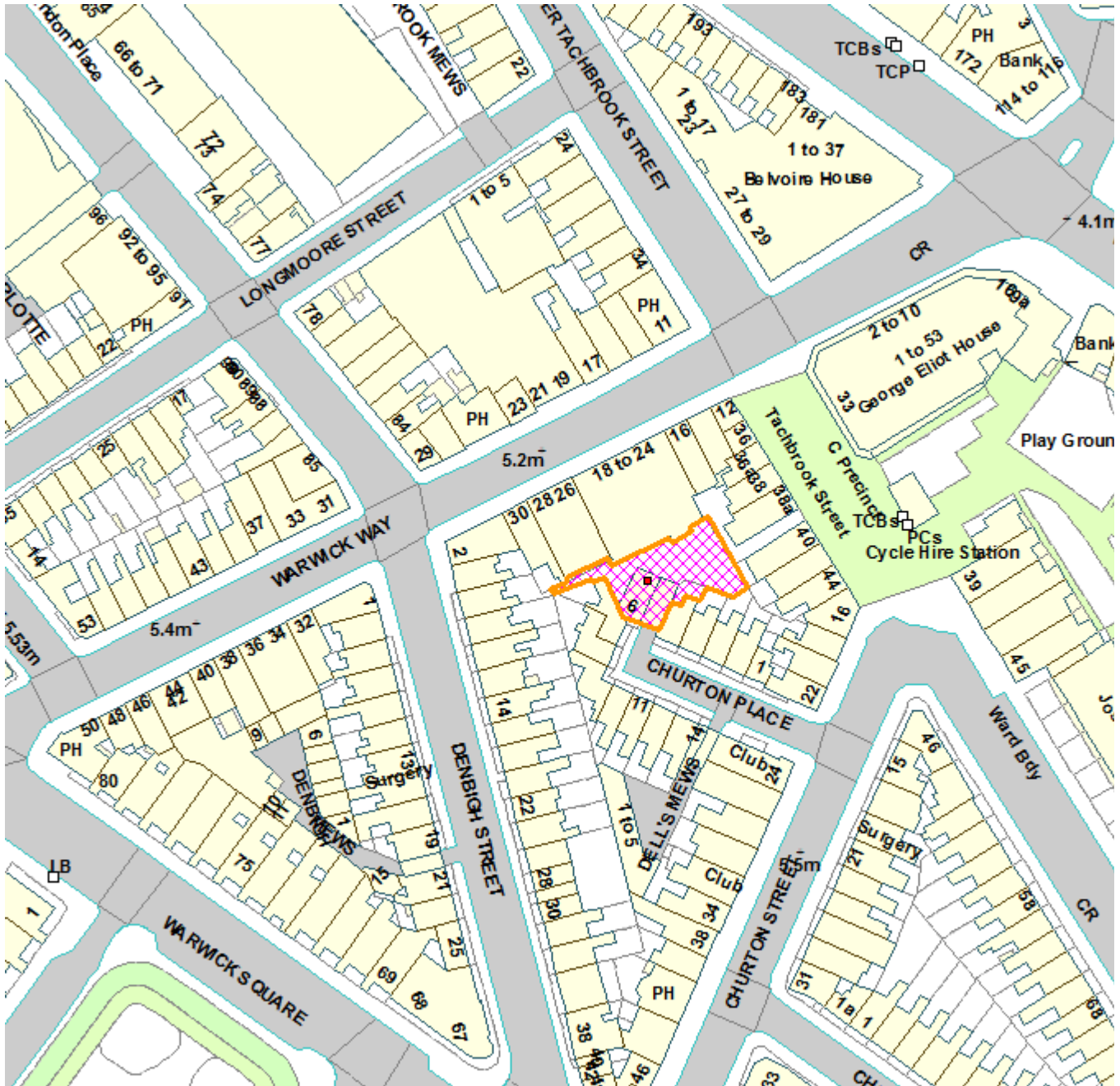
The proposals have received widespread support from the residents of Churton Place and ward Councillors. Objections have been received by and on behalf of residential occupiers of 6 Churton Place (flats located immediately above the proposed gate).

