

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

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APP NO. PP/13/00598/Q18  
PLANNING APPLICATIONS COMMITTEE 16/04/2013  
AGENDA ITEM NO. C29

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**SITE ADDRESS**

117A Queen's Gate  
39-49 Harrington Road  
and 2 Reece Mews  
LONDON SW7

**APPLICATION**  
**DATED**

30/01/2013

**APPLICATION**  
**COMPLETE**

30/01/2013

**APPLICANT/AGENT ADDRESS**

Mr J Ainsworth  
Alsop Verrill  
2 Milliners House  
Eastfields Avenue  
LONDON  
SW18 1LP

**LISTED**  
**BUILDING**

N/A

**CONS.**  
**AREA**

Queen's Gate

WARD

Brompton

**CAPS**

Yes

**ENGLISH**  
**HERITAGE**

N/A

ART '4'

No

**CONSULTED**  
63

**OBJECTIONS**  
5

**SUPPORT**  
0

**PETITION**  
0

**COMMENTS**  
1

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**Applicant**

Union Properties

**PROPOSAL:** Temporary use of site as car park (75 spaces) for 3 year period

RBK&C Drawing No(s):PP/13/00598

Applicant's Drawing No(s): 1063 [HR] 01

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**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 16th April 2016, on or before which date the use shall be discontinued. (C004)**  
*Reason - The use is inappropriate for retention on a permanent basis and to allow for the future redevelopment of the site. (R004)*
2. **No vehicles shall enter or leave the car park hereby permitted between 2400 hours and 0700 hours the following morning.**  
*Reason - In the interests of amenity of neighbouring residential buildings.*
3. **The car parking area hereby approved shall be laid out to allow no more than 75 cars to be parked at the site.**  
*Reason - In accordance with the terms of the application and to prevent an intensification of use at the site.*
4. **The car park hereby permitted shall not be used other than in accordance with the charging scheme set out below, unless otherwise approved in writing in advance with the Local Planning Authority:**

<b>Up to 1 hour</b>	<b>£3.50</b>
<b>1-2 hours</b>	<b>£7.00</b>
<b>2-3 hours</b>	<b>£10.50</b>
<b>3-4 hours</b>	<b>£14.00</b>
<b>4-6 hours</b>	<b>£18.00</b>
<b>6-8 hours</b>	<b>£23.50</b>
<b>8-10 hours</b>	<b>£29.00</b>
<b>10-12 hours</b>	<b>£32.00</b>
<b>12-15 hours</b>	<b>£35.00</b>
<b>15-24 hours</b>	<b>£49.00</b>

*Reason - In accordance with the ratio of tariffs established at the site since 2001 to ensure that the car park does not encourage long term parking.*

## **INFORMATIVES**

- 1 IDN1 GTD/No pre-app/Est. Guid/No amend rqd
- 2 I.67A

## 1.0 SITE

1.1 The site lies on the south eastern corner of Harrington Road and Queen's Gate. Reece Mews abuts the eastern boundary of the site. To the south of the site is the Church of St Augustine of Canterbury, a Grade II\* listed building. The site is currently in use as a car park.

1.2 The boundary of the Queen's Gate Conservation area runs through the site. The areas to the north and south of the site are within the conservation area whilst the area to the east of the site is not. The site lies outside of the South Kensington District Centre which ends on the other side of Reece Mews. The site is identified as a redevelopment site in the South Kensington chapter of the Core Strategy (Chapter 13).

## 2.0 PROPOSAL

2.1 Planning permission is sought for the temporary use of the site as a car park (75 spaces) for a 3 year period.

2.2 No physical alterations are proposed. The access would remain from Harrington Road with a car park office occupying the north eastern corner of the site.

## 3.0 RELEVANT SITE HISTORY

3.1 There have been a large number of planning applications relating to the use of the site for a temporary car park. The table below summarises the dates when these temporary permissions were granted and the dates when they expired.

Ref	Description	Granted	Expired
TP/85/1523	Continued use for limited period as public car park for 45 cars pending redevelopment.	26/09/85	01/10/86
TP/86/2163	Use as public car park for 45 cars, pending redevelopment	28/01/87	01/01/89
TP/91/0022	Use for temporary period as car park	26/02/91	19/06/91
TP/91/0915	Use for a temporary period as a public car park for 50 cars, pending redevelopment	27/09/91	01/12/91
TP/91/1788	Use for a temporary period as car park for 50 cars	04/02/91	31/03/92
TP/92/0555	Use for a temporary period as car park for 50 cars	20/05/92	01/07/92
TP/92/1069	Use for a temporary period as car park for 50 cars	25/08/92	30/09/92
TP/93/1265	Use for a temporary period as car park for 50 cars	16/02/94	01/09/94
PP/00/0639	Use of land as car park with provision of security lights for 6 months	08/11/01 (allowed on appeal)	08/11/02
PP/01/0953	Use of land as car park, levelling of site, laying out of parking, security lighting for temporary period of 12 months	08/11/01 (allowed on appeal)	08/11/02
PP/02/2545	Renewal of temporary planning permission to continue use for 12 months (75 cars)	07/01/03	08/11/03
PP/04/1184	Renewal of temporary planning	19/08/04	31/08/05

