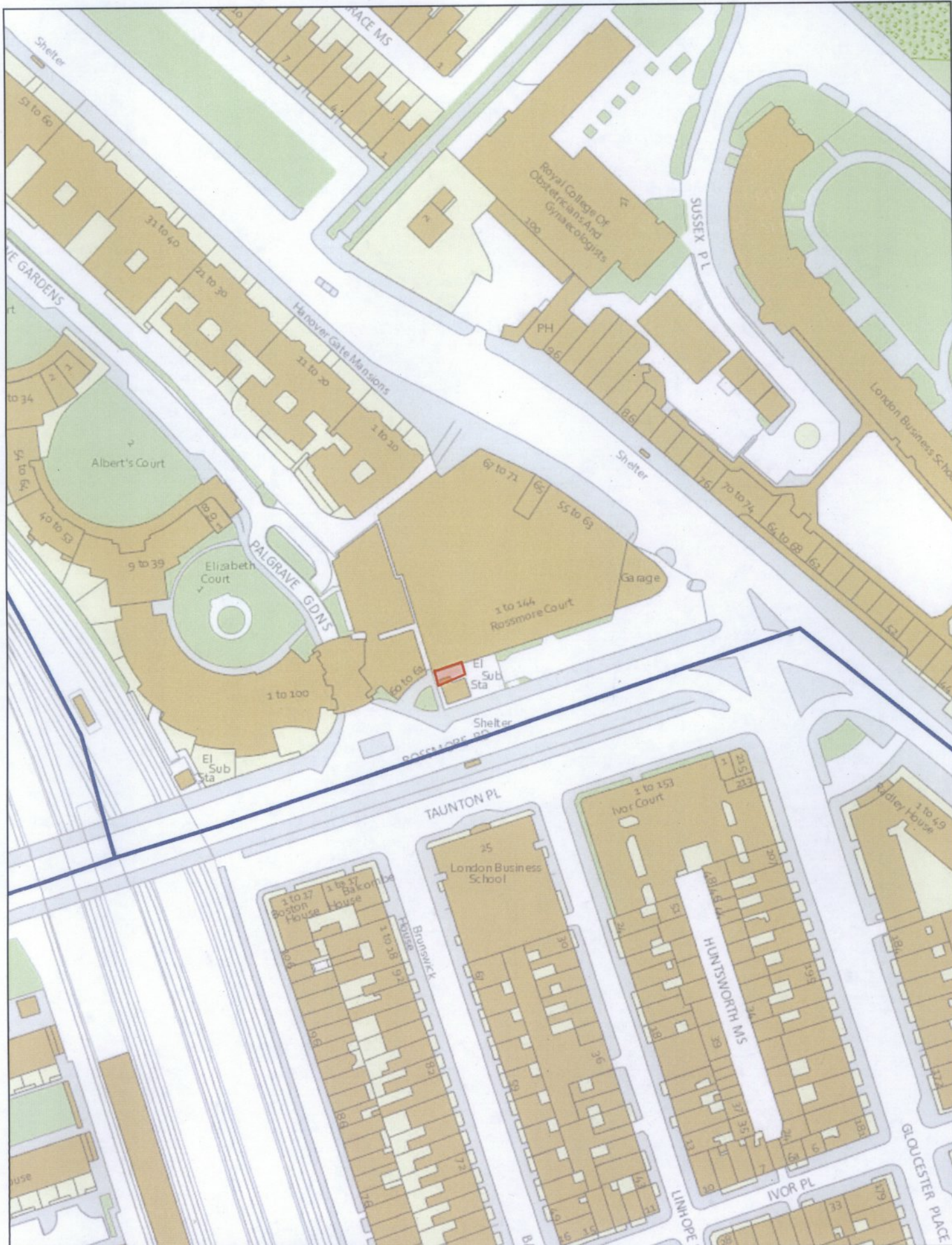


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 June 2015	Classification For General Release	
Report of Director of Planning		Wards involved Regent's Park	
Subject of Report	Parking Spaces 15, 16, 17 And 18 Rossmore Court, Park Road, London, NW1		
Proposal	Erection of a raised single storey office building adjacent to electricity sub-station fronting Rossmore Road for financial and professional services use (Class A2).		
Agent	Keith Pepper Associates		
On behalf of	Ultra Properties		
Registered Number	15/00207/FULL	TP / PP No	TP/25206
Date of Application	10.01.2015	Date amended/ completed	10.02.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.



