

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF		
Proposal	Use of part of basement level 1 for storage or distribution uses (Class B8).		
Agent	Mango Planning & Development Ltd		
On behalf of	Getir UK Ltd		
Registered Number	22/01045/FULL	Date amended/ completed	4 March 2022
Date Application Received	17 February 2022		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission

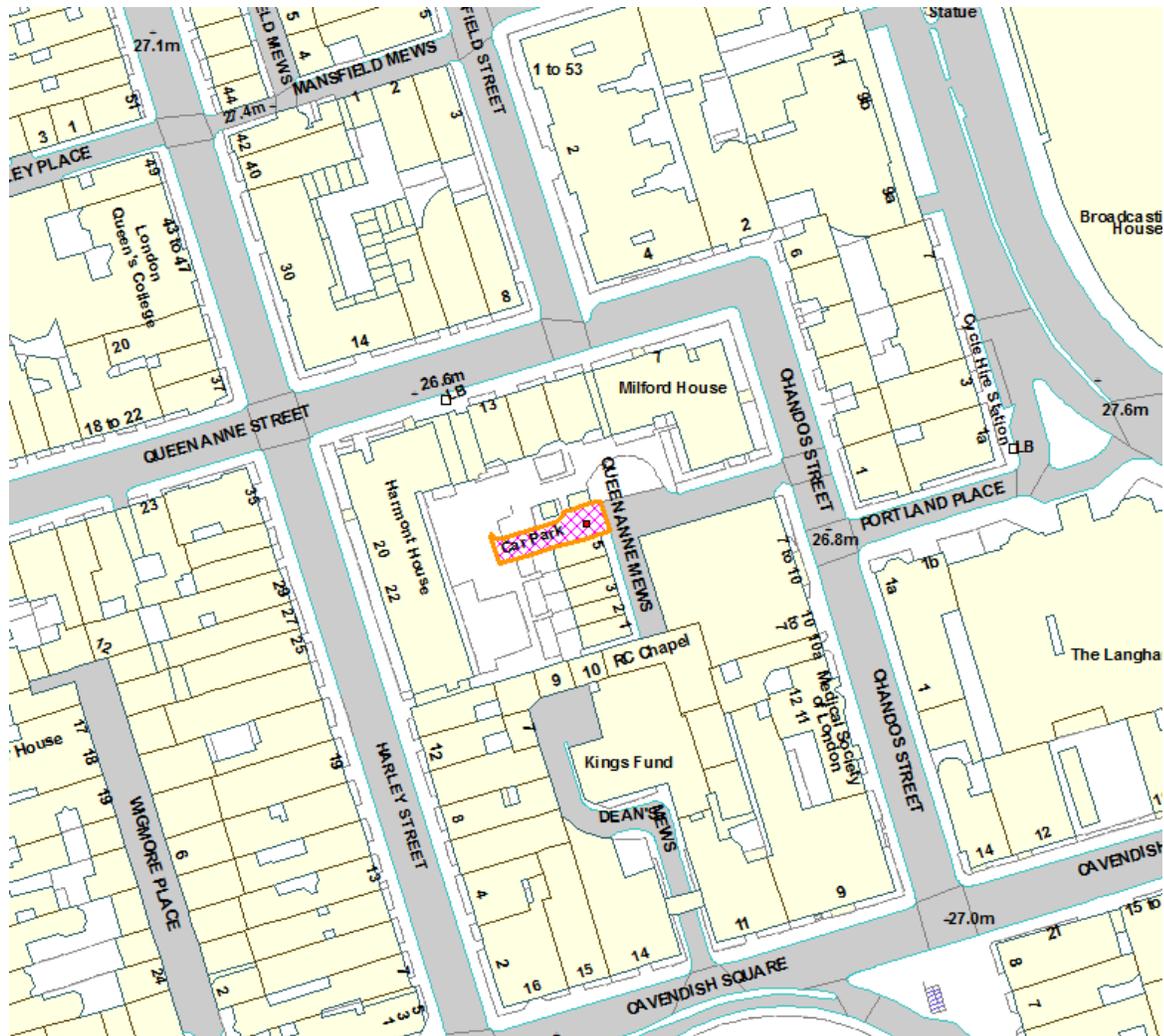
2. SUMMARY & KEY CONSIDERATIONS

This application was reported to the Planning Applications Sub-Committee on 26 July 2022.

