

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Marylebone Station, Melcombe Place, London, NW1 5JX		
Proposal	Installation of one free standing, A1 retail kiosk to the front forecourt of station 6am-9pm Monday to Friday, 9am-6pm Saturdays and Sundays.		
Agent	Catriona Fraser		
On behalf of	Network Rail		
Registered Number	15/06701/FULL	Date amended/ completed	8 February 2016
Date Application Received	22 July 2015		
Historic Building Grade	II		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Refuse permission – design and heritage impact grounds.

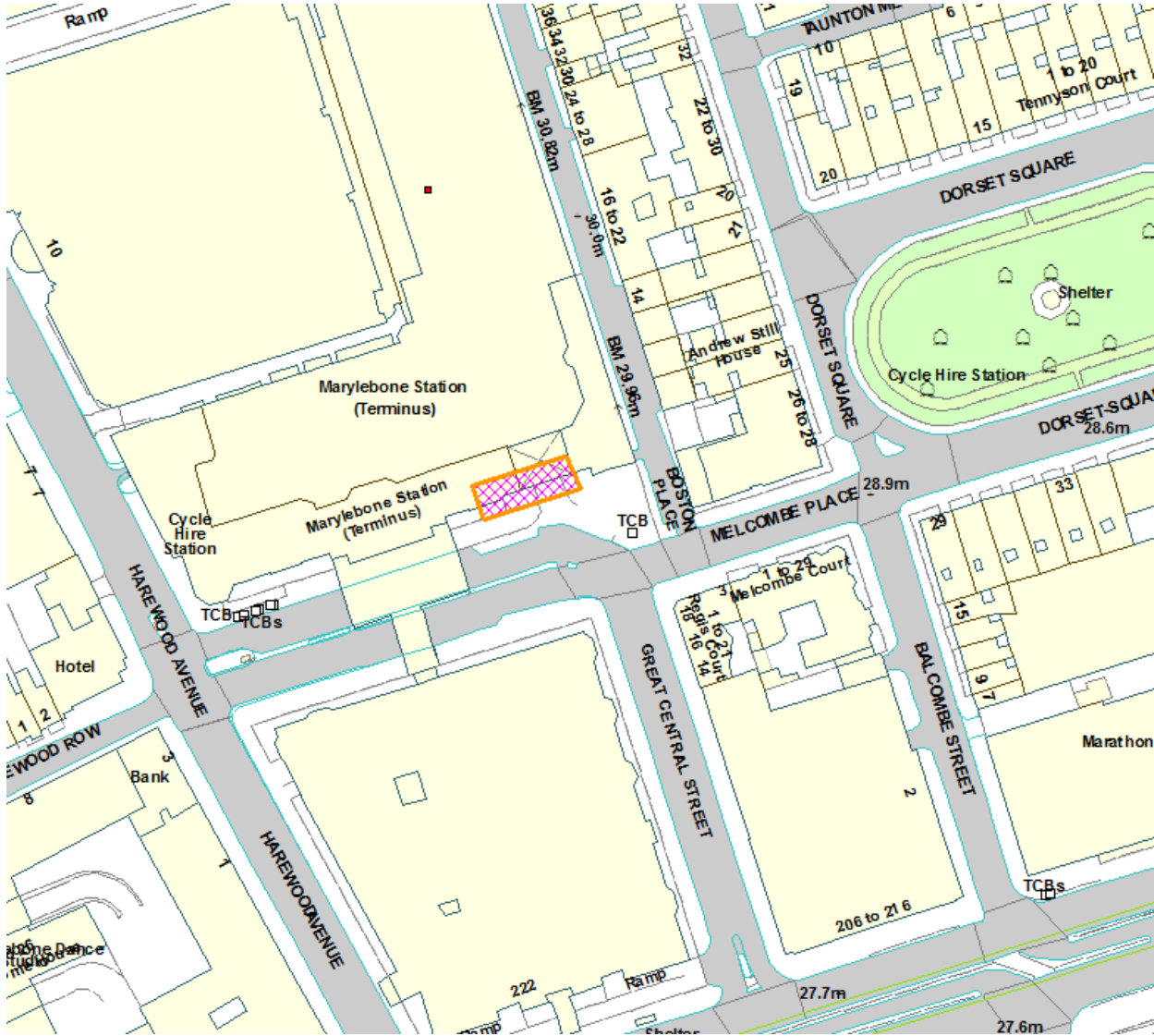
2. SUMMARY

Marylebone Station is a grade II listed building which dates from 1899. It lies within the Dorset Square Conservation Area. This application seeks permission to install one freestanding retail kiosk which would be positioned in front of the Melcombe Place façade, adjacent to the main station entrance. The main issues which arise from the proposal are:

- The impact on the setting of the grade II listed station building;
- The impact on the character and appearance of the Dorset Square Conservation Area;
- The impact on the highway and pedestrian movement;
- The impact on residential amenity.

The proposal is considered to have an adverse impact upon the setting of the listed building and upon the character and appearance of the conservation area. It is not considered that there are public benefits which outweigh the harm caused and as a consequence the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR ALEXANDER:

Objection on two grounds: i) the kiosk would clutter the building's aspect so as to disfigure it; ii) the front of the station is already very busy and will get busier and the kiosk will reduce space on the highway, where space is most needed.

HISTORIC ENGLAND:

Do not consider that it is necessary for this application to be notified to Historic England.

TRANSPORT FOR LONDON:

Any response to be reported verbally.

NETWORK RAIL:

No comment.

THE ST MARYLEBONE SOCIETY:

Very strong objection. Express concerns about poor design, clutter and harm to setting and architecture of the listed building.

DESIGNING OUT CRIME:

Any response to be reported verbally.

HIGHWAYS PLANNING:

Considers proposal acceptable in principle, questions whether A-frame on the front of the kiosk might be a trip hazard and requests that this be removed from the design;

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 32

Total No. of replies: 8

No. of objections: (5 objectors, 2 of which have made numerous representations)