City of Westminster

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 Date: 10/06/2015

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PARKING SPACES 15, 16, 17 AND 18 ROSSMORE COURT, PARK ROAD, NW1

2. SUMMARY

The application site comprises a small yard area that formed part of an access road located to the side of Rossmore Court that provided access to a railway goods yard on the site now occupied by Palgrave Gardens. The site is not listed and is not located within a conservation area.

Permission is sought for the erection of a raised building to be accessed from the retail forecourt of the adjoining Palgrave Gardens development to provide additional Class A2 financial and professional services accommodation.

The key issues in this case are:

- Whether the provision of an additional Class A2 unit is acceptable in this location in land use terms.
- Whether the proposed building is acceptable in design terms.
- The impact of the proposed development on the amenity of neighbouring residents.

The proposed development is considered to comply with the relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP) and as such, it is recommended that permission is granted subject to the conditions set out in the draft decision letter.

3. CONSULTATIONS

ST. MARYLEBONE SOCIETY

No objection to design of the proposed development. Query regarding the legal implications of access to the proposed building.

HIGHWAYS PLANNING MANAGER

Undesirable in transportation terms but could be considered acceptable. Recommend conditions relating to cycle parking and waste storage.

ENVIRONMENTAL HEALTH

No objection. Suggest conditions relating to hours of building works and vibration.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 372; Total No. of Replies: 3.

Three responses received raising objection on all or some of the following grounds:

- Concern about the impact of the setting of the entrance to Palgrave Gardens and apartments.
- Concern about impact on the setting of Rossmore Court.
- Concern about security implications of structure.
- Request for parking space.

ADVERTISEMENT/ SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The site comprises part of a small yard area in between Rossmore Court and Rossmore Road, which is understood to have originally served as an access road for a goods yard which was redeveloped as part of the Palgrave Gardens redevelopment in the late 1990s. The

space in question is located between the wall of a car park below Rossmore Court and an electricity sub-station. None of the buildings adjacent to the site are listed and the site does not fall within a conservation area.

4.2 Relevant History

8 November 2013 – Permission was refused for the erection of a single storey extension to the sub-station at Rossmore Court to provide office unit (Class B1) (13/02437/FULL). Permission was refused on land use and design grounds. The reasons are set out below:

'Under CS 20 of Westminster's City Plan: Strategic Policies which is to be adopted by Full Council on 13 November 2013 and CENT 1 and COM 1 of our Unitary Development Plan that we adopted in January 2007, new office development will be directed to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, specified locations within Marylebone and Fitzrovia, and the North Westminster Economic Development Area. We consider that these areas are more suitable for office development and we do not consider that the circumstances of your case justify an exception to our policies.'

*'Because of its detailed design and relationship to the yard and adjoining buildings the proposed office building would harm the appearance of this building and this part of the City. This would not meet CS 28 of Westminster's City Plan: Strategic Policies which is to be adopted by Full Council on 13 November 2013 and DES 1 and **** of our Unitary Development Plan that we adopted in January 2007.'*

5. THE PROPOSAL

Permission is sought for the erection of a single storey structures for use as a Class A2 office (financial and professional services). The structure is proposed to be constructed above an existing parking space and would be accessed by pedestrians from the small retail forecourt in front of the Palgrave Gardens development.

It is understood that it is intended that the unit would be used to provide additional floorspace (22m²) for the estate agency business (Ultra Estates), which currently operates from the ground floor area of the Palgrave Gardens development. However, the unit would be capable of being used independently of the existing Class A2 use in the neighbouring retail unit.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The site is currently used for parking and there are no planning controls that would restrict the use of this parking space.

The forecourt area in front of the Palgrave Gardens development is not a designated shopping frontage or centre. The proposed building would be formed on a raised platform that sits on supporting posts so that the parking space below within the yard area will continue to be usable.

