

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 th July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	49 Porchester Terrace, London, W2 3TS		
Proposal	Use as an Embassy (Sui Generis).		
Agent	Mr Alan Green		
On behalf of	Mr Christopher Scott		
Registered Number	17/01007/FULL	Date amended/ completed	8 February 2017
Date Application Received	8 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Refuse permission – land use and amenity.

2. SUMMARY

This application relates to an unlisted four storey building located within the Bayswater Conservation Area. The lawful use of the building is as a single family dwelling house (Use Class C3), however has served as the Lao's ambassadors' residence with some ancillary embassy functions since 2014. Permission is now sought for the change of use of the building to an Embassy for Lao People's Democratic Republic (Sui Generis).

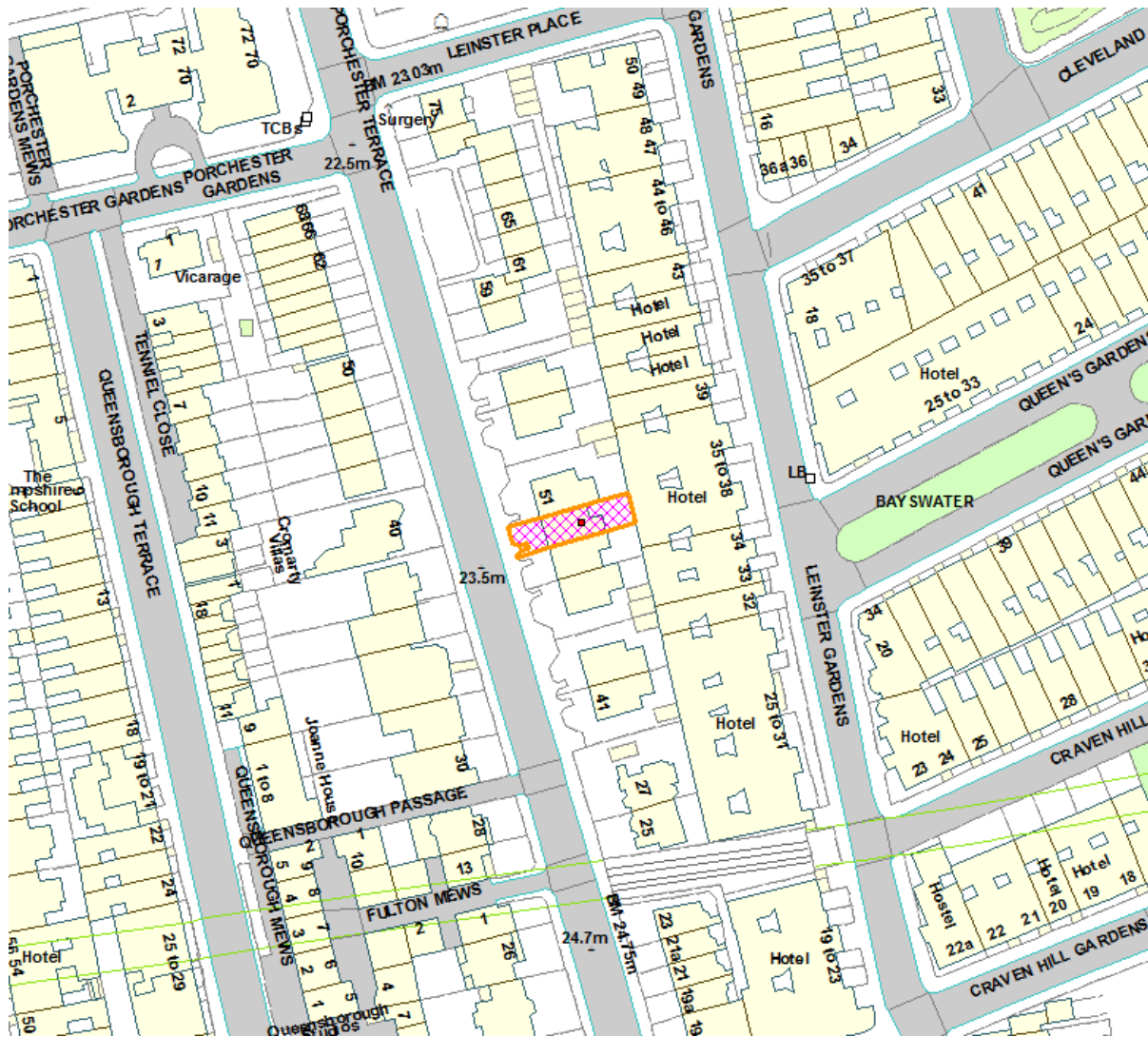
Objections have been received from local residents with concerns in relation to the impact of the use on the highway, amenity and the setting of a precedence for other such uses.

