

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	74-76 Princes Square, London, W2 4NP		
Proposal	Conversion of 26 serviced apartments within part of the building to form 17 residential units (4 x studio, 3 x 1 bed and 10 x 2 bed). Installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard and installation of balustrade to front dormer windows and existing terrace at rear fourth floor.		
Agent	Mr Paul Wells		
On behalf of	Mr Kristian Dijkstra		
Registered Number	16/01573/FULL	Date amended/ completed	29 February 2016
Date Application Received	22 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

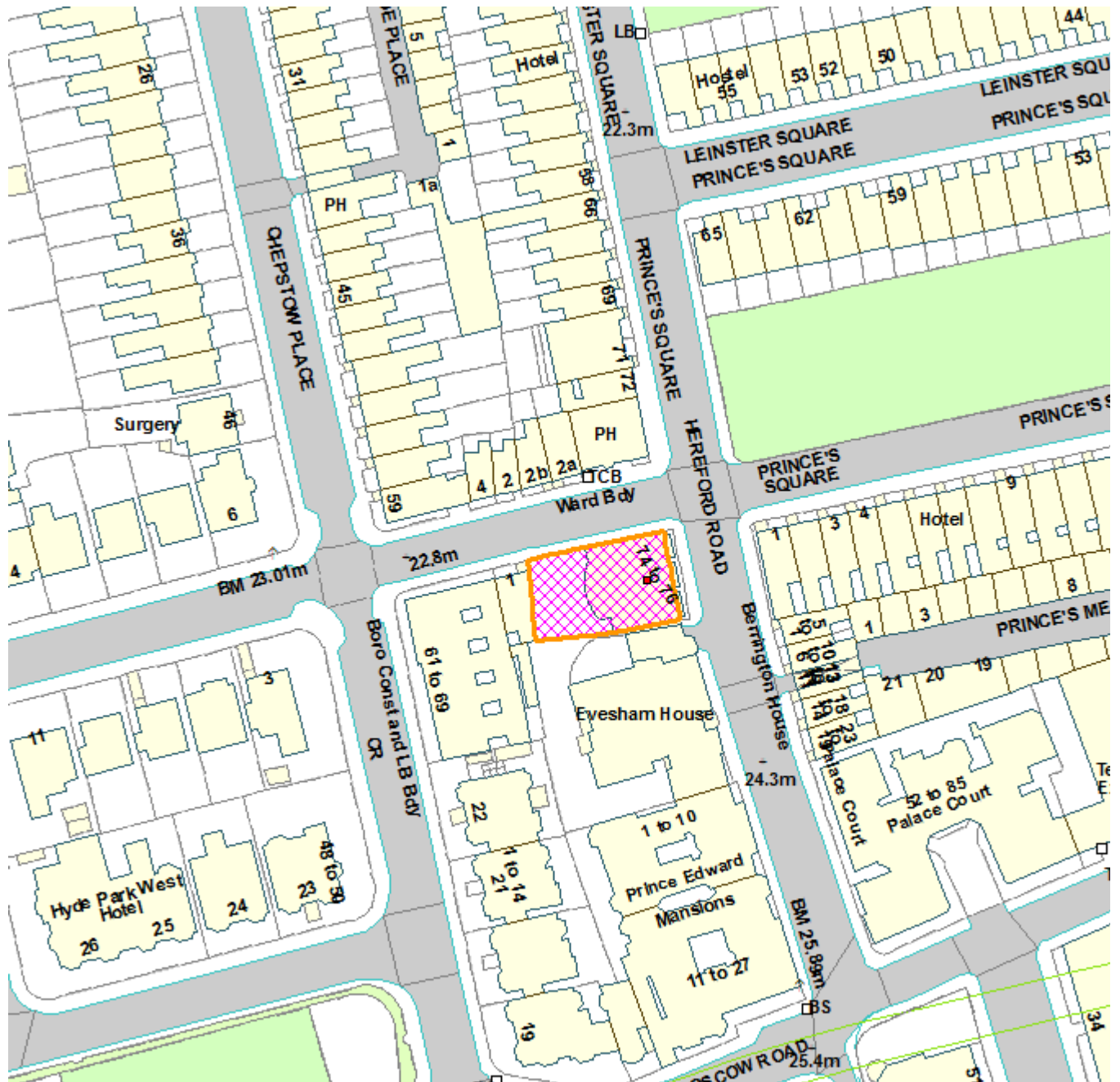
74-76 Princes Square is an unlisted six storey building located within the Bayswater Conservation Area and currently divided into 38 serviced apartments. Planning permission is sought for the conversion of 26 of the 38 serviced apartments within part of the building to form 17 residential units (4 x studio, 3 x 1 bed and 10 x 2 bed) with the installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard.