One of the reasons for refusal of the previous application was that the location in question was considered inappropriate for new Class B1 office accommodation. This application confirms the office use proposed will be a Class A2 (financial and professional services) use serving visiting members of the public.

Whilst Policy S21 in the City Plan states that new retail floorspace will be directed to the designated Shopping Centres, the increase in Class A2 accommodation proposed would only

be 22m² and this floorspace would be provided in conjunction with an existing small retail frontage that meets local shopping and services need. In this context, it is not considered that the small amount of additional Class A2 floorspace proposed would significantly undermine the aims and objectives of Policy S21.

Policy SS8 in the UDP states that permission will not be given for proposals outside District and Local Centres that would significantly harm residential amenity or local environmental quality as a result of smells, noise, increased late night activity and disturbance or increased parking or traffic. Due to the point of access to the new unit being from an existing forecourt that serves other Class A1 and A2 uses, and as the unit would be of a very small size and located a significant distance from neighbouring residential windows, it is not considered that the proposed use would be contrary to Policy SS8 in the UDP.

6.2 Townscape and Design

The site comprises part of a redundant access road, which is of limited use, other than to provide surface level parking. As a result it fails to make a positive contribution to the surrounding townscape. Its proximity to Rossmore Court and the existing electricity sub-station acts as a constraint on the large scale redevelopment.

Objections have been raised expressing concern regarding how the proposed building would affect the setting of the surrounding buildings at Palgrave Gardens and Rossmore Court. The curved design of the copper clad structure is influenced by the sculpture located within the forecourt area of the Palgrave Gardens development.

The design approach has sought to maximise the potential of the space whilst being in keeping with the height of the buildings in the immediate setting (currently in retail use) and subservient within the wider setting. The form of the building has sought to reinforce its subservience through the curved roof. In design terms, curved roofs are not characteristic within the immediate setting, however, it is recognised that the form is not uncommon as some surrounding buildings have curved elements including the neighbouring building at Nos.60-61 Rossmore Road, which has a curved façade and curves have been created through surrounding hard and soft landscaping, including the area from which the Class A2 use will be accessed. Therefore the form is considered to reflect design characteristics found within the immediate setting and will not have an adverse impact on the appearance of the area.

The materials proposed are considered to introduce a modern element which will sit comfortably against the existing built form and materials. A condition is recommended requiring approval of a sample of the copper cladding to be used in the construction of the curved roof of the proposed building.

Overall in design terms, whilst the curved copper clad structure is unconventional in its form and detailed design, it is considered to be an innovative design response to this constrained site that is of modest scale. The St. Marylebone Society have commented favourably and support the proposed design.

For the reasons set out in this section of the report, the proposal is considered to comply with Policy DES1 in the UDP and Policy S28 in the City Plan.

6.3 Amenity

The structure would be isolated and located a significant distance from both the residential apartments on the upper floors of the Palgrave Gardens development and those on Rossmore

Court. The distance from the development to the nearest residential windows is such that any loss of daylight or increase in the sense of enclosure would not be material.

The site is located directly adjacent to a number of windows on Rossmore Court at ground floor level, however, these windows serve a car park. The increased sense of enclosure and loss of light that would be caused to these windows is not a ground on which permission could reasonably be withheld.

The application is considered to be acceptable in amenity terms and meets the objectives of Policy S29 in the City Plan and Policy ENV13 in the UDP.

6.4 Highways/Parking Issues

The proposal would retain the existing parking space beneath the raised office building and as such there would be no loss of parking. The additional 22m² of Class A2 floorspace would be accessed from the existing retail forecourt with vehicular access for servicing purposes from the rear which is considered to be a satisfactory arrangement. A condition has been added requiring details of waste storage facilities to be provided prior to occupation of the unit.

The application is considered acceptable in highways terms and meets the requirements of the relevant policies in the City Plan and UDP.

6.5 Equalities and Diversities (including Access)

The floor level of the proposed building would be higher than the forecourt area from which it would be accessed so that the parking space below the structure can be retained. Details of temporary step free access (for example, the provision of a temporary ramp to the building) are to be provided by condition.