The key issues with this application are:

- * The acceptability of the change of use in land use terms;
- * The impact of the change of use on the highway network;
- * The impact of the change of use on the local environment in amenity and conservation area terms.

The proposals are considered to be contrary with the Council's policies in relation to land use and amenity as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and the application is accordingly recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation

5. CONSULTATIONS

FOREIGN AND COMMONWEALTH OFFICE

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Raises no objection.

HIGHWAYS PLANNING

Raises no objection

CLEANSING

No objection subject to condition for the submission of details of waste and recyclable materials.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34

Total No. of replies: 16 letters of objection (2 from one residence) raising some or all of the following points:

Land Use:

- Negative impact on residential character of the street which should be protected.
- Precedent set for other properties to become embassies.

Highways:

- Increased traffic.
- Increased parking pressure.

Amenity:

- Loss of privacy due to increased activity on the street.
- Noise disturbance from visitors and increased general internal activity.

Other:

- Increased littering.
- Should permission be granted, embassy could be sold to other embassy which would cause more disturbance.
- Any future extension to the embassy would likely have negative impacts.
- Lack of consultation with neighbours.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to an unlisted building located outside of the Central Activities Zone (CAZ) or any Special Policy Areas, but within the Bayswater Conservation Area. The building is set over lower ground, ground, first and second floor levels and has two existing off street parking spaces to the front of the property. The lawful use of the building is as a single family dwelling house. Records indicate that the Ambassador of Lao People's Democratic Republic has resided at the premises since 2014, with some ancillary embassy functions, however this has been on the proviso that the main function of the building remains as a residential property.

6.2 Recent Relevant History

No recent history.

7. THE PROPOSAL

Permission is sought for the change of use of the property from a single family dwelling (Class C3) to an embassy (Sui Generis).

	Existing GIA (sqm)	Proposed GIA (sqm)
House (Class C3)	230	0
Embassy (Sui Generis)	0	230

The application notes that the proposals do not seek to significantly change the function of the building from its current operation, with a relatively small scale consulate function dealing with approximately 40 visa applications a month. However, as the application is for the change of use of the building to an embassy, consideration must be had to the use of the whole building as an embassy and by another occupier.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy COM 7 of the UDP relates to proposals for Diplomatic and Allied uses and is therefore relevant. Parts 1 & 2 of the policy state that proposals for such uses will only be granted planning permission where:

- 1) The site is located within the Central Activities Zone or Portland Place Special Policy Area
- 2) There is no loss of residential accommodation or no adverse impact on residential amenity.

The policy notes that embassies are an activity particularly associated with certain parts of Westminster, principally Mayfair, Belgravia and Portland Place.

It notes that such uses can have negative impacts in terms of highways, security and amenity and that they should be located in the aforementioned areas.

Policy S14 within the City Plan states that 'all residential uses, floorspace and land will be protected.' It notes that in order to achieve Westminster's housing targets it is necessary to protect existing housing and comments on the shortage of family sized homes with gardens in the city.

There are a few other commercial uses along the street, however the main character is that of a residential street, with both single family dwellings and flats. A change of use would further dilute the residential nature of the terrace. The adopted policies seek to retain residential and target such uses to more suitable areas, namely the CAZ and Special Policy Areas.