No. in support: 0

In summary, the objectors to the proposal raise the following issues:

- Kiosk is unnecessary and unsightly;
- Will be a safety hazard;
- Deliveries/servicing to the kiosk and its operational hours will have adverse impact on residential amenity;
- Out of keeping with the local area and detracts from the appearance of the listed building;
- Loss of light to adjacent barber's shop;
- A flower shop was previously within one of the units in the concourse and could go into a concourse unit again;
- Kiosk unlikely to provide a service to local residents (ie. targeted at commuters);
- Kiosk would harm viability of adjacent CAZ frontages;
- Kiosk will interfere with pedestrian movement;

- Although proposed to be a flower stall, concerned that it could be used to sell other products, including food;
- The station and street are already cluttered and this would add to this.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Marylebone Station is a grade II listed building (date of listing 18 November 1996). It opened in 1899 as the new terminus of Great Central Railway's new London extension main line, which was the last major railway line to be built into London, excluding the new Channel Tunnel rail link.

The main station building, generally referred to as Great Central House, is a three storey (plus basement) red brick building with terracotta dressings, with its principal façade facing towards Melcombe Place, but with return facades onto Harewood Avenue and Boston Place. The design of the building is attributed to H.W.Braddock who worked for the Great Central Railway's Engineer's department. The station is linked to the former Great Central Hotel (now the Landmark Hotel) by an iron and glass canopy. Behind the red brick station building is a large concourse area, covered by a steel-framed roof which is part-glazed. To the north of the concourse are six platforms, which are covered by varying phases of train shed roofs. The two roof spans over platforms 1-3 are believed to form part of the original building.

The concourse area has undergone a considerable degree of alteration since 1899, including the introduction of escalators to link to the Bakerloo Line underground station in c. 1943; the construction of a new London Underground ticket office, together with new underground entrance and escalators between 1986-96; the conversion of the former booking hall to retail use (again between 1986-96); and post-1996 there has been the introduction of several new retail units.

