

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 May 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	Mayfair Row and 7 Shepherd Street, London W1		
Proposal	Installation of a freestanding gate at the entrance to Mayfair Row and low level external lights on the flank wall of 7 Shepherd Street (within Mayfair Row).		
Agent	Starc Architects		
On behalf of	Maple Springfield		
Registered Number	18/03877/FULL and 19/01509/LBC	Date amended/ completed	26 June 2018
Date Application Received	11 May 2018		
Historic Building Grade	7 Shepherd Street - Grade II		
Conservation Area	Mayfair		

## 1. RECOMMENDATION

1. Grant conditional planning permission
2. Grant conditional listed building consent
3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

## 2. SUMMARY

The application relates to a privately owned access route between No's 5B and 7A Shepherd Street which is known as Mayfair Row, (formerly known as Shepherd Court). It provides access to four residential houses, which have recently been developed in Mayfair Row. 7A Shepherd Street forms part of the Market Tavern Public House (7 Shepherd Street) which is Grade II listed and the flank rear wall of which forms the western boundary of Mayfair Row.

A gate has been installation without consent towards the northern end of Mayfair Row near the junction with Shepherd Street and set back 1m from the building line along Shepherd Street. Permission is sought to retain the frame of the gate and replace the solid panels with black metal railings. It is also proposed to install external lighting on the wall on the west of Mayfair Row which forms the boundary wall with 7a Shepherd Street. As this building is Grade II listed, Listed Building

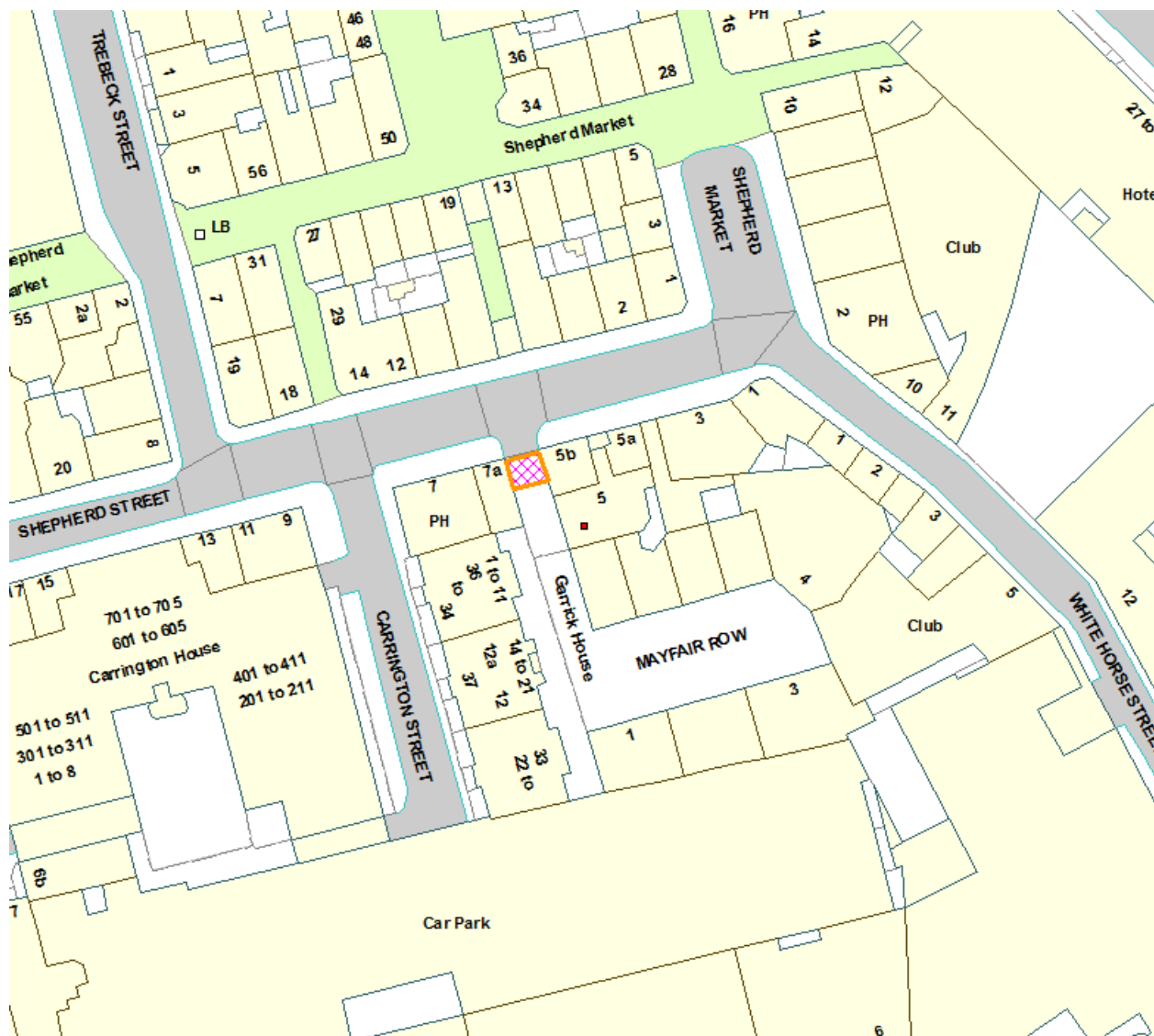
Consent is also required for this element of the proposal. No element of the gate or its supporting structure is attached to the listed building.

