

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 <sup>st</sup> January 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Saxon Hall, Palace Court, London, W2 4JA,</b>		
<b>Proposal</b>	Rationalisation and reduction of the existing parking in the rear yard to provide three vehicle spaces.		
<b>Agent</b>	Mr Thomas Darwall-Smith		
<b>On behalf of</b>	c/o Agent		
<b>Registered Number</b>	19/04621/FULL	<b>Date amended/ completed</b>	13 June 2019
<b>Date Application Received</b>	13 June 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant Conditional Planning Permission.

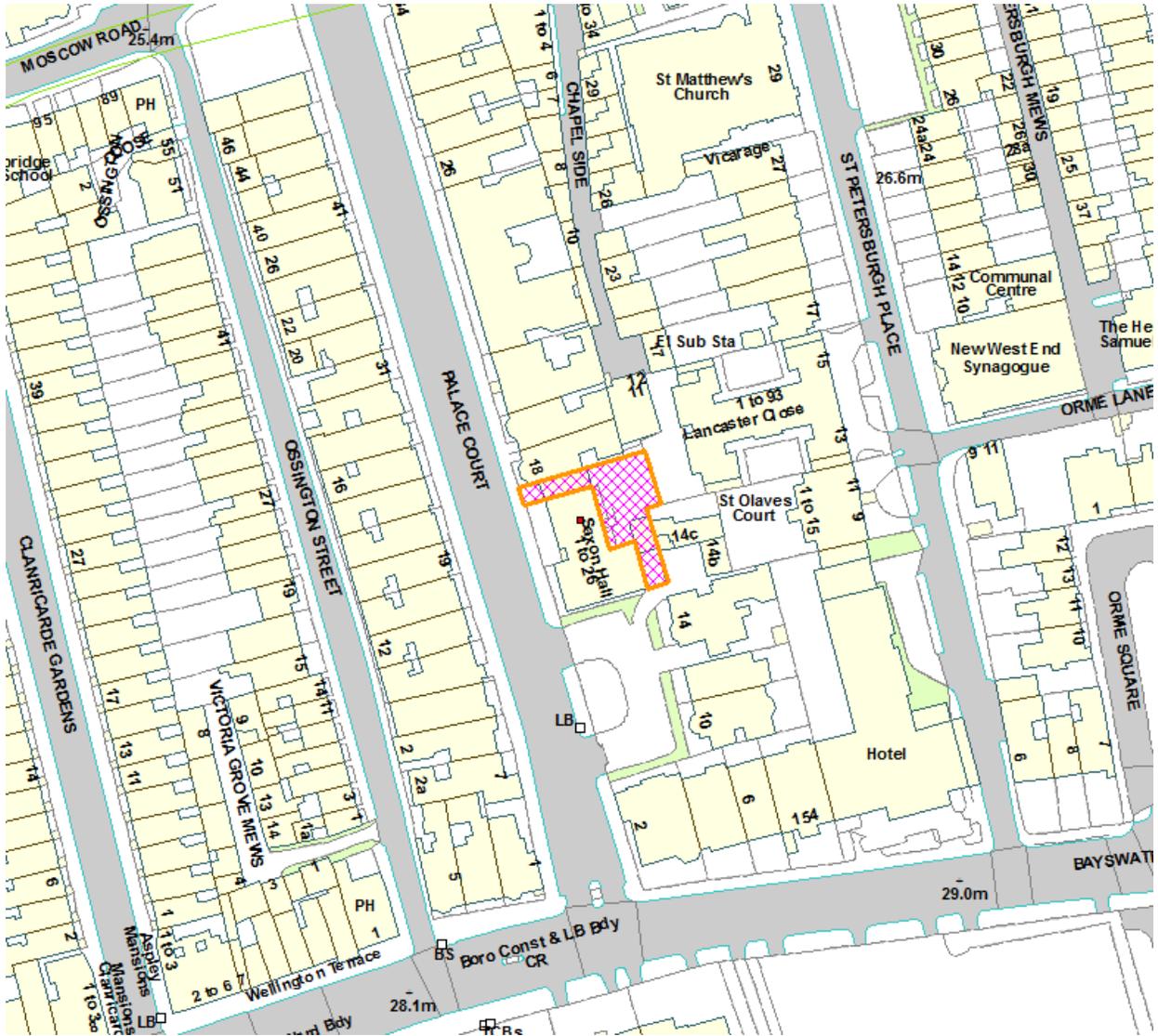
## 2. SUMMARY

The site is Saxon Hall, which is an unlisted block of flats located on the east side of Palace Court, within the Bayswater Conservation Area. The block was built in the 1960s and comprises lower ground, ground and five upper floors. To the rear of the block is a court yard which is designated for parking and bin storage, accessed from Palace Court via an under-croft access ramp to the left side of the building.

