

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 18 October 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b>	
<b>Subject of Report</b>	<b>Eccleston Yard, London</b>		
<b>Proposal</b>	Use of Eccleston Yards courtyard for markets and events. (A market, selling goods and food, to be held up to twice per week; and Ancillary performance events, such as sports screenings, wellness and fitness classes, workshops like flower arranging and art classes, community events, live theatre, outdoor exhibitions and live music).		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Grosvenor Estate Management Ltd		
<b>Registered Number</b>	22/02190/FULL	<b>Date amended/ completed</b>	31 March 2022
<b>Date Application Received</b>	31 March 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		
<b>Neighbourhood Plan</b>	Not applicable		

**1. RECOMMENDATION**

Grant conditional permission.
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**2. SUMMARY & KEY CONSIDERATIONS**

<p>Eccleston Yards is a back land site that has recently been developed to create a ‘courtyard’ space (former car parking area) surrounded by retail and restaurant uses (with alfresco dining), with pedestrian access from Eccleston Place and Ebury Street.</p> <p>The application proposes the continued use of Eccleston Yards courtyard for markets and events.</p> <p>The proposed use includes a market, selling goods and food, to be held up to twice per week; and ancillary performance events, such as sports screenings, wellness and fitness classes, workshops</p>
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like flower arranging and art classes, community events, live theatre, outdoor exhibitions, and live music.

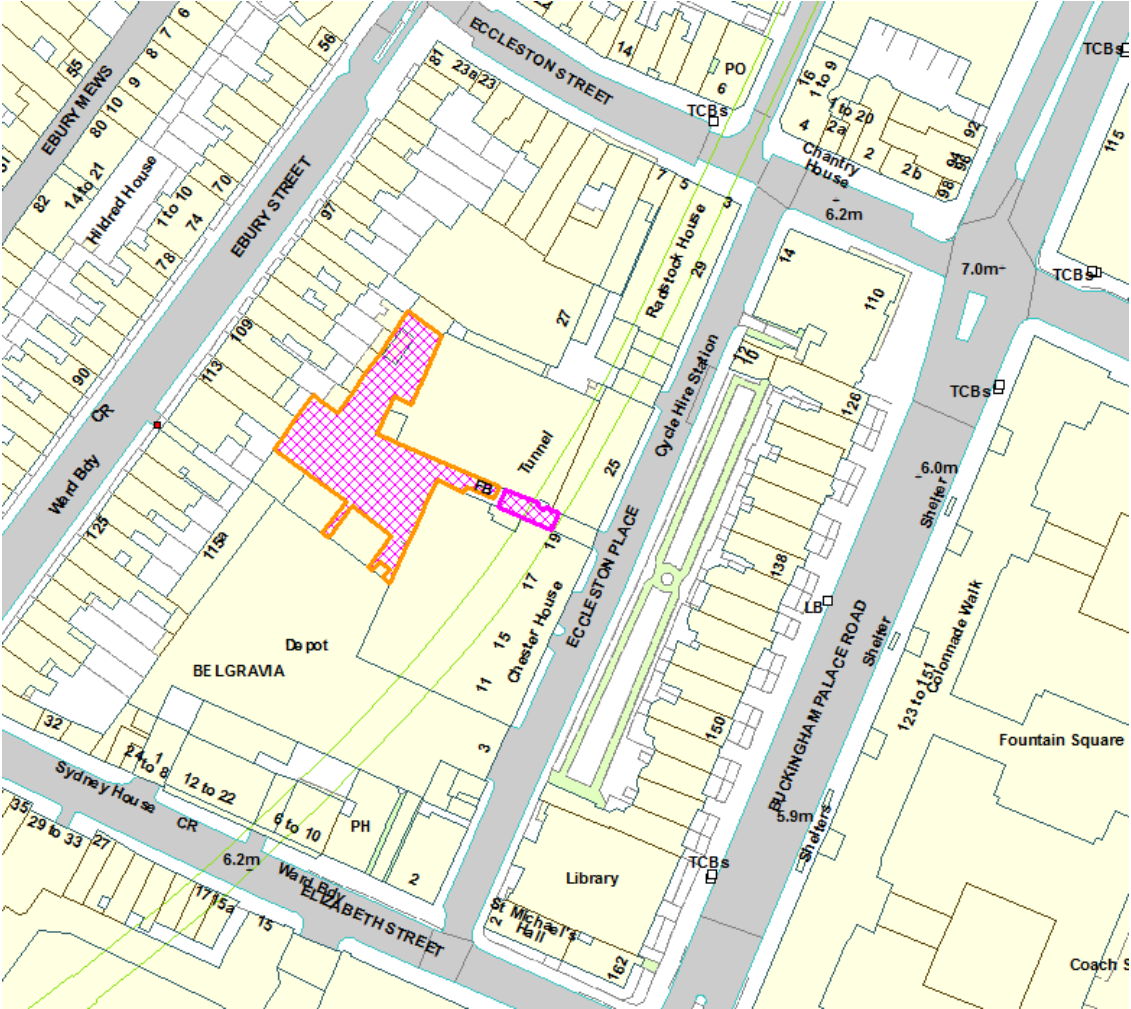
Eccleston Yards is already being used for markets and events. A premises license was issued in October 2020 for licensable activities that include, performance of dance, exhibition of a film, performance of live music, playing of recorded music, and sale of alcohol. The applicant (Grosvenor Estates) is now seeking to regularise this use with this application for planning permission.