The key issues are:

- The lack of off street car parking spaces for the new residential units.
- The lack of affordable housing provision.
- The standard of accommodation proposed.
- The mix of unit size proposed.
-

The proposals are considered acceptable in land use, amenity, arboricultural and conservation area terms and are in accordance with policies in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and are therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



Above: Application Site

Below: Rear Garden



5. CONSULTATIONS

Bayswater Residents Association
Any response to be reported verbally.

Highways Planning
Undesirable on transportation grounds because of lack of off street car parking provision for the proposed residential units.

Cleansing
No objection subject to conditions.

Designing Out Crime
No response.

Arboricultural Section
No objections subject to conditions.

Environmental Health
No objection.

Building Control
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 176
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application lies in the Bayswater Conservation Area

6.2 Recent Relevant History

11/10038/FULL

Installation of replacement windows to the front and rear elevations, installation of Juliette balconies to front elevation and installation of balustrade to rear at fourth floor level to create roof terrace.

Application permitted 6 July 2012

06/07214/FULL

Internal alterations to subdivide existing studio serviced apartment into two studio serviced apartments.

Application Permitted 23 November 2006

00/03127/FULL

Conversion of resident's lounge area to provide an additional studio flat.

Application Permitted 6 July 2000

98/09076/FULL

74-76 Princes Square London w2 - erection of building with basement, ground, upper ground & 5 upper floors for use as 36 serviced flats. (alterations to scheme in the course of construction granted on 25/10/96)

Application Permitted 29 January 1999

7. THE PROPOSAL

Planning permission is sought for the conversion of 26 serviced apartments within part of the building to form 17 residential units (4 x studio, 3 x 1 bed and 10 x 2 bed) with the installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard and the installation of balustrade to front dormer windows and existing terrace at rear fourth floor (previously approved in 2012)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential Use

The conversion of serviced apartments (temporary sleeping accommodation) to permanent residential accommodation is acceptable in principle in land use terms. City Plan policy S14 and UDP policy H3 seek to optimise housing delivery and prioritise residential use in Westminster. The change of use therefore accords with these policies.

Three of the proposed seventeen units fail to meet the Nationally Described Space Standards (Technical Housing Standards DCLG 2015). Flat 2 (studio -34 m²); flat 15 (studio – 34.7 m²); and flat 24 (two bed 3p – 59m²). In terms of the mix of units the proposal is for 4 studio units, 3 1 bed units, and 10 2 bed units. The proposal does not provide any family sized units (3 bed or more). Policy H5 of the UDP states that the City Council will normally require 33% of housing units in housing developments to be family sized. The applicant has stated that the structural and practical constraints involved in converting and amalgamating existing units means that it is not feasible to achieve in all cases the size and mix standards required by these policies.

It is considered that in this particular case the benefits of the change of use means that these policies should be applied flexibly. In the case of space standards the majority of the units comply and the ones that don't fall short by only 2-3m². It is therefore, on balance not considered appropriate to refuse the application on the basis of space standards. In terms of the mix of units it is recognised that the change of use will provide more affordable smaller household units where currently there are only small serviced apartments. It is therefore considered that the provision will be an improvement on the current situation and therefore the

provision of 3 bed units will not be required in this case. As the building will be part shared with some retained serviced apartments and has limited amenity space the property is less suited to families and more suited to smaller households in any case.

Every habitable room in the proposed flats has an exterior window and therefore access to natural daylight and ventilation.

Although it is not an ideal arrangement to have the new permanent residential accommodation access (entrance corridors etc.) shared with the existing serviced apartments in this case on balance the benefit of the additional permanent residential units is considered to outweigh any potential amenity conflict. It is relevant that the serviced apartments are not being introduced into an existing permanent residential building rather than serviced apartments being introduced into an existing permanent residential building. There is a large foyer/entrance area and adequate internal circulation space. Such shared access should not necessarily create conflict so long as they are managed effectively, which is a private matter between the shared apartment and new owner/occupiers. There is no evidence that the property hasn't been managed effectively as serviced apartments.

Affordable Housing

The new residential floorspace triggers a requirement for the provision of affordable housing under Policy H4 of the UDP and Policy S16 of Westminster's City Plan. Policy S16 of the City Plan requires that, in developments proposing housing of either 10 or more additional units or more than 1,000m² of additional residential floorspace, affordable housing should be provided.

