
Appeal Decision

Site visit made on 22 May 2017

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2017

Appeal Ref: APP/X5990/W/16/3145237

St John's Wood Police Station, 20 Newcourt Street, City of Westminster, London NW8 7AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Newcourt Property Holdings Ltd against the decision of City of Westminster Council.
 - The application Ref 14/11909/FULL, dated 3 December 2014, was refused by notice dated 15 September 2015.
 - The development proposed is the change of use of the former St John's Wood Police Station to residential (C3) including a new rear link building and provision of a 2 storey rear extension with associated works.
 - This decision supersedes that issued on 13 September 2016. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the former St John's Wood Police Station to residential (C3) including a new rear link building and provision of a 2 storey rear extension with associated works at St John's Wood Police Station, 20 Newcourt Street, City of Westminster, London NW8 7AA in accordance with the terms of the application, Ref 14/11909/FULL, dated 3 December 2014, subject to the conditions set out in Schedule 1 of this decision.

Main Issue

2. The main issue in this appeal is whether the proposal would give rise to the unacceptable loss of a social/community facility. The principal difference between the appellant and the Council is whether demand for alternative social and community uses has been sufficiently tested through a marketing exercise.

Reasons

3. The appeal relates to this former police station which is located at the junction of Newcourt Street and Greenberry Street. The building is identified in the Council's relevant audit as an unlisted building of merit, within the St John's Wood Conservation Area.
4. Policy S34 of the adopted City Plan (CP) seeks to protect social and community floorspace, except in cases where existing provision is being reconfigured, upgraded or relocated in order to improve services and meet identified needs

as part of a published strategy. The policy adds that in all cases the Council will need to be satisfied that the overall level of social/community provision is improved and there is no demand for an alternative social/community use. Where the Council is satisfied that such a loss is acceptable, residential use is the priority replacement. Within the supporting text it is noted that the provision of social/community floorspace is integral to supporting sustainable communities but due to high land values, it can be difficult to establish new facilities.

5. The appeal site, as well as 2 others in Westminster, have become surplus to the Metropolitan Police's requirements, which are set out in the Mayor of London's Policing and Crime (MOPAC) Estates Strategy 2013-2016. This has led to the closure of the appeal site and, although no new police stations have been established, it is stated that the capital from the sale of such facilities is re-invested to provide more modern facilities to provide an enhanced service. Accordingly, the Council have acknowledged that improvements to the service will be brought about by the sale of the appeal site and other property. In my view, the evidence before me indicates that the first part of the requirements of Policy S34 is met.
6. The Metropolitan Police Service (MPS) ran consultations regarding the changes to their service in early 2013. From what is available to me, this was focussed on service delivery changes and not intended to alert potential purchasers. In May 2013 Knight Frank were instructed by the MPS to prepare a sales campaign. This ran until July 2013 when the deadline for bids expired. It is apparent that the Council had informed the agents acting for MPS that they would normally expect a period of 12 months for such a campaign in order to be satisfied that any likely interest was forthcoming. In addition, the Council are critical of the fact that the marketing details did not specifically state that only social/community use would be suitable and that certain parts of the details seemed to imply that work had been undertaken to satisfy the Council in respect of this aspect of Policy S34 (ie that use for social/community uses had been explored). The successful bidder eventually purchased the property in October 2013 for just over £8.5 million, compared to a guide price said to be for offers in excess of £4 million.
7. Marketing of the site by Knight Frank continued following the sale of the property in October 2013 and ran until 2015. From November 2015 to the present day a new campaign was run by SDIAM. The relevant details highlight the suitability of the site for D1, D2, C2 or sui generis use. No guide price was set. The appellant indicates that this resulted in 120 enquiries and over 30 inspections (from all users including residential developers and social/community users) up until February 2016, and 20-30 enquiries after February 2016. No offers were received from any party.
8. Notwithstanding the level of expertise and the breadth of coverage suggested for the first marketing campaign, I am concerned that the length of time that it ran, up until the July deadline for bids, falls considerably short of what the Council expected. Whilst I recognise that the policy itself does not specify a time period for marketing, the campaign at that point in time seems inadequate to sufficiently demonstrate a lack of demand from social/community uses.

9. However, marketing continued and specific reference is made regarding the suitability of the site for social/community uses and, the appellant informs us, that the marketing continues to the present day. The Council suggest that the sale price, which could be gained by interested parties, would have the effect of deterring possible social/community users from expressing any interest as they may perceive that they would not be able to make a successful bid unless it were at or close to the October 2013 sale price. The appellant responds by stating that no guide price was included in the marketing details, it was specifically targeted to social/community uses and the recent unsuccessful planning history would have been a factor that would have encouraged such a user to make a bid.
10. I have given careful consideration to the details submitted in relation to the marketing of the site since 2013. Whilst I agree that some criticism may be made of the initial exercise, I believe that these deficiencies have been rectified in the recent case. Overall, the property has been marketed for 4 years and whilst the sale price may have had the effect of suppressing demand, I consider that some weight can be given to the appellant's comments in this respect. Taken as a whole, I consider that the marketing of the site has been sufficient in its scope to elicit any demand that may exist and over a time period that, in total, is well in excess of the Council's normal requirements. The fact that some institutional users have expressed a degree of initial interest indicates that the marketing has hit the required target. However, the fact that none of these have resulted in offers being made indicates the unsuitability of the property for those uses. In relation to this point, the appellant includes information relating to the size and internal layout of the building, as well as a lack of amenity space, being factors which have/may deter social/community users; a point that I acknowledge.
11. As a consequence of these factors I am satisfied that it has been adequately demonstrated that there is no demand for the use of the property for social or community uses. Therefore, overall the requirements of Policy S34 for the loss of such a use are met. In such circumstances Policy S34 states that the priority replacement use will be residential and so the principle of the proposed use is acceptable.

