

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 2 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Wallace Court, 300-308 Old Marylebone Road, London, NW1 5RH,		
Proposal	Use of vacant basement public car park (sui generis) to self storage centre (Use Class B8) (0700-2200 Monday-Friday and 1000-1800 Saturday).		
Agent	Mr Stuart Rackham		
On behalf of	Meadow Storage Holdings Ltd		
Registered Number	15/07896/FULL	Date amended/ completed	2 October 2015
Date Application Received	24 August 2015		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

This application site comprises the vacant public car park within the basement of Wallace Court, 300-308 Old Marylebone Road, London, NW1 5RH, accessed and exited via a vehicular ramps at ground floor level. The ground floor is comprised of commercial uses with flats on the upper floors.

Permission is sought for use of the car park as a self-storage facility accommodating up to 50 self-storage containers. The premises will be open and provide access for customers only between the hours of 07:00 -10:00 Monday to Friday, 10:00 – 18:00 Saturday's and closed on Sundays and bank holidays, and will be manned by a store manager during these hours.

The key issues are considered to be:

- Loss of public car park in landuse terms.
- Effect on local residential amenity and local highways network.

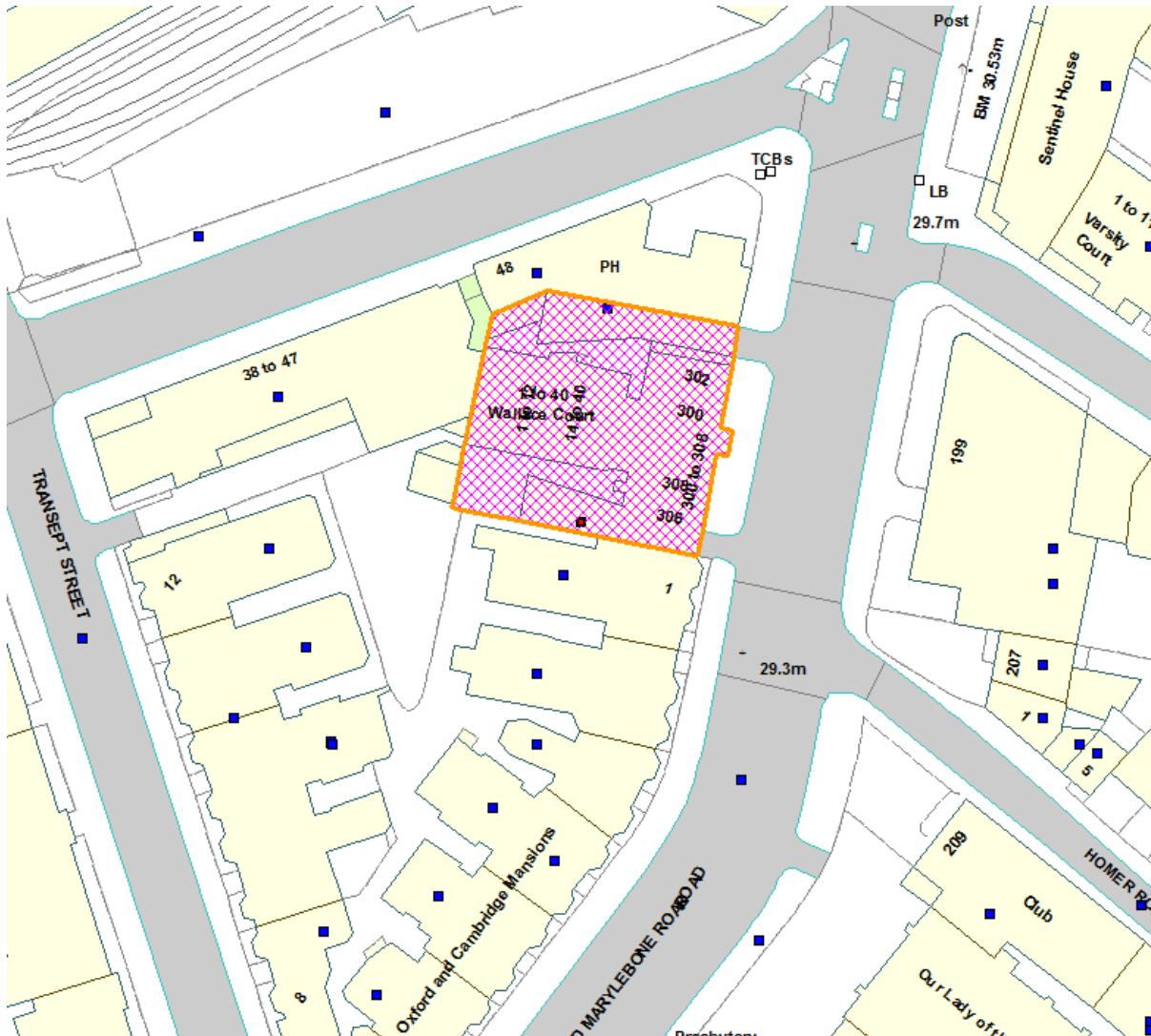
Objections from local residents and occupiers of Wallace Court have been received on grounds of security risks presented by storage facility, loss of car parking and disturbance to local residential amenity.