In this case, the additional residential floor space of 1303m² requires 240m² of the floor space to be provided as affordable housing.

Policy S16 requires affordable housing to be provided on-site but where this is not practicable or viable, cascade options allow for it to be provided off-site in the vicinity or possibly beyond the vicinity. The supporting text to this policy notes that financial contributions in lieu of affordable housing provision is an option the Council will only accept if the cascade options have been thoroughly explored and proved impracticable or unfeasible.

The applicant argues that providing affordable housing on site will make their development unviable. The Council's independent consultants, James R Brown & Company Ltd accept this position and confirm that this cannot be accommodated within the current scheme. The applicant also confirmed that they do not own another available site within the vicinity or within Westminster and is therefore unable to pursue an off-site solution and that the development of this site would not be viable if they were liable for any affordable housing payment. James R Brown & Company Ltd have assessed the applicant's viability case and confirm that the scheme cannot viably afford to make an affordable housing contribution of any sort (a policy compliant contribution would be £2.06 million)

The proposals are therefore considered, on balance, to be acceptable in land use terms and comply with policies S14 and S16 of the City Plan and H3 and H5 of the UDP.

8.2 Townscape and Design

The new cycle store and bin store are located within the rear garden of the property. There is a view into this garden through a gate at street level on Dawson Place, though generally the rear garden is well screened from view aside from the rear windows of this flat, as the large tree to the rear garden and relatively high boundary wall to the street screens much of the view from the other side of Dawson Place and the two adjoining buildings have either blank or almost blank elevations facing towards this area. Though the bin store and cycle store structures are relatively large, there is already an unsightly pergola structure to the rear garden and the structures are set against the blank side elevation of the adjoining building. Both the bin store and cycle store are principally timber clad structures and will integrate well into the rear garden setting.

The new safety handrailing and works to doors proposed for the rear fourth floor terrace is in line with the approval of 6 July 2012, and represents a small scale addition to the rear which will not have a significant visual impact upon the building. The terrace area and rear parapet is heavily screened from view by a large tree in the rear garden, and the terrace faces towards a blank side elevation of the adjacent building to the west. Similarly the new railings proposed in front of the front dormer windows and works to these windows are as previously approved, and though adding some degree of clutter in views from upper floor windows in the surrounding area, they are not likely to be visible from street level except a glimpsed view of their upper section for a very short section on Princes Square.

The proposals are considered acceptable in conservation and design terms and comply with policies S28 of the City Plan and DES1, DES5 and DES9 of the UDP.

8.3 Residential Amenity

The proposal does not include any changes to the external envelope of the building apart from the addition of the bike and bin store in the rear garden which are located away from neighbouring residential windows. The proposal will therefore have no significant impact on the amenity of surrounding properties in terms of sense of enclosure or loss of sunlight/daylight.

The proposal includes the addition of a metal balustrade to an existing fourth floor rear terrace and the addition of external handrails to inward opening French doors at fourth floor front elevation. These works were granted planning permission on 6 July 2012. The assessment for that application concluded that the addition of railings to the terrace would intensify its use however it was sufficient distance (7.5m) from the nearest residential window in Evesham House (to the south of the site) to ensure there would not be any material loss of privacy to the neighbouring occupier. To the immediate west, the terrace would look onto the flank elevation of 1 Dawson Place, and is set sufficiently away from the rear of properties on Chepstow Place to ensure there would be no material loss of privacy to these neighbours.

The proposals are therefore acceptable in amenity terms and comply with policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

The proposal involves the replacement of 26 serviced apartments with 17 permanent residential flats however no off street car parking provision is made. The Highways Planning Manager has stated that the whilst in the immediate vicinity of the site, the parking thresholds do not breach the TRANS23 specified 80%, the proposals are undesirable on transportation grounds because of this lack of parking however has stated that if the case officer is minded to grant permission then lifetime car club membership should be secured by way of a legal agreement.

The applicant has agreed to provide the car club membership for all the flats, which will be secured via a legal agreement. It is not considered that the application could be refused on the grounds of lack of car parking, and the provision of car club membership is considered to offer sufficient mitigation in this case.

8.5 Economic Considerations

Not applicable.

8.6 Access

There will be no changes to the existing access to the properties.

