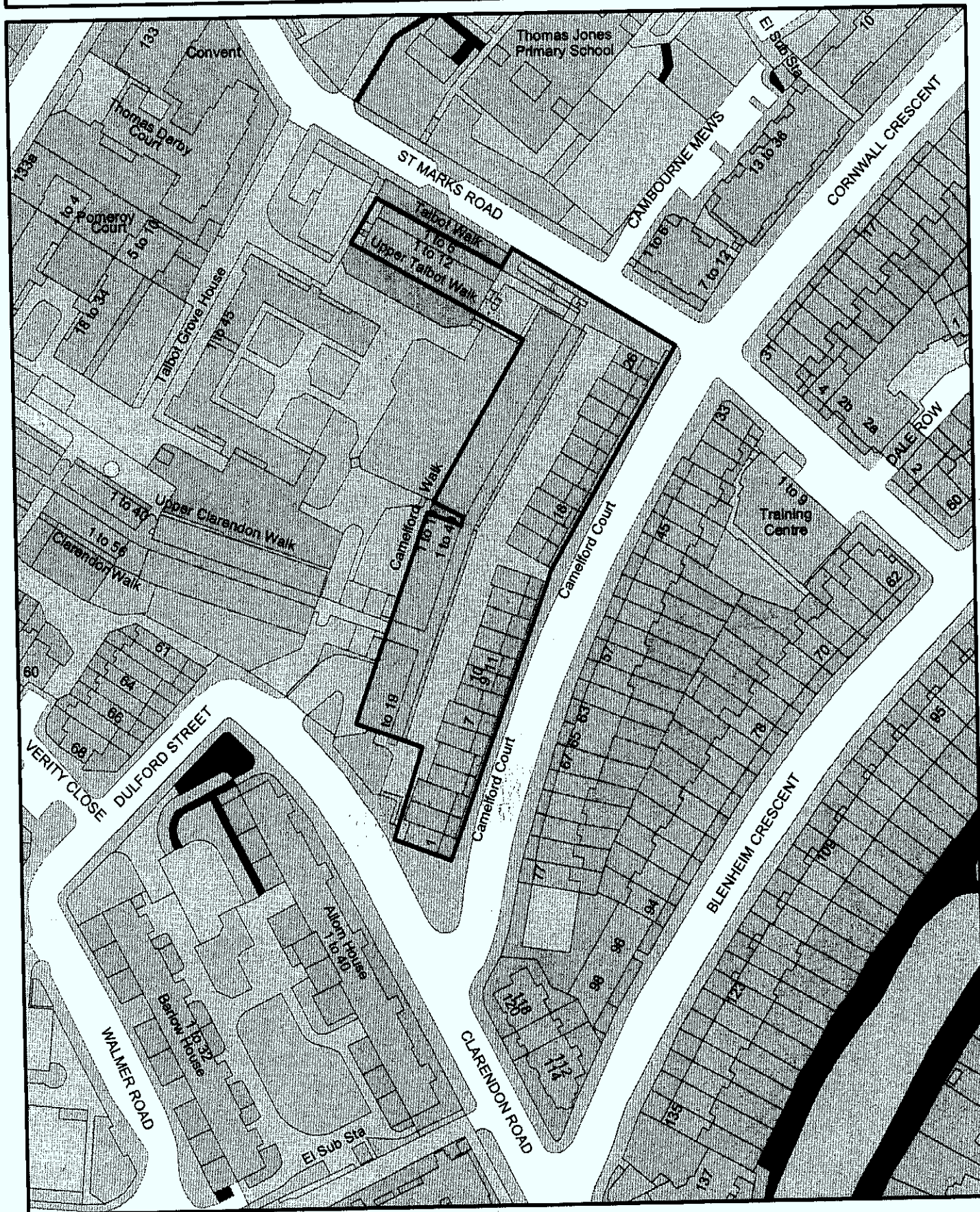


# CAMELFORD WALK, LANCASTER ROAD, W11






1:1,250

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(100021668) (2009)



### Listed Buildings

-  Grade II
-  Grade II\*
-  Grade I

Property and Land Applications Team  
The Royal Borough of Kensington and Chelsea  
The Town Hall, Hornton Street, London, W8 7JK  
+44 (0)20 7361 3584  
Data.Yerwood@rkbc.gov.uk

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
REPORT BY EXECUTIVE DIRECTOR,  
PLANNING AND BOROUGH DEVELOPMENT**

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**APP NO. PP/11/00594/Q18  
PLANNING APPLICATIONS COMMITTEE 10/05/2011  
AGENDA ITEM NO. N48**