Committee resolved to defer the application as the Committee requested further information in relation to fire safety, servicing, staff code of conduct and an overview of a recent application involving a storage facility within a car park under Sherwood Court (109-119 Seymour Place).

Having regard to the additional information received, it is considered that the proposal, with conditions, is still acceptable in land use, highways and fire safety terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

5.1 Application Consultations

LATE REPRESENTATIONS RECEIVED AND REPORTED TO COMMITTEE ON 26 JULY 2022

Two letters/emails of objections on the following grounds:

- Noise associated with the proposed operation, vehicle movements and from staff talking.
- Supply of alcohol from the site has the potential to increase anti-social behaviours.
- Use inappropriate to the character and function of the area
- Ability for waste to be collected given height restriction

CONSULTATIONS AFTER ITEM REPORTED TO COMMITTEE ON 26 JULY 2022

LONDON FIRE BRIGADE

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

6. BACKGROUND INFORMATION

This application was reported to the Planning Applications Sub-Committee on 26 July 2022. Committee resolved to defer the applications as the Committee requested further information with respect to:

- 1) A Fire Statement with specific reference to storage of a lithium batteries to be reviewed by London Fire Brigade.
- 2) Confirmation as to whether it is possible to condition that vehicles delivering goods to site are electric vehicles only.
- 3) Staff code of conduct.
- 4) Details of the fire safety concerns raised by London Fire Brigade on a planning application within the car park under Sherwood Court 109-119 Seymour Place (ref: 22/01715/FULL).

Each of the above are discussed in turn below:

Fire Safety

Whilst the subject of fire safety is covered by Part B of the Building Regulations, the NPPF refers to the fact that planning decisions should 'take into account wider security and defence requirements by anticipating and addressing possible malicious threats and natural hazards'.

London Plan Policy D12 requires that 'all development proposals must achieve the highest standards of fire safety'. New developments should incorporate fire safety solutions and represent best practice in fire safety planning in both design and

management.

Committee requested further details to be submitted with respect to fire safety with specific reference to storage of a lithium batteries to be reviewed by London Fire Brigade.

Following the Planning Applications Sub-Committee on 26 July 2022, the Applicant submitted a Fire Statement for the proposed development considering the following:

- Use and risk profile;
- Occupancy assessment;
- The building's construction method and products and materials used;
- Means of escape for all building users and evacuation strategy;
- Passive and active fire safety measures;
- External fire spread;
- Fire appliance and assembly points outside space; and
- Firefighting access and equipment.

With regards to the storage of lithium batteries, the Fire Report notes that the facility will be provided with an overnight parking area for ten e-bikes. Battery charging racks will be located opposite the e-bikes but within the same area. Approximately eight 'Super Soco CPX batteries' will be charged simultaneously.

The Fire Report states that the charging area has the same risk profile (A3) as the rest of the storage and delivery facility; therefore, no compartmentation is required between these areas as per BS 9999 guidance.

However, as an additional fire safety measure, they have recommended that the e-bike/e-scooter area be enclosed in 60 minutes fire resistance walls and doors with smoke seals.

Additionally, they have recommended that the chargers should be installed and maintained, and the batteries maintained in accordance with manufacturer's guidelines.

Following receipt of the Fire Statement, London Fire Brigade were consulted on 01 November 2022. Despite multiple emails from officers following the expiry of the consultation period, no consultation response has been received. Whilst it is unfortunate, fire matters have been fully considered by an appropriately qualified engineer and additional fire measures, as set out above, have been incorporated into the proposal since the application was last considered. Building Control have also been consulted on these measures and their response will be reported verbally at the committee meeting. An informative has been included requiring the Applicant to secure all relevant permissions from the Fire Authority and District Surveyor prior to opening the premises.

Servicing

Committee members requested confirmation as to whether it is possible to condition that vehicles delivering goods to site are electric vehicles only.

The Applicant has stated that Getir cannot accept a condition for inbound deliveries to be electric vehicles only as they do not currently have electric vehicles as part of their goods in delivery fleet. Getir have a long term aspiration to turn fully electric, but this is

not practically possible at this moment and therefore cannot be offered up on a site by site basis as it would make the operation unviable. The Applicant is however satisfied to accept a condition requiring all customer delivery vehicles from the premises to be electric.