8.7 Other UDP/Westminster Policy Considerations

There are works proposed in the rear garden to construct cycle storage and waste/recycling storage. A mature tree is located in the rear garden. The proposal has been assessed by the City Council's Arboricultural Officer who has no objection subject to further details of the foundations and construction of the structures been provided together with details of tree protection measures.

The proposal would be liable for Westminster and Mayoral CIL payments. It is estimated that the total Westminster CIL payment would be £10,800 and the total Mayoral CIL would be £1,350. A total of £12,150.

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

As discussed above it is recommended that a condition is added to any permission requiring that appropriate arrangements to secure on street car parking mitigation measures prior to work on site commencing.

8.11 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.7 above.

8.12 Other Issues

Only include matters not covered elsewhere in the report.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health Consultation, dated 13 April 2016
3. Responses from Environmental Health, dated 21 March 2016
4. Response from Arboricultural Officer, dated 24 March 2016
5. Response from Highways Planning, dated 13 April 2016

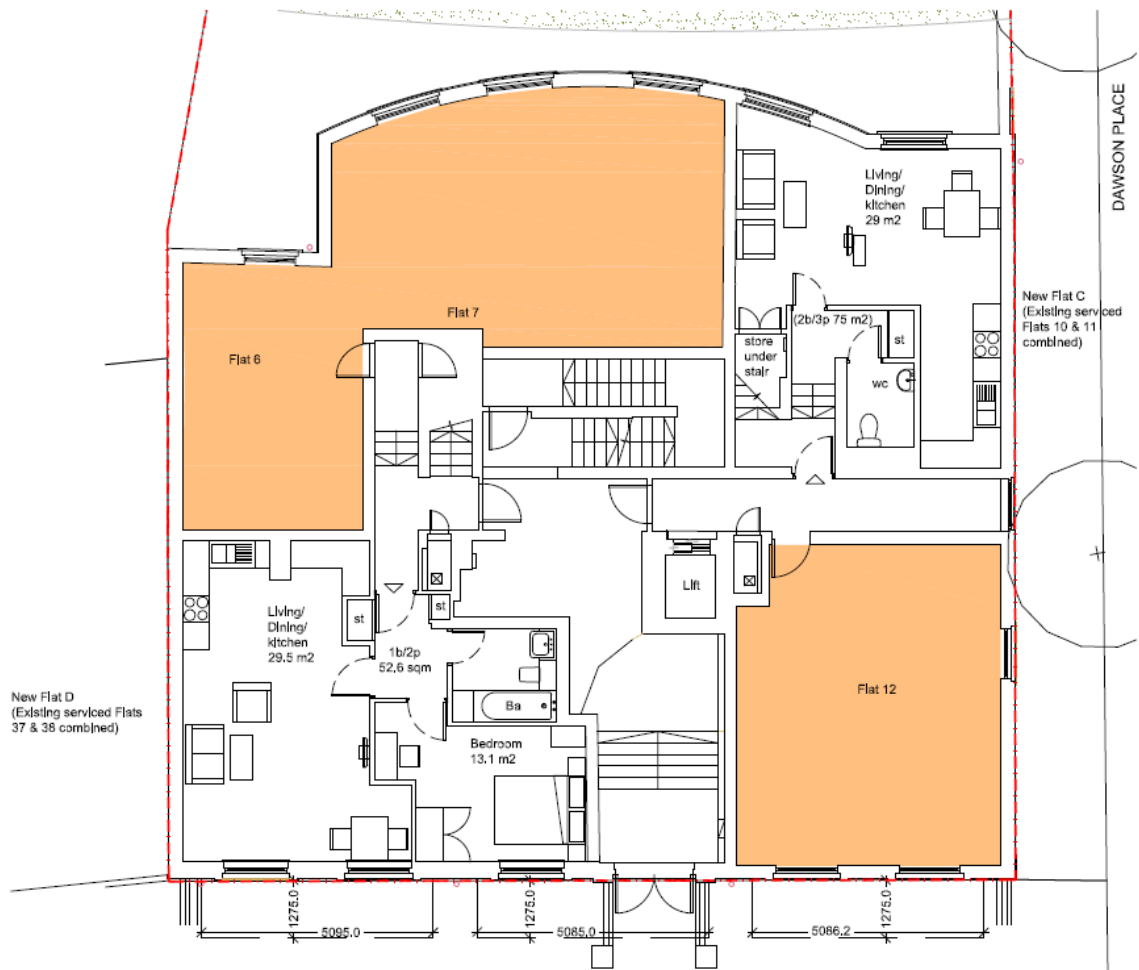
Selected relevant drawings

(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 KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