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**SITE ADDRESS**

**Camelford Walk (former  
car park area) ,  
Lancaster Road, W.11  
1TX**

**APPLICATION 25/02/2011  
DATED  
APPLICATION 25/02/2011  
COMPLETE**

**APPLICANT/AGENT ADDRESS**

**Mr Martin Friend  
Vincent And Gorbing  
Sterling Court  
Norton Road Stevenage,  
Hertfordshire  
SG1 2JY**

<b><u>LISTED</u></b>	No	<b><u>CONS.</u></b>	N/A	<b>WARD</b>	Notting Barns
<b><u>BUILDING</u></b>		<b><u>AREA</u></b>			
<b><u>CAPS</u></b>	No	<b><u>ENGLISH</u></b>	N/A	<b>ART '4'</b>	No
		<b><u>HERITAGE</u></b>			

<b><u>CONSULTED</u></b>	<b><u>OBJECTIONS</u></b>	<b><u>SUPPORT</u></b>	<b><u>PETITION</u></b>	<b><u>COMMENTS</u></b>
304	2	0	0	0

**Applicant Safestore Properties Limited**

**PROPOSAL: Variation of Condition No.1 pursuant to Planning Permission PP/07/03235 dated 28/05/2005, to allow the permanent use of the basement car park for self storage with associated car parking.**

**RBK&C Drawing No(s):PP/11/00594**

**Applicant's Drawing No(s): AP(0)001 and Management Plan and enclosures produced by ADL Traffic Engineering Ltd, dated June 2009 and ref. ADL/AJM/1868/03A**

**RECOMMENDED DECISION: Grant planning permission**

**CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

1. **The use hereby permitted shall be retained for a limited period only until 10th May 2016, on or before which date the use shall be discontinued. (C004)**  
*Reason - There is insufficient evidence available at this stage to assess the impact of the development, and permission for a limited period will allow the authority to reassess the development in the light of experience of the use. (R004)*
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, AP(0)001 and Management Plan and enclosures produced by ADL Traffic Engineering Ltd, dated June 2009 and ref. ADL/AJM/1868/03A (C068)**  
*Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)*
3. **No customers shall be on the premises before 08.00 or after 18.00 Monday to Saturday, or before 10.00 or after 18.00 hours on Sundays. (C046)**  
*Reason - To safeguard the amenity of neighbouring property. (R042)*
4. **The car parking shown on the drawing hereby approved shall be adapted or changed for any purpose other than for vehicular parking.**  
*Reason - To ensure that the development does not add to traffic congestion in the immediate area contrary to Local Planning Authority's Policies on traffic restraint.*
5. **Adequate steps shall be taken to ensure that any extractor does not cause noise or vibration to the detriment of nearby residents to the satisfaction of the Council.**  
*Reason - To safeguard the amenities of neighbouring properties.*
6. **No process shall be carried out, or machinery installed, pursuant to this permission so as to cause detriment to the amenity of adjacent property, or of the immediate area, by reason of noise, vibration, smell, smoke, soot, ash, grit, or electrical**

**interference. (C047)**

*Reason - To safeguard the amenity of neighbouring property and the immediate area. (R047)*

7. **No music shall be played within the premises the subject of this permission so as to be audible outside the premises. (C048)**

*Reason - To safeguard the amenity of neighbouring property. (R048)*

**INFORMATIVES**

1. Conditional Planning Permission is hereby granted for the development as shown on the approved drawings. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further permission. You are advised to consult the Directorate of Planning Services before work commences if this is the case. (I09)
  
2. Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. You are advised that from the 6th April 2008 there is a formal system by which planning conditions should be discharged. The appropriate application form can be downloaded from the Council's website ([www.rbkc.gov.uk](http://www.rbkc.gov.uk)) or requested from the Planning Information Office at the Town Hall. In most instances there will be a fee associated with each request for the discharge of conditions. Please see the guidance notes and fee regulations on the Council's website or telephone 020 7361 3012 for further advice. (I10)

## **1.0 SITE**

- 1.1 This application relates to a purpose built underground car park situated underneath the flats of Camelford Court, Camelford Walk, as part of the Lancaster Road West estate development constructed in the early 1970's. The buildings are not Listed, nor are they within a Conservation Area.
- 1.2 The underground car park was under-used by the 1980s, and from 1988 it has been in use by the present applicants, 'Safestore', as storage in lettable storage units, with the benefit of planning permission in the form of five separate temporary permissions each expiring after five years.
- 1.3 The operation by 'Safestore' involves customer vehicles parking on the car park access ramp, loading and unloading there, in the open air, with goods conveyed to the interior by means of wheeled trolleys.
- 1.4 The Royal Borough is the freeholder for the premises, but is not the applicant. The interest of the Royal Borough in this context is not a material consideration in assessment of this planning application.

