

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 7th January 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	131 Shirland Road, London, W9 2EP,		
Proposal	Use of Ground Floor as a residential 2 bed unit (Class C3), and alteration to ground floor front elevation and installation of railing.		
Agent	Ms Peggy Hui		
On behalf of	Mr Tim Mountain		
Registered Number	19/07449/FULL	Date amended/ completed	26 September 2019
Date Application Received	26 September 2019		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is the ground floor of a building set over basement, ground and three upper levels. The site is not listed but lies within the Maida Vale Conservation Area and is in the Shirland Road Junction Local Shopping Centre (which is all non-core frontage). The ground floor is split into two retail units (Use Class A1 Retail) which have been vacant for approximately 30 months and are currently vacant.

Permission is sought for the change of use of the of the ground floor from A1 Retail to C3 Residential. The applicant has provided marketing details to demonstrate reasonable attempts to let over a 30-month period. The change of use from a1 to A2 has previously been approved in 2018.

A letter of objection signed by three ward Councillor has been received objecting to the loss of the retail unit. One letter of support has been received on the grounds that the site has been vacant for many years.

The key points are:

- The loss of A1 Retail within the Shirland Road Junction Local Shopping Centre.

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For the reasons set out in the report, the proposals are considered acceptable in land use terms and the application is recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





Inside of the former hairdressers

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Inside of the former sandwich shop



5. CONSULTATIONS

WARD COUNCILLORS FOR MAIDA VALE:

Objection raised by all three ward councillors on the grounds of loss of retail

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objection

HIGHWAYS PLANNING MANAGER:

The additional unit would not have a detrimental impact on parking in the Maida Vale Ward and is therefore consistent with TRANS 23.

The applicant has not provided adequate cycle storage. This can be secure by condition.

WASTE PLANNING MANAGER:

Applicant will need to confirm the bin capacities for the storage of residual waste, food waste and recyclable materials for the development. The bins should be indicated on the drawing and marked "R", "O" and "W".

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 3

No. of objections: 1 objection on one or more of the below

No. in support: 1

Land use:

- Loss of A1 Retail
- Overcrowding

Design

- None

Amenity

- None

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is the ground floor of a four storey plus mansard level building which lies within the Maida Vale Conservation Area. The ground floor has historically been subdivided into two units 131A and 131B which were last occupied as a hairdressers and sandwich shop but have been vacant February 2017. There is a forecourt to the front of the property.

Permission was granted in 2018 for the use of the site as A2 however the site has remained vacant. As part of the previous and current applications marketing details have been provided to demonstrate there is a reasonable attempt to let the site has been made.

6.2 Recent Relevant History

17/05621/FULL

Use of two units at ground floor level as a single A1 unit.
Application Withdrawn 4 August 2017

17/05623/FULL

Use of ground floor as a residential 2-bed unit (Class C3), and alterations to ground floor front elevation and installation of railings.
Application Refused 21 August 2017

18/08058/FULL

Amalgamation of two ground floor units and use as professional service (Class A2).
Application Permitted 16 November 2018

7. THE PROPOSAL

Permission is sought for the change of use of the ground floor unit from A1 Retail to a two bedroom, dual aspect flat of 65sqm. To facilitate this change, new railings to enclose the front courtyard and a new shopfront on the built line of the adjoining buildings.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (A1 Retail)	65	0	- 65
Use (residential)	0	65	+ 65
Total			

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is a non-core frontage unit within the Shirland Road Junction Local Centre. The application site is the last property in a row of nine units. The relevant policies are therefore SS7 SS9, H3 and H5 of the UDP and S14 and S21 of the City Plan. A1 retail premises are recognised as providing vital services and shops to residents, accordingly policies SS7 and S21 protect against the loss of A1 retail units, specifically within Local Shopping Centres.

As mentioned the application site is located at the end of a non-core frontage and has been vacant since February 2017, approximately 30 months at the time the current application was made.