Item No.
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The proposals are considered to comply with Council's policies in regard to amenity, design, conservation and health and safety as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Proposed Gate Location: Front Elevation



Proposed Gate Location: Rear Alley

## 5. CONSULTATIONS

COUNCILLOR AIKEN  
Supports the application.

COUNCILLOR WILKINSON  
Supports the application.

WESTMINSTER SOCIETY  

- No comment.

ENVIRONMENTAL HEALTH  

- No objection; however, acoustic assessment to be carried out prior to commencement.

CLEANSING  

- Could be made acceptable by providing a lock mechanism that allows waste operatives into the yard.

HIGHWAYS PLANNING MANAGER  

- No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 57  
Total No. of replies: 42  
No. of objections: 9  
No. in support: 33 plus one petition.

Objections received raising the following issues:

#### **Amenity**

The gate will cause noise and vibration to residents above.  
The comparison to the gate to Dell's Mews is misleading as that is only used by a single office occupier – this would be used by many needing access to the rear yard so will be more disturbing.

#### **Design**

The design is not sympathetic to the host building.

#### **Transport**

Vehicles requiring access to the yard will potentially back up along Churton Place.

#### **Other**

There are other solutions to the issue of antisocial behaviour such as CCTV and lighting. No reports of crime/antisocial behaviour since the CCTV was installed by the owners of 6 Churton Place.

The land to which this application relates is demised to 6 Churton Place, not 18-24 Warwick Way as it appears from the application.

The owners/occupiers of 6 Churton Place were not consulted or notified before the application was submitted.  
The applicants have submitted an application on land over which they have no rights.  
The gate is a disproportionate response to the issue.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site, 6 Churton Place, is an unlisted building located in the Pimlico Conservation Area. The building straddles a vehicular passage that provides access to a yard behind – located at the far end of Churton Place (which is a cul de sac). The proposed gate is at the entrance to the passage. The yard itself is to the rear of the Tesco supermarket on Warwick Way and used to be a service yard for the shop. Now servicing is carried out from Warwick Way, there are some parking spaces and residential refuse storage within the yard.

6 Churton Place contains 3 flats at first to third floors, immediately above the passageway.

### **6.2 Recent Relevant History**

None directly relevant.

## **7. THE PROPOSAL**

Planning permission is sought for the installation of a security gate in a vehicular passage leading to a rear yard backed onto by properties on Warwick Way, Churton Place and Upper Tachbrook Street. This gate is to replace a security roller shutter that was removed in February 2016. The roller shutter was unsightly and not functioning. The building owners removed it at the request of the District Surveyor.

The proposed gate is to be fitted in a freestanding frame and not bolted or fixed to the walls or soffit of the passage. It is to be located in the same position as the previously installed roller shutter and will consist of a pair of full height matching doors. The gate will be manually operated so as to avoid excessive noise from mechanical opening.

The application has been submitted on behalf of the Churton and East Pimlico Residents Association, and the gate is intended to prohibit access to the yard for non-residents/unauthorised people following multiple instances of anti social behaviour and crime in the yard and passageway.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

No land use issues are raised as a result of the proposals.



## 8.2 Townscape and Design

### Size/Bulk/Location of Gate

Policy S25 of the Westminster City Plan: Strategic Policies (City Plan) recognises the importance of Westminster's Heritage, including preserving the character and appearance of its conservation areas. Policy S28 recognises the importance of good design. Unitary Development Plan policy DES 5 discusses that design should reflect the style and details of the host building. DES 7 reiterates this with regard to impact on the townscape – stating that railings or gates at boundaries – should be of a design and employ materials appropriate to the existing building, and DES 9 seeks to protect the character and appearance (visual amenity) of conservation areas.

The security gate will fit the width and height of the passage, approx. 3450mm wide x 4500mm high. It is to be hung off a freestanding frame made up of two individual gate posts joined at the head by a cross-piece that will be supported on foundations sunk 450 - 900mm into the ground. The frame will support two equally sized leaves, with hold open drop bolts. There will be cross-bracing fitted across each of the leaves approximately 1/3 up the full height of the gate from the finished ground level. The posts, frames for the panels and the cross-braces will be of box section (flat in appearance). The rails fitted within the leaves will be round in section.

Objectors comment that the gate is not a suitable design for a conservation area, and that the design does not really relate to the host building.

