

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF,</b>		
<b>Proposal</b>	Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).		
<b>Agent</b>	Mr Oren Barrie		
<b>On behalf of</b>	Mr Oren Barrie		
<b>Registered Number</b>	16/10759/FULL	<b>Date amended/ completed</b>	28 November 2016
<b>Date Application Received</b>	10 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application relates to part of the Harley Street public car park. Permission was granted in August 2009 for the use of the whole of third basement level as a self-storage facility but this permission was not implemented. Further permission was granted in October 2013 for the use of part of the third basement level for the same use, and this use has commenced. The current application seeks permission for the use of the remainder of the third basement as an extension to the self-storage facility (Class B8) and would provide 122 additional storage units (249 in total) and result in the loss of 80 car parking spaces.

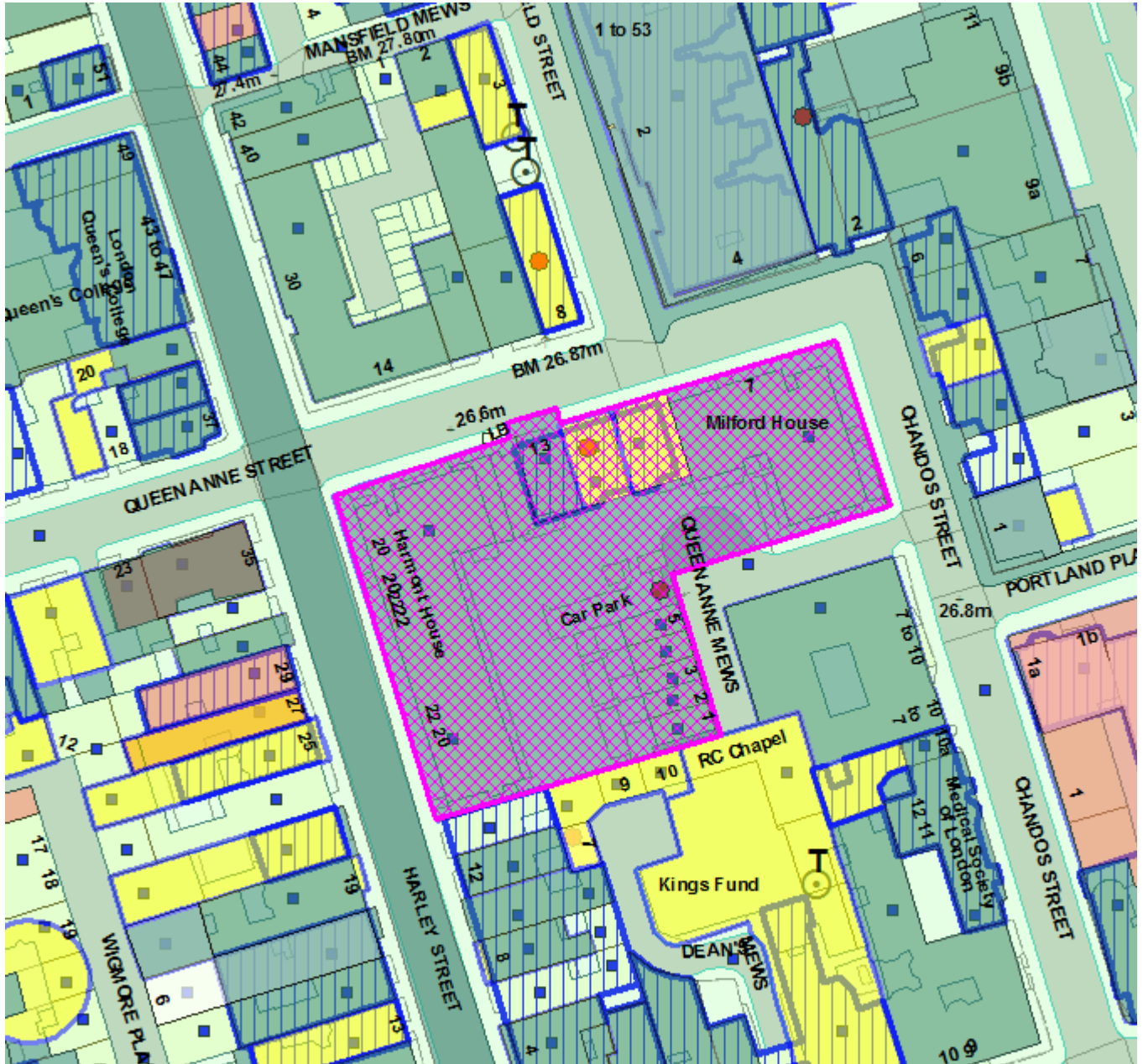
The key issues in this case are:

