

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Basement Car Park, The Water Gardens, Burwood Place, London, W2 2DE,		
Proposal	Part use of basement car park as storage facility (Class B8) and infill of the Water Garden lightwells with green roofs and associated works.		
Agent	Deloittes		
On behalf of	Church Commissioners for England and Safestore Ltd		
Registered Number	17/03780/FULL	Date amended/ completed	11 May 2017
Date Application Received	2 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The Water Gardens are an unlisted estate, located within the Bayswater Conservation Area and on the west side of Edgware Road. It comprises a basement parking level with a two level podium above, containing A class and office uses. Three, 12 storey residential towers are located above the podium.

Permission is sought for the use of part of the basement car park as a storage facility (Use Class B8), infill of lightwells to this basement area with green roofs and associated works.

The application has received objection from three neighbouring residents. They are primarily concerned with security, ownership and potential harm to the character of the Water Gardens.

The key issues are:

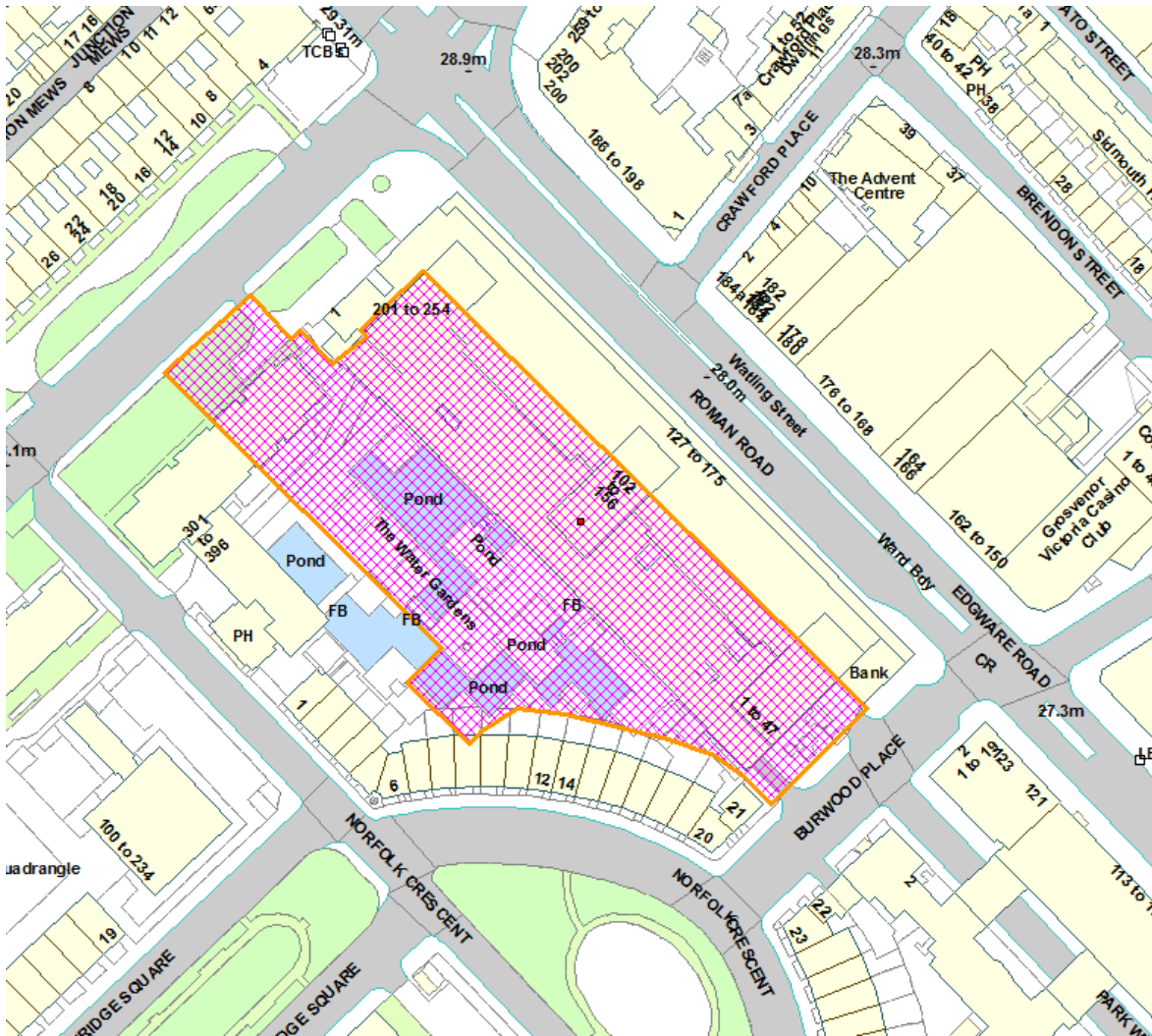
- The impact of the loss of the basement car park on the surrounding highways and parking network.
- The impact of the proposed used on the amenity of neighbouring residents.
- The impact of the infilling of the courtyard voids on the character and appearance of the site and this part of the Bayswater Conservation Area.