Item No.

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<p>The proposal has been assessed by Officers and is not considered to raise any adverse impacts upon local residential amenity nor the local highway network, and conditional approval is recommended.</p>

3. LOCATION PLAN



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4. PHOTOGRAPHS



Exit

Entrance

5. CONSULTATIONS

Ward Councillors for Bryanston And Dorset Square
Any response reported verbally to Committee

The St Marylebone Society
No objections provided no noise or nuisance for residents. Query relating to reduced rate for residents.

Highways Planning - Development Planning
No objection

Transport For London - Borough Planning
No response to date.

Crime Prevention Design Advice
No response to date.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 172
Total No. of replies: 17
No. of objections: 17
No. in support: 0

Amenity

- Hazardous items stored.
- Hours of operation greater than existing car park.
- Comings and goings likely to be a noise nuisance.

Other

- Should be parking for residents of Wallace Court.
- Validity of commercial car park permission dated 29 July 1998 in question.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises the basement public car park within Wallace Court, 300-308 Old Marylebone Road, London, NW1 5RH, accessed and exited via a vehicular entrance at ground floor level. Old Marylebone Road is a TLRN road, (Transport for London route Network) and connects with the A5 Edgware Road at its western end with the A501 Marylebone Road at its eastern end.

The upper floors are comprised of commercial uses at ground floor level and flats above, within an unlisted eight storey building. The site is not located within a Conservation Area, but borders the Dorset Square Conservation Area.

6.2 Recent Relevant History

83/03948/ADV

INSTALLATION OF INTERNALLY ILLUMINATED FASCIA BOX SIGN

Unknown - Legacy data 16 January 1984

87/06049/FULL

CHANGE OF USE TO ESTATE AGENT

Grant Planning Permission HIST 29 April 1988

93/06704/FULL

USE OF BASEMENT AS A COMMERCIAL CAR PARK

Application Permitted 29 July 1998

This permission was granted subject to a legal agreement inked to the operator of the car park 'Britannia Parking', which required they provide a concessionary rate of parking for residents in the Bryanston Ward and overnight parking for no less more than £3.00.

7. THE PROPOSAL

Planning permission is sought for the use of the vacant basement public car park (sui generis) which contains 15 car parking spaces and 9 motor cycle spaces, as a self-storage centre (Use Class B8) providing up to 50 containers. The premises will be open to existing and new customers between the hours of 07:00 -10:00 Monday to Friday, 10:00 – 18:00 Saturday's, and will be closed on Sundays and bank holidays. The premises will be manned by a store manager during these hours and there will be no out of hours access, as confirmed by the agent in an email dated 8 January 2016 and attached updated Operation Management Statement (OMS). Access will be available for customers both on foot and with a vehicle.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The basement was originally constructed as part of the building to provide ancillary parking to the building above. This use however has long since changed, providing over the years a valet and garaging repair service to a commercial garage since permission was granted in July 1998. It has remained in this use ever since.

Condition 4 of this permission instructed that the permission was 'personal' to Britannia Parking, and should not endure with the land. The use ceased in March 2015. In accordance with condition 4, the use as a commercial car park will have also ceased, arguably creating a 'nil use' in planning terms, from which planning permission would be required for any subsequent use.

Notwithstanding this, UDP policy TRANS25 allows for the loss of a public car park, taking into account the impact on local vehicular traffic, parking capacity and effect on local residential amenity. The highways section of this report outlines that there is sufficient capacity locally whilst the vehicular generation as a result of the proposed use is likely to be reduced, therefore the principle of its loss is acceptable.

In terms of the proposed self-storage use, the City Council's adopted policies do not address these directly. The application demonstrates that it will not adversely affect local residential amenity, nor the local highways or built environment, and as such the principle of the conversion is acceptable in land use terms.

8.2 Transportation/Parking

Loss of car park

UDP policy TRANS25 sets out that the City Council will usually permit the loss of public car parks, taking into account the impact on local vehicular traffic, parking capacity and effect on local residential amenity.

The application has provided a survey of available public car parking within a one mile radius approximately. The results demonstrated a high availability of unoccupied spaces within close proximity (walking distance) to the site. It is not considered therefore the loss of the car park would unduly impact upon the parking capacity locally.

