

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	40 - 44 Bark Place, London, W2 4AT		
Proposal	<p><u>Application 1</u> - Erection of glass lobby under existing ground floor canopy and erection of metal railings and reconfiguration of planters to the street frontages of the site. (RN: 17/10600/FULL).</p> <p><u>Application 2</u> - Display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m to the eastern elevation of the building at first and second floor levels. (RN: 17/10959/ADV)</p>		
Agent	Barry Bowhill		
On behalf of	Astrium Education		
Registered Number	17/10600/FULL and 17/10959/ADV	Date amended/ completed	1 December 2017
Date Application Received	27 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Application 1: Grant conditional permission.
Application 2: Grant conditional advertisement consent.

2. SUMMARY

The application site is a mid-20th Century four storey building that is in educational use. The application building is not a listed building and the site is located within the Bayswater Conservation Area.

Application 1 seeks planning permission for the erection of a glass lobby under the existing canopy on the Bark Place elevation and the erection of railings and reconfiguration of planters to the street frontages of the site in Bark Place and Orme Lane. In association with these proposed alterations to the building, Application 2 seeks advertisement consent for the display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m on the Bark Place elevation of the building. The

proposed signs comprise a school crest and associated school name located in prominent locations at first and second floor level.

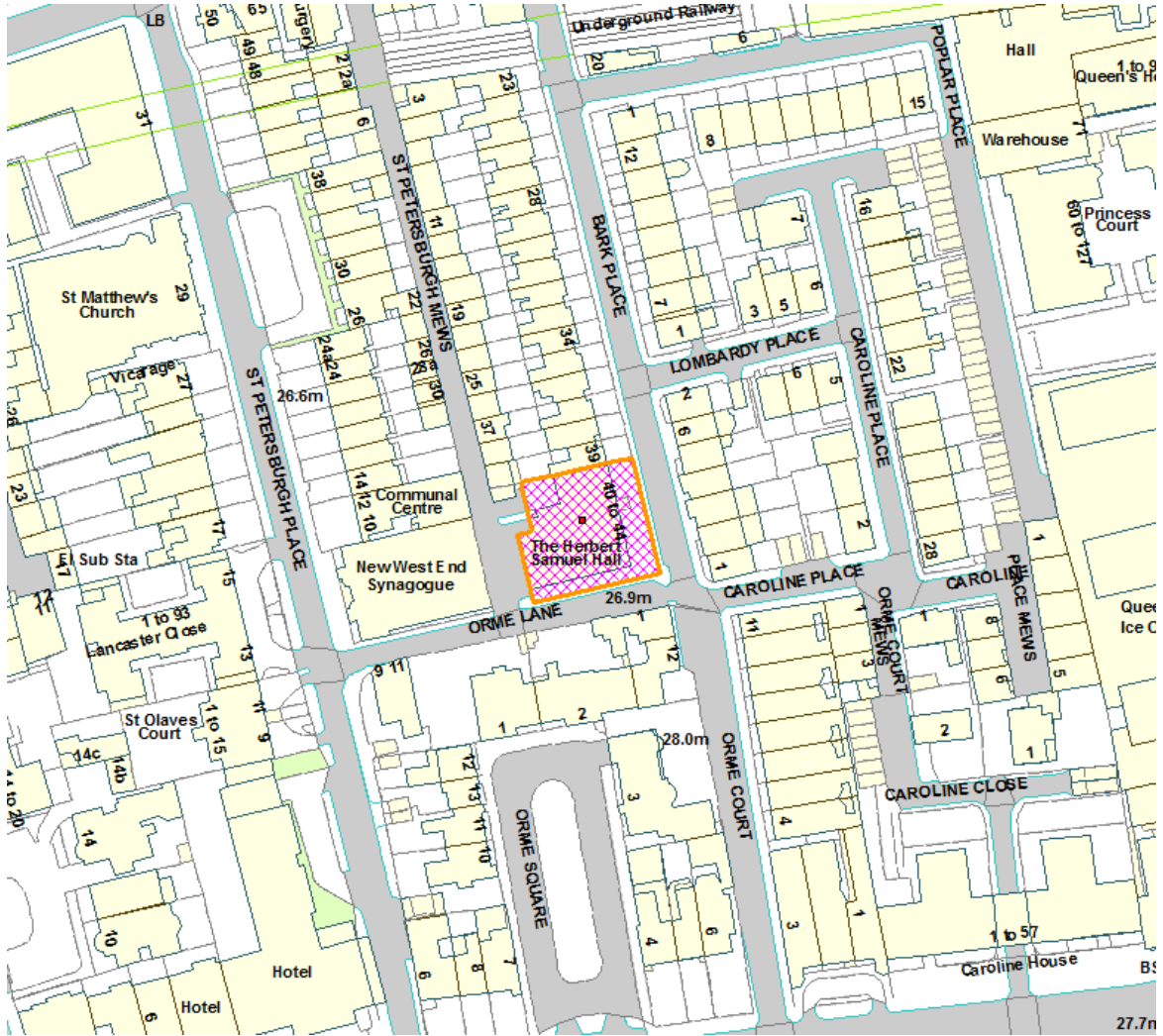
Objections has been received from Councillor Davis, the Bayswater Residents Association and three local residents. They have raised concerns on a range of design and highways grounds, which are summarised in Section 5 of this report.