Part C (the relevant part) of policy SS7 states;

Outside the Core Frontages, or where a Core Frontage is not defined, permission will be granted for loss of an A1 use at ground-floor level if the proposal:

1. would not be detrimental to the character or function of the centre, nor have a harmful effect on the vitality or viability of the centre
2. would not reduce the range of local convenience shops, or have a detrimental effect on local shopping facilities
3. would not result in more than three non-A1 units located consecutively in a frontage
4. would not undermine the balance of A1 to non-A1 uses within the frontage or centre as a whole

SS9 of the UDP states that planning permission will normally be granted for the change of use to residential or other appropriate use, of long term vacant shop type unit which is;

1. On the periphery of a District or Local Centre
2. On the periphery of a small parade

S21 of the City Plan states that the loss of A1 is not acceptable unless the applicant can prove that the site is long term vacant despite reasonable attempts to let

If a change of use from A1 to C3 were permitted, the number of A1 units would be four or 44%. Within the Shirland Road Local Centre, three of these four A1 units would be located on the prominent and large corner units at the junction of Shirland Road and Elgin Avenue. In this instance it is considered that the large corner units define the character and function of the local centre and their retention as A1 is vital in maintaining the vitality or viability of the centre.

While the site was last in use as two convenience shops, 131 Shirland Road is on the periphery of the centre and has been vacant for approximately 30 months. Given the length of time the unit has been inactive and the continued strength of the rest of the centre, it is not considered that the permanent loss of the A1 Retail use would harm the character, function, vitality or viability of the centre.

The change of use would not lead to three consecutive non-A1 units in the frontage and the balance of A1 to non-A1 would remain acceptable within the centre.

The applicant has provided details of marketing for the site which has been advertised both on line and in the window of the shopfront. A list of interested parties who made enquires has also been provided to officers, none of which has opted to let the site. The information provided is considered to demonstrate the 'reasonable attempts' to let this small A1 site. On the grounds that the site has been vacant long term and that the

change of use would not harm the function, character, vitality or viability of the site in this exceptional circumstance the change of use is considered acceptable.

The use of the site as a two bedroom flat which meets the nationally described space standards and offers a good standard of accommodation is in accordance with H3, H5 of the UDP and S14 of the City Plan which encourages and supports additional residential floorspace.

The works are in accordance with H3, H5, SS7 and SS9 of the UDP and S14 and S21 of the City Plan and therefore acceptable on land use grounds.

8.2 Townscape and Design

The ground floor units of the terrace have a variety of shopfronts with differing fascia sizes and window arrangements. The building is not listed and is within the Maida Vale Conservation Area

The existing shopfront has a tired appearance with recessed entrance doors to both 131A and 131B with an oversized fascia displaying the names of the previous business occupiers. The existing piers are a traditional feature and the only unifying feature of the frontage. Numbers 127, 129 and 131 have lightwells to the front of the properties enclosed by railings.

The proposed works seek to reinstate a shopfront of a more traditional appearance with the fascia reduced to the original size, new stall risers and arched windows separated by a central door providing access to the flat. The front courtyard would be enclosed by metal railings with an entrance gate. While it is acknowledged that the site would no longer be a shop, the introduction of a more traditionally proportioned timber shopfront is considered an improvement on the existing situation. The railings to the front of the property are similar in height to those of the adjoining buildings. A condition has been added to the decision notice to secure detailed drawings of the railings and sections of the shopfront.

The proposed shopfront, with its improved proportions now result in a far more appropriate relationship to the upper parts of the building, utilises appropriate materials, and is in keeping with the character of the building and surrounding area.

With respect to conservation areas, the City Council shall pay special attention to the desirability to preserve or enhance the character or appearance of a conservation area, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The planning policies relevant in relation to design are policies DES 1, DES 5 and DES 9 of the UDP and CM28.1, S25 and S28 of the City Plan.

The works are considered to enhance the appearance of the ground floor of 131 Shirland Road and the Maida Vale Conservation Area. The works are acceptable in design terms and in accordance with DES1, DES5 and DES9 of the UDP and S25 and S28 of the City plan.

8.3 Residential Amenity

ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality. ENV 13 specifically seeks to protect residential amenity from an increased sense of enclosure, loss of privacy and a loss of daylight/sunlight.