6.6 Economic Considerations

Not applicable.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposals do not raise strategic issues.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to

their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

Not relevant given the limited scale of the proposed development.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

None relevant.

6.12 Other Issues

The legal issues associated with constructing a development on one piece of land that has an entrance from another, as reflected in the response from the St Marylebone Society, are not material planning considerations and are rather a private legal matter for resolution between the relevant land owners should permission be granted.

One objection has been raised regarding the impact of the structure on the security of Rossmore Court. It is understood that this relates to concerns that it may be possible to access the flat roof of the Rossmore Court car park from the curved roof of the new building, undermining the security fencing that has been erected by the residents of Rossmore Court. In response to this understandable concern it is noted that the building would slope away from the car park wall and there would be a gap of 1.5 metres from the roof of the adjoining car park to the top of the proposed building. As such, it is considered that this issue has been addressed to a reasonable extent by the curved design of the roof of the proposed building. Accordingly, the objection raised on security grounds cannot be supported as a ground on which to withhold permission.

6.13 Conclusion

In summary, the proposed development is considered to be acceptable in land use, design, amenity and highways terms and would accord with the relevant policies in the City Plan and UDP. As such, the application is recommended for approval, subject to the recommended conditions.

BACKGROUND PAPERS

1. Application form.
2. Letter from the St. Marylebone Society dated 12 March 2015.
3. Memo from the Highways Planning Manager dated 12 February 2015.
4. Memo from Environmental Health (undated).
5. Email from the occupier of 48 Rossmore Court, Park Road dated 18 February 2015.
6. Email from the occupier of 1-4 Palgrave Gardens, Rossmore Road dated 23 March 2015.
7. Letter from the occupier of Flat 11, Ivor Court, Gloucester Place dated 17 February 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT OLIVER GIBSON ON 020 7641 2680 OR BY E-MAIL – ogibson@westminster.gov.uk

DRAFT DECISION LETTER

Address: Parking Spaces 15, 16, 17 And 18 Rossmore Court, Park Road, London, NW1

Proposal: Erection of a raised single storey office building adjacent to electricity sub-station fronting Rossmore Road for financial and professional services use (Class A2).

Plan Nos: 2109-P500 and plan titled: 'Plans/sections/site plan/3d's'.

Case Officer: Neil Holdsworth **Direct Tel. No.** 020 7641 5018

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 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 proposed development. 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)

- 4 You must apply to us for approval of a sample of the copper to be used to clad the curved roof of the building. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