The key issues in this case are first whether the proposal would have a material negative impact on the amenity of neighbouring and adjoining occupiers and secondly whether the loss of two car parking spaces is acceptable on the application site.

The proposal is considered to accord with the relevant land use, amenity and parking policies in the City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Entrance



Rear Courtyard

## 5. CONSULTATIONS

### BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER:

No objection. Originally concern was expressed about the loss of two parking spaces on the application site. But following the site visit the loss of the two spaces is considered to be acceptable as they are of poor quality. Amendments to the size of two of the proposed parking spaces has been made to make them acceptable.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 138

Total No. of replies: 12

No. of objections: 9

No. in support: 3

### OBJECTIONS

9 letters including 1 letter on behalf of 25 residents.

The objections concern the following issues:

- Air pollution from cars will cause long term health issues as neighbouring windows face the rear courtyard.
- The loss of green area to rear of flats and the loss of a recreational space
- Visual impact of the loss of greenspace.
- Light pollution from the flashing lights of motor vehicles
- Noise pollution from car engines and car alarms
- Loss of privacy caused by those using the car parking spaces overlooking neighbouring windows

### SUPPORT

3 letters support the proposal for the following reasons:

- A reduction from five spaces to three spaces would mean fewer cars using the rear courtyard.
- The proposal would in fact improve the amenity of neighbouring and adjoining properties.
- Less noise and traffic fumes
- Reduced effect of moving headlights at night
- Would allow attractive landscaping of the area
- Less disruption to animals and birds in the area
- More environmentally friendly as it encourages use of public transport or cycling.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Saxon Hall is an unlisted block of flats located on the east side of Palace Court, within the Bayswater Conservation Area. The block was built in the 1960s and comprises lower ground, ground and five upper floors. To the rear of the block is an area which has been allocated for parking and bin storage, accessed from Palace Court via an under-croft access ramp to the left side of the building.

### 6.2 Recent Relevant History

#### 16/11084/FULL

Installation of vehicular entrance gates to ground floor entrance to rear courtyard.  
Application Permitted 17 January 2017

#### 16/00484/FULL

Installation of new gate to the courtyard entrance and retention of alterations to rear courtyard, ramp and trellis.  
Application Refused 30 July 2016

#### 13/07714/FULL

Conversion of 1x3 bed flat in rear south east corner of site to 1x1 bed and 1x2 bed flats and associated external alterations including installation of rooflight, fenestration changes and subdivision of existing terrace.  
Application Permitted 3 February 2015

#### 12/05820/FULL

Lowering of rear courtyard, alterations to external staircase, and alterations to access ramp.  
Application Permitted 28 May 2013

#### 11/01453/FULL

Conversion of part lower ground floor to create one-bedroom flat and associated external alterations involving the introduction of new windows and doors.  
Application Permitted 21 July 2011

#### 08/09439/FULL

Proposal: Conversion of existing store into one-bedroom studio unit.  
Application Permitted 10 December 2008.

## 7. THE PROPOSAL

Planning permission is sought for the reconfiguration and reduction in the number of car parking spaces in the rear area from 5 to 3.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing rear area comprises the curtilage to Saxon Hall to provide car parking spaces for the residential units at Saxon Hall. The proposal makes no changes to the land use.

## 8.2 Townscape and Design

The proposal makes no physical alterations to the building or to the existing fence, gate, and ramp in the rear courtyard. Objections have been received on the grounds of the visual harm of replacing the existing grass area in the courtyard with paving. It should be noted that grass area being referred to has an existing plastic parking mesh that allows grass to grow through it and the applicant is not proposing to remove it. The policies do not therefore raise any design and townscape issues so is in accordance with policies DES 1, DES 7, and DES 9 in the UDP (2007), and S25 and S28 in the City Plan (2016).

## 8.3 Residential Amenity

Policies ENV 5, ENV 6, and ENV 13 of the UDP and S29, S31, S32 of the City Plan seek to protect residential amenity and environmental quality.

It is understood that the residents of Saxon Hall do not currently use the rear courtyard for parking cars. The objectors have said that the courtyard is instead used as an amenity space for residents in the building. The objections received on amenity grounds take the view that the proposal would convert the area from one that is used for amenity space to one that is used for residential parking. It is stated by the objectors that the proposal would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of privacy caused by those who use the car parking spaces overlooking neighbouring windows, air pollution from cars, noise pollution from car engines and car alarms, and light pollution from the flashing lights of motor vehicles.