6.2 Recent Relevant History

There is no planning history relating to the proposed site of the kiosk, although there are a number of listed building consents relating to kiosks and retail units within the concourse.

7. THE PROPOSAL

The proposal is to install one free standing retail (Class A1) kiosk to the forecourt of Marylebone Station. The kiosk would be sited to the west of the entrance (the left hand side when viewed from Melcombe Place). It is proposed that the kiosk would be trade between the hours of 6am to 9pm Monday to Friday, and 6am to 8pm on Saturdays and Sundays.

The kiosk would measure 4m x 2.3m and would be 3.5m high, it would be fully open on one side and contain a window in one of the shorter ends and there would be retractable awnings to these two sides. It would have a hipped roof. The structure would be mounted on a trailer bed with wheels and an A-frame.

The kiosk would be stored overnight offsite (at Westfield Shopping centre or Kings Mall Shopping Centre, Hammersmith) and would be positioned on site each morning prior to trading. It is proposed that servicing and deliveries to the kiosk would occur at 6am, approximately three or four times per week.

The kiosk is proposed to be for retail (Class A1) use and the applicant has indicated that a kiosk selling flowers is the intended retail use.

When the application was initially submitted it was for two retail kiosks, one on either side of the entrance, however, the application was amended prior to validation and omitted the second kiosk. Some of the objections received refer to two kiosks and this is based on some of the initial application documents.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The piece of land upon which the proposed kiosk is proposed to be sited is an area of private forecourt owned by Network Rail and the application effectively involves using this piece of land for retail (Class A1) purposes. The site lies within the Central Activities Zone (CAZ) and policy S8 of the Council's City Plan directly relates to the area of Marylebone and Fitzrovia. This policy indicates that a retail use in the proposed location (i.e. not a designated shopping centre) will generally not be acceptable unless it provides services which support the local residential community. This approach is further supported in policy S21.

Policy SS16 of the City Council's UDP is also relevant and indicates that permission will not be given for pavement shops that would reduce the free passage and safety of pedestrians or other highway users, or have a detrimental effect on the townscape, residential amenity, character or appearance of the street.

The applicant argues that the site is within the CAZ and will provide a service to local residents and visitors and will therefore not harm the viability of the adjacent CAZ frontages. This is a point directly challenged by some objectors who suggest that the proposal will have a detrimental impact upon CAZ frontages and will not provide a service to the local community.

The nature of the A1 retail use has a bearing on policy S8 and in this case the applicant has indicated that the intention is to use the kiosk for the sale of flowers and has indicated a willingness to accept a condition restricting the A1 use. If it is accepted that the sale of flowers provides a service that supports the local residential community, then it is considered that the proposal would be in compliance with policies S8 and S21 of the City Plan.

The compliance of the proposal with policy SS16 of the UDP is more challenging. This policy relates to permanently sited kiosk-type units and as the current proposal is not proposed to be in place permanently, but moved to site each day, it is arguable that it is not permanent and therefore the policy would not apply. However, the proposed hours of trading plus setting up time, will result in the kiosk having the effect of permanence, hence both the need for planning permission and why the application of policy SS16 is considered appropriate. The issues about impact on highway users, upon the townscape and upon residential amenity which are referred to in policy SS16 will be covered elsewhere in the report, but in short it is considered

that the proposal would not accord with this policy, specifically in relation to the impact upon the townscape.

8.2 Townscape and Design

The main façade to the grade II listed station building faces towards Melcombe Place. This façade has a compartmentalized treatment brought about in part by the original functions of the building. The main station entrance (originally the carriage road into the station) occupies the eastern end of the façade and features the triple-arched entrance clad in terracotta, the canopied section, which links across to the Landmark Hotel is the location of the original booking hall in the centre of the façade, while the station bar at the western end, occupies the position of the original parcels office and refreshment rooms.