Whilst the application site is within the Pimlico Conservation Area, it is a mid-20<sup>th</sup> century building that is not identified in the Pimlico Conservation Area Audit as being a 'building of merit'. A gate of a traditional detailed design would not be appropriate in this instance. Therefore, the utilitarian design of the proposed gate is appropriate in this context. The gate represents a design improvement over the previously installed security shutter. It is not considered on this occasion that the objections in design terms can be supported.

## 8.3 Residential Amenity

Policies S29 of the Westminster City Plan: Strategic Policies (City Plan) and ENV 13 of the Unitary Development Plan seek to protect residential amenity and encourage development that enhances the residential environment of surrounding properties. Policy S29 also outlines that development should address the need to secure a healthy and safe environment including by minimising opportunities for crime, and also address any specific risks to health and safety.

It is apparent from evidence provided by the applicant, and comments in support of the application, that there are a number of issues with the currently unimpeded access of the rear yard afforded to the general public. The lack of security at this location has resulted in a number of reported incidences of crime and anti-social behaviour that impact on the amenity and health and safety of nearby residents.

It is considered that the proposed gate is likely to provide a significant planning benefit by restricting access to the rear yard area, which is likely to reduce or eliminate the crime and



anti-social behaviour that has been reported in the rear yard. This would protect and enhance the amenity of adjoining occupiers while also ensuring that opportunities from crime and its' implication on health and safety are reduced.

A number of concerns have been raised by nearby residents with regard to the noise and vibration likely to be made by the new gate. However, in considering the application, with input from Council's Environmental Health team, it is considered unlikely that the proposed gate will generate a large amount of noise that would cause nuisance and impact upon the amenity of adjoining residential occupiers. However, in order to ensure that this is the case, it is recommended that a pre-commencement condition is attached to the permission requiring submission of an acoustic report that demonstrates compliance with relevant noise limits as well as requiring details of appropriate noise mitigation measures.

In summary, it is considered that the proposal supports the intent of both Policy ENV 13 and S29 and is supported on amenity, and health and safety grounds.

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

The Highways Planning Manager has not raised any objections. The land that the gate allows access to is not public highway, and the gates are not considered to present any obstruction to the highway. It is not considered that the use of the gate by vehicles would be sufficiently frequent to cause the backing up of traffic along Churton Place to any unacceptable degree which would justify refusing the application on highways grounds.

#### **8.5 Economic considerations**

The application does not raise any issues in this respect.

#### **8.6 Access**

Objectors have raised concerns about rights of way and access to the rear yard area. This rear yard area is used as a car parking area by some residents on Churton Place and for the storage and collection of waste. The applicant has indicated that residents with the right and need to access the rear yard will have continued access through the gate via a code which will be distributed to residents. A condition is recommended that requires the submission of an access management plan, which clearly details how residents and others will be afforded access to the yard.

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

##### **Waste**

The cleansing manager has noted that at present the Council collects waste from the flats at 18-24 Warwick Way within the rear yard and that the proposed gate would impede this access, resulting in the proposal being contrary to UDP Policy ENV 12 and City Plan Policy S44. To maintain this access, the proposed gate should be fitted with either an FB1 or FB2 type lock in order to allow Council's waste operatives to access the rear yard for waste collection and for the proposal to be compliant with the policies outlined above. It is considered that this issue can be covered as part of the access management plan condition.

### 8.8 London Plan

London Plan Policy 7.3 'Designing out crime' outlines how boroughs should 'seek to create safe, secure and appropriately accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion'. In particular, the policy specifies that:

*Development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. In particular:  
(e) places, buildings and structures should incorporate appropriately designed security features*

The current proposal results from a desire to eliminate antisocial behaviour within the rear yard area that is impacting on the amenity and health and safety of local residents. Evidence submitted by the applicant and the representations received have indicated the lack of security at the site and the implications that this has for residents and the amenity of the wider area. It is considered that the proposed gate results in a level of security that is likely to design out crime and antisocial behaviour without appearing overly intimidating within the streetscape. In summary, the proposed gate is supported by the intent of London Plan Policy 7.3.

### 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. Of particular relevance in consider the application is NPPF Chapter 8, Section 69 which specifically identifies that planning decisions should aim to achieve places which promote 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'. It is considered that the gate is likely to result in safer environment for residents within the area, improving local residential amenity and health and safety while still maintaining rights of way and access for those that are entitled to it.