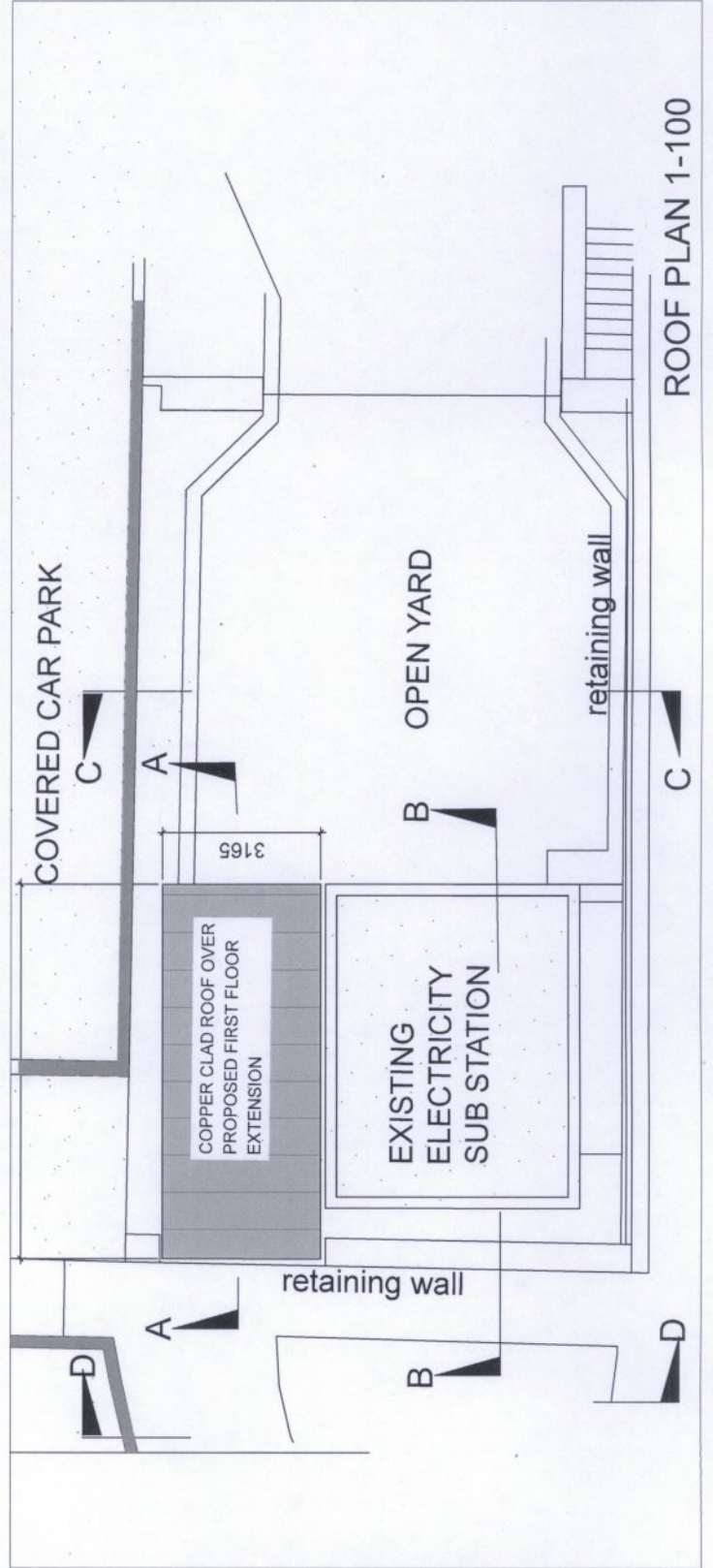
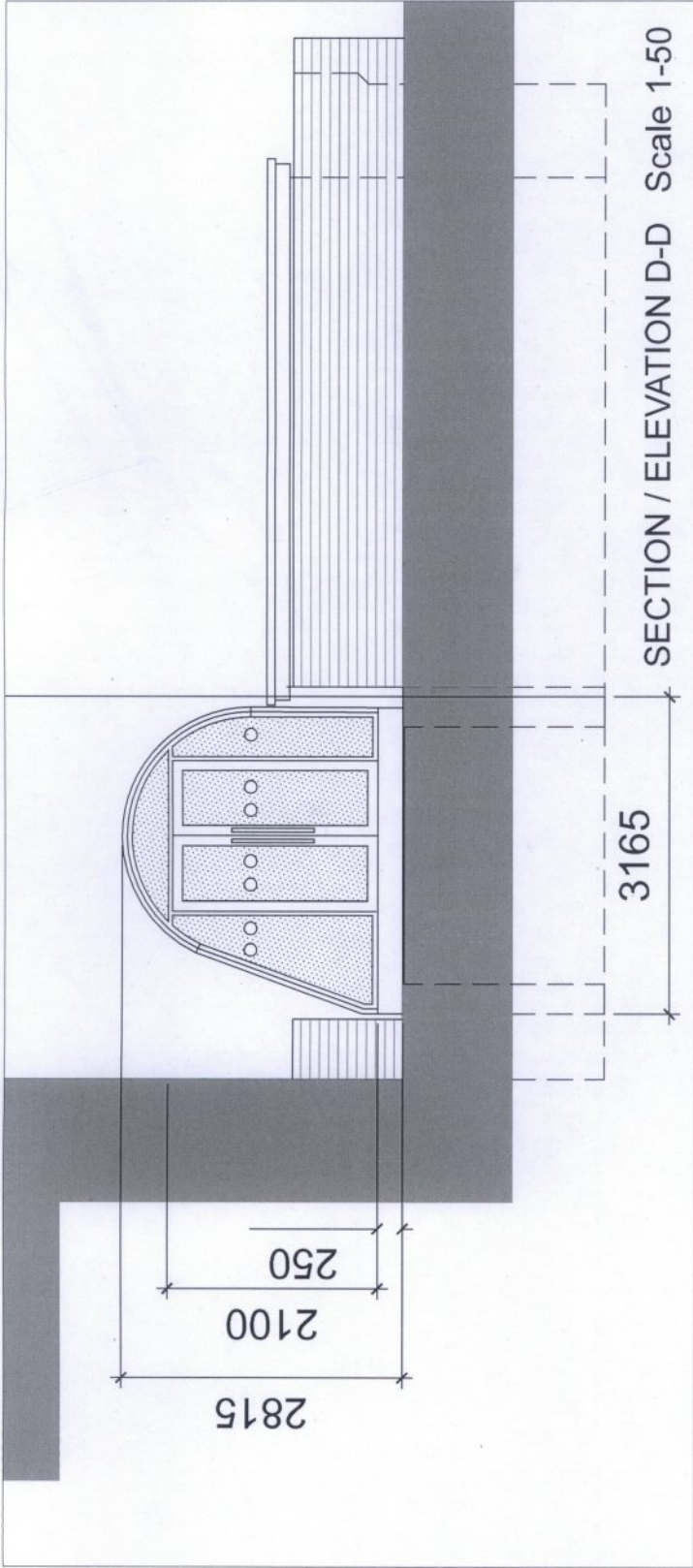
- 5 You must apply to us for approval of details of temporary/ removable step free access to the building hereby approved (including details of where/ how it will be stored). You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details and you must not use the Class A2 office accommodation until you have provided the step free access. (C26DB)