Item No.

1

The proposal does not result in unacceptable impacts upon residential amenity or the local highway network. The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Water Gardens. Example of lightwell to be infilled to left.

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

TRANSPORT FOR LONDON

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection, subject to conditions as set out below.

CLEANSING

Objection; no provision for storage of waste and recycling.

DESIGNING OUT CRIME

Any response to be reported verbally.

ARBORICULTURAL SECTION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 510

Total No. of replies: 3

No. of objections: 3

No. in support: 0

3 objections were received. In summary, the following issues were raised:

- Loss of water from the ponds would have a negative impact on existing wildlife in and around the ponds. The ponds also act as a security feature;
- The greens roofs will compromise the original vision and design of the gardens and may become unattractive should they not be properly maintained;
- Concerns were raised with regards to site ownership and who may be responsible for the upkeep of the green roofs; and
- Security queries regarding the self-storage units - how will it be access and what security measures will be put into place.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The Water Gardens are an unlisted estate, located within the Bayswater Conservation Area and on the west side of Edgware Road. It comprises a basement parking level with a two level podium above, containing A class and office uses. Three, 12 storey residential towers are located above the podium.

6.2 Recent Relevant History

There is no relevant planning history.

7. THE PROPOSAL

Planning permission is sought for the use of part of the basement car park as a self-storage facility (Class B8). The total area of the car park is 5,795 sqm and it is proposed to use an area of 5,750 sqm to provide 477 self-storage units. This would result in the loss of 168 car parking spaces of the existing 202 spaces. Also proposed is the infill of the lightwells within the Water Garden courtyard that are currently open to the car park below.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The basement of the Water Gardens was formerly occupied by NCP and operated as a public off-street car park. NCP have vacated the site and this ceased in February 2017. The site is currently empty.

In relation to the change of use of part of the basement, the development plan does not refer specifically to self-storage facilities. However, such a use could broadly be considered to fall within the remit of COM 11 of the UDP which relates to new general industrial or commercial warehouse floor space, 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.

In this case the proposed storage use would serve the local population of this part of the City and is located in a position that is highly accessible to those who will use the storage facility in future, being accessed off Burwood Place. Subject to the recommended conditions and given the basement location of the proposed use and its separation from the residential elements of the Water Gardens above, the proposed use would not have an adverse impact on the amenity of neighbours. The proposed use will require limited once weekly servicing by the operator. As such, the proposed use is considered to be acceptable in land use terms. The loss of the existing public car park use is addressed later in this report in the 'Highways' section.

8.2 Townscape and Design

The relevant policies are DES 1 and DES 9 of the UDP and S28 of the City Plan.

The impact of the infilling of the courtyard voids on the character and appearance of the site and surrounding Bayswater Conservation Area must be considered.