The key consideration in this case is the impact of the market and events on the amenity of neighbouring residential properties in terms of noise and disturbance.

There has been objections from neighbouring residents concerned with noise and disturbance from events held within the Yards. The proposal has also received support, mainly from existing local business/ workers.

It is recommended that temporary permission is granted for a one year period only, to allow the council to assess the effect of the use and make sure it meets Policies 7, 14, 15, 16 and 33 of the City Plan 2019 - 2040 (April 2021). This is subject to conditions that would require robust management of the market and events by the applicant (Grosvenor Estates) in line with the strategy set out in the supporting Operational Management Plan, as well as conditions relating to, the hours of use, and number of events per calendar year.

**3. LOCATION PLAN**



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**4. PHOTOGRAPHS**



**Eccleston Yards**





**Eccleston Yards**

## 5. CONSULTATIONS

### 5.1 Application Consultations

BELGRAVIA NEIGHBOURHOOD FORUM:

No response to date

THE BELGRAVIA SOCIETY:

No response to date

BELGRAVIA NEIGHBOURHOOD FORUM:

No response to date

ENVIRONMENTAL SCIENCES:

No objection

WASTE PROJECTS OFFICER:

Requires details of waste and recycling storage.

DESIGNING OUT CRIME:

No response to date.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 238

Total No. of replies: 14

No. of objections: 6

No. in support: 8

Support on some or all of the following grounds:

- Activities are a positive addition to the area;
- Ecclestone Yard is an improvement upon the previous derelict space;
- Market and events support local community and local business as a place to come together,
- Market can provide opportunity for new business;
- Increased footfall supports existing shops and restaurants and is crucial to sustain the success of Ecclestone Yards;
- Grosvenor are careful to manage events and noise;
- It's fun to observe market or events taking place.

Objections on some or all of the following grounds:

- Events will generate noise and disturbance for neighbouring residents;
- Neighbouring residential windows and gardens back onto the yards will be negatively affected by events;
- Noise levels are unacceptable from the outside dining, events and performances;
- A resident can no longer use their garden because of noise levels;
- Nobody listens to residents who complain about noise;
- Regular complaints about noise levels are made to Ecclestone Yards management but it keeps happening despite the regular complaints;
- Granting permission will lead to regular noise complaints to the council;
- Events should not continue beyond 10pm;

- There should be a limit or ban on activities that require amplification;
- Market and events will generate more footfall leading to increased litter in streets.

PRESS NOTICE/ SITE NOTICE:

Yes

## **5.2 Applicant's Pre-Application Community Engagement**

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place has not been submitted, this is not contrary to the expectations of the guidance for development of this scale.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

Eccleston Yards is located between 15-25 Eccleston Place to the east and 101-115 Ebury Street to the west. It is a back land site that has recently been developed to create a 'courtyard' space (former car parking area) surrounded by retail and restaurant uses (with alfresco dining), with pedestrian access from Eccleston Place and Ebury Street.