Whilst Getir's existing fleet arrangement is regrettable, it is likely that there would be a reduction of motorised vehicles overall when considering the unrestricted vehicle generation potential of the existing lawful use.

Staff Code of Conduct

Committee members requested that further information is submitted to the Council in respect to the staff code of conduct. The Applicant has stated that Getir are willing for the letter on staff code of conduct to form part of the requirements for the operational management plan, in accordance with recommended conditions.

Car park under Sherwood Court 109-119 Seymour Place

Committee members requested further details in relation to the fire safety concerns raised by London Fire Brigade as part of a planning application within the car park under Sherwood Court 109-119 Seymour Place.

An Enforcement Notice was served requiring the cessation of use of part of the car park as a delivery hub for the storage, collection and return of mopeds for hot food delivery as well as the removal of items associated with the use.

As part of the enforcement investigation, London Fire Brigade visited the property which was still in use at the time and carried out a risk assessment which, in summary, found that:

- The fire risk assessment had not been reviewed in relation to the storing or charging of lithium ion batteries.
- The compartmentation between the electrical cupboard and the car port area had not been effectively planned.
- The training of staff working in lot 13 had not been planned or organised.
- The prevention of fire occurring from the charging and storage of lithium ion batteries had not been planned.
- The measures for dealing with dangerous substances had not been planned.

This subsequently resulted in the issuing of a notification of fire safety deficiency letter which stated that 'during the inspection, it was noted that some fire safety matters require attention to reduce the risk of fire and/or reasonably ensure the safety of people using the premises. These matters need to be addressed in order to comply with Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).'

Subsequently, a retrospective application was submitted for the 'use of Unit 13 at basement level for storing and charging electric bike and scooter batteries (sui generis)'. Due to the known fire safety concerns, London Fire Brigade were consulted. The application documents did not have regard to the fire safety concerns nor was an assessment submitted in support of the application.

The above application differs significantly from this application as all fire matters have been fully considered by a Fire Engineer and the car park under Sherwood Court

contained charging points for in excess of 60 batteries (see photos below) via extension sockets, whereas this application includes the provision of charging points for up to 8 batteries within a compartmentalized area.



Other

As listed in section 5.1 of this report, a number of late representations were received after the committee report had been published. All of the ground raised, with the exception of the below, were previously addressed in the Committee Report.

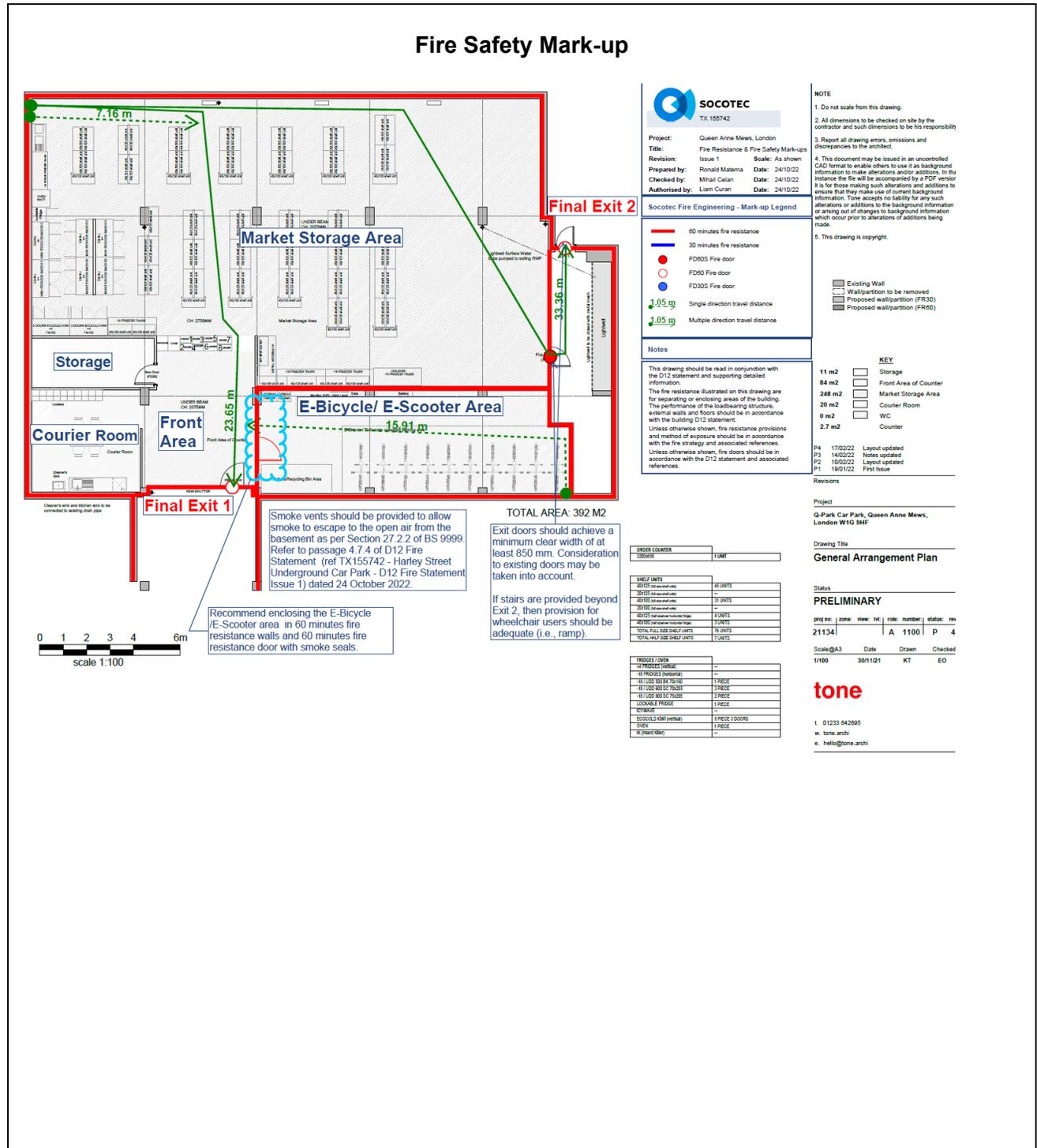
- Ability for waste to be collected given height restriction