This application impacts upon the triple-arched main entrance at the eastern end of the façade. There is a high degree of symmetry to this part of the façade, with the triple-arched terracotta central section flanked by an arched window to either side, six first floor windows (with pediments to the central pair) and then a second floor comprising a central brick gable and then subordinate dormer windows to either side. To east and west the façade steps forward with three storey gabled bays. When facing directly in front of the arched entrance, the main central train shed roof is visible on axis through the main arch.

At present there is no overt retail character to this external part of the station and there is a wide area of paved footway in front of the entrance, which is relatively uncluttered, save for security bollards and some street furniture. It is considered that the symmetrical and relatively uncluttered appearance to the main entrance positively contributes to the significance of the listed building and to the wider Dorset Square Conservation Area.

It is considered that the introduction of the proposed kiosk would detract from the setting of the listed building and from the townscape generally. The kiosk would be sited directly in front of the arched window to the left of the triple-arched entrance, thus obscuring part of the façade and reducing the appreciation of symmetry; furthermore it would introduce visual clutter into a space which at present is relatively uncluttered. The tables, chairs and parasols/awnings at the western end of the façade associated with the station bar provide a good example of how visual clutter can detract from the appearance of the station.

The proposed kiosk is also of very utilitarian appearance and while a flower display would undoubtedly compensate in some small part, this would not outweigh the detrimental impact of the appearance of the structure. The applicants have indicated that they would be prepared to amend the design of the kiosk to improve its appearance and while again this would be an improvement, it would not overcome the fundamental harm caused.

In summary, the proposal is considered to have a harmful impact upon the setting of the grade II listed station and upon the Dorset Square Conservation Area. In terms of the National Planning Policy Framework (NPPF), this harm is considered to be in the category of less than substantial, however, there are not considered to be public benefits which outweigh this harm. The proposal is thus considered to be contrary to S25 and S28 of our City Plan; and DES 1, DES 9, DES 10 and SS16 of our UDP.

8.3 Residential Amenity

Several of the objections received raise concerns about the impact on residential amenity which would result from the proposed kiosk, specifically the hours of operation and the impact of servicing/deliveries, which are likely to be noisy.

The objections relate to the impact on residents in Regis Court, which lies approximately 45m to the south-east of the proposed kiosk site on the corner of Melcombe Place and Great Central Street. Because of the security bollard line, some of the objections suggest that the servicing activity may be potentially closer still to Regis Court.

Given that this is a busy railway terminus and the relatively modest scale of the trading operation it is not considered that refusal of this application could be sustained on the basis of impact on residential amenity.

8.4 Transportation/Highway Impact

The proposed location of the kiosk is not public highway, but part of the private forecourt of the station. Nevertheless it is an area of forecourt which is used by the public and is a place where people can wait as the location of the kiosk lies away from the main zone of pedestrian flow. Neither our Highways Planning Manager nor Network Rail have raised objection to the proposal, although our Highway's Planning Manager has raised a concern about the design of the kiosk and specifically the A-frame which projects to the south of the kiosk. Were the scheme to have been considered acceptable in other respects it is considered that this design issue could be overcome.

Most of the objectors have indicated that they consider the kiosk would impede pedestrian movement.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Other than the remarks made in section 8.4, there are no other access issues associated with this proposal.

8.7 Other UDP/Westminster Policy Considerations

One objection has raised a concern that the kiosk would result in a loss of natural light to the barber's shop, which would be to the detriment of the customers and staff.

It is not considered that permission could be withheld on this ground. The kiosk would not in any case entirely block the window.