In summary, it is considered that the proposal is supported by the intent of NPPF Chapter 8, Section 69.

### 8.10 Planning Obligations

Planning obligations are not relevant in determining this application.

### 8.11 Other Issues

The owners and occupiers of 6 Churton Place have raised objection to the application on the basis that there was no consultation with them prior to submission, and that the application refers to the location as being to the rear of 18-14 Warwick Way rather than the building at 6 Churton Place. There is also objection over the description of development on the application forms.

In addition, whilst the applicant may not be seeking to attach anything physically to the building at 6 Churton Place, land over which they claim ownership will be blocked. They are concerned that there is a risk that they may not be able to gain access over their land.

As discussed in section 8.6, access though the passageway will need to be maintained for all those with an interest in the land or need for access.

Matters of property ownership are not considered to be a sustainable reason on which to object to this application. Given the publicity given to the proposal by the City Council (site/press notice and notification of neighbouring properties) and subsequent opportunity to comment, it is not considered that any party has been unduly compromised in terms of their ability to comment on the proposals. The documents submitted with the application and description of development are considered to be sufficiently clear. The description of development has been amended by officers during consideration of the application.

## 9. BACKGROUND PAPERS

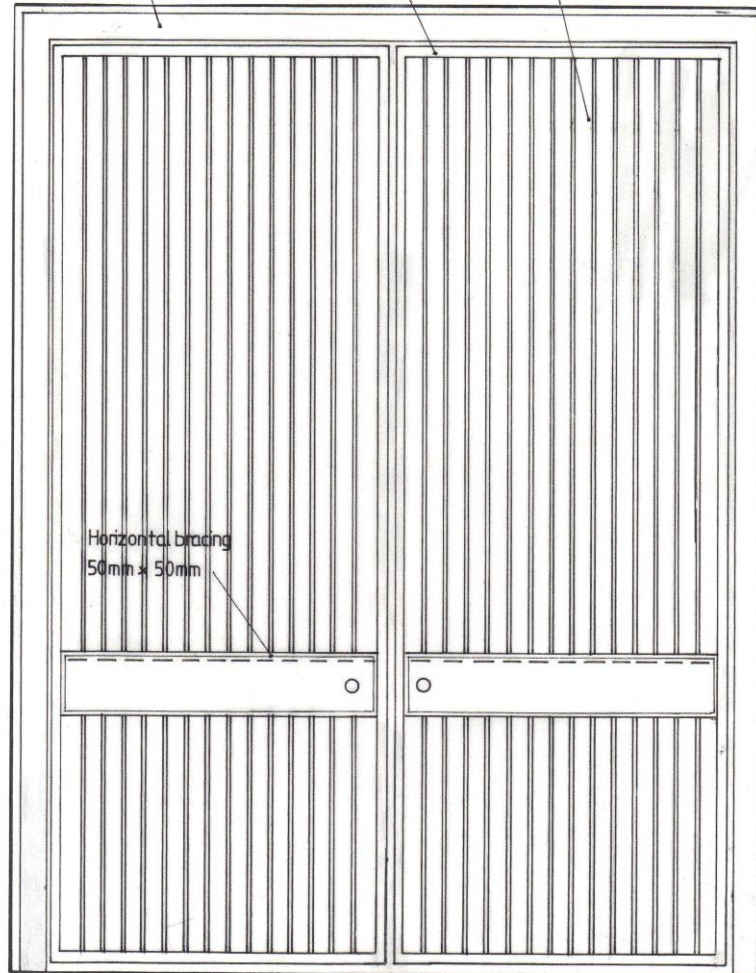
1. Application form
2. Comment from Cllr. Jacqui Wilkinson (Warwick Ward, Pimlico), dated 05 Aug 2016
3. Comment from Cllr. Nickie Aiken (Warwick Ward, Pimlico), dated 07 Aug 2016
4. Response from Westminster Society, dated 9 August 2016
5. Response from EH Consultation, dated 19 August 2016
6. Response from Cleansing - Development Planning, dated 30 August 2016
7. Response from Highways Planning - Development Planning, dated 31 August 2016
8. Written representations from and on behalf of the owners/occupiers at 6/6a Churton Place, dated: 21 July 2016, 08 Aug 2016, 09 Aug 2016, 09 Aug 2016, 14 Aug 2016, 16 Aug 2016, 18 Aug 2016, 24 Aug 2016, 25 Aug 2016
9. Petition submitted as part of the application package, submitted 25 July 2016
10. Applicant's response to objections, dated 25 Aug 2016
11. Comment from the Aldwick Court Residents Association, 18-24 Warwick Way, dated 19 Aug 2016
12. Comment from the Churton and Charlwood Residents' Association (CCRA), dated 07 Aug 2016
13. Comment on behalf of Mark Field MP, in e-mail dated 26 Aug 2016
14. E-mail from 1 Churton Place, dated 24 Aug 2016
15. Comments (x2) from 3 Churton Place, dated 06 Aug and 07 Aug 2016
16. Comment from 4 Churton Place, dated 08 Aug 2016
17. Comments (x2) from 5 Churton Place, dated 07 and 26 Aug 2016
18. Comment from 7 Churton Place, dated 05 Aug 2016
19. Comments (x2) and e-mail message from 8 Churton Place, dated 05 Aug, 08 Aug and 25 Aug 2016
20. Comment and e-mail message from 9 Churton Place, dated 07 Aug and 25 Aug 2016
21. Comments (x2) from 10 Churton Place, dated 06 Aug 2016
22. Comments (x2) from 11 Churton Place, dated 07 and 26 Aug 2016
23. Comment and e-mail message from 12 Churton Place, dated 14 and 25 Aug 2016
24. Comment from 13 Churton Place, dated 07 Aug 2016
25. E-mail messages (x3) from 14 Churton Place, dated 21 Aug, 22 Aug and 25 Aug 2016
26. Comment from 23 Charlwood Street, dated 08 Aug 2016
27. Comment from resident of Churton Street, dated 24 Aug 2016
28. Comment from resident (no address given), dated 24 Aug 2016
29. Comment from neighbour, dated 11 Aug 2016
30. Comment from neighbour, dated 24 Aug 2016