The Applicant has stated that the waste generated from the proposed use will be backhauled during deliveries of stock. This is acceptable and has the benefit to reduce the number of trips associated proposed development.

(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: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK.

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF

Proposal: Use of part of basement level 1 for storage or distribution uses (Class B8).

Plan Nos: 1100 Rev 4, 1011 Rev P1

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must apply to us for approval of an Operational Management Plan prior to commencement of the use. The OMP must identify process, scheduling and staffing, controlling the maximum number of deliveries to and from the site, the type of vehicle used, measures to ensure staff will not loiter on Queen Anne Mews and a code of conduct for all staff members.

You must not commence the use hereby approved until we have approved in writing what you have sent us.

You must then operate the use hereby approved in accordance with the approved Operational Management Plan for life of development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 24, 25 and 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 3 You must apply to us for approval of a Servicing Management Plan prior to commencement of the use. The plan must identify process, internal storage locations, scheduling of deliveries and staffing

You must not commence the use hereby approved until we have approved in writing what you have sent us.

You must then operate the use hereby approved in accordance with the approved Servicing Management Plan for the life of the development.

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)

- 4 All areas for servicing, including off-street vehicle areas, holding areas and access corridors, must be retained for this purpose for the life of the development and used for no other purpose that prevents off-street servicing from occurring. No servicing including waste collections shall occur from the highway.

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)

- 5 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the storage and distribution centre use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the storage and distribution centre. You must not use the waste and recycling store for any other purpose. (C14GB)

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)

- 6 No combustion engine motorised vehicles (including mopeds, motorcycles, cars, vans) are permitted to make deliveries from the site.

Reason:

To protect the reduce the environmental impacts associated with development as set out in Policies 7, 12, 24, 32 and 33 of the City Plan 2019 - 2040 (April 2021).

- 7 You must not operate a delivery service from the premises outside of the hours of 08:00 to 00:00.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021)

- 8 The delivery of all goods shall take place within level -1 of the car park and not outside the car park. No delivery shall be received to the premises outside of 08.00 - 20.00 daily.

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)

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 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.
- 2 With regards to Condition 2, you are advised that no more than 30 deliveries per week will be acceptable. All deliveries to the site to be made internally within the underground car park and no goods transferred from vehicle from the highway.
- 3 You must secure all relevant permissions from the Fire Authority and District Surveyor to prior to opening the premises.

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.