The key issues are:

- The impact of the proposal on the quality of the local townscape, the character and appearance of the Mayfair Conservation Area and setting of the adjacent Grade II listed building.
- The impact of the installation of the gate on highway safety and movements.

The installation of the gate in Mayfair Row and the lighting along the flank wall with 7a Shepherd Street are considered acceptable in design terms. An objection has been raised by the Highways Planning Manager that the gate would result in an obstruction to vehicular and pedestrian movements. This concern needs to be balanced against improvements in security and a reduction in antisocial behaviour resulting from the provision of a gate. These are considered to outweigh any potential adverse impact on the highway, consequently it is recommended that conditional planning permission and listed building consent are granted.

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

Any response to be reported verbally.

### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

### PLANNING ENFORCEMENT

Works form part of an active enforcement case relating to the installation of the gate.

### HIGHWAYS PLANNING

Objection on the following grounds:

Vehicles accessing Mayfair Row from Shepherd Street will result in an obstruction to pedestrian and vehicular movements in Shepherd Street.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80

Total No. of replies: 8

No. of objections: 5

No. in support: 3

5 Objections on some or all of the following grounds:

Design of the gates is detrimental to the area.

Disturbance from the installed lighting during the night.

Gates are un-necessary.

Gates restrict access to the rear of 5b Shepherd Street.

Potential for not all neighbours to have been sent letters.

3 SUPPORT ON THE FOLLOWING GROUNDS:

Prevents anti-social behaviour from taking place along the access drive and improves security.

Restricts access to unauthorised vehicles.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is Mayfair Row which is a private access road leading south off Shepherd Street to a recently completed development of four houses. The street is located within the Mayfair Conservation Area and accessed off Shepherd Street between No's 5C and 7A. 7A Shepherd Street forms part of No. 7 being the Market Tavern public house which is Grade II listed.

## 6.2 Recent Relevant History

Planning permission was granted on the 28<sup>th</sup> June 2001 for the; 'Installation of security gates to entrance of yard to rear of 5 Shepherd Street and Garrick House.' A gate was installed in this location but has subsequently been removed (RN 01/02723/FULL).

Planning permission was granted on the 23<sup>rd</sup> April 2015 for the; 'Demolition and Redevelopment of 5C-5F Shepherd Street to provide 4 residential units.' These works have been carried out and the four new residential dwellings are now occupied.

## 7. THE PROPOSAL

Planning permission is sought for the installation of a gate within Mayfair Row and the installation of lighting with associated cabling along the western flank wall with 7A Shepherd Street for which Listed Building Consent is also sought as this building is Grade II listed.

A second wooden gate has also been installed further south within Mayfair Row but it is not considered this gate requires planning permission. The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 2, Class A, allows for the erection, construction, maintenance, improvement or alterations to gates. In accordance with clause A.1(a)(ii), no planning permission would be required for a gate of up to 2m in height where this is not 'adjacent to a highway used by vehicular traffic'. This second gate measures 1.8m in height on the private access road.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Not applicable

### 8.2 Townscape and Design

7 Shepherd Street is a historic public house situated on a corner site and built during the late eighteenth century. It has three storeys with a stucco front and three bays of sash windows with decorative window arches and timber shopfront at ground floor level. 7a appears to form an ancillary structure to the pub and could have provided stabling.

Permission was granted on 28th June 2001 for the erection of a black painted steel gate part way down the lane. This gate was considered acceptable as it was considered to be discreetly positioned back from the building line. Since 2015, when the residential permission was built out, a new wooden gate has been installed further south in Mayfair Row.