The key issues in the consideration of these applications are:

- The impact of the proposed development on the appearance of the building and the character of the Bayswater Conservation Area.
- The impact of the proposed advertisements on the visual amenity of the area.

The proposals are considered to accord with City Council's adopted policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design, amenity and highways terms. The applications are therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation facing Bark Place.

5. CONSULTATIONS

COUNCILLOR ROBERT DAVIS:

- Bark Place lies within a Conservation Area which is heavily residential in character, comprising of a number of terraced villas. 40-44 Bark Place is the only non-residential building on the street, and while distinct from the surrounding residential properties, should where possible complement the character of the area. Any extension to the front of the property would have a detrimental visual impact on the Conservation Area and affect the open aspect nature of the neighbourhood.
- It is requested that that a site visit is undertaken by the Committee in order that the full impact of such an enclosure on the surrounding area can be appreciated.

BAYSWATER RESIDENTS ASSOCIATION:

- The infilling of the space under the front canopy with a lobby extension will break the building line of the listed properties on the west side of Bark Place and therefore would be detrimental to the character of the conservation area.
- As the school will have younger children who will need to be picked up mostly by car the issue of intensified parking in the relatively narrow street needs to be addressed.

HIGHWAYS PLANNING MANAGER:

No objection. The building is set back from the footway and there is a hard landscape area existing. No part of the proposal occurs within the highway.

ARBORICULTURAL OFFICER:

No objection in principle, but it is considered that the proposed trees and hedges are not the most appropriate species for the application site. Due to their size and the fact that they are evergreen, the proposed species of trees and hedges would result in a dark outlook form the application site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 61.

Total No. of replies: 8.

No. of objections: 8.

Three responses received raising objection on all or some of the following grounds:

Design:

- Visuals are not clear.
- The infilling of the space under the front canopy with a lobby extension will break the building line of the western side Bark Place and would set a precedent to allow the neighbouring residential properties to be similarly extended.
- Due to its size and position, the proposed glass enclosure lobby would be clearly visible from both ends of the street and it would appear unsightly and incongruous.
- There are unsightly boxes and bookshelves placed up against the windows on the eastern elevation of the application site. The lower third of these windows should be opaque to hide these.
- The proposal includes the installation of aluminium windows, which would be an inappropriate material for the application site and the Bayswater Conservation Area.

- The proposed advertisements are too big and their detailed design makes them appear too conspicuous. The signs would appear incongruous on a residential street and it is unnecessary to have so many signs.
- The render is acceptable if to the front elevation.

Highways:

- A large number of people enter and exit the building from the eastern entrance of the application site and the pavement next to the eastern elevation of the building is narrow. There is a large amount of traffic on Bark Place and passing cars can be fast. The erection of a glass enclosure would reduce the amount of space available for people to use to observe the road when exiting the building. The amount of space available for people to wait outside of the building would be reduced.
- It has been queried whether a highways risk assessment has been conducted.
- The pavement next to the eastern elevation of the building is thin and the proposed railings will make the space available for students to wait outside the building even smaller. Therefore, a greater number of children will cross to the other side of the road and wait in front of the houses there.

ADVERTISEMENT/ SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a mid-20th Century four storey building. The building has three street frontages in Bark Place, Orme Lane, and St. Petersburg Mews. The application site has a lawful use as an educational use (Class D1). The building on the application is not a listed building, but is located within the Bayswater Conservation Area.

The application site is currently used by Astrium Education to provide school level education. The application site was used by Astrium Education to provide education for 16-18 year olds under the name Lansdowne College. Astrium Education now intend to use the premises to provide education to pupils aged 11-16 under the name Kensington Park School. The change in the name of the school is for branding reasons because Astrium Education considers Kensington Park School to be an appropriate name for the level of education that they are providing.

6.2 Recent Relevant History

92/00174/FULL

Erection of metal railings on either side of a staircase leading from the main assembly hall.

Application Permitted 16 April 1992

93/02154/FULL

New openings in existing elevations, modifications to windows and existing screens, new planter and reinstatement of handrails and balustrades to 2nd floor terrace and new metal stair.