The voids at present serve and ventilate the existing basement carpark and will no longer be required as a result of the decommissioning of the car park and the change of use to a self-storage unit. It is proposed to infill the voids with green roofs. Whilst not readily visible within public views, the Water Gardens are readily visible within private views and feature hard and soft landscaping and landscaped ponds.

An objection has been received on the grounds of the impact of infilling the voids on the character and appearance of the site and that this would not be in keeping with the original design of the site.

The proposal will retain the existing form and layout of the network of ponds and hard and soft landscaping and therefore the proposal is considered to be acceptable in design terms. The introduction of the green roofs would have a modest impact on the overall design and form of the Water Gardens and would preserve the character and appearance of the Bayswater Conservation Area.

The proposal would therefore comply with the relevant policies and be acceptable in design terms.

8.3 Residential Amenity

The relevant policies are ENV 6 and ENV 13 of the UDP and S29 of the City Plan.

Whilst in operation by NCP, the car park was open to the public 24 hours a day, Monday to Friday. It is proposed that the self-storage facility will be in operation 24 hours a day 7 days a week and will be manned by staff Mon - Weds, Fri - Sat 8am to 6pm, Thurs 8am to 8pm and Sun 10am - 4pm.

The proposed storage facility would be completely enclosed beneath the application site. Loading and unloading would take place off-street. Sufficient space also exists to accommodate vehicles within the basement area to prevent queuing and loading/unloading on-street and consequent noise. It is anticipated that the storage facilities location and arrangement would therefore provide adequate attenuation from noise levels anticipated from activity on-site.

In terms of details of the operation, the proposed self-storage facility is to be operated by Safestore, and the Planning Statement submitted by the applicant provides information regarding the sites operation and the ways in which potential disruption to local amenity will be minimised. It is advised that approximately one delivery will take place per week and the servicing and delivery will take place within the site in the loading area of the car park and customer parking will also be within the facility with an additional two loading bays provided at the rear of the service road. The planning statements continues to states that a number of security features will be incorporated to ensure crime is minimised and that amenity levels in terms of noise will be an improvement on the previous use as a car park.

It is considered that the operation details outlined in the planning statement such as hours of operations, estimated number of trips generated and the proposed access/egress routes are sufficient to safeguard the neighbouring residential amenity and that the

proposal will not result in any increase harm than currently experienced as a result of the use as a car park.

Comments have been raised by neighbouring occupiers relating to the security arrangements and access to the self-storage area. Details of the security measures proposed have been provided by the applicant and are included within the Planning Statement submitted. These measures include:

- Access will be strictly controlled and be limited to customers only.
- Outside of staffed hours, access will be via a fob entry system.
- Alarm system and CCTV surveillance.
- Security check of customers.

A condition is recommended to ensure compliance with the operation details within the planning statement and the implementation of the security measures stated.

The proposal includes the installation of plant within the basement and an acoustic report has been provided. A condition is recommended requiring the submission of a post commissioning noise survey report to ensure that the plant complies with the relevant noise levels and does not result in harm to the amenity of the neighbours.

The proposal is considered to comply with the relevant policies and therefore be acceptable in terms of residential amenity.

8.4 Transportation/Parking

The use of the existing basement carpark would result in the loss of 168 public car parking spaces. 28 public car parking spaces would remain and these would only be accessible from Norfolk Crescent. It is noted that there is currently 202 car parking spaces . However, and due to the reconfiguration of the remaining spaces, the remaining total decreases by an amount greater than the mathematical difference.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 83% (37 available residential bays). However, policy TRANS23 of the UDP includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 62%.

During the daytime, the parking occupancy of ResPark bays within a 200 metre radius of the site is 81% (61 available residential bays). TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

The applicant has addressed the criteria within policy TRANS25 of the UDP, regarding the loss of existing off-street public car parking. The existing public car park has a capacity of 202 vehicles. The peak parked occupancy was 66 vehicles (Friday afternoon). Weekend demand is lower with 36 vehicles parked as a maximum (Saturday afternoon). The applicant suggests the average usage is around 8% of spaces.