However, although the rear courtyard is not currently used for parking vehicles, there is no reason in planning terms why the residents of Saxon Hall could not just start using it for parking. As discussed later in the report, there are planning conditions from previous approvals that require that part of the rear courtyard allocated for the parking of residential vehicles. The proposal is for a reduction in the number of car parking spaces in the rear courtyard from five to three, so in amenity terms it in fact improves on the existing situation because there would fewer vehicles coming and going from the rear courtyard.

For the reasons stated above, the proposal is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity so therefore it is in accordance with the policies listed above.

## 8.4 Transportation/Parking

### History of Car Parking on the Site

On 17 November 1961 planning permission was granted on the application site for a six storey and basement building comprising 19 residential flats. The following condition

was attached to the decision: 'The garage accommodation shall be retained as shown on the drawings approved and shall not be used for the accommodation of commercial vehicles, and no trade or business shall be carried on therefrom'. The planning history appears to show that these garages either never existed in the rear courtyard area currently under consideration or were demolished a significant period of time ago (well over ten years ago). This condition is therefore incapable of being enforced and is of no effect.

Planning permission was granted on 28.05.2013 for the lowering of rear courtyard and alterations to the access ramp (RN: 12/05820/FULL). Condition 3 of this planning permission required car parking spaces to be provided in the rear courtyard in accordance with the details shown approved plan Drawing No. 1589-22 Rev. C. The condition does not specify exactly how many parking spaces were supposed to be provided but it appears from Drawing No. 1589-22 Rev. C that five spaces were to be provided. The condition does not specify which residential units the spaces were to be allocated to. The Planning Enforcement Officer has said that the works that were carried out to the rear courtyard in 2013/14 were broadly in accordance with permission RN: 12/05820/FULL. The ramp as built is slightly different in design to what was approved, but the Planning Enforcement Team do not consider it to be materially different to that approved on account of the plans being quite basic, with only one section. The parking spaces were never used but this is outside of the control of the City Council.

On 03.02.2015 permission was granted for the conversion of 1x3 bed into 1x1 bed and 1x2 bed flats (RN: 13/07714/FULL). Condition 6 of this permission required the applicant to provide and retain one car parking space for the approved flats. The car parking spaces required by permission RN: 13/07714/FULL is depicted on the existing and proposed plans for the current proposal. It is the same one that is labelled as Bay 3 on the proposed plan on Drawing No. 1589 - x43E rev. E. As the flats approved under RN: 13/07714/FULL have been constructed and occupied and as the Officer's site visit showed that the parking space is capable of being used it is considered that condition 6 of RN: 13/07714/FULL is still enforceable.

Fencing and a gate was erected at the rear of the application site between 2014 and 2015. These works were permitted development under the provisions of Class A, Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Although this fencing made it more difficult to park in the spaces referred to by condition 3 of planning permission RN: 12/05820/FULL, it is considered by the Planning Enforcement Team that the fencing and gate does not breach this condition. In any case, the parking spaces were not being used at the time the gate and fence were erected.

#### Proposed Car Parking on Site

The relevant policies are STRA 25 and TRANS 23 of the UDP (2007).

The applicant has submitted plans showing five existing car parking spaces in the rear courtyard and wishes to reduce the number of spaces to three. The one space in the southern part of the area remains as existing. TRANS 23 seeks to resist the loss of residential car parking spaces. However, the Highways Planning Manager considers that the other four existing spaces that are positioned next to the site's eastern boundary are

difficult for cars to access. The courtyard is very narrow. Three of the parking spaces next to the site's eastern boundary have a depth of only 5m from to the rear. The fourth space next to the eastern boundary has a fence positioned 2m to its rear. Each of the spaces is only 2.2m wide. A standard external car parking space is 2.4m by 4.6m which requires a clearance of an absolute minimum of 6.0m to its rear for cars to be able to access it. In addition, the ramp gradient and existing structures in the rear courtyard make accessing these spaces difficult. It is considered unlikely that all of these four spaces can be used concurrently.

The proposal reduces the number of spaces next to the site's eastern boundary from four to two. The two remaining spaces are widened to 3m and they have a depth of only 5m, so they are both usable at the same time unlike the spaces they are replacing. It is considered that as four unusable spaces are being replaced by two that are usable, that the loss of two spaces on the application site is acceptable in this instance. Due to the exceptional circumstances on the application site the proposal is considered to be in accordance with TRANS 23.

A condition is recommended that the three proposed parking spaces are allocated to the residents of Saxon Hall. In addition, as Condition 6 of RN: 13/07714/FULL is still enforceable, a condition is recommended requiring that the space labelled as Bay 3 on Drawing No. 1589 - x43E rev. E is allocated to people living in the flats approved by planning permission dated 03.02.2015 (RN: 13/07714/FULL).

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The proposal makes no changes to the access to the building or the area that is the subject of this application.