## **2.0 PROPOSAL**

- 2.1 Planning permission is sought for the variation of Condition No.1 of the last planning permission, namely Planning Permission ref: PP/07/03235 granted on 28/05/2008, for the continued use of the basement car park for self storage with associated car parking. The applicant seeks the permanent use of the basement car park for self storage with associated car parking.
- 2.2 Condition 1 requires that:

### **1.- C004 Limited Period (Use):**

The use hereby permitted shall be retained for a limited period only until 21st April 2011, on or before which date the use shall be discontinued. (C004)

*Reason - To enable the Council to reconsider the use in light of changes in the level of demand for off -street parking facilities.*

- 2.3 This application to amend the Condition was submitted before the expiry of the latter permission, therefore the application is 'in time' to amend the Condition.

## **3.0 RELEVANT SITE HISTORY**

- 3.1 Planning permission was granted in 1988 (TP/87/02495) for the change of use of part of the basement car park to lettable storage and light industrial units for a limited period of five years. This was the first of the permissions referred to above, and commenced the twenty-two year use of the car park as a self-storage facility.

- 3.2 Planning permission was granted in 1993 (TP/93/01115) for the continued use of the basement car park as lettable storage or lettable storage and light industrial units for a period of five years.
- 3.3 Planning permission was granted in 1998 (PP/97/02710) for the continual use of the basement car park as lettable storage or lettable storage and light industrial units, again for a period of five years.
- 3.4 Planning permission was granted in 2003 (PP/03/0491) for the continued use of the basement car park for self storage, with associated car parking, for a period of five years.
- 3.5 Planning permission was granted in 2007 (PP/07/03235) for the continued use of the basement car park for self storage, with associated car parking, for a period of three years.

A number of objections were raised by way of this application, with particular regard as to the impact that the proposal would have upon the amenity of the occupiers of the neighbouring properties. The main problems cited include noise and nuisance caused by the nature of the use and its associated traffic routes. A recommended Management Plan Condition, sought to limit the impact of the use upon the levels of amenity enjoyed by residents living above the use.

- 3.6 Planning permission was granted in 2010 (PP/10/00440) for the erection of a canopy to the entrance of underground self-storage facility. This application came forward as a result of the proposed noise control measures approved under the management plan which forms part of the planning permission for the use of the facility, dating from May 2009 (Ref: PP/07/03235).

#### **4.0 PLANNING CONSIDERATIONS**

- 4.1 The main issues for consideration are (i) the continued loss of the original parking use; (ii) any implications that the proposed lifting of the temporary Condition may have upon the amenity of the occupiers of the neighbouring properties; and (iii) any implications for the local transport infrastructure.
- 4.2 The relevant policies against which to assess this proposal are contained within the Core Strategy of the Local Development Framework, as well as certain policies 'saved' from the Unitary Development Plan 2002 (as amended 28<sup>th</sup> September 2007).

The relevant Core Strategy policies are:

- CL2 (New Buildings, Extensions and Modifications to Existing Buildings)
- CL5 (Amenity)

CH3 (Protection of Residential Uses)  
CT1 (Improving alternatives to car use)  
CF5 (location of business uses)  
CE6 (Noise and Vibration)

The relevant 'saved' policies to this application are as follows;

H4 (Commercial Development in Residential Areas)

- 4.3 Also for consideration is 'The London Plan, Spatial Development Strategy for Greater London, as consolidated with alterations since 2004. In this particular instance, there are no specific Policies relevant to this application contained within this plan.
- 4.4 The Transport Supplementary Planning Document has also been given weight.
- 4.5 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8<sup>th</sup> 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan Consolidated with Alterations since 2004, plus relevant 'saved' policies from the UDP.