(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: LOUISE FRANCIS BY EMAIL AT <a href="mailto:southplanningteam@westminster.gov.uk">southplanningteam@westminster.gov.uk</a>
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## 10. KEY DRAWINGS

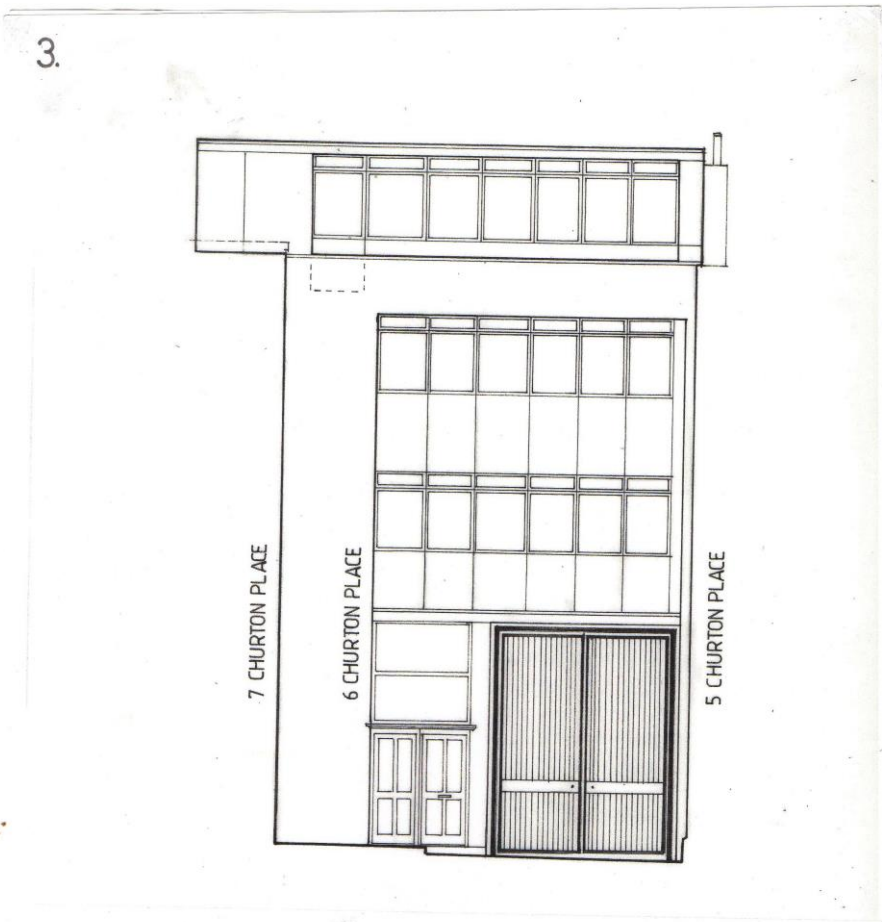
5. Free-standing gate posts 120mmx120mm Gate frames 50mmx50mm Gate poles 20mm dia.