	permission to continue use for 12 months (75 cars)		
PP/05/1518	Continued use as temporary car park for further 12 months	13/09/05	31/08/06
PP/07/3238	Continued use of site as temporary car park (75 cars) for further 12 months	18/01/08	18/01/09
PP/09/0325	Continued use of site as temporary car park (75 cars) for further 12 months	01/04/09	13/04/10
PP/10/2100	Continued use of site as a car park (75 spaces) for further period of 12 months	30/03/11	31/03/12

- 3.2 There are other planning applications relating to the redevelopment of the site. Planning permission was granted in 1991 for the redevelopment of the site to provide a new cultural centre for Islamic Republic of Iran, 33 flats and a basement car park (TP/90/1402).
- 3.3 Planning permission was granted in 2000 for the redevelopment of the site to provide a new cultural centre for the Islamic Republic of Iran in London and 20 self-contained flats (TP/98/0037).
- 3.4 A planning application for the erection of a new building to provide an embassy and cultural exhibition centre for the Islamic Republic of Iran in London was withdrawn in December 2012 (PP/10/0153).
- 3.5 There have also been a number of enforcement cases relating to the site. The most recent of these related to the hoardings around the site. This case was closed as the hoardings have been in place for more than four years (E/10/2013). There was also a case in 2010 relating to the expiration of the previous permission for the temporary use of the car park. This case was closed after permission was granted in 2011 (E/10/2135).

#### **4.0 PLANNING CONSIDERATIONS**

- 4.1 The main issues for consideration in this application relate to the principle of the proposed of the use, the impact on the living conditions of local residents, the impact on traffic and the impact on the Queen's Gate conservation area.
- 4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on 8th December 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 (published July 2011), plus relevant 'saved' policies from the UDP.
- 4.3 The following Core Strategy Policies are relevant to the consideration of this case:
- CL3 (Heritage assets – Conservation areas)  
CL5 (Amenity)  
CT1 (Improving alternatives to car use)  
CP12 (South Kensington)
- 4.4 'Saved' Unitary Development Plan Policy CD63 (Views in Conservation Areas) is considered to be of relevance to the consideration of this case.
- 4.5 The London Plan also forms part of the Development Plan for the Royal Borough. No policies were considered relevant to this particular application. The Queen's Gate Conservation Area Proposals Statement and the Transport Supplementary

Planning Document have also been given weight in the consideration of this application.

- 4.6 The contents of the Government's National Planning Policy Framework have also been taken into account.

#### **Principle of Use**

- 4.7 The temporary use of the site as a car park is acceptable. Core Strategy Policy CT1 part (i) resists new public car parks. However, this application relates to the continuation of an existing car park use and it is not considered to be contrary to CT1 part (i). CT1 part (b) requires applications to demonstrate that developments will not result in a material increase on traffic congestion. The current application is supported by a Planning Statement which refers to the Inspector's decision from 2001 to demonstrate that there would be no material increase in traffic congestion and states that the modest size of the car park and central urban location would prevent it from having a material impact. The appeal decision in 2002 imposed a condition limiting the tariffs of the car park to discourage use for long term parking and encourage short term users such as shoppers who would be coming to use the facilities in this part of South Kensington. Condition 4 imposes a similar condition on this permission to ensure that the car park does not encourage long term users which may lead to an increase in traffic congestion in this part of South Kensington. The tariffs within Condition 4 reflect those set by the 2010 permission.

- 4.8 The current application seeks a temporary permission for 3 years from the date of any grant of permission. The previous applications for the site have been for a maximum of 12 months. The imposition of the temporary permissions has been because the car park is not appropriate as a permanent use for the site and so that a full redevelopment of the site can go ahead at a future date. A three year permission would be granted for the same reasons and would not prevent the future redevelopment of the site. Condition 1 proposes a three year permission, based on the likely decision date for this application.

- 4.9 Subject to the proposed conditions, the continuation of the car park would not result in a material increase in traffic congestion nor the creation of a permanent car park. The principle of the use is acceptable.