Better Travel Choices - Continued Loss of Car Parking

- 4.6 The Council imposed the Condition restricting the use to five years on the previous planning permission for the following reason:
- "To enable the Council to reconsider the use in light of changes in the level of demand for off -street parking facilities."
- 4.7 The original and intended use of the car park was for residents of the Lancaster West Estate, which comprises over 900 residential units. The car park has not been made available to residents for two decades, which is consistent with the Tenant Management Organisation (TMO)'s stewardship of its residents' parking across many of the estates in the borough. Most of the original parking area is now in use for the storage use; the remainder of the car park (around 30%) is not in any use.
- 4.8 The Director of Transportation and Highways has advised that parking is at saturation levels (90% +) on residents bays within 200m of the estate and records suggest that over 300 on-street parking permits are issued to Lancaster West residents. There are also 300 car parking spaces at surface level across the estate although it is not clear how many of these are in a useable state and are available to residents.

- 4.9 It should be noted that the basement car park is not designed to modern standards and significant investment might be required if the car park were to be attractive to residents and used again as car parking.
- 4.10 The fact that this car park is not available to residents of the estate must have contributed to the saturation levels of on-street car parking seen in the immediate locality. However, the fact that this has been the situation for 20 years means that a refusal of planning permission would be difficult to sustain, unless there was a clear and significant change in the relevant planning circumstances.
- 4.11 The Core Strategy of the LDF has been adopted since the use of the site was previously considered. With the adoption of the Core Strategy the Councils adopted policy in relation to off street parking has evolved modestly. There is no longer a policy which explicitly resists the loss of off-street residential parking. Policy CT1 (b) does however require it to be demonstrated that development would not result in any material increase in traffic congestion or on-street parking pressure. Often the loss of off-street residential car parking leads to the displacement of parking demand on street exacerbating local parking pressures and contributing to traffic congestion, as vehicles circulate looking for a free space. In this case, given that the site has not been used for car parking for at least 23 years, the application proposal would not result in additional vehicles being displaced on-street with ensuing detrimental impacts.
- 4.12 The proposed lifting of the temporary Condition would permanently remove the possibility of re-establishing the car park use on this part of the site. If such parking were made available to residents at competitive rates, this would be likely to ease on-street parking pressure. However if the car park was made available to residents, the greater availability of parking may encourage increased car ownership and consequently generate additional traffic.
- 4.13 CS Policy CT1 states that "the Council will ensure that there are better alternatives to car use by making it easier and more attractive to walk, cycle and use public transport and by managing traffic congestion and the supply of car parking".
- 4.14 In this context, the re-establishment of a car park on the site (effectively increasing the stock of parking in the area) is not considered as desirable as it may once have been. Within this context, the proposal is not considered to conflict with CS Policy CT1, particularly part (b).
- 4.15 It is therefore concluded, therefore, that the original Reason for impositions of the temporary Condition has now lost force and would no longer be a sound justification for the imposition of a new temporary Condition.



## Respecting Environmental Limits - Noise and Nuisance

- 4.16 The relevant CS Policies CL5 and CE6 consider noise, vibration and amenity; 'saved' UDP Policy H4 resists the encroachment into residential areas of commercial activities which would be inappropriate by virtue of size, scale, hours of operation, traffic generation or nature of use.
- 4.17 In relation to the planning permission granted in 2003 (PP/03/0491), 108 addresses including Camelford Walk, Talbot Walk and Upper Talbot Walk, were notified. No letters of representation were received and the application to renew the existing use was granted, in accordance with Delegated Powers.
- 4.18 In relation to planning permission granted in 2007 (PP/07/03235) two hundred and eighty eight addresses including Camelford Walk, Talbot Walk and Upper Talbot Walk, were notified of the proposal.
- 4.19 Seven letters of representation were received, reflecting the material change in the way the storage operation was run since 2003. Although there was little evidence to show a material increase in the intensity or frequency of the operation over this time, the grounds of complaint were of: excessive carbon monoxide emissions from vehicles on the ground at the entrance to Safestore; ongoing noise nuisance as a consequence of the business operations; and discarded rubbish. As a result, a process was undertaken to liaise with the operators, and residents, to allow sound engineers from both the applicants and the Council to assess the noise problems and carry out surveys to enable recommendations for solutions. The survey, undertaken by consultants acting for the applicants but carried out in conjunction with Environmental Health Officers, concluded a number of measures to reduce noise and other disturbance. It was considered that the evidence exists to demonstrate that a prudent and sensitive system of management, with appropriate measures and secured by Condition, could safeguard amenity. As a consequence a Condition was attached requiring the applicant to submit a Management Plan including measures be taken to reduce noise and other disturbance.
- 4.20 A Management Plan was approved in November 2009, requiring the erection of an acoustic canopy over part of the ramp to help reduce noise impinging upon residents of the flats immediately above the site access, in addition to the introduction of quieter trolleys, a new operating regime to minimise disturbance and CCTV cameras to monitor activity on the car park access ramp.
- 4.21 The Director of Environmental Health considered that the canopy is of a optimum size for its position and provides acoustic shielding from noise, particularly that emanating from the bottom of the access ramp. The ability of the shielding very much depends on the position of the sound source, therefore vehicles positioned directly under the canopy and residential windows of Camelford work are