Victoria Coach Station is immediately to the south of the site, and the surrounding area is very mixed in character, with predominately commercial uses at ground floor with either offices or residential on upper floors. To the rear of the site lies Ebury Street, which is largely residential in use, and where the courtyard abuts several residential gardens and a hotel.

The site is located within the Victoria Opportunity Area, the Central Activities Zone, and Belgravia Conservation Area

## 7.2 Recent Relevant History

August 2016, permission granted for:

'Use of the ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street'. (ref. 16/03582/FULL)

November 2017, permission granted for:

'Variation of Conditions 1, 7 and 28 of planning permission dated 16 August 2016 (RN 16/03582/FULL) for the use of the ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street, namely to vary drawings and other documents to include changes to fenestration, relocation of plant and extended gym opening hours'. (ref. 17/06293/FULL)

## 8. THE PROPOSAL

The application proposes the continued use of Eccleston Yards courtyard for markets and events.

The proposals consist of two main elements:

- i. A market, selling goods and food, to be held up to twice per week; and



- ii. Events, such as sports screening, 'wellness' and fitness classes, workshops like flower arranging and art classes, community events, film screenings, live theatre, outdoor exhibitions, and live music.

The applicant details that Eccleston Yards has hosted a number of events that include:

- 'Wellness Festival' (including fitness and wellness classes such as yoga, pilates, high-intensity training and meditation);
- Outdoor screenings of sports events (including tennis, cricket, and the Olympics);
- Film screenings (including classic wedding films as part of bridal events);
- Workshops (including outdoor art classes, flower arranging and wine tasting); and
- A 'Sunday Market' with live music.

As part of this application, the applicant would like to host some special markets throughout the year which will include food and drink offerings such as bespoke cheese and wine markets.

The proposal will provide no more than 14 market stalls within the central space of the courtyard. In addition, occasional live music and other performances are proposed through a dedicated performance space.

The markets and other events would operate between the hours of 1100 and 1900 at most. Set up of the stalls would begin from 0700 at the earliest, with de-rig complete and the stall equipment removed from the site by 1930.

Regarding the other uses of the site, these would start no earlier than 0830 and finish no later than 2130, although it is expected that most would finish earlier than this, by 1900, given they would be day-time focussed activities.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The site is located within the Victoria Opportunity Area, and the Central Activities Zone (CAZ).

#### **Land Use Policy Context**

##### London Plan March 2021

London Plan Policy SD1 (Opportunity Areas) seeks to ensure that Opportunity Areas reach their growth and regeneration potential through the support of development which creates employment opportunities for local people and supporting wider regeneration, ensuring development proposals integrate into the surrounding areas.

London Plan Policy E9 (Retail, markets and hot food takeaways) states that a successful, competitive, and diverse retail sector for all Londoners should be supported in line with the wider objectives of the Plan. Part C of Policy E9 states that development proposals should support London's markets in their full variety, including street markets,

covered markets, specialist and farmers' markets that contribute to local identity and the vitality of the local and surrounding area

### The City Plan 2019-2040

City Plan Policy 4 (Victoria Opportunity Area) aims to control and influence certain areas and types of development within the Victoria Opportunity Area. It is stated that growth in this Opportunity Area is encouraged, along with improvements to public transport, accessibility, and the public realm to ensure the area thrives and remains an attractive destination for residents and visitors.

City Plan Policy 14 (Town centres, high streets and the CAZ) part F. relates to markets and states new and extended markets will be supported throughout the town centre hierarchy and wider CAZ where any negative impacts on the surrounding area (including the operational requirements of existing businesses in the vicinity) can be mitigated.

City Plan Policy 15 (Visitor Economy) part E. relates to events in the public realm and states events in the public realm will benefit the city, its people and enterprises. They should support the character and function of the area in which they take place and must be organised in ways that minimise the impact on the long-term access to open space, amenity of residents, businesses and others, and maintain the quality of the public realm.

City Plan Policy 16 (Food, drink and entertainment) part A. states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

### **Related residential amenity policies**

City Plan Policy 7 (Managing development for Westminster's people) requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality.