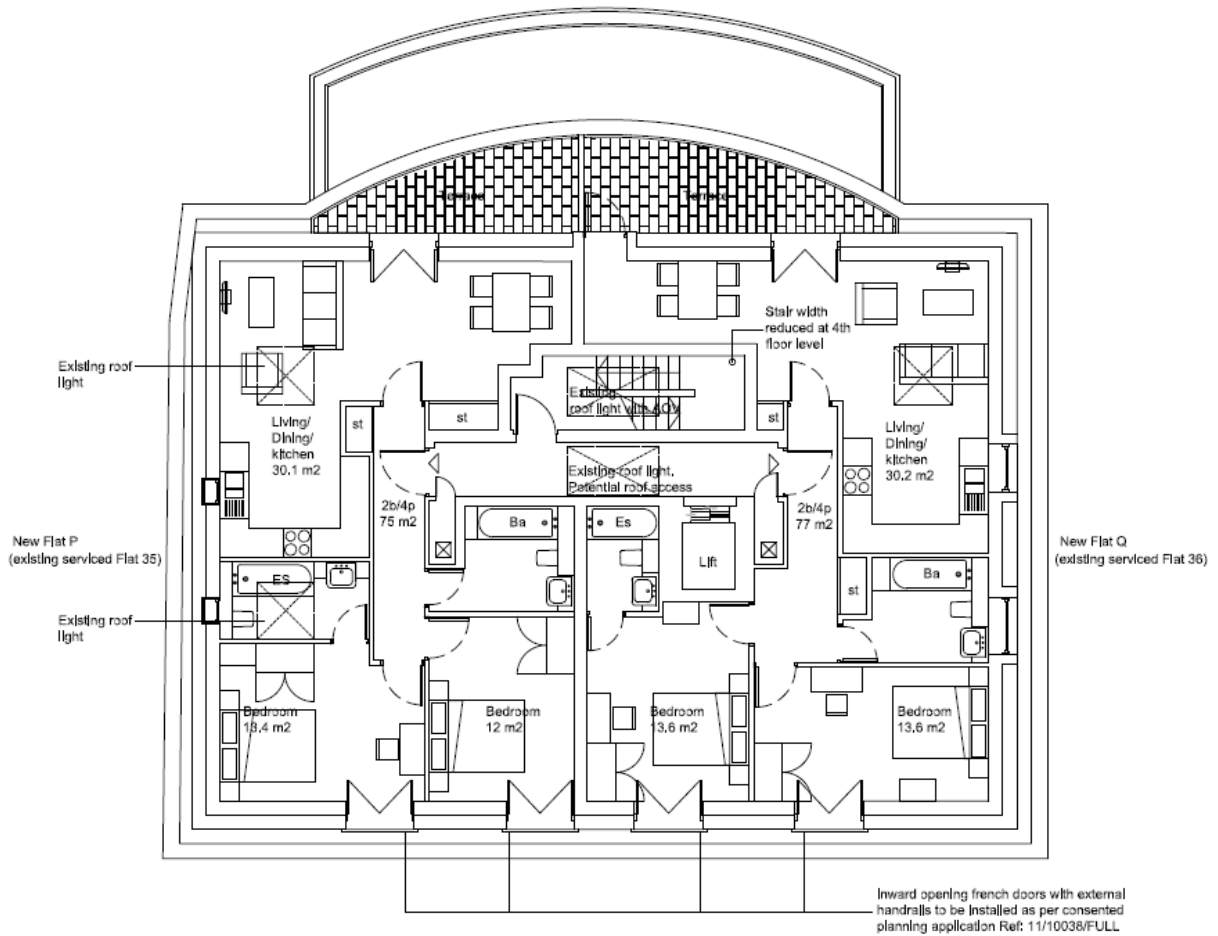
Ground Floor plan



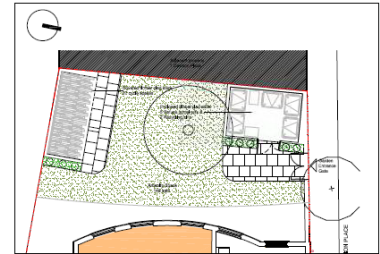
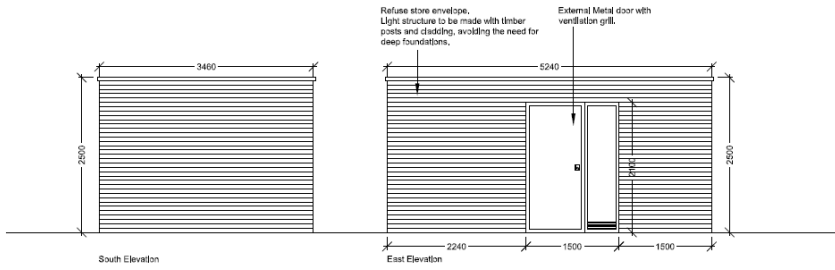
Second Floor Plan