It is accepted that surrounding car parks currently have capacity for any existing users to park off-street within a public car park.

On balance, the loss of these spaces would not have a significantly adverse impact on on-street parking and there is other publicly accessible off-street parking in the vicinity of the site. Accordingly, there is no objection to the loss of the existing car park, when considered against policy TRANS25 of the UDP.

It is accepted the remaining 28 public car parking spaces can be accessed independently and still operate as a public car park.

With regards to the servicing of the proposed use policies S42 of the City Plan and TRANS20 require off-street servicing provision. The proposed storage facility would be serviced from within the subject site and from the internal service road. It is accepted that vehicles up to the size of a refuse vehicle would be able to load and unload to/from the storage facility off the highway.

Nine car parking are included within the B8 use. These are primarily for people dropping off and picking up storage items. Given the nature of the existing use as a public car park and proposed B8 use, it is accepted that this limited amount of car parking would not have a significantly detrimental impact on the operation of the highway network, consistent with policies TRANS21 and TRANS22 of the UDP.

The Highways Planning Manager has objected to the number of cycle parking spaces provided as part of the application as it is below the standards set out within policy 3.16 of the London Plan. The applicant proposes providing three cycle parking spaces rather than 12 and has justified this by explaining that this will be the number of staff present at any one time. The provision of three cycle parking spaces is considered acceptable and it is not considered reasonable in this instance to require the provision of additional spaces.

In terms of waste and recycling storage a condition is recommended for a plan indicating the provision for storage of residual waste and recyclable materials.

8.5 Economic Considerations

No economic considerations are applicable.

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

Trees

In relation to the proposed green roofs the relevant arboricultural policy is policy ENV 4 (planting around and on buildings) of the UDP. ENV 4 states that green roofs can provide many general environmental and associated aesthetic and health benefits. The introduction of green roofs to the gardens in addition to the existing landscaping is welcomed in this instance.

The application has provided details of a planting palette and maintenance regime for the green roofs which is considered to be acceptable in this instance.

Other

Concerns were raised during the course of the application with regards to the site ownership and if the water was to be permanently removed from the existing ponds.

In relation to the ownership certificate, this was clarified by the applicant during the course of the application and it was confirmed that the correct ownership certificate had been provided to the City Council.

In relation to the draining of the ponds, this is not proposed by the applicant as part of this application and has taken place as part of recent maintenance work. It is understood that the ponds will be refilled.

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.