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

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

9. BACKGROUND PAPERS

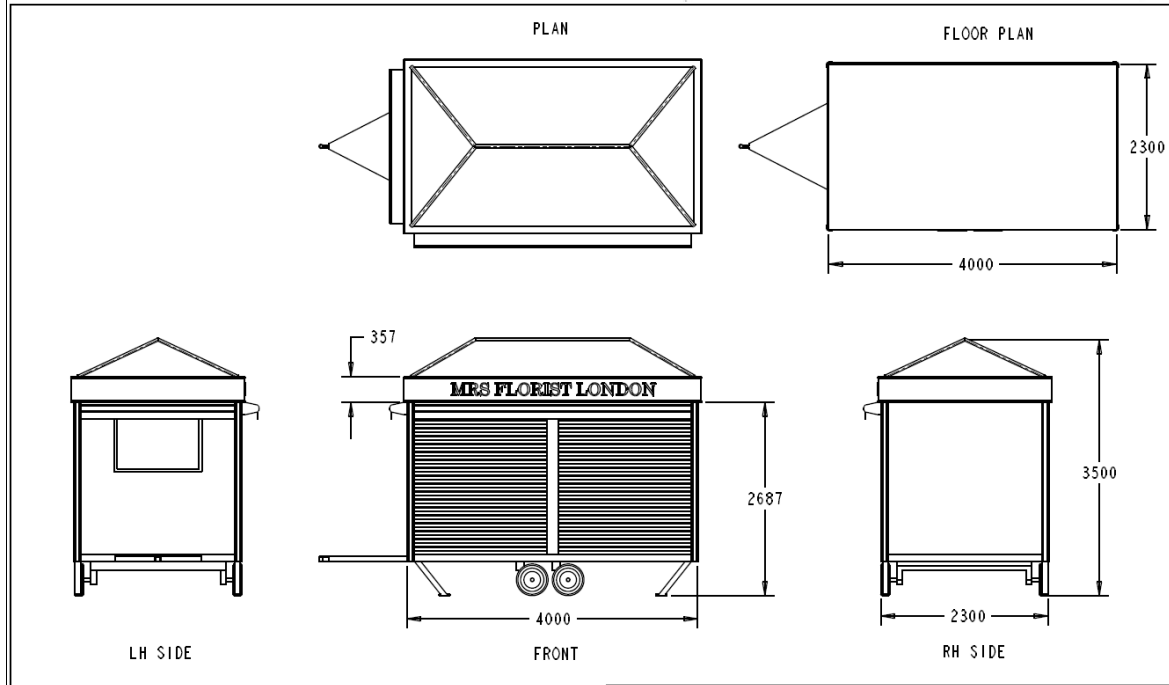
1. Application form
2. Representation from Councillor Alexander dated 31 March 2016.
3. Response from Historic England (Listed Builds/Con Areas), dated 9 March 2016
4. Response from Network Rail, dated 4 March 2016
5. Response from The St Marylebone Society dated 15 March 2016
6. Memo from Highways Planning Manager dated 31 March 2016.
7. Representations from the occupier of 19 Regis Court, Melcombe Place, dated 12 March 2016 (x3)
8. Representations from occupier of 16 Regis Court, Melcombe Place, dated 2 and 11 April 2016.
9. Letter from occupier of Flat 18A, Regis Court Melcombe Place, dated 7 March 2016
10. Letter from occupier of 79 Carthew Road, Hammersmith, dated 31 March 2016
11. Letter from occupier of 20 Upper Montagu St, London, dated 28 March 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 TOM BURKE ON 020 7641 2357 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



A3				CAPITAL KIOSK COMPANY UNIT 6 MAQUIRE IND EST COVENTRY, CV4 8HN. TEL: 02476 071886				FRONT AND SIDE ELEVATION			
DATE	15	01	2011	SCALE	1 : 40						
				MARYLEBONE STATION MRS FLORIST TRAILER				FMS6744 SHEET 1			

DRAFT DECISION LETTER

Address: Marylebone Station, Melcombe Place, London, NW1 5JX

Proposal: Installation of one free standing, A1 retail kiosk to the front forecourt of Station 6am-9pm Monday to Friday, 9am-6pm Saturdays and Sundays.

Plan Nos: Site location plan; 1528-01A; FMS6744 - Sheet 1; FMS6744 - Sheet 2; FMS6744 - Sheet 3; FMS6744 - Sheet 4; Planning, Design and Access Statement, dated February 2016.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**Reason:**

Because of its location and design the proposed retail kiosk would harm the setting of the neighbouring grade II listed Marylebone Station. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Dorset Square Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9, DES 10 and SS 16 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 so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.