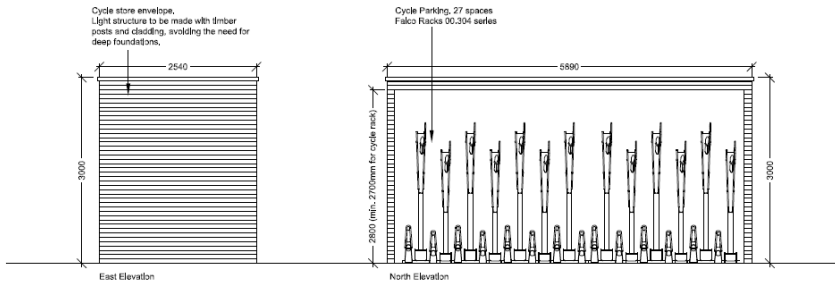
Fourth Floor Plan



Proposed Ground floor courtyard plan/ Cycle and Refuse Storage Details



Refuse Store Elevations
Scale 1:50



Refuse Store Elevations

DRAFT DECISION LETTER

Address: 74-76 Princes Square, London, W2 4NP,

Proposal: Conversion of 26 serviced apartments within part of the building to form 17 residential units (4 x studio, 3 x 1 bed and 10 x 2 bed) with the installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard.

Reference: 16/01573/FULL

Plan Nos: A 000 001 P0; A 000 002 P3; A 025 001 P0; A 025 002 P0; A 025 003 P0; A 025 004 P0; A 025 005 P0; A 025 006 P0; A 025 007 P0; A 025 008 P0; A 100 001 P5; A 100 002 P7; A 100 003 P5; A 100 004 P5; A 100 005 P5; A 100 006 P5; A 100 007 P5; A100 008 P3; A 100 010 P1; Bike storage Specification; Flat Floorspace Schedule; Energy Statement; Planning Statement; Transport Statement.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

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 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

4 The new metal railings to fourth floor level shall be formed in black metal

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

5 The framing to the new windows and external doors to fourth floor level shall be formed in white painted timber

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

6 The timber to the new cycle store and bin store structures to the rear garden area shall be stained a mid to dark brown, green or grey colour, and shall be maintained as such thereafter

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

7 **Pre Commencement Condition:** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

8 You must provide details of the construction of the refuse stores, cycle storage and hard surfacing in the rear garden, including section drawings of foundations. The foundations of these structures should either be 'no-dig' construction or should be informed by trial excavations in order to avoid tree roots. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved drawings

Reason:

To protect the trees and the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

9 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following:

Reduce the impact of the development on on-street residents car parking in the vicinity of the application site.

In the case of each of the above benefit, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013 and in STRA25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007

10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

11 You must submit detailed drawings indicating revised proposals for the storage of general waste and recyclable materials for approval by the City Council. This development will require a minimum of two 1,100L bins for recyclable materials, and one 660L bin for general waste. , , Before anyone moves into the residential flats, you must provide the separate stores for waste and materials for recycling as shown on the approved details. You must clearly mark them and make them available at all times to everyone living in the flats.

Reason:

To protect the environment and provide suitable storage for waste 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. (R14BD)

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 In relation to condition 11, this development will require two 1,100L bins for recyclable materials, and one 1,100L bin and one 660L bin for general waste because the storage capacity for recyclable materials should be more than the storage capacity for waste., , However, they can have three 1,100L for recyclable materials storage and two 1,100L for general waste storage if they want more storage capacity., , oThe storage containers should be marked R for recyclable materials and W for the general waste., , Refer applicant to the Council Recycling and Waste Storage Requirements sections 3.1.1 and 2.3.1., , Link provided below., , <https://www.westminster.gov.uk/waste-storage-planning-advice>

3 Under condition 9 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure an undertaking to provide one car club membership for each residential unit within the development for a period of not less than 25 years from the date of first occupation. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

4 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission.

5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an Assumption of Liability Form immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a Commencement Form, CIL forms are available from the planning on the planning portal: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, Forms can be submitted to CIL@Westminster.gov.uk, Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

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.