Reason:

To ensure that the new building is accessible to all in accordance with Policy S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 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.



Date	Rev	Revision

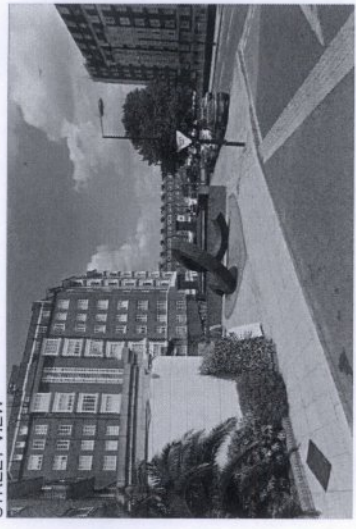
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Drawing ROOF PLAN AND WEST ELEVATION AS PROPOSED	
Drawing No. 2109-P500	Rev 1
Drawn LB	Date 18.3.13
Scale 1-100 & 1-50@A3	

ULTRA ESTATES 60-61 ROSENTHORPE ROAD LONDON NW1

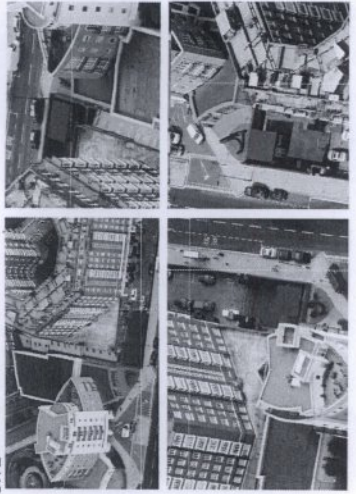
60-61 Rossmore Road ,NW16RB	
Title Plans/sections/site plan/3Ds	
CLIENT	Mr Peracha
DRAWN BY	CHECKED BY
DATE	08/01/2015
PROJECT NUMBER	4300007
SCALE (R/A)	1:100
Project Number	