In terms of the effect on the local highways network, the applicant has advised that, given the previous operator 'Brittania Parking' is not the current applicant, details of trip generation associated with the car park are not available.

With regard to the proposed use, the supporting transport statement advises the premises is considered a 'local site' with a significant proportion of trip generation being on foot given the high PTAL rating. Vehicular trip generation at peak hours (11:30 – 12:30) is estimated at approximately 1 car per hour. This is generated using a "comparable site" (Big Yellow Storage) in Kennington SE11. Officers considered another comparable site in the City at William Court, 6 Hall Road, NW8 9PA where permission was granted at planning appeal (RN: 08/02659/FULL) for 360 self-storage units with an expected trip generation of 10 at peak hours. Based on this trip ratio, the site would yield approximately 1.3 trips per hour at peak hours.

As such, notwithstanding the absence of trip generation figures associated with the now vacant car park, it is considered unlikely that the trip generation associated with the proposed self-storage use would place a greater strain on the public highway, whilst surrounding public car parks continue to provide available parking. The loss of 15 car parking spaces and proposed storage use therefore accord with TRANS 25.

Highways/pedestrian safety

In terms of the operation of the self-storage use, the site is constrained given its location on a TLRN road and absence of dedicated off street vehicular waiting space. The agent was asked to clarify what measures there are to reduce the risk of vehicles waiting on the public highway if the premises are at capacity.

Vehicles are able to access the premises via the security gates during opening hours using unique entry codes. The entrance ramp can accommodate up to four cars with two dedicated bays within the basement and a passing place. This off street waiting arrangement is not ideal given the constraints to vehicular movement it would result in as cars wait. However given that trip generation is predicted as relatively low, whilst members of staff are in permanent attendance to manage vehicular access in the event that it becomes busy as confirmed in the Operation Management Plan (OMS), it is considered to be acceptable within the context of the site.

Members of the self-storage will also be advised upon joining of the maximum vehicle size permitted which is a transit van, and that unloading will only be permitted within the premises only.

As such, the application is considered to put forward reasonable measures to alleviate adverse effects upon highways and pedestrian safety and the local highway network in accordance with Unitary Development Plan policies TRANS 2 and TRANS 3 and S29 of the City Plan.

8.3 Residential Amenity

There is no permitted fall-back position the basement could fall into without first having to obtain planning permission. In amenity terms therefore the assessment centres on the acceptability of the proposed self-storage use with reference to the now ceased car park use for comparison.

The car park provided short and long term parking for customers (15 Car parking spaces and 9 motorcycle spaces). The opening hours were from 06:00 – 20:00 Monday - Friday and closed on weekends, although the planning permission (RN:93/6704) did not restrict the opening hours so could have operated later. The proposed self-storage use in comparison would provide 50 self storage units, and would be open 07:00 - 22:00 Monday to Friday, 10:00 - 18:00 Saturday and closed on Sundays.

Concerns have been received from residents of Wallace Court on grounds of increased opening hours in comparison to the car park, with associated activity and noise, traffic, rubbish, and security risks, in particular the storage of items that could present a health and safety risk to residents.

In terms of details of the operation, the submitted OMS and further clarification from the applicant provide details of measures to ensure users both on foot and in a vehicle would be unlikely to cause a disruption to local amenity when using the facility. These are detailed in the OMS with some key features as follows;

- Unloading restricted to within the premises only.
- Staff in attendance during all hours of operation.
- Offsite CCTV monitoring.
- Customer identification at membership and health and safety codes of practice.

It is considered that the series of measures outlined in the OMS, in particular onsite management during opening hours with associated benefits to easing parking congestion should it arise, and the relatively low predicted trip generation, are sufficient as means of

safeguarding neighbouring residential amenity. The existing car park by comparison does not have the same restrictions and it would be reasonable to consider the trip generation would be at least equal to the proposed use if not greater. In addition the ground floor commercial uses provide a buffer between the basement and the upper residential floors so its operation is likely to be less noticeable. It is therefore considered acceptable on amenity grounds.

8.4 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.

8.5 Other Issues

Objections from residents in Wallace Court have been received on grounds that the basement should be reserved for residents of Wallace Court as originally intended, and that the Commercial car park which ensued after planning permission was granted in 1998 was not authorised to do so. Officers have retrieved the relevant historic planning permissions for the site, and have found in planning terms the permission was valid. As such it is not sustainable to withhold permission on these grounds.