The main design issues in this case are considered to be:

- a. The preservation of the character and appearance of the Mayfair Conservation Area.
- b. The preservation of the setting of the Grade II listed No. 7 Market Tavern Public House.

The design of the gate the subject of these applications has been amended during the course of the application. The proposal seeks to retain the frame of the existing unauthorised gate and install a replacement gate with black metal railings.

5 objections have been received on design grounds. Some of these objections refer to the gate as installed being unacceptable, others do not specifically reference either the gates as installed or the proposed design, but object that gates are not in keeping with the traditional ambience and appearance of Shepherd Market.

The solid gate as installed is considered to detract from appearance of the area. The gate as proposed is a more 'traditional' in design. It is considered the revised design would be an appropriate installation that would be in keeping with the street scene and the wider Mayfair Conservation Area.

Initially the application sought to retain the existing lighting and associated cabling along the wall of the listed pub on the western side of Mayfair Row. This was considered unacceptable as it would be visible from the street and contribute to an unacceptable level of clutter within the streetscape. This aspect of the proposal has amended. New wall lighting is now proposed in a location lower down the wall finished in a colour to match the wall. These will be largely unappreciable in public views and will, therefore, have no impact upon the character and appearance of the Mayfair Conservation Area.

Overall, the revised proposals are considered acceptable in design and conservation terms, reflecting the requirements of DES7, DES9 and DES10 of the UDP and S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

An objection is made that the lighting installed is bright and disturbing. The lights as installed will be replaced with lower down lights. This is considered acceptable. The applicant will be advised by way of an informative that the lighting needs to be sensitively designed to ensure compliance with the Clean Neighbourhoods and Environment Act 2005.

### **8.4 Transportation/Parking**

The gate the subject of this application is set back approximately 1m behind the building line of the properties along Shepherd Street. The average car would require 4.8m depth in order to be completely clear of the public highway and so the 1m setback is clearly insufficient to allow vehicles to pull off the highway whilst the gate opens. Objections have been made from both residents and the Highways Planning Manager that vehicles entering Mayfair Row will cause an obstruction to either pedestrians or other vehicles along Shepherd Street whilst they wait for the gate to open.

Whilst these concerns are noted the gate provides access to only four residential houses and it is unlikely to be extensively used. In addition to this vehicular traffic movements on Shepherd Street are limited. Given these circumstances and taking into account the security and reduced potential for anti- social behaviour this aspect of the application is considered to be acceptable.

## **8.5 Economic Considerations**

Not applicable.

## **8.6 Access**

Two letters have been received commenting on the installation of the gate restricting access along Mayfair Row to the rear of properties along Shepherd Street. Queries have been raised with the applicant to establish the lawfulness of other properties to pass over Mayfair Row and registered titles have been provided to show that the land is in the applicant's ownership and that occupiers of other properties only have the right to pass over or through the property as a means of escape in case of fire or other emergency. The gate has been fitted with a push button on the inside which opens the gate in case of emergency. No contradictory evidence has been provided to show that any of the properties along Shepherd Street enjoy any greater access rights over Mayfair Row. Any further examination of this issue is considered to be a private legal matter between the various parties and dependant on stipulations within leases and titles to land. The proposal is therefore considered acceptable in this regard.

## **8.7 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## **8.8 Neighbourhood Plans**

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

## **8.9 London Plan**

This application raises no strategic issues.

## **8.10 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the



written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. No pre-commencement conditions are recommended.

### **8.11 Planning Obligations**

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

### **8.12 Other Issues**

#### **Crime and security**

Objections have been received that the installation of the gate is 'un-necessary'. Permission could not however be withheld for this reason.