considered to be shielded, however, vehicles positioned in line of site of the residential windows are only shielded to a limited degree. Coupled with the management plan, the scope of disturbance sought to minimise the impact of idle/flowing traffic accessing the site.

- 4.22 Following their implementation, the Director of Environmental Health has confirmed that, a complaint relating to noise or any other disturbance, has not been received. The raft of Conditions attached to the permissions granted in 2007 (PP/07/03235) and 2010 (PP/10/00440) are therefore considered to have been effective in reducing the noise disturbance of the operation with regard to the occupiers of the neighbouring properties and should therefore be maintained in order to continue that protection.
- 4.23 The key question is whether the proposed lifting of the temporary Condition would remove a key element of the protection for amenity provided by the existing raft of Conditions. Or put another way, whether a permanent planning permission might remove the incentive for the maximum degree of sensitivity to be applied by operators or users of the facility. The answer to this key question must take proper account of the advice in Circular 11/95, in particular that a Condition must be necessary and reasonable in all respects.
- 4.24 The position does seem to have improved since the current 3 year temporary Condition was applied in 2008, and the operators and users of the facility should be commended for ensuring adherence to the Management Plan. However, the Plan has only been in place for less than three years; the evidence is that it is 'bedding in' successfully, but this does seem a rather short period to justify the complete lifting of a temporary period thus allowing the use in perpetuity. A further, perhaps longer, temporary period can be considered necessary, and reasonable, in the context of Circular 11/95, to enable it to be demonstrated that the Management Plan and raft of other Conditions can protect amenity in the longer term. A replacement Condition, for five years, is therefore proposed.
- 4.25 Finally, it is relevant to consider the likely result of refusing the application and enforcing against the storage and distribution use; one result could be the site would revert back to a car park use. As a car park there could well be that there would be an increase in the number of vehicle trips to and from the site and that the amount of emissions would more than likely be greater than those from vehicles associated with the storage use. Additionally, as the car park use was unregulated by planning Conditions, access to the car park could be 24 hour which could have significant implications for the amenity and security of the occupiers of the neighbouring properties.

## **5.0 PUBLIC CONSULTATION**

5.1 Three hundred and four addresses were notified of this proposal. Two letters of objection have been received from a single neighbouring property along Verity Close.

5.2 The representations object on the grounds that:

### **5.2.1 The development currently causes noise nuisance as a result of its security alarm.**

5.2.2 Following Officer's advice, the alarm system used at Safestore has been 'silenced', whereby the alarm would not emit a noise. It is considered this issue has been overcome and shall be controlled By way of a Condition.

## **6.0 RECOMMENDATION**

6.1 Grant planning permission subject to Conditions

**JONATHAN BORE  
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

### **List of Background Papers:**

**The contents of file PP/11/00594 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Report Prepared By: GW  
Report Approved By: ER/DT  
Date Report Approved: 20/04/2011**

**PSC05/11/GW.REP**

26/04/2011 11:30:28

**Variation of Condition No.1 pursuant to Planning Permission  
PP/07/03235 dated 28/05/2005, to allow the permanent use of the  
basement car park for self storage with associated car parking.**

**SUMMARY OF REASONS FOR DECISION**

You are advised that this application was determined by the Local Planning Authority with regard to Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

- CL02 (New Buildings, Extensions & Modifications to Existing Build
- CL05 (Amenity)
- CH03 (Protection of Residential Uses)
- CT01 (Improving alternatives to car use)
- CF05 (Location of Business Uses)
- CE06 (Noise and Vibration)
- H04 (resist encroachment of other uses in residential areas)

The London Plan was taken into consideration. No policies were considered of particular relevance to this application.

The material circumstances of the case, including site history, location, and impact on amenities were considered.

In addition, consideration was given to the results of public consultation.

It was concluded that there was no impact upon the amenities of adjoining occupiers, or upon the character or appearance of the area, that would justify a refusal in this case.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.