Given the location of the site outside of the CAZ and as the proposals result in the loss of a residential dwelling, the proposals are considered to be contrary to Policies COM 7 and S14, and the application is therefore recommended for refusal.

8.2 Townscape and Design

Policy DES 9 (E) relates to changes of use within conservation areas and seeks to protect and enhance their character. As no external alterations to the building are required in order to facilitate the change of use it is not considered that the proposals would have such a significant negative impact as to justify refusal in this instance.

8.3 Residential Amenity

Objections have been received on the grounds that the proposed use will result in increased comings and goings which would result in increased overlooking to adjacent occupiers. Policy ENV13 of the UDP and S29 of the City Plan state that the Council will seek to enhance and improve the residential environment.

It is noted that residents would appear to be generally happy with the functionality of the building as it operates currently, however this is currently only an ancillary function to the main use of the building as a residential property. The applicant notes that the functionality of the building would not significantly change should permission be granted, however as the application is for 'an embassy' any embassy could occupy the building. Indeed should permission be granted the occupier could apply to extend the building and intensify the use.

It is considered that granting an embassy use could have a negative impact on the area as a result of increased comings and goings and increased general activity in this characteristically residential area. This would have a negative impact on the local environment and would therefore be contrary to Policies ENV13 or S29 and is therefore recommended for refusal on these grounds.

8.4 Transportation/Parking

Objections have been received from the majority of residents on the grounds of increased traffic and negative impact of the proposed use on street parking. The

Highways Planning Manager has been consulted on the application who notes that embassies can generate a higher level of activity compared to a residential property as people arrive and depart on business. However given the existing parking spaces and the location of the site within close proximity to public transport, the proposed change of use is not expected to have a significantly detrimental impact to the operation of the adjacent highway and therefore no objection is raised.

He also notes that the site is within a Control Parking Zone therefore anyone who does drive to the site will be subject to those controls.

Should the application have been considered acceptable, a condition would have been recommended for the submission of details of cycle parking to be provided.

8.5 Economic Considerations

Any economic benefits resultant of the development proposals are welcomed.

8.6 Access

No change to existing access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Should the proposals have been considered acceptable, a condition would have been recommended for the submission of details of waste and recyclable storage.

8.8 London Plan

This application raises no strategic issues.

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

Planning obligations are not relevant in the determination of this application.

It is not considered that the proposals would result in the requirement for a Community Infrastructure Payment.

8.11 Environmental Impact Assessment

The development proposals do not trigger the requirement for the submission of an EIA.

8.12 Other Issues

Concerns in relation to lack of consultation have been received. Additional neighbour consultations were undertaken during the course of the application. This was in addition

to the site notice in the street and an advertisement placed in a local newspaper. As such, it is considered that the council has met its statutory requirements in relation to advertisement of this application.

Crime and security

No objection has been raised by the Designing Out Crime Officer in relation to the proposed change of use, which is considered acceptable in these terms.