Other Matters

12. The appellant had offered the Council a sum, to be secured by a planning obligation, to be used for public or community improvements/projects, prior to the determination of the planning application. The appellant now indicates that this is not necessary and does not satisfy the requirements of paragraph 204 of the Framework. I agree that such a requirement is not necessary to make the scheme acceptable.
13. Although it is not disputed between the main parties, I have considered the effects of the proposal on the character and appearance of the conservation area. I conclude that the proposal would preserve its character and appearance.

Conditions

14. I have taken account of the advice in the Planning Practice Guidance in considering the imposition of suitable conditions. For the sake of certainty a condition requiring implementation in accordance with the approved drawings

is necessary. In order to ensure that the proposal has an acceptable appearance within this conservation area, conditions controlling materials, joinery, rainwater goods, the operation of the car lift and landscaping are necessary.

15. The site is bounded by other residential uses and a condition controlling the hours during which noisy building works can be carried out is justified. So that future residents of the appeal site are protected from noise, conditions relating to insulation from external and internally generated noise are necessary. So that the development is served by a suitable provision for car parking, cycle storage and waste storage, these should be provided as approved and retained. In order to help achieve the Council's sustainability aims a condition requiring an energy strategy is necessary.
16. The Council has included a condition which requires submissions to make detailed alterations to the submitted scheme, including but not only, location of bin stores, cycle stores, re-design of doors and more. I agree that a number of these minor revisions are necessary and justified and shall include them within a suitable condition. However, some of the suggested requirements are very precise and unduly prescriptive and I shall set out a wider requirement. Landscaping is included within another condition and I will not duplicate it within this one. This condition, as set out by the Council, also contains a requirement to alter the 2 storey rear projection in relation to its height and overlapping the existing building. I can see no need for such alterations as I consider that the proposed extension respects the existing building and has no unacceptable effects in relation to height or the overlap.

Conclusions

17. For the reasons set out above, the appeal is allowed.

S T Wood

INSPECTOR

SCHEDULE 1, CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans (unless otherwise required and approved by other conditions attached to this permission): 891/60; 891/61; 891/62; 891/63; 891/64; 891/65.
- 3) Notwithstanding condition 2 [i.e. the condition requiring that the development is carried out in accordance with the approved plans] no development shall take place until details of: a revised elevation to the flank wall onto Greenberry Street which omits the green wall; the landscaping; cladding of the lift tower; relocation of the recycling/refuse storage; relocation of the cycle storage; redesigned entrance doors; redesigned railings; redesigned entrance to Greenberry Street to retain gate piers and redesigned gate; and a revised basement plan to show the subterranean car lift have been submitted to and approved in writing by the local planning authority, along with a timetable for their implementation. Development shall be carried out in accordance with the approved details. The development shall be retained in the approved form.
- 4) Demolition or construction works shall take place only between the hours of 08:00 and 18:00 on Monday to Friday, 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) All new work to the outside of the building must match the existing original building in terms of materials, method of construction and finished appearance, unless indicated otherwise on drawings approved or required by conditions to this permission.
- 6) No development shall take place until samples of all external materials, including glazing and rainwater goods have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 7) No development shall take place until details and samples of all new joinery (including windows and doors) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 8) No development shall take place until details of the mechanical car lift and vehicular and pedestrian gates have been submitted to and approved in writing by the local planning authority. Such details shall include operational details to confirm that the car lift will revert to its subterranean position when not in use, and the acoustic details of the lift and gates. The development shall be carried out in accordance with the approved details.
- 9) No development shall take place until sample panels of all new facing brickwork showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample panels.

- 10) The building shall be constructed/adapted so as to provide sound insulation against internally generated noise in accordance with details which have first been submitted to and approved in writing by the local planning authority. The sound insulation works shall be completed before the use of the building begins and retained thereafter.
- 11) Construction work shall not take place until a scheme for protecting the proposed residents from external noise have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied and retained thereafter.
- 12) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include the position, size, number and species of plants, shrubs and trees. The approved scheme shall be carried out within 1 planting season of completion of the development. Any plants, shrubs or trees found to be damaged, diseased, dead or removed within 5 years of implementation shall be replaced with a similar plant, shrub or tree.
- 13) No development shall take place until a scheme (including a timetable for implementation) to secure at least 35% on-site regulated CO2 reduction on 2013 Building Regulations has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and thereafter retained in operation.
- 14) No part of the development shall be occupied until space has been laid out within the site in accordance with the approved drawings for cars to be parked and those spaces shall thereafter be kept available at all times for the parking of vehicles for residents of the development.
- 15) No part of the development shall be occupied until space has been laid out within the site for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 16) No part of the development shall be occupied until recycling/refuse stores have been provided in accordance with details submitted as part of Condition 3. The approved provision shall be retained and used for no other purpose.