- The impact of the proposal on on-street parking demand and traffic generation.
- The impact of the use upon residential amenity

Objections have been received on parking, highway safety and amenity grounds. The loss of

the loss of public car parking spaces and the proposed use are considered acceptable, in principle, in land use terms. Subject to appropriate conditions, it is not considered that the proposals would adversely affect the amenity of neighbouring residential properties or would compromise highway safety. The application is considered to comply with relevant UDP and City plan policies and is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION:

Objection: existing facility does not operate in accordance with the approved Traffic Management Plan, noise and pollution from idling (oversized) delivery trucks and loading/unloading of trollies outside of permitted opening hours; car park exit blocked by oversized vehicles.

### HIGHWAYS PLANNING MANAGER:

No objection subject to conditions

### CLEANSING

Details of refuse/recycling storage arrangements required

### ADJOINING OWNERS / OCCUPIERS

No. consulted: 146 No of replies: 6 No of objections: 6 (including an objection from Milford/Harmont Residents' Association)

- Loss of additional parking spaces
- Large delivery vehicles are unable to enter the carpark and unload at the entrance, using residents' parking spaces and blocking traffic on Queen Anne Mews to the detriment of highway safety
- Would exacerbate existing noise disturbance to neighbouring residential properties from deliveries/delivery trolleys, early morning/late night deliveries, operation of roller shutters, lack of soundproofing, noise from customers using the stair access
- No vehicle management plan nor details of how vehicles will park/load/ turn on Queen Anne Mews
- The use does not operate in accordance with the approved details.
- Nuisance from 24 hour lighting

ADVERTISED/SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is Harley Street Underground Car Park, which is accessed via an entrance ramp in Queen Anne Mews. The car park is set over three basement levels beneath two blocks of residential flats (Milford House and Harmont House). There is a separate pedestrian staircase to the car park on the north side of Queen Anne Mews.

The site is within the Harley Street Conservation Area and within the Core Central Activities Zone.

The City Council has a leasehold interest in the site and the car park is operated by Q Park Ltd.

## 6.2 Recent Relevant History

9 December 2010: Permission granted for retention of a roller shutter across the entrance/exit (to close the car park when required for maintenance purposes or in an emergency). The hours of use of the roller shutter were restricted by condition.

(24 November 2014: Permission granted to remove the operating hours restriction on the use of the roller shutter).

6 August 2009: Permission granted for use of whole of basement level 3 to provide 369 lettable self-service storage units (Class B8). This scheme resulted in the loss of 132 car parking spaces. Not implemented.

29 October 2013 Permission granted for the use of part third basement level as a self-storage facility, providing 127 self-storage units, with an administrative office at first basement level (13/07597/FULL). This scheme resulted in the loss of 47 car parking spaces. Implemented.

The approved operating hours are between 08.00 and 20.00.

Conditions were attached requiring i) the approval of details of waste and recycling storage, ii) the submission of a revised Operational Management Plan (OMP) including reference to vehicle size limits in all marketing information and iii) details of security measures including CCTV and security lighting. It is noted that none of these pre-commencement conditions has been discharged. However, this information has been submitted in support of the current application.

## 7. THE PROPOSAL

This application is for the use of the remainder of the third basement level as an extension to the existing self-storage facility, occupying an additional 80 public car parking spaces at that level. Three customer parking spaces would be provided would be provided in association with the use.

Prefabricated storage units would be laid out over a set grid of pedestrian walkways. A maximum of 122 storage units would be provided, of varying sizes, making a total of 249 storage units on the site. The proposals would result in the loss of 80 of the 281 remaining car parking spaces.

The expanded facility would have two three employees (two full time and one part time) who would operate from the existing office. There would be no change to the permitted operating hours.

The application includes details of internal CCTV and security lighting, and details of waste storage. The submitted OMP has been revised to provide full operational details.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Loss of car parking**

UDP policy TRANS 25 states that the council will usually permit the loss of public off-street parking. In determining such proposals, the Council will consider the need to reduce traffic levels and encourage more sustainable modes of transport, the average and peak usage of the car park, the availability of alternative, nearby public car parks; the impact on local on-street parking facilities; the impact on traffic and local residential amenity and any other factors considered relevant.

The proposals would result in the loss of an additional 80 car parking spaces (making a total loss of 127 spaces in conjunction with the 2013 approval) but slightly less than the permitted loss of 123 spaces under the 2009 permission. The scheme would retain 201 car parking spaces.