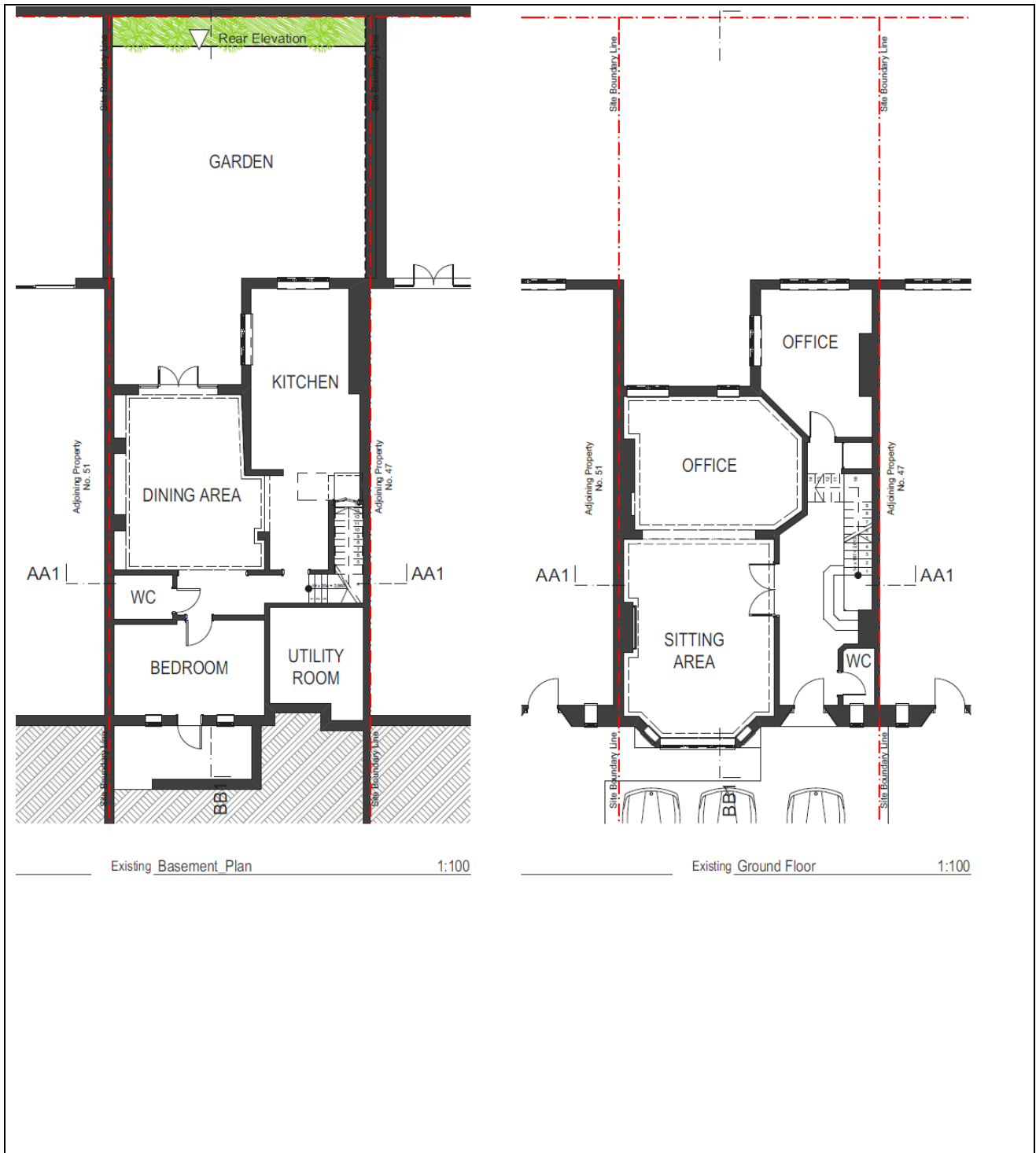
9. BACKGROUND PAPERS

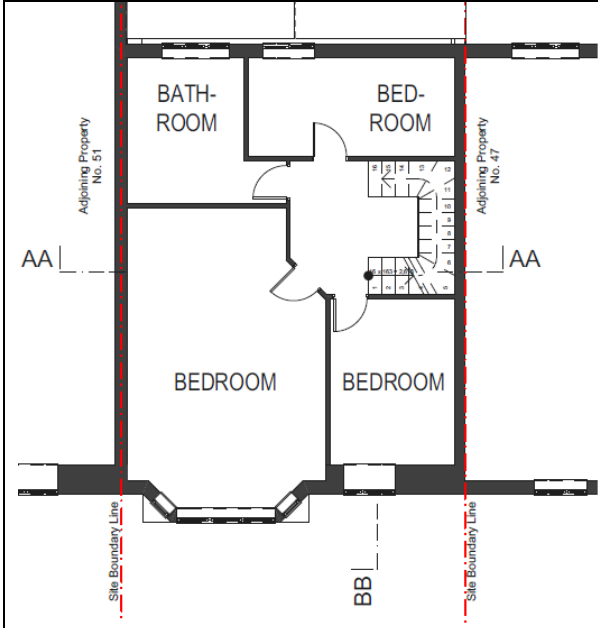
1. Application form
2. Email from Designing Out Crime Officer dated 22.02.2017
3. Memo from Highways Planning Manager dated 24.02.2017
4. Memo from Cleansing Manager dated 15.02.2017
5. Letter from occupier of 36 Porchester Terrace, London, dated 3 March 2017
6. Letter from occupier of 23 Porchester Terrace, London, dated 3 March 2017
7. Letter from occupier of 51 Porchester Terrace, London, dated 6 March 2017
8. Letter from occupier of 63, Porchester Terrace, London, dated 7 March 2017
9. Letter from occupier of 45, Porchester Terrace, London, dated 7 March 2017
10. Letter from occupier of 43, Porchester Terrace, London, dated 7 March 2017
11. Two letters from occupiers of 55 Porchester Terrace, London, dated 7 March 2017
12. Letter from occupier of 20 Porchester Terrace, London, dated 8 March 2017
13. Letter from occupier of 32 Porchester Terrace, London, dated 8 March 2017
14. Letter from occupier of 47 Porchester Terrace, London, dated 8 March 2017
15. Letter from occupier of 50 Porchester Terrace, London, dated 9 March 2017
16. Letter from occupier of 14 Porchester Terrace, London, dated 9 March 2017
17. Letter from occupier of 75 Porchester Terrace, London, dated 9 March 2017
18. Letter from occupier of 19A Porchester Terrace, London, dated 9 March 2017