The proposed works, apart from the shopfront, are internal and would therefore not result in an increased sense of enclosure, loss of privacy and a loss of daylight/sunlight for neighbouring residential properties. The addition of a single dwelling in this location does not raise any amenity concerns.

8.4 Transportation/Parking

The Highways Manager has stated that the additional dwelling would not result in an unacceptable increase in pressure on parking in the surrounds streets which have existing capacity to absorb the increase in demand from 1 additional unit. A condition has been added to the permission to secure cycle and waste storage.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the property would be from the street as existing.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There are no neighbourhood plans for this area.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

8.12 Planning Obligations

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

8.13 Other Issues

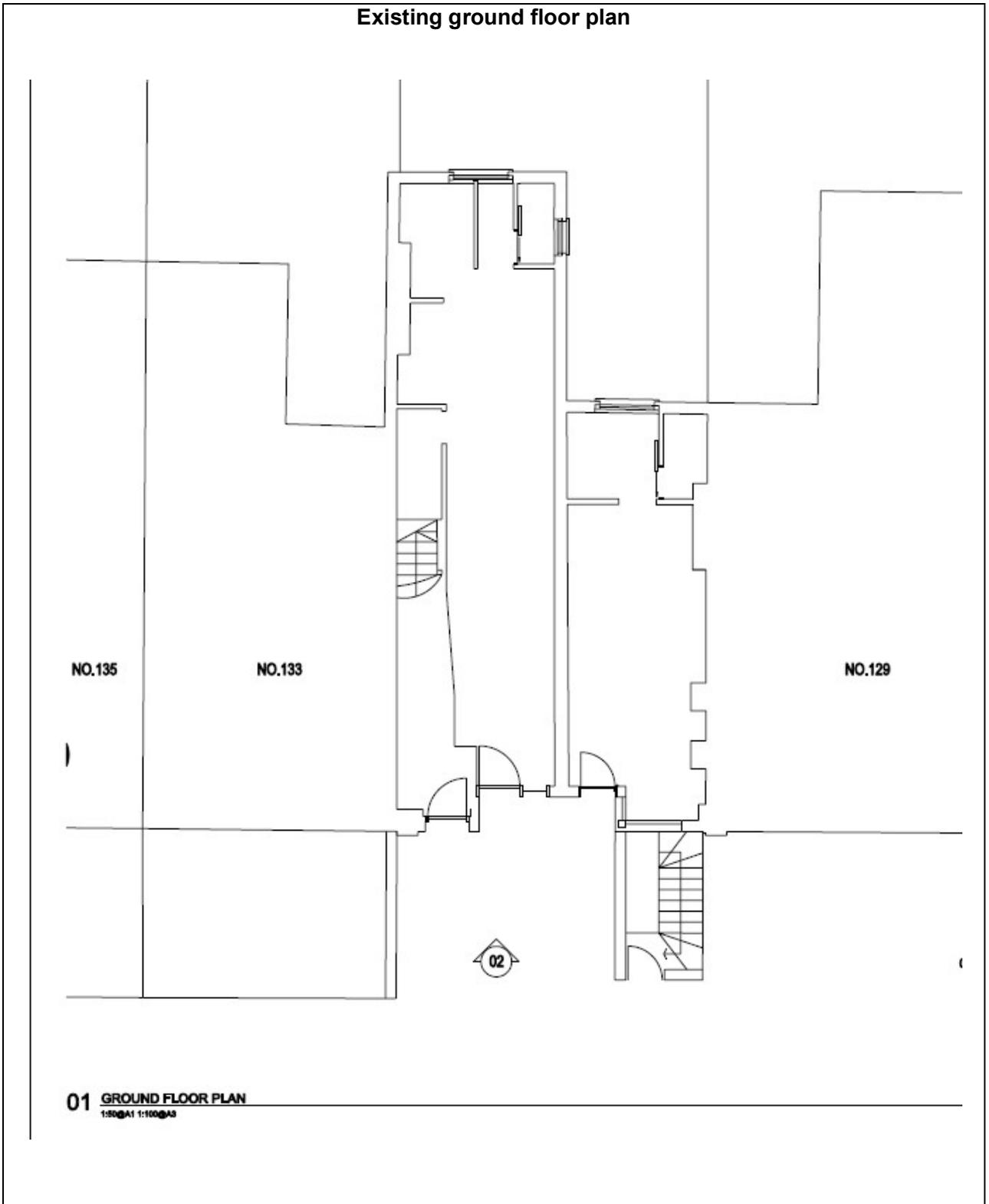
None

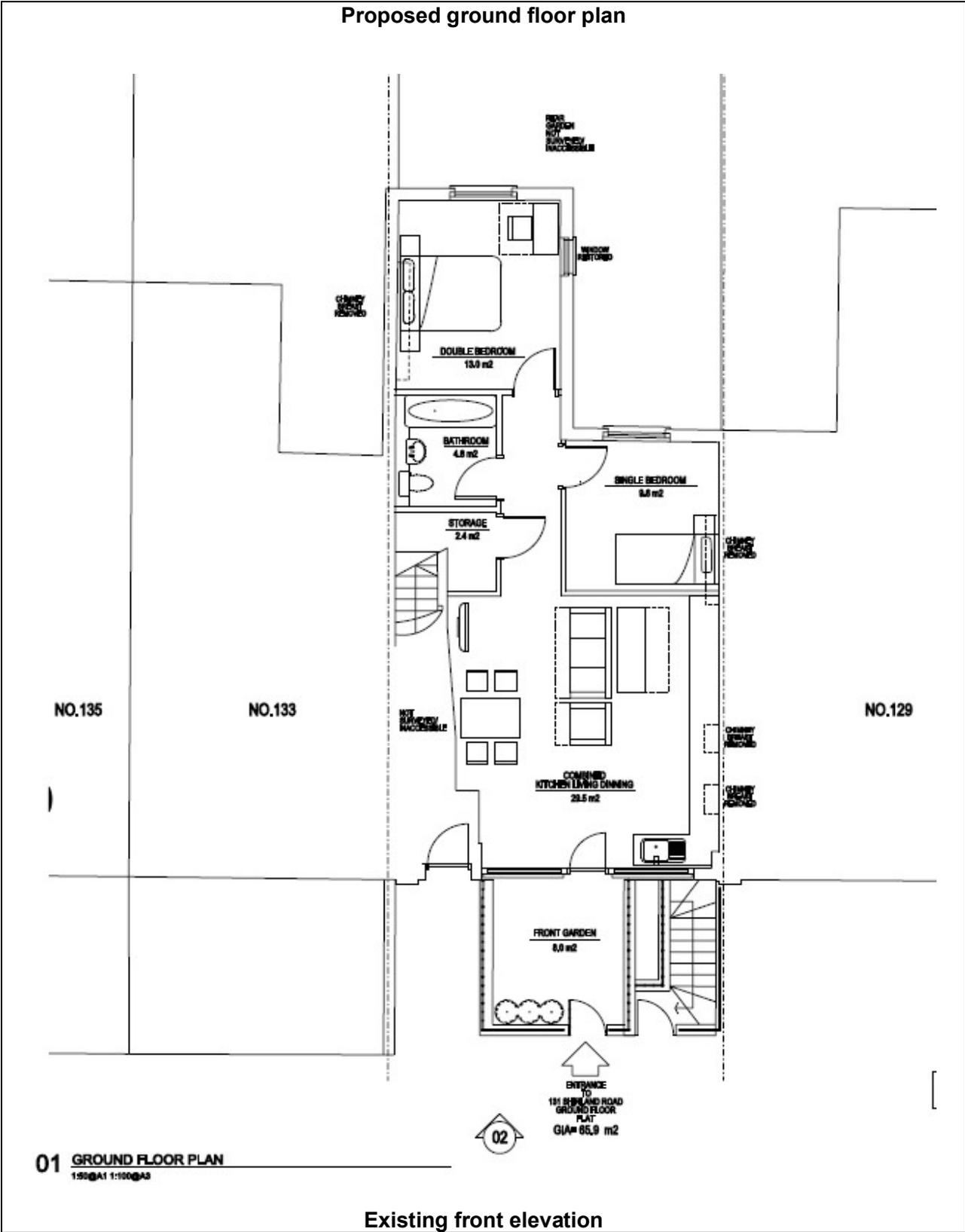
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