Objections have been received on the grounds that the scheme would increase the demand for on-street parking in the area. However, the Highways Planning Manger considers that given the general occupancy level of the car park (an average of 141 vehicles on weekdays), the proposal would not result in parking overspill to neighbouring streets, particularly given the presence of nearby public car parks at Cavendish Square and Welbeck Street, which are approximately 150m from the site. The application would maintain the provision of 55 residents' parking spaces.

In view of the above, the proposals are considered to be in accordance with UDP policy TRANS 25.

#### **8.1.2 Proposed use**

Council policies do not refer specifically to self-storage facilities. However, such a use could broadly be considered to fall within the remit of UDP policy COM 11, which relates to new general industrial or commercial warehouse floorspace, albeit that the proposed use is on a smaller scale. The policy states that such uses will only be approved where they are located close to the strategic road/rail network, the accommodation is particularly suited to the proposed use, the servicing

requirements can be adequately met within the site and there would be no adverse impact on residential amenity.

The use of the entire third basement level as a self-storage facility has previously been approved. On this basis, as the loss of the existing car parking is considered acceptable, and given the nature, and relatively small scale of the proposed use, the proposal accords with the objectives of policy COM 11 is considered acceptable in principle in land use terms. The impact of the use on the highway network and residential amenity is discussed in sections 8.2 and 8.4 below.

## 8.2 Highways

Objections have been received on the grounds that the existing facility is not being operated in accordance with the approved Operational Management Plan. It is noted that a finalised OMP was never submitted as required by a condition attached to the 2013 permission.

In particular, objectors are concerned that the facility is visited by a number of large delivery vehicles which are unable to enter the car park, due to height restrictions, and which unload at the carpark entrance, restricting access, or park in residents' parking bays or block Queen Anne Mews to the detriment of the free flow of traffic and highway safety. Objectors are also concerned that the application is not accompanied by a vehicle management plan and that details demonstrating how vehicles will park/load/ turn on Queen Anne Mews have not been provided.

Both sides of Queen Anne Mews are painted with single yellow lines which control the parking of vehicles within the mews and are designed to prevent obstruction of the highway. Any breaches of parking control are dealt with by other agencies.

The application is supported by an OMP, which has been updated during the course of the application. This document requires all customers to sign an agreement, before hiring any units, which includes an acknowledgement that there is a 1.8m height restriction to the car park access. This height restriction is also advertised on the operator's website and at the car park entrance.

A condition is recommended to require the premises to operate in accordance with the OMP. Further conditions are recommended to require all loading/unloading to take place within the premises and to prevent any goods being received at/dispatched from the premises other than from/to vehicles parked within the facility. Subject to these controls, it is not considered that the application could justifiably be recommended for refusal on highways grounds.

The premises layout would enable vehicles to enter and leave the site in forward gear. In these circumstances, there would be no requirement for vehicles to turn within the mews.



The Highways Planning Manager has requested a condition requiring the provision of staff cycle parking in association with the use. Details of secure staff cycle parking would be reserved by condition.

### 8.3 Residential Amenity

Policies ENV 6 and ENV 7 of the UDP and City Plan policy S32 require new developments to minimise noise disturbance and to protect noise sensitive properties. The City Council will apply conditions when approving schemes in order to limit noise emissions. City Plan policy S29 seeks to safeguard the amenity of neighbouring residential properties.

A number of objections have also been received on the grounds that the proposals would exacerbate noise disturbance associated with the existing operation including noise from deliveries/delivery trolleys and from the use of the entrance roller shutter, which has been the subject of previous complaints. However, subject to the conditions outlined about, which seek to ensure that all loading and unloading of goods takes place within the premises, during permitted operating hours, it is not considered that the proposals would have any greater impact on noise levels than would the existing car park use.

The roller shutter is managed by the car park operators. The current application does not propose any change to the operation of the roller shutter, which is not subject to controls over the hours of its use. In these circumstances, it is not considered that these objections could be supported.

Objectors are also concerned that the storage facility is not adequately soundproofed, resulting in noise disturbance to neighbouring residents. However, all loading/unloading would take place at third basement level and the closest residential properties are at ground level. Subject to a requirement for the use to operate in accordance with the OMP, it is not considered that the level of disturbance arising from the proposed use would be any greater than that associated with the existing use as a public car park.

An objection has been received on the basis that customers accessing the self-storage facility via the stairwell cause unacceptable noise disturbance. Although these concerns are noted, it is not considered likely that pedestrian activity/noise from customers visiting the storage facilities have the potential to cause any greater disturbance than drivers accessing parking vehicles within the existing parking spaces.