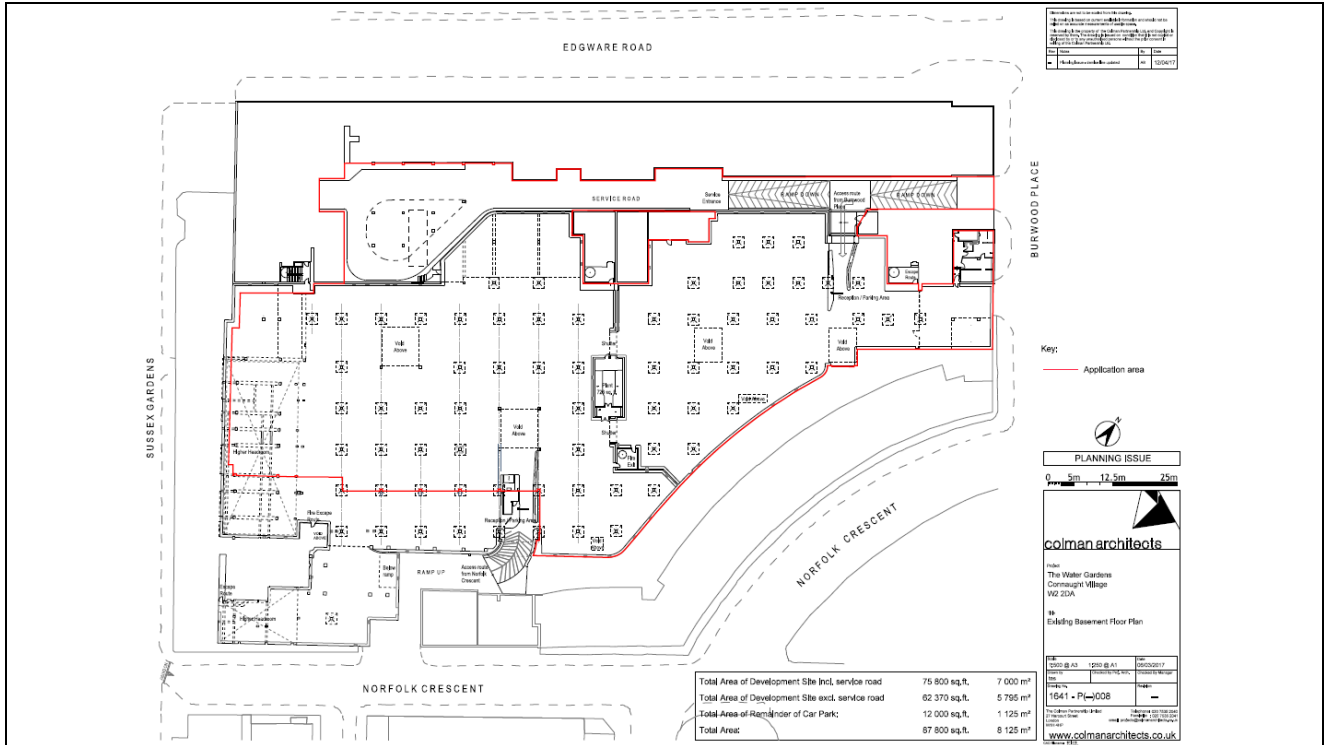
9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning Manager, dated 30 June 2017
3. Response from Waste project Officer, dated 25 May 2017
4. Letter from occupier of Edinburgh House, 40 Great Portland Street, dated 27 June 2017
5. Letter from occupier of 136 The Water Gardens, Burwood Place, dated 4 June 2017
6. Letter from occupier of 136 The Water Gardens, Burwood Place, dated 7 June 2017