9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society, dated 13 October 2015
3. Letter from occupier of 11 Wallace Court, 300/308 Old Marylebone Road, (x 2) dated 18 October 2015, 10 November 2015
4. Letter from occupier of 8 Brondesbury Villas, London, dated 10 November 2015
5. Letter from occupier of 2 Graham Court, Graham Road, (x 2) dated 19 October 2015, 10 November 2015
6. Letter from occupier of 38 Wallace Court, 300-308 Old Marylebone Rod, dated 9 October 2015
7. Letter from occupier of 118 Watchfield Court, Sutton Court Road, dated 19 October 2015
8. Letter from occupier of 37 Wallace Court, 300 Old Marylebone Road, dated 19 October 2015
9. Letter from occupier of Flat 32 Wallace Court, 300-308 Old Marylebone Road, dated 19 October 2015
10. Letter from occupier of 29 Wallace Court, 300/308 Old Marylebone Road, dated 20 October 2015
11. Letter from occupier of Flat 15 Wallace Court, 300-308 Old Marylebone Road, dated 18 October 2015
12. Letter from occupier of 25 Wallace Court, 300-308 Old Marylebone Road, dated 25 October 2015
13. Letter from occupier of Flat 1C, Oxford And Cambridge Mansions, dated 23 October 2015
14. Letter from occupier of Flat 1 D Oxford & Cambridge Mansions , Old Marylebone Road , dated 23 October 2015
15. Letter from occupier of 36 Wallace Court, 300/308 Old Marylebone Road, dated 16 November 2015
16. Letter from occupier of 94 Parkside Avenue, Barnehurst, dated 20 November 2015

Selected relevant drawings

(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 SAMUEL GERSTEIN ON 020 7641 4273 OR BY EMAIL AT sgerstein@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** Wallace Court, 300-308 Old Marylebone Road, London, NW1 5RH,
- Proposal:** Use of vacant basement public car park (sui generis) to self-storage centre (Use Class B8) (0700-2200 Monday-Friday and 1000-1800 Saturday).
- Plan Nos:** 36XX-A-P100, 36XX-A-P110 rev D, Planning Design and Access Statement, Operating and Management Statement (January 2016), Transport Statement prepared on behalf of Meadow Storage Holdings Ltd, Technical Note dated November 2015 prepared on behalf of Meadow Storage Holdings Ltd, Cover Letter Addressed to North Planning team from Rackham Planning dated 25 November 2015

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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 You must carry out any building work which can be heard at the boundary of the site only:, ,
* between 08.00 and 18.00 Monday to Friday;, * between 08.00 and 13.00 on
Saturday; and, * not at all on Sundays, bank holidays and public holidays., , Noisy work
must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of the use hereby permitted, details of the new roller shutter and security gates on the access to the premises from Old Marylebone Road shall be submitted to and approved in writing by the Local Planning Authority, and the new roller shutter and security gates shall be erected in accordance with the approved details before the use commenced and shall be permanently retained thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 4 Prior to the commencement of the development hereby permitted details of any security measures including CCTV and security lighting shall be submitted to and approved in writing by the Local Planning Authority, and the works shall be implemented in accordance with the approved details.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 5 The use hereby permitted shall be for self-storage only and not for any other purpose, including any within Class B8 of the Town and Country Planning (Use Classes) order as amended April 2015 (or any equivalent class in any order that may replace it).

Reason:

Because unrestricted use within Class B8 use class would, in the absence of full details of the type of use and activities, operational details and any provision for car parking, drop off areas, loading and servicing, would be harmful to residents amenities, public and highways safety and the environment, contrary to policy S29 of Westminster's City Plan: Strategic Policies adopted November 2013, and policies STRA 25, TRANS 3, TRANS 20 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 6 The use hereby permitted shall not result in more than 50 self-storage units within the site

Reason:

Because a greater number of self-storage units, in the absence of further operational details, would be harmful to residents amenities, public and highways safety and the environment, contrary to policy S29 of Westminster's City Plan: Strategic Policies adopted November 2013, and policies STRA 25, TRANS 3, TRANS 20 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 7 No customer may be permitted to be on the premises outside hours of 07:00 - 22:00 Monday to Friday and 10:00 - 18:00 Saturday, or at any time on Sundays or bank holidays.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the self-storage. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 9 With the exception of collection of refuse, the delivery of goods to or the collection of goods from the self-storage centre shall not take place on the public highway and shall occur within the boundary of the site.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 10 The use hereby permitted shall be operated in strict accordance with the revised Operating and Management Statement supplied January 2016 as part of this application for the lifetime of the development.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 11 The self-storage use hereby approved shall have staff in attendance during all hours of operation.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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: Strategic Policies adopted November 2013, 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 development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 3 The term 'clearly mark' in condition 8 means marked by a permanent wall notice or floor markings, or both. (I88AA)

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.