City Plan Policy 33 (Local environmental impacts) part C. relates to noise and states development should prevent adverse effects of noise, with particular attention to:

- i. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
- ii. minimising noise from plant machinery and internal activities;
- iii. minimising noise from servicing and deliveries; and
- iii. protecting the relative tranquillity in and around open spaces.

### **Proposed use of courtyard for a market and events and impact on residential amenity**

The proposed use is considered to broadly accord with the principle of the aforementioned policies. This is provided the use does not harm residential amenity in terms of noise and disturbance.

There are several residential properties on Ebury Street that have rear windows overlooking the site, with rear gardens backing onto the north side of the courtyard. There are also residential flats on Eccleston Place and Eccleston Street.

Eccleston Yards is already being used for markets and events. A premises license was issued in October 2020 for licensable activities that include, performance of dance, exhibition of a film, performance of live music, playing of recorded music, and sale of alcohol.

The premises license authorises the carrying out of licensable activities between the hours of 1130 and 2200. The premises license also restricts licensable activities to a maximum of 100 days per calendar year.

The proposals have received objections from neighbouring residents on grounds of noise and disturbance from events held within the Yards.

The objections also raise concerns about noise and disturbance from the external tables and chairs (alfresco dining) that were approved as part of the original August 2016 permission to create the Yards (ref. 16/03582/FULL). This allowed the external tables and chairs to be used between the hours of 0800 to 2300.

### **Operation**

The market would comprise of a maximum of 14 stalls, most of which would sell goods, with only a maximum of two food stalls. The hours of use would be limited, with the markets taking place almost entirely during daytime hours (1100 to 1900).

Most events and performances are also expected to take place in daytime hours, between noon and 1800 at most.

Many of the proposed events will be low key and have little impact on residential amenity providing there is no amplified or generated sound. These are likely to include 'wellness' and fitness classes, workshops like flower arranging and art classes, community events, and outdoor exhibitions.

### **Events with sound**

The applicant has clarified that all events which involve amplified or generated sound would end by 2130 at the latest. In addition:

- i. those involving singing and amplified music would finish by 2000 at the latest;
- ii. Sport screenings (e.g., Wimbledon, there is no intention to screen football matches), would use speakers and would finish by 2130 at the latest, but the volume can be controlled; and
- iii. Film screenings would finish by 2130 but those viewing them can use headsets instead of the main speakers.

The applicant states that events with sound would be relatively rare across the year as a whole so they would not be taking place every week or weekend, only in association with

events with a certain theme (e.g., the Wimbledon screenings only take place during June/July).

### **Operational Management Plan**

The application is supported by an Operational Management Plan (OMP) prepared by Grosvenor Estates. The plan details how the applicant will manage the market and events to prevent any potential disturbance to neighbouring residents.

In terms of noise and nuisance control, the plans states:

“ No noisy equipment, such as generators, are to be used at the site in connection with the Market element of the proposal.

The presence of a member of the security team will ensure that issues related to noise or other potential disturbance are dealt with swiftly.

Any live music or other speakers are set up by a sound engineer and can be actively controlled throughout the day”.

### **Land use/ residential amenity conclusion**

The proposals are considered acceptable in land use and residential amenity terms on the basis that temporary permission is granted for a one year period only, to allow the council to assess the effect of the use and make sure it meets Policies 7, 14, 15, 16 and 33 of the City Plan 2019 - 2040 (April 2021).

The temporary permission is also subject to conditions that would require robust management of the market and events by the applicant (Grosvenor Estates) in line with the strategy set out in their OMP, as well as conditions relating to, the hours of use, and number of events per calendar year.

The recommended conditions include:

- “The market and events use allowed by this permission can continue until 31 October 2023. After that the land must return to its previous condition and use”.
- “The market shall only be open to the public between the hours of 1100 and 1900 and the ancillary performance events shall take place no earlier than 0830 hours and finish no later than 2130 hours”.  
*(N.B the applicant has agreed to a finish time of 2130 which is earlier than the authorised premises license hours of 2200).*
- “There shall be no playing of live or recorded music before 1130 hours and after 2130 hours”.
- “The licensable activities that include, performance of dance, exhibition of a film or televised event, performance of live music, playing of recorded music, and performance of a play, shall collectively be restricted to a maximum of 100 days per calendar year”.

