

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 December 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	3 Red Lion Yard, London, W1J 5JR		
Proposal	Temporary use of 3 Red Lion Yard as a site office (Class B1) until 31st December 2022, in association with construction works with the adjacent Audley Square House.		
Agent	DP9		
On behalf of	Mr John Caudwell		
Registered Number	18/08800/FULL	Date amended/ completed	15 October 2018
Date Application Received	15 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is located within Red Lion Yard, a cul-de-sac accessed off Waverton Street. There are a number of residential properties within Red Lion Yard. The application site comprises ground and three upper floors and although currently vacant is a lawful residential unit. Permission is sought for the temporary loss of this residential unit to be used as a site office (Class B1) in connection with the development at the former Audley Square Garage. Internal alterations are also proposed to create an opening at first floor level between 4 Red Lion Yard (which is part of the Audley Square site) and the application site. The former car park at Audley Square has now been demolished and access to the proposed site office will be via the rear of 4 Red Lion Yard, which will be accessible from the Audley Square Garage construction site.

City Council policies seek to protect all residential uses, floorspace and land, and proposals that would result in a reduction in the number of residential units will not be acceptable. The loss of the residential floorspace is therefore contentious and an objection has been received from a neighbouring occupier to the loss of the residential unit (as well as on other grounds).

As set out above, access to the proposed site office in No. 3 will only be via 4 Red Lion Yard: this building forms part of the Audley Square garage site and the rear elevation of the building has been exposed following the demolition of the former car park buildings. This building will also be used as

office accommodation in connection with the development, but as No. 4 was part of the application site, its use as site offices benefits from permitted development rights. An opening will be made at rear ground floor level of No.4 giving access to the wider development site, and an opening will be made in the party wall at first floor level between Nos. 3 and 4. Therefore, access to the office floorspace will be from the Audley Square construction site and not from Red Lion Yard itself.

Site accommodation is also planned on the public highway. However, following discussions with WCC Licensing, the amount of accommodation is limited because of access rights, etc., which means that additional space is required. By utilising 3 Red Lion Yard, along with No.4, the amount of free-standing site accommodation can be reduced in line with the advice from the highways team. It is not considered practicable to have free-standing structures on the site itself, which will be subject to extensive excavations.

The site office at No.3 will accommodate up to 20 members of staff and the applicants have requested that the temporary period is until 31 December 2022, when the Audley Square development is projected to be completed. The introduction of office floorspace inside the Core CAZ is in line with policy S20 of the Westminster City Plan.

An objection has been received on the grounds that a temporary consent should not be granted as there are no assurances that the development at Audley Square garage will be built or completed. In the event that the development is not completed, 3 Red Lion Yard should still revert back to residential at the end of the temporary period. Furthermore, the applicants have entered into an Unilateral Undertaking, which includes a clause "from the commencement of demolition the owner shall use its best endeavours to carry out any demolition works authorised by the planning permission expeditiously and shall thereafter complete the development as soon as reasonably practicable". As the buildings have been demolished on site, the applicants are legally obliged to complete the development as consented.

The objector also states that it is likely that access to the site office will be via Red Lion Yard, rather than via the construction site. A condition is recommended restricting access to the site office to be only via Audley Square (but allowing emergency escape via Red Lion Yard). It is unlikely that there will be any deliveries to the site office, but an additional condition restricting all deliveries to be only from Audley Square is recommended. An objection has also been received to the impact the office floorspace will have on the amenity of the existing residential properties in Red Lion Yard, but with the conditions that are proposed, there is no reason to believe that the use itself will cause loss of amenity.

An objection has been received relating to the use of Red Lion Yard for car parking for the office occupiers. Red Lion Yard is a private road and therefore is not controlled by parking regulations. It is likely the occupiers of the office floorspace will travel by public transport and as the applicant has indicated that there is no parking provision for the office occupiers, it is not considered the objection on these grounds is sustainable.