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

##### **Biodiversity and Recreational Space**

Objectors have stated that the proposal would lead to a loss of green space and recreational area to rear of the flats. The area has lawful use for car parking as can be seen from the history of car parking on the site. As such, and as there is no proposed change to the surface of the car parking area, the objections are not sustainable.

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of

State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

### **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 for the current application.

### **8.11 Planning Obligations**

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

### **8.12 Environmental Impact Assessment**

An Environmental Impact Assessment is not required for a proposal of this scale.

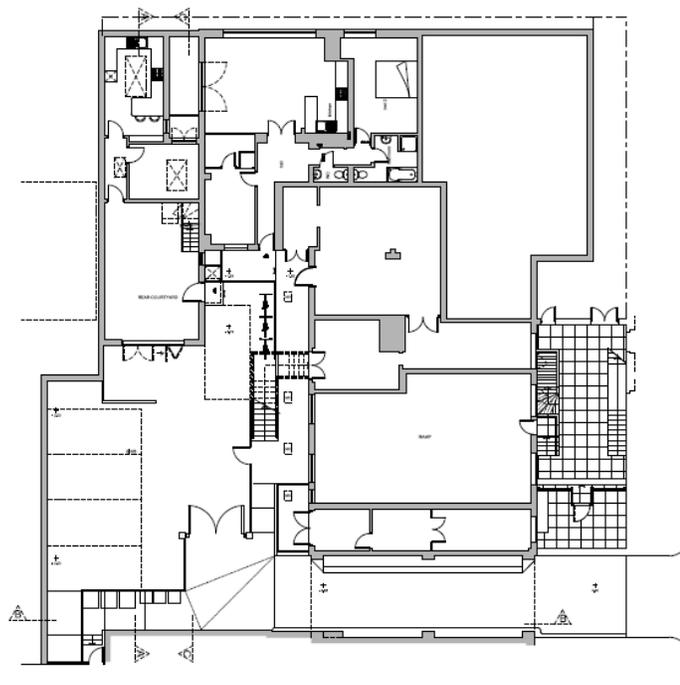
### **8.13 Other Issues**

None

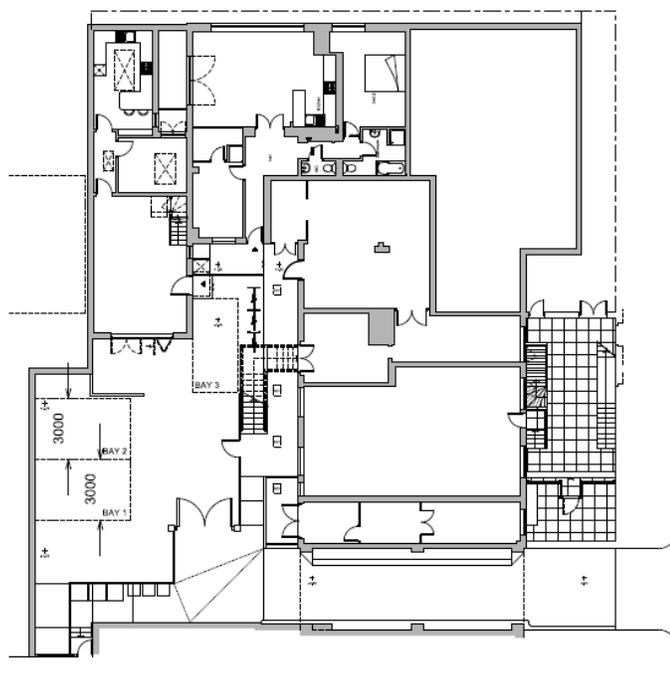
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

## **9. KEY DRAWINGS**



Existing Plan



Proposed Plan

**DRAFT DECISION LETTER**

**Address:** Saxon Hall, Palace Court, London, W2 4JA,

**Proposal:** Rationalisation and reduction of the existing parking in the rear yard to provide three vehicle spaces.

**Reference:** 19/04621/FULL

**Plan Nos:** 1589 - x43E rev. E, Planning Statement Subject: No. 27 Saxon Hall by Keystone Planning Ltd Reference KP0023 Saxon Hall dated: 13 June 2019, Site Location Plan

**Case Officer:** William Philps

**Direct Tel. No.** 020 7641 3993

**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 three car parking bays in the rear courtyard hereby approved shall be provided in accordance with the details shown on Drawing No. 1589 - x43E rev. E. The three bays shall thereafter be retained for car parking to be used only by people living at Saxon Hall, Palace Court. The three bays shall not be used for the parking of commercial vehicles.

Reason:

To provide parking spaces for people living in the residential units as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 4 Notwithstanding the requirements of condition 3, Parking bay 3 must remain available for the parking of vehicles of people living in the flats approved by planning permission dated 3 February 2015 (ref: 13/07714/FULL)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

**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.

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.