## 9.2 Environment & Sustainability

This application is for a change of use only and does not raise any additional energy/sustainability issues.

## 9.3 Biodiversity & Greening

Not relevant in the determination of the application.

## 9.4 Townscape, Design & Heritage Impact

The market stalls and equipment events will be removed and stored in the basement of 25 Ecclestone Place after use. Therefore, the proposal will have limited impact on the townscape of this area.

## 9.5 Residential Amenity

The local environmental impacts are detailed within section 9.1 of this report.

## 9.6 Transportation, Accessibility & Servicing

### Servicing

The applicant's Operational Management Plan (OMP) details how the market and events operations will be serviced to ensure minimal impact on the surrounding highway network.

Traders for the market would be allotted a time slot during which to perform servicing, with no more than three vehicles (vans only, no lorries) attending within each time slot. This will avoid the disturbance of traffic on Ecclestone Place by servicing. It is expected that many traders come via public transport.

Ecclestone Place will be used as the servicing entrance and no suspension of parking bays is necessary.

The demountable market stalls and any associated equipment can be stored on-site within the basement of 25 Ecclestone Place after use.

A condition is recommended that all servicing must take place between 0700 to 1000 on Monday to Saturday and 0800 to 1000 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. This condition is consistent with the servicing condition attached to the original August 2016 permission to create the Yards (ref. 16/03582/FULL).

### Cycling & Cycle Storage

The original August 2016 permission to create the Yards (ref. 16/03582/FULL) provided sufficient cycle parking (64 spaces) which could be used by both workers and visitors.

## 9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy through the generation of increased opportunities for local employment (market traders and artists), procurement and spending.

## 9.8 Other Considerations

### Waste & Recycling Storage

The applicant's Operational Management Plan (OMP) details that a team of cleaners attend the site and existing on site litter bins are capable of accommodating the waste generated. Notwithstanding this detail, the council's Waste Projects Officer advises that the applicant needs to indicate on a drawing, the area of waste and recycling storage and confirm the bin capacity. A condition is recommended requiring details of waste and recycling storage.