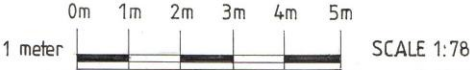
**REPLACEMENT OF SECURITY GATE on TESCO'S YARD, CHURTON PLACE, LONDON SW1V 2LN**  
LARGE-SCALE ELEVATION SHOWING PROPOSED NEW CUSTOM-MADE STEEL SECURITY GATE,  
3540mm W x 4560MM H, AT ACCESS TO TESCO'S YARD & WITHIN TESCO'S YARD BOUNDARY, IN  
SAME POSITION AS FORMER ROLLER SHUTTER REMOVED FEBRUARY 2016

0m 1m 2m  
1 meter SCALE 1:20

Gate Proposed Front Elevation 1



**REPLACEMENT OF SECURITY GATE on TESCO'S YARD, CHURTON PLACE, LONDON SW1V 2LN**  
ELEVATION SHOWING PROPOSED NEW CUSTOM-MADE STEEL SECURITY GATE, 3540mm W x  
4560mm H, AT ENTRANCE TO TESCO'S YARD AND WITHIN TESCO'S YARD BOUNDARY, IN SAME  
POSITION AS FORMER ROLLER SHUTTER REMOVED FEBRUARY 2016



Gate Proposed Front Elevation 2

**DRAFT DECISION LETTER**

**Address:** 6 Churton Place, London, SW1V 2LN,

**Proposal:** Replacement security gate.

**Reference:** 16/06412/FULL

**Plan Nos:** 1-Block Plan, 2-Site Plan, 3-Proposed Elevation, 4-Proposed Elevation Photo, 5-Large Scale Elevation, Planning Statement submitted 25 July 2016, Photos submitted 25 July 2016.

**Case Officer:** Allison Borden

**Direct Tel. No.** 020 7641 5668

**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:
- 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 (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The gate and supporting frame shall be in metal painted black and be maintained in that colour.

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 Pimlico Conservation Area. This is as set out in S25



and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development

- i) plans at 1:20 and sections at 1:5 of the proposed gate and supporting frame; and
- ii) footing and fixing details for the gate and supporting frame at 1:5

You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved details. (C26CB)

Reason:

To protect the environment of the people in the residential premises above the development. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of detailed drawings of the design and construction (including any noise attenuation measures) of the gate, together with an acoustic report with acoustic specifications for the gate with full supporting calculations of predicted noise levels at the nearest noise-sensitive windows. You must not start work on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 7 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 8 You must apply to us for approval of details of an Access Management Plan that clearly outlines how access will be afforded through the gate, including how the gate will be operated and how access will be ensured for users of the rear yard area. The gate must then be operated in accordance with this scheme unless otherwise agreed to by Council.

**Reason:**

To ensure appropriate access is maintained for all users of the rear yard area.

- 9 All work to the accessway surface within the passage 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.

**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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**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 (July 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 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
3. The Access Management Plan as required by Condition 8 must include, as a minimum, the following information:
- How access will be provided through the gate, including method and hours of opening; and
  - How access will be maintained for residents who are currently afforded access to the rear yard including how unlocking will be afforded to residents, and methods to be employed to ensure locks are not altered that may impede future access.
  - The gate must be fitted with either an FB1 or FB2 type lock to enable access for refuse collection and maintained for as long as the gate remains in place.

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.