An objection has been received with regard to disturbance from 24 hour lighting on the site being a nuisance. The current proposal includes internal security lighting at third basement level which would not be visible from any neighbouring residential

properties. Objections relating to noise disturbance relating to the conversion of the premises for the proposed use are noted and it is recommended that a condition is imposed to restricted the hours of building works.

In conclusion, subject to appropriate operating conditions, it is not considered that the proposed use could would have an adverse impact upon the amenities of neighbouring residents.

#### **8.4 Townscape and Design**

No external alterations are proposed.

#### **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcomed.

#### **8.6 Access**

Access to the car park and self-storage facility would remain as existing.

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

##### **8.7.1 Waste and recycling**

The proposed arrangements for the storage of waste and recyclable materials are considered acceptable and would be secured by condition.

#### **8.8 London Plan**

Policy 6.13 of the London Plan seeks an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. The proposals would accord with the intent of this policy by re-developing excess parking spaces.

#### **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**

This application does not trigger any planning obligations.

#### **8.11 Environmental Impact Assessment**

No Environmental Impact Assessment is required.

#### **8.12 Other Matters**

It is noted that objections have been received on the grounds that the existing use does not operate in accordance with previously approved Operational Management/Traffic Plans. However, although a finalised OMP was not submitted for approval as required under the previous permission, the current OMP includes the obligations relating to the advertisement of height restrictions to the car park entrance, requested by the Planning Committee.

Records indicate that whilst complaints have been received in relation to noise generated by the use of the car park roller shutter, no other complaints have been received.

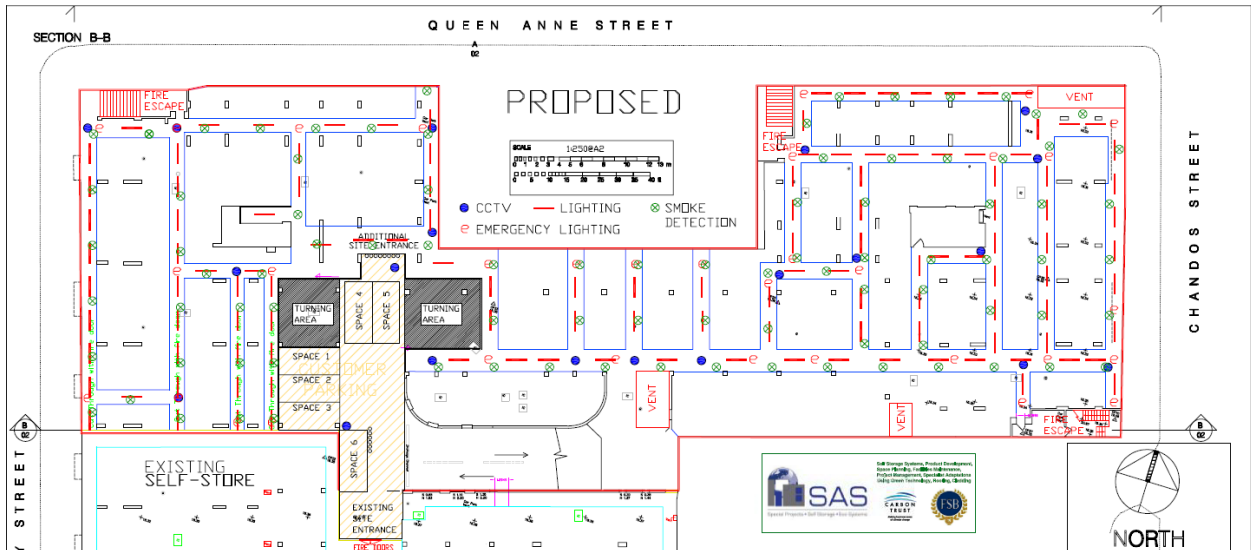
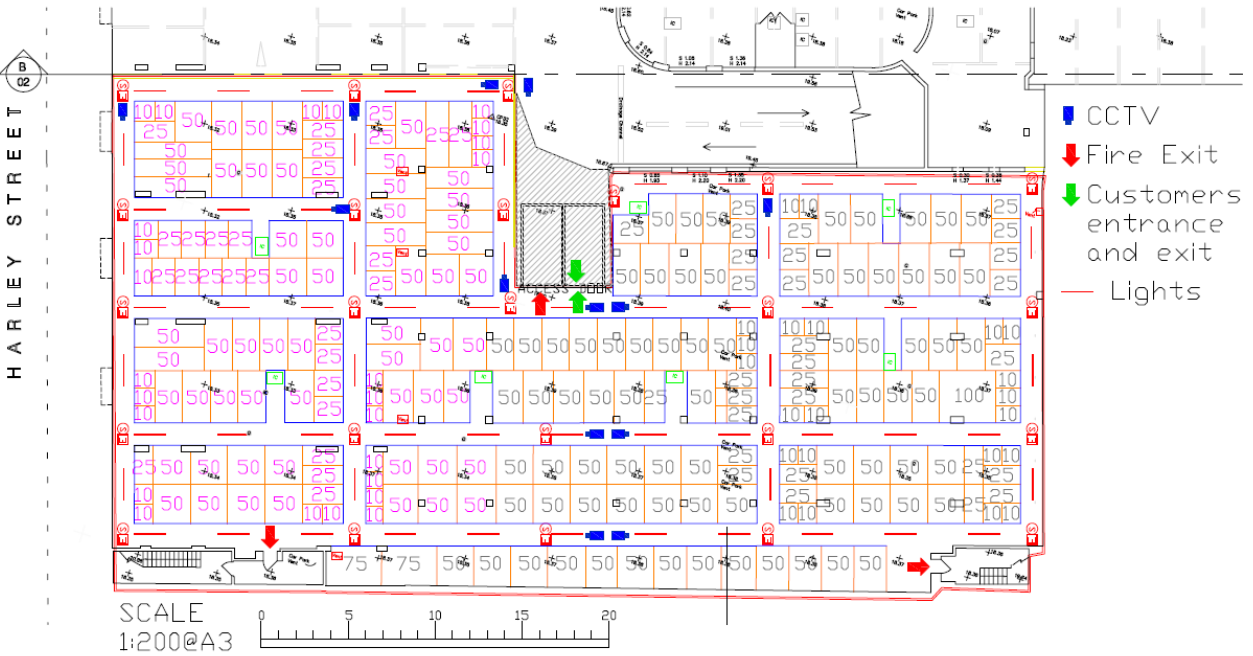
## 9 BACKGROUND PAPERS