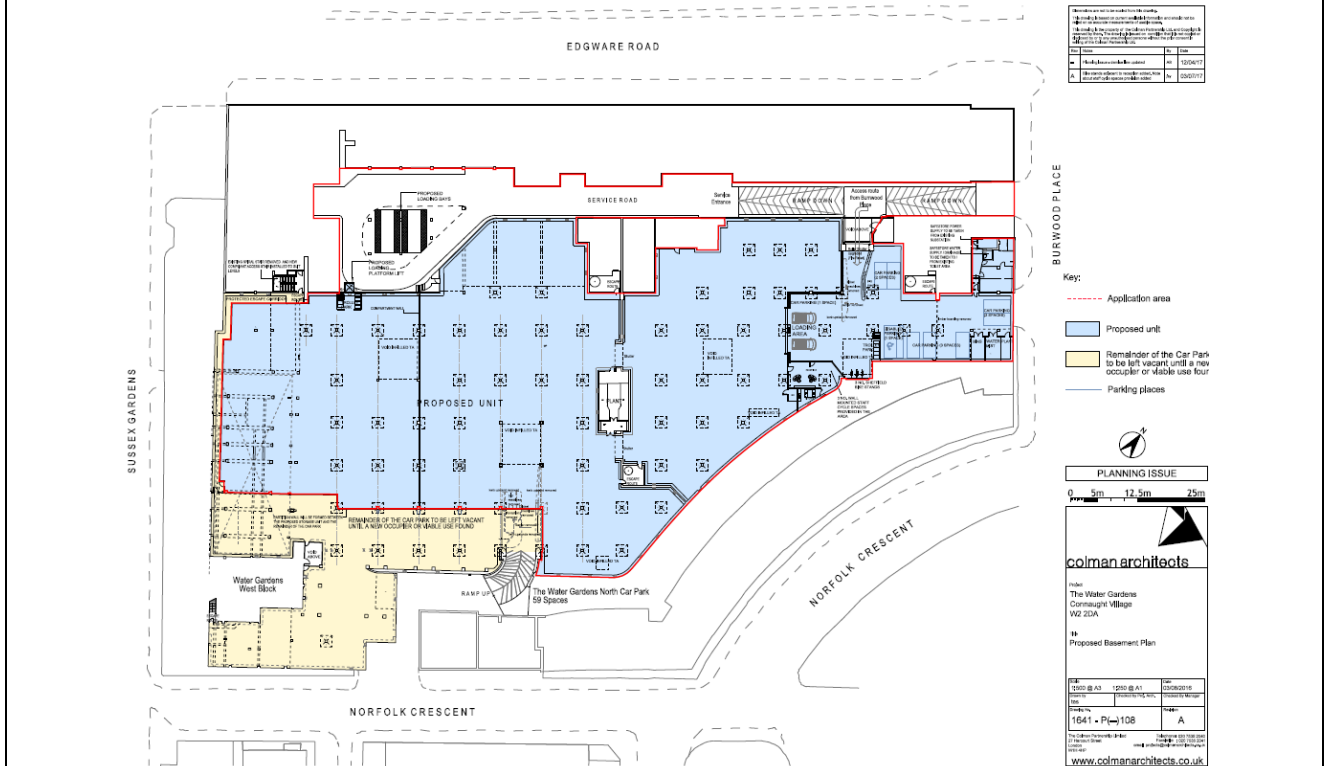
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

10. KEY DRAWINGS



Existing Basement Plan



Proposed Basement Plan



Existing Ground Floor Plan



Proposed Ground Floor Plan



Example of Existing Lightwell



Example of Proposed Lightwell

DRAFT DECISION LETTER

Address: Basement Car Park, The Water Gardens, Burwood Place, London, W2 2DE,

Proposal: Part use of basement car park as storage facility (Class B8) and infill of the Water Garden courtyard voids with green roofs and associated works.

Reference: 17/03780/FULL

Plan Nos: 1641/P(--)-01; 1641/P(--)-002; 1641/P(--)-02; 1641-P(--)-008 (existing); 1641-P(--)-009 (Existing); 1641-P(--)-010; 1641-P(--)-108 rev A (proposed); 1641-P(--)-009 rev A (Proposed); 1641-P(--)-110; RLA.141.GR.01A; RLA.141.GR.2; , SL-SK-001; Transport Statement May 2017; Safestore Planning Statement May 2015; Noise Impact Assessment April 2017.

Case Officer: Victoria Coelho **Direct Tel. No.** 020 7641 6204

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 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:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o 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)

- 3 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning

noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 10 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 The nine car parking spaces for the self-storage facility and indicated on the submitted plans must only be used by customers of the self-storage facility and shall be retained for the lifetime of the development. The car parking spaces shall not be used for staff car parking.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 5 All servicing, loading and unloading associated with the Class B8 self-storage use hereby approved must occur from within the site and shall not be carried out on the highway.

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)

- 6 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the self-storage unit.. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 Prior to the commencement of the development hereby permitted details of any security measures including CCTV and security lighting shall be submitted to and approved in writing by us. Thereafter the security measure we approve shall be implemented in accordance with the approved details.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 8 You must only use this part of the basement car park as self-storage facility use. You must not use it for any other purposes, including any 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.

- 9 The self-storage facility use hereby approved shall be carried out in accordance with the Planning Statement prepared by Deloitte and dated May 2017.

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)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a

noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

-The green roofs above the infilled voids/ lightwells.

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.