STREET VIEW



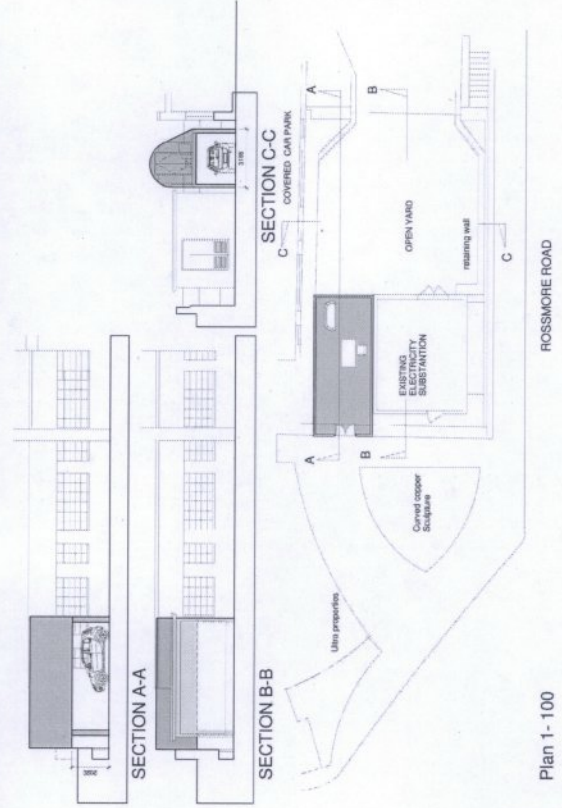
SITE



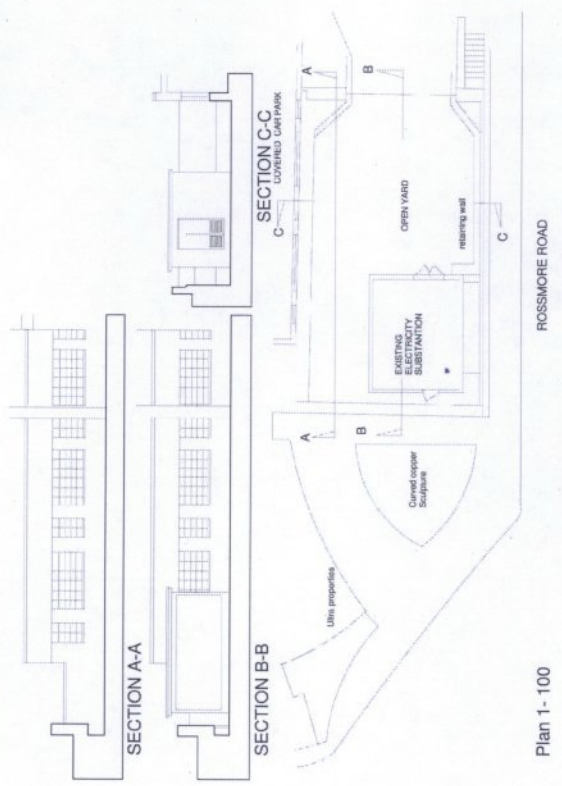
SITE LOCATION



PROPOSED



EXISTING

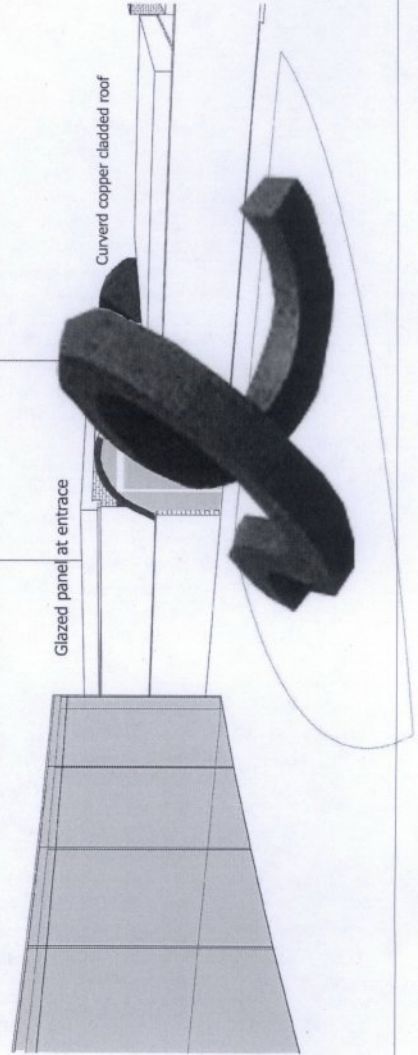


Plan 1-100

Plan 1-100

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