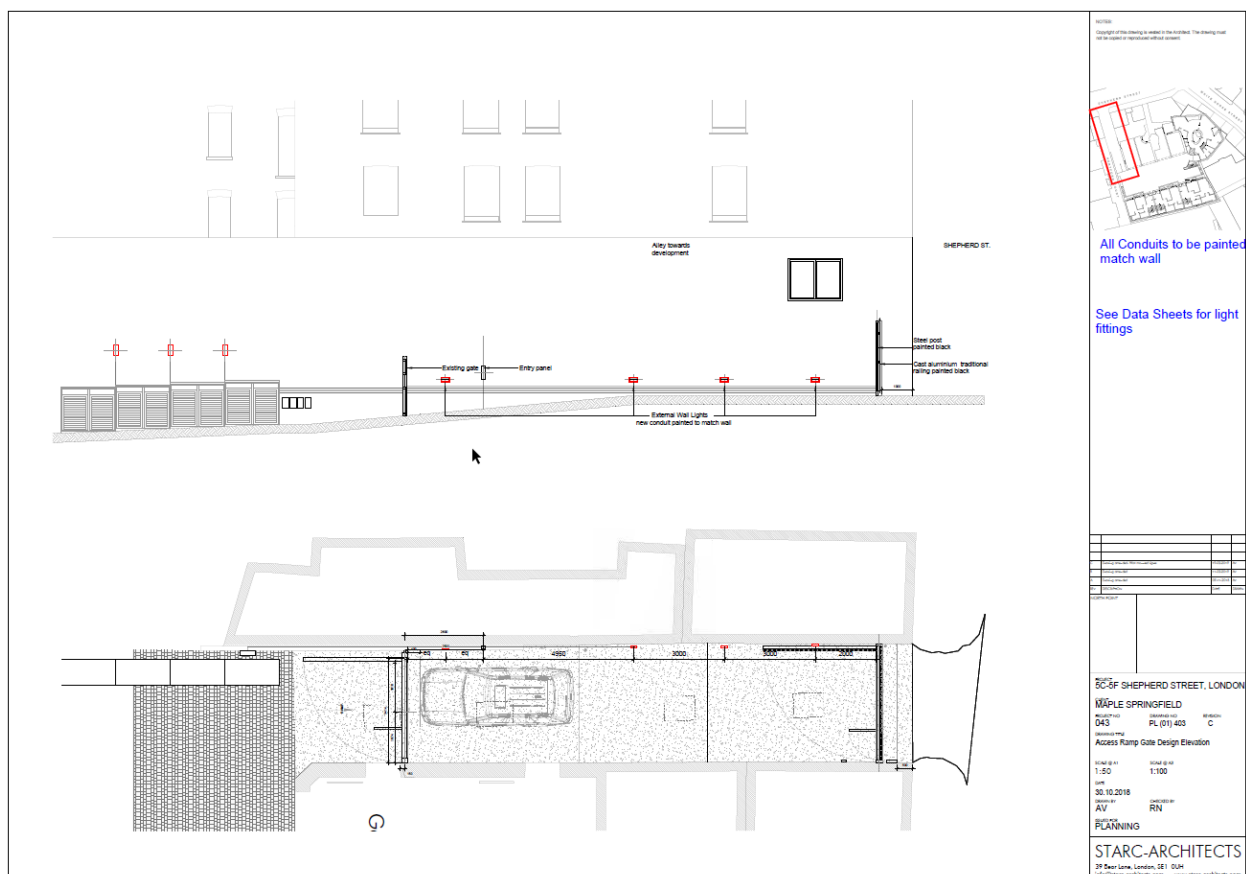
Letters of support have been received from residents in Mayfair Row and Conduit Street that the gate will restrict access to the driveway to unauthorised vehicles and reduces the levels of anti-social behaviour.