## 9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## 9.10 Planning Obligations & Pre-Commencement Conditions

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

## 10. Conclusion

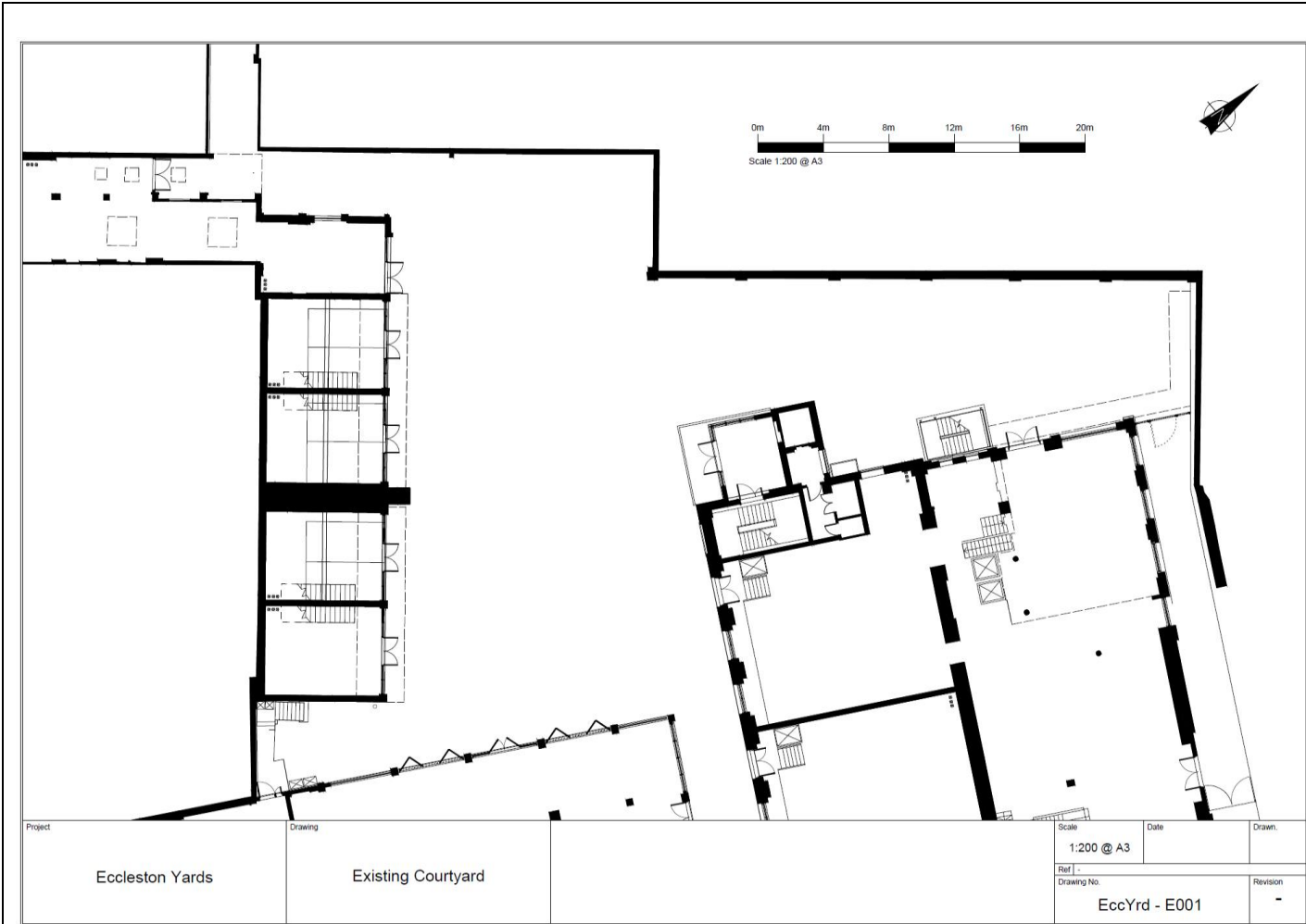
On balance, it is recommended that temporary permission is granted for a one year period only, to allow the council to assess the effect of the use and make sure it meets Policies 7, 14, 15, 16 and 33 of the City Plan 2019 - 2040 (April 2021). This is subject to conditions that would require robust management of the market and events by the applicant (Grosvenor Estates) in line with the strategy set out in the supporting Operational Management Plan, as well as conditions relating to, the hours of use, and number of events per calendar year.