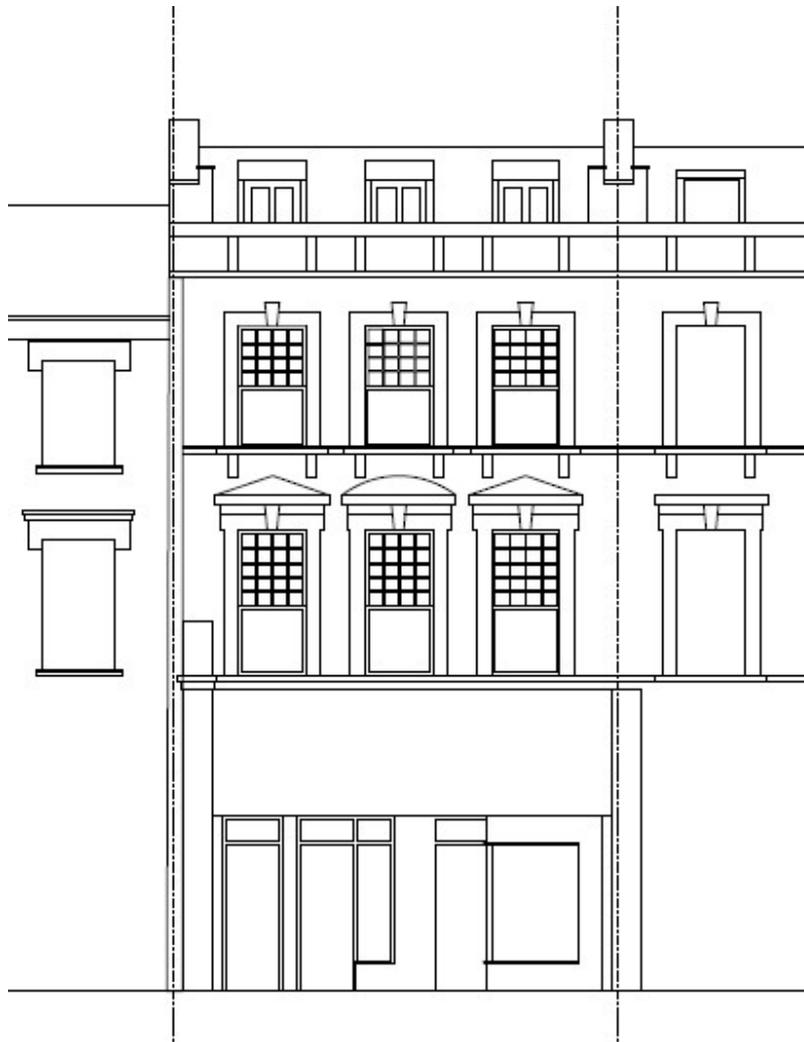
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MAX JONES BY EMAIL AT mjones@westminster.gov.uk

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9. KEY DRAWINGS







02 FRONT ELEVATION
1:50@A1 1:100@A3

Proposed front elevation



02 FRONT ELEVATION

1:50@A1 1:100@A3

DRAFT DECISION LETTER

Address: 131 Shirland Road, London, W9 2EP,
Proposal: Use of Ground Floor as a residential 2 bed unit (Class C3), and alteration to ground floor front elevation and installation of railing.
Reference: 19/07449/FULL
Plan Nos: 019 EX – 000, 019 -EX – 010, 019 – PL - 010

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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 , onot 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan

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(November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 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 flat. (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)

- 5 You must apply to us for approval of details of secure cycle storage for the flat use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development - windows and railings. 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 flat. (C26DB)

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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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, neighbourhood plan (where relevant), 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 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560., , CONSIDERATE CONSTRUCTORS:, 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., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

Please note: the full text for informative 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.