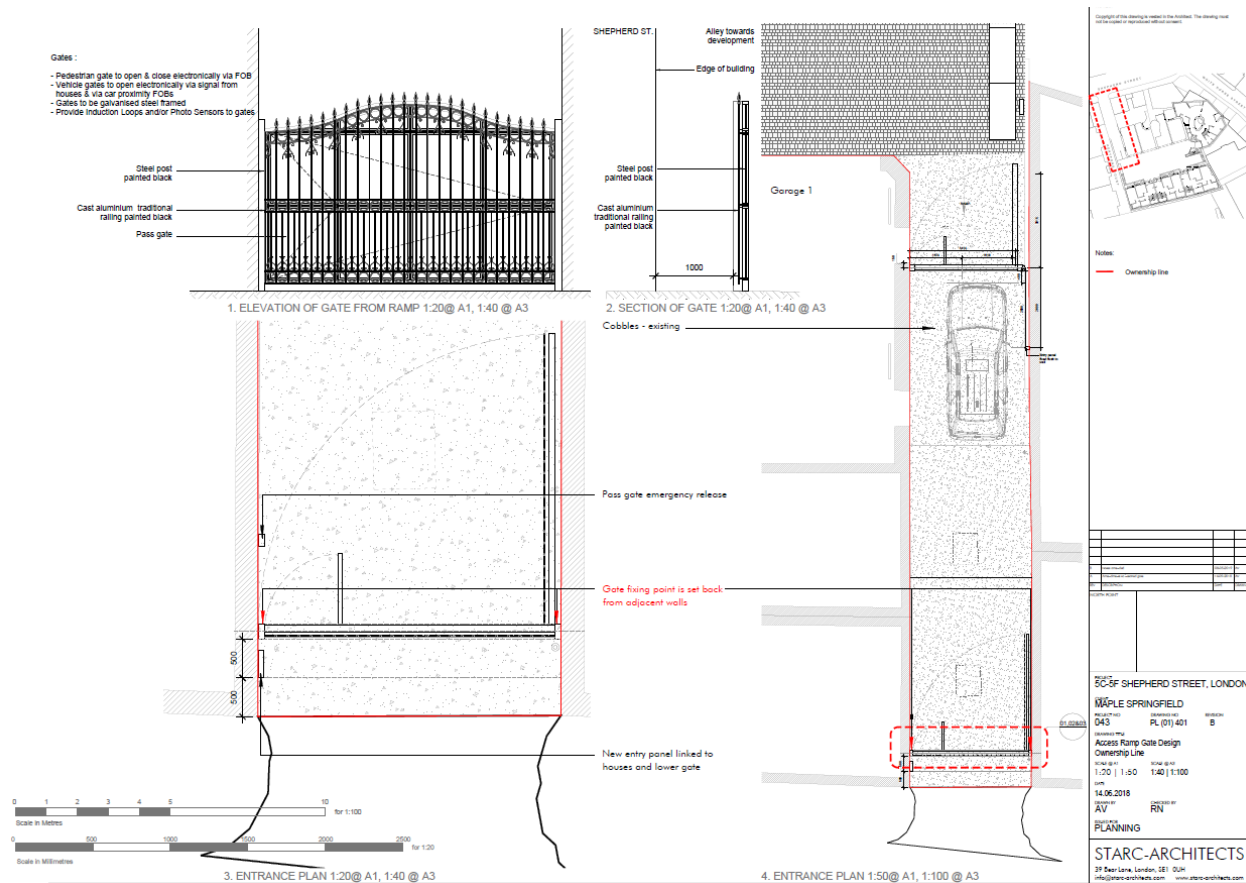
#### **Consultation**

One letter of objection queries if all flats within Shepherd House / Shepherd Street have been consulted. Two rounds of consultation have been undertaken to the occupants of neighbouring properties. A site notice was also displayed and the application advertised in the press in accordance with normal practice. All necessary consultations have been undertaken.

(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: MIKE WALTON BY EMAIL AT: [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk).





**DRAFT DECISION LETTER**

**Address:** Mayfair Row, City Of Westminster, London,

**Proposal:** Installation of a gate within Mayfair Row with external lights and associated conduit to the flank wall of 7 Shepherd Street within Mayfair Row.

**Plan Nos:** Manufacturers specification of lighting (MONO LED 930), Drawings: PL(01) 401 RevB, PL(01) 403 RevC.

**Case Officer:** Matthew Giles **Direct Tel. No.** 020 7641 5942

**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 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 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 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 The new gate shall be finished and maintained black.

**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 Mayfair 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 New wall lights and associated conduits shall be finished and maintained the same colour as the wall to which they will be attached.

**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 Mayfair 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)

- 6 Within four months of the date of this consent you must remove the unauthorised gate, lighting and associated fixtures and fittings and install the works hereby approved.

**Reason:**

To ensure that the existing unauthorised and unacceptable elements are removed.

**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, neighbourhood plan (where relevant), 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 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they

Item No.
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can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)

**DRAFT DECISION LETTER**

**Address:** 7 Shepherd Street, London, W1J 7HR,

**Proposal:** Installation of external lighting and an associated conduit to the flank wall of 7 Shepherd Street within Mayfair Row.

**Reference:** 19/01509/LBC

**Plan Nos:** Manufacturers specification of lighting (MONO LED 930), Drawings: PL(01) 401 RevB, PL(01) 403 RevC.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**Recommended Condition(s) and Reason(s)**

- 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 Mayfair 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 New wall lights and associated conduits shall be finished and maintained the same colour as the wall to which they will be attached.

**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 Mayfair 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)

- 4 Within four months of the date of this consent you must remove the unauthorised gate, lighting and associated fixtures and fittings and install the works hereby approved.

**Reason:**

To ensure that the existing unauthorised and unacceptable elements are removed.

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
  - \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and,
  - \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.