The loss of residential floorspace is contentious. However, as the loss is for a temporary period, it is considered that the temporary loss is acceptable in these circumstances. The redevelopment of the car park site will take up to four years, with the excavation of five basement levels and eight-nine upper floors. Conditions to ensure that the residential use is reinstated at the end of the temporary period are considered to protect the long term use of the residential floorspace.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

No. of objections: 1 letter of objection raising the following:

Land use

- loss of residential floorspace

Amenity

- impact on residential amenity within Red Lion Yard

Parking

- office occupiers likely to use Red Lion Yard for parking

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. Land use table

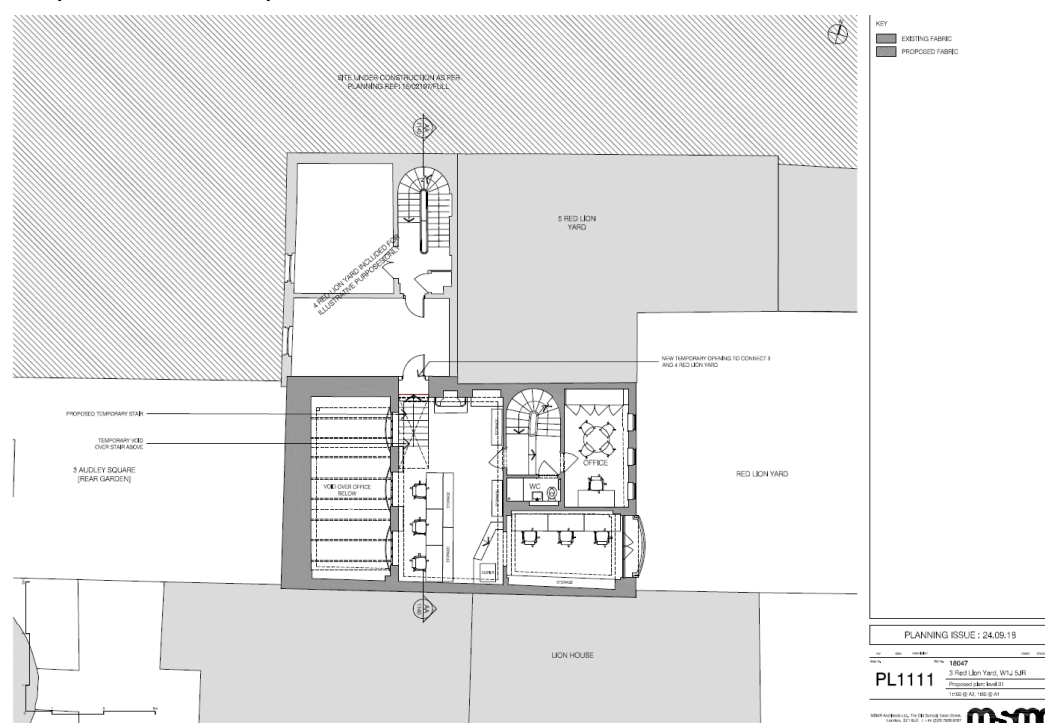
	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential	312	0	- 312
Office	0	309	+309
Total	312	309	- 3 *

* The proposed office floorspace is smaller to accommodate a temporary void over the proposed temporary stair. This will be reinstated at the end of the temporary period.

(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: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

Proposed ground floor plan



DRAFT DECISION LETTER

Address: 3 Red Lion Yard, London, W1J 5JR

Proposal: Temporary use of 3 Red Lion Yard as a site office (Class B1) until 31.12.2022, in association with construction works with the adjacent Audley Square House.

Reference: 18/08800/FULL

Plan Nos: PL1110, PL1111, PL1112, PL1113, PL1114, PL1140

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 The office (Class B1) use allowed by this permission can continue until 31.12.2022. After that the land must return to its previous condition, including the blocking up of the gap created in the

party wall with 4 Red Lion Yard, and re-instatement of the off-street parking within the garage and use. (C03AA)

Reason:

To prevent the permanent loss of residential floorspace in line with Policy H1 of the Unitary Development Plan and Policy S14 of Westminster's City Plan that we adopted in November 2016.

- 4 You must not use the Red Lion Yard to enter or exit the temporary office accommodation at 3 Red Lion Yard. You can however use Red Lion Yard to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded within Red Lion Yard. You may accept or despatch such goods only if they are unloaded or loaded within Audley Square. (C23BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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.

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.