1. Application form
2. Memoranda from Project Manager (Waste) dated 9 December 2016 and 8 March 2017
3. Memoranda from Highways Planning dated 19 January and 1 March 2017
4. Letter from occupier of Flat 8, Harmont House, 20 Harley Street, dated 12 December 2016
5. Letter from occupier of Flat 19, Harmont House, dated 15 December 2016
6. Letter from occupier of 1 Queen Anne Mews, dated 19 December 2016
7. Letter from occupier of 5 Milford, 7 Queen Anne Street, dated 21 December 2016
8. Letter from occupier of 5 Milford House, dated 21 December 2016
9. Letter from occupier of 65 Alfred Road, dated 13 January 2017

(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: SARA SPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk) .

## 10 KEY DRAWINGS

DRAWING 6  
PROPOSED CCTV and LIGHTINGDRAWING 4  
Existing facility showing CCTV and LIGHTING

**DRAFT DECISION LETTER**

**Address:** Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF,

**Proposal:** Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).

**Reference:** 16/10759/FULL

**Plan Nos:** Drawing 001 - Plan of Level -1, Drawing 03 - Plan of office, Drawing 4 - Existing facility showing CCTV and Lighting, Drawing 6 - Proposed CCTV and Lighting, Drawing 7 - Proposed storage units, LP 3RD Harley Street Car Park, 2209/L/01 - Location Plan, Operating and Management Statement by W1 Self Storage received 1/3/17

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

**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 not open the self-storage premises to customers, and you must not allow customers on the premises, outside the following times: 08.00 - 20.00.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 The area outlined in red on approved Drawing Number 7- Proposed Storage Units shall

only be used for self-storage units. You must not use it for any other purpose, including within Class B8 of the Town and Country Planning (Use Classes) Order (1987) (as amended) (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class B8 because it would not meet COM 11 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 You must provide each car parking space shown on approved Drawing Number 7 - Proposed Storage Units prior to the use hereby approved, and each car parking space shall only be used for the parking of vehicles of customers visiting the premises for the purpose of using the self-storage units. The car parking spaces indicated on the submitted plans should be dedicated for use by the self-storage facility implemented and maintained for the lifetime of the development

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 25 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 7 The use hereby permitted shall not result in more than 122 additional individual self storage units within level -3 of the car park, and the total number of individual self storage units at level -3 shall not exceed 249.

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 8 With the exception of the collection of refuse, the delivery and collection of all goods shall take place within level -3 of the car park and not outside the car park. No delivery or collection of goods shall take place outside of the opening hours: 08.00 - 20.00

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 (November 2016)

and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 9 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: 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. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and 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 neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 10 The Operating and Management Statement by W1 Self Storage received 1/3/17, hereby approved, shall be implemented and maintained for the lifetime of the development

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
  
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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.