#### **Impact on Living Condition of Residents**

- 4.10 The continuation of the temporary car park at the site would not have a negative impact on the living conditions of local residents. The site is located close to busy roads and a district centre. In this context, it would not result in any noise or disturbance to local residents during normal working hours. Previous permissions have been granted subject to a condition limiting the operations of the site to 0700-2400. Condition 2 is proposed to maintain this restriction to prevent the use of the car park from disturbing local residents at anti-social hours.

- 4.11 Subject to Condition 2, the proposal would not have a negative impact on the existing living conditions of local residents and would comply with Core Strategy Policy CL5.

#### **Impact on conservation area**

- 4.12 No physical alterations are proposed and so the current application would not impact upon the appearance of the conservation area. The continued temporary use of the site as the car park would preserve the character of the conservation area. There are no other extant planning permissions for the site and so the site would otherwise be an undeveloped gap within the conservation area. The temporary nature of the proposal will prevent it harming the character of the conservation area.

4.13 The proposal complies with Core Strategy Policy CL3.

#### **Impact on traffic**

4.14 The Director of Transportation and Highways has commented that the proposal is contrary to Core Strategy Policy CT1 part (b). However, the Director of Transportation and Highways has also noted the comments of the Inspector in the 2001 appeal decision and does not raise an objection to the scheme. As discussed above, the proposal would not result in a material increase in traffic congestion. As such the proposal complies with Core Strategy CT1 b.

### **5.0 PUBLIC CONSULTATION**

5.1 63 consultation letters were sent to neighbouring properties. A site notice was also displayed outside the property. To date, four objections and one set of comments have been received. The objections raise the following issues:

#### **5.2 Appeal was dismissed in 2001 and temporary permissions still been granted since**

The appeal was allowed in 2001 and temporary permissions granted since have been on the same basis.

#### **5.3 Material change in planning policy since 2001, in particular Chapter 32 of Council's Core Strategy**

This application has been assessed against the relevant parts of the Core Strategy as set out in Section 4 of the report. Some policies quoted in the objection letters relate to the number of car parking spaces that should be provided with new residential or commercial developments. Those policies are not relevant to this application.

#### **5.4 Need to reduce traffic congestion and air pollution**

The impact on traffic congestion is assessed in Section 4 of the report. Air quality assessments are only required for major developments which does not include this application.

#### **5.5 Council need to require owners to improve hoardings around site which are an eyesore, harm conservation area and harm neighbouring listed building**

The hoardings were considered by the Inspector in the 2001 decision who concluded that the appearance of the site preserved the appearance of the conservation area and the setting of the listed building. As per the conclusion of enforcement investigations in 2010, the hoardings have been in place for more than 4 years and are immune from enforcement action.

#### **5.6 Site is poorly maintained resulting in litter and pests**

These are not issues material to the decision on this current application. Pest control issues and street cleaning issues would be dealt with by the Council's Environmental Health department.

#### **5.7 Have plans for the redevelopment of the site been abandoned**

There are no current planning applications relating to the redevelopment of the site. The proposal under consideration would not preclude the future redevelopment of the site.

## **6.0 CONCLUSION**

6.1 The principle of the proposed use is acceptable as it will not materially increase traffic congestion and the temporary permission will not prevent the future redevelopment of the site. Condition 2 ensures that the proposal would not harm the living conditions of local residents. The proposal would preserve the character and appearance of the conservation area.

## **7.0 RECOMMENDATION**

7.1 **Grant planning permission**

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

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

**The contents of file PP/13/00598 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

## **Temporary use of site as car park (75 spaces) for 3 year period**

### **SUMMARY OF REASONS FOR DECISION**

You are advised that this application was determined by the Local Planning Authority with regard to the National Planning Policy Framework (NPPF), 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:

#### **Core Strategy adopted 8 December 2010**

CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL5	Amenity
CP12	South Kensington
CT1	Improving alternatives to car use

#### **'Saved policies of the Unitary Development Plan adopted 25 May 2002**

CD63	Conservation Area Views
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Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Queen's Gate adopted 22 May 1989 (10), Transport adopted 10 December 2008 (0803). These documents were adopted following public consultation. The material circumstances of the case, including site history, location, and impact on amenity were considered. In addition, consideration was given to the results of public consultation.

The principle of the proposed use is acceptable as it will not materially increase traffic congestion and the temporary permission will not prevent the future redevelopment of the site. Condition 2 ensures that the proposal would not harm the living conditions of local residents. The proposal would preserve the character and appearance of the conservation area.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/13/00598>. If you do not have access to the internet you can view the application electronically on the ground floor of the Town Hall, Hornton Street, London, W8 7NX.