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

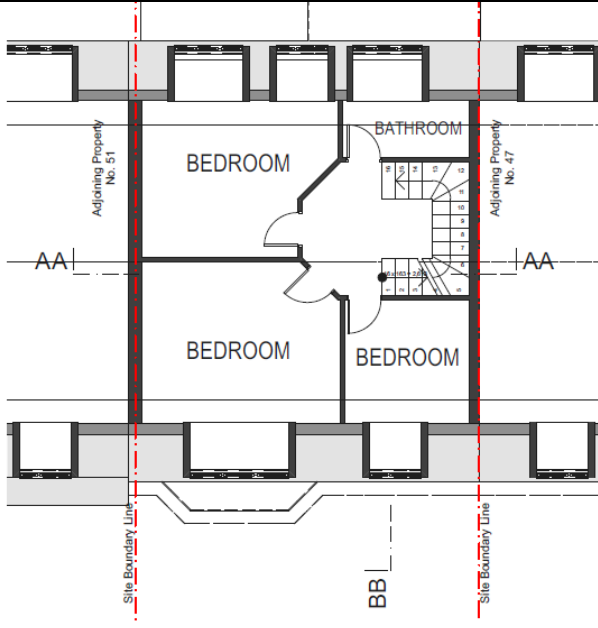
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10. KEY DRAWINGS





Existing First Floor 1:100



Existing Roof Plan 1:100

DRAFT DECISION LETTER

Address: 49 Porchester Terrace, London, W2 3TS

Proposal: Use from Residential to primary use as an Embassy, Use Class Sui Generis.

Reference: 17/01007/FULL

Plan Nos: Location plan; Design and Access Statement – January 2017; 02; 03; 04; 07; 08; 09.

Case Officer: Rupert Handley **Direct Tel. No.** 020 7641 2497

Recommended Condition(s) and Reason(s)

- 1 Due to the loss of a single family dwelling house and the location of the site outside of the Central Activities Zone and a Special Policy Area, the proposed change of use is contrary to Policies COM 7 of the Unitary Development Plan, adopted January 2007 and S14 of Westminster's City Plan, adopted November 2016. We do not consider that the circumstances of your case justify an exception to these policies.
- 2 The change of use would lead to an unacceptable impact on the environment of people in neighbouring properties. This would not meet S29 of Westminster's City Plan adopted November 2016 and ENV 13 of our Unitary Development Plan adopted in January 2007.

Informatives:

- 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 so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.