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

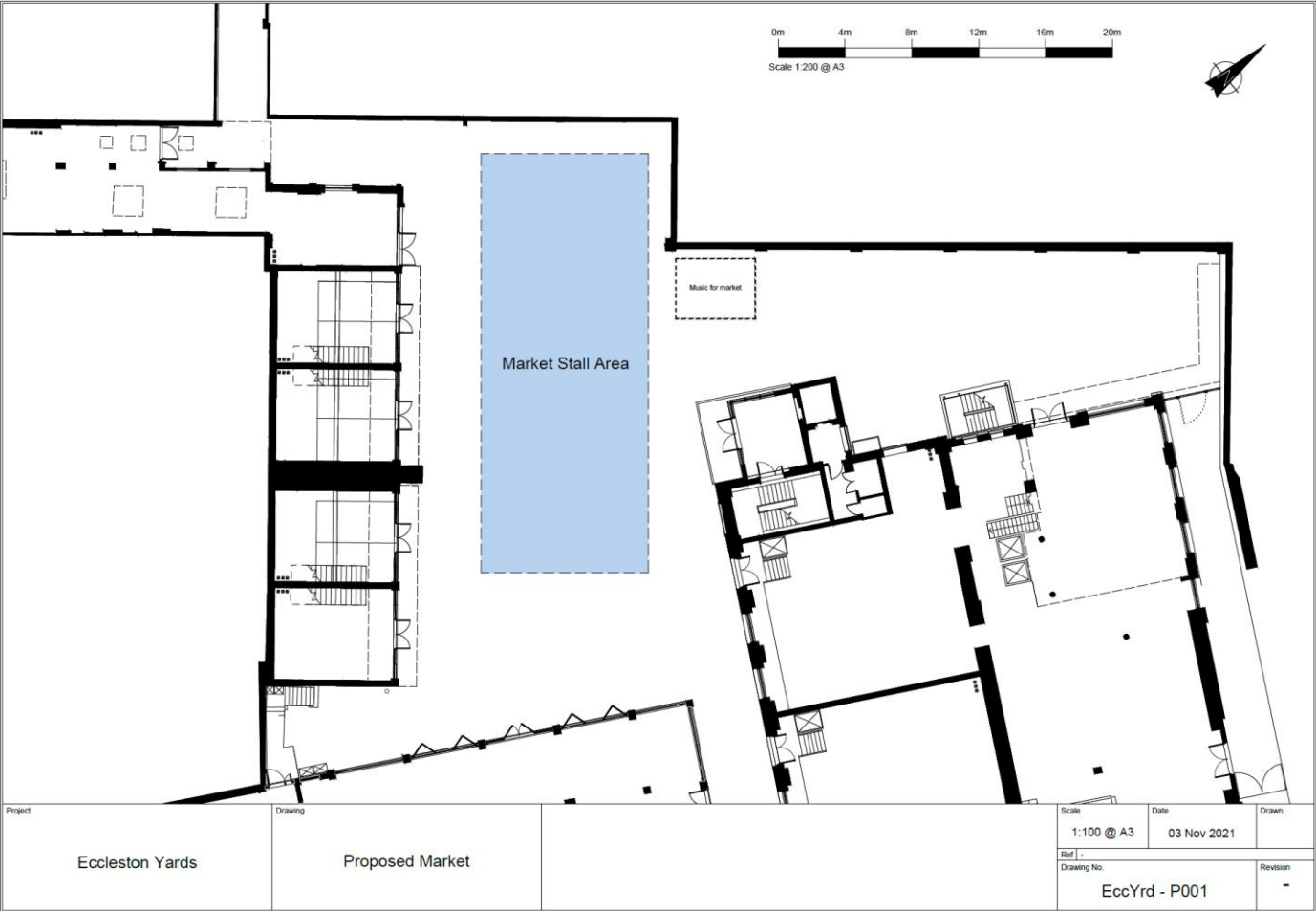
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddorward@Westminster.gov.uk](mailto:ddorward@Westminster.gov.uk)



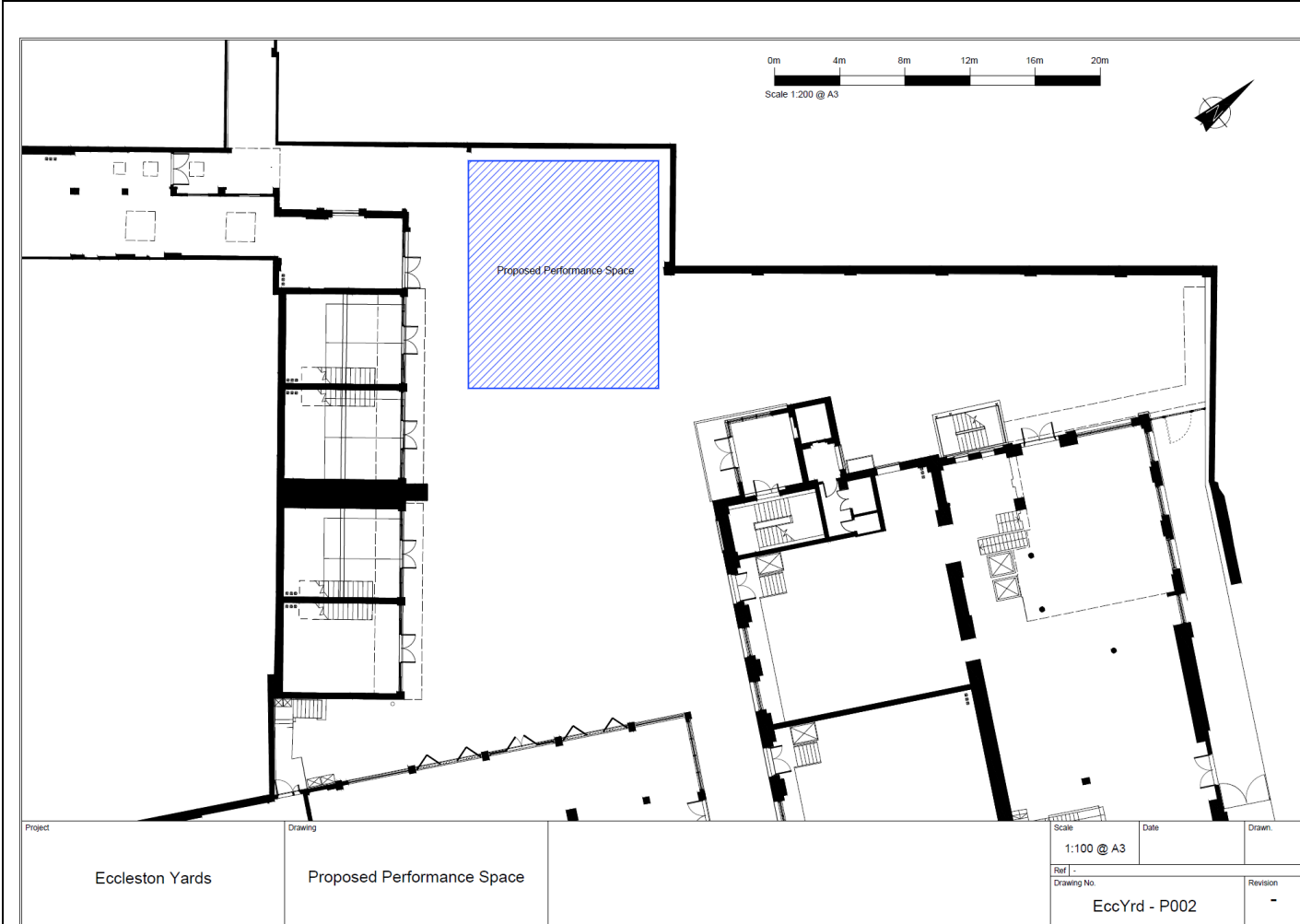
**11. KEY DRAWINGS**



**Existing courtyard**



**Proposed market**



**Proposed performance space**

**DRAFT DECISION LETTER**

**Address:** Eccleston Yard, London

**Proposal:** Use of Eccleston Yards courtyard for markets and events.

**Reference:** 22/02190/FULL

**Plan Nos:** Site Location Plan;  
EccYrd - E001 'Existing Courtyard';  
EccYrd - P001 'Proposed Market';  
EccYrd - P002 'Proposed Performance Space';  
Operational Management Plan, by Grosvenor Estate Management Ltd;  
Covering Letter by Gerald Eve 30 March 2022;  
Email (with timing of events) by Gerald Eve dated 22 September 2022.

**Case Officer:** David Dorward

**Direct Tel. No.** 07866038730

**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 The market and events use allowed by this permission can continue until 31 October 2023. After that the land must return to its previous condition and use. (C03AA)

Reason:

So that we can assess the effect of the use and make sure it meets Policies 7, 14, 15, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R03CC)

- 3 You must carry out the measures included in the Operational Site Management Plan at all times unless as otherwise agreed in writing by the City Council as local planning authority.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 4 Within 2 months of the date of this consent you must apply to us for approval of details

of how waste and recycling is going to be stored on the site. You must then provide the waste and recycling store within one month of the date that the details are approved, and clearly mark it and make it available at all times to everyone using the development. You must not use the waste and recycling store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 5 All servicing must take place between 0700 to 1000 on Monday to Saturday and 0800 to 1000 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 6 The market shall only be open to the public between the hours of 1100 and 1900 and the ancillary performance events shall take place no earlier than 0830 hours and finish no later than 2130 hours.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 7 There shall be no playing of live or recorded music before 1130 hours and after 2130 hours.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 8 The licensable activities that include, performance of dance, exhibition of a film or televised event, performance of live music, playing of recorded music, and performance of a play, shall collectively be restricted to a maximum of 100 days per calendar year.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

Item No.
<b>1</b>

- 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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.