Application Permitted 18 June 1993

96/05805/FULL

Erection of glazed canopy to front entrance and elevational alterations.
Application Permitted 31 October 1996

13/04153/FULL

Alterations to front and side elevation to include additional/replacement windows, wood panels, and glazed entrance door. Installation of planters, signage, and balustrade to lightwells/steps.
Application Withdrawn 3 July 2013

7. THE PROPOSAL

Application 1 seeks planning permission for the erection of a glass lobby under the existing canopy on the Bark Place elevation and the erection of railings and reconfiguration of planters to the street frontages of the site in Bark Place and Orme Lane.

The application initially proposed the rendering of the building, but following discussions with officers, the applicant has omitted this element of the scheme and revised drawings have been received.

In association with the proposed alterations to the building, Application 2 seeks advertisement consent for the display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m on the Bark Place elevation of the building. The proposed signs comprise a school crest and associated school name located in prominent locations at first and second floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The alterations to the existing school are acceptable in principle in land use terms and are proposed in connection with the continued lawful use of the premises as a Class D1 educational establishment. As such, the development proposed by Application 1 would accord with Policy SOC 1 in the UDP and Policy S34 in the City Plan.

8.2 Townscape and Design

The relevant policies for consideration of this case are DES 1, DES 5, DES 8 and DES 9 in the UDP and S25 and S28 in the City Plan.

Policy DES 5 states that extensions should respect the scale of the existing building and that the architectural style, detailing and materials should be appropriate to their context. Policy DES 9 seeks to ensure that development within a conservation area preserves or enhances the character or appearance of the conservation area and its setting.

In terms of Application 1, the glass enclosure to the top landing of the entrance staircase will be visually contained underneath the existing large projecting canopy above. Furthermore, the existing building is of more modern design so therefore the detailed design proposed, with aluminium window frames is considered to be appropriate and would not harm the appearance of the building.

Concerns have been expressed with regard to the fact that the glazed enclosure would project beyond the existing building line, which is shared with the 19th Century terrace to the north. However, the form and detailed design of the existing building is starkly different from the adjoining terrace, such that whilst the glazed enclosure would project beyond the building line, it would not have an adverse impact on the wider townscape views along Bark Place. Given this, the proposed glazed extension would not represent a precedent for similar alteration and extension of properties to the north on the same side of Bark Place. As such, despite the objections raised, the proposed glazed extension would not harm the character and appearance of the Bayswater Conservation Area.

The provision of railings to the back edge of the pavement to enclose the forecourt of the site is welcome in design terms as the existing forecourt area of the site is weakly defined and detracts from the appearance of the conservation area in Bark Place and Orme Lane where street boundaries are generally more clearly defined. The railings proposed appear to replicate the existing railings to the front lightwell, although this is not entirely clear from the drawings submitted. It is therefore recommended that the details of the proposed railings are be secured by condition.

With regard to the advertisements proposed by Application 2, the school crest and the wording 'Kensington Park School' would be located at a relatively high level on the main elevation of the building facing Bark Place. It is recognised that policy DES 8 in the UDP advises that high-level signage is normally unlikely to be acceptable. However, in this case it is considered that there are particular circumstances that justify the proposed signage. The proposed use of the building is as a school, which comprises a community building/ facility, which whilst it may not be publically accessible, is likely to attract visitors and is worthy of 'marking' within the street scene.

The building does not have a defined area for signage, in the way that a fascia panel to a shopfront defines a specific zone for such features. It is considered that the proposed signage, in the context of the overall scale of the building, is not excessively large, and as set out above, the school use of the building is considered to contribute to a justification for larger and higher signage than would be allowed typically to a commercial building. Given this, the non-illuminated signage proposed is considered to be in line with City Council policy and is considered acceptable in design terms and would not have an adverse impact on the visual amenity of the area or the character and appearance of the conservation area.

8.3 Residential Amenity

The proposed glass enclosure lobby is set back at a significant distance from the boundaries of neighbouring and adjoining properties. The overlooking of neighbouring and adjoining properties from the proposed enclosure lobby would be no worse than the overlooking from the existing windows on the western elevation of the building. The

proposed railings have a height of only one metre when measured from ground level from the public highway and as a result would have no adverse impact in amenity terms.

The proposed signage would be non-illuminated and would have no adverse amenity impact

For the reasons stated above the proposals are considered to comply with Policy ENV 13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The proposals are not considered to adversely affect the highway and the Highways Planning Manager does not object to the applications. The proposed entrance lobby is glazed and it is set back from the public highway and therefore the ability of people exiting the building to view the steps down to pavement level and the road beyond would be no worse than the existing situation. A landing area outside the proposed glazed lobby measuring 1.5 metres x 0.5 metres would remain and whilst this represents a reduction in the amount of external space that people can use to wait outside the building, the reduction in external space is not considered to be so significant that it would result in obstructions to the highway or cause traffic accidents.

Concerns have also been expressed that the introduction of railings to the back edge of the pavement will prevent pupils and parents waiting on the gravel forecourt area, thereby causing them to cross Bark Place and wait outside properties opposite the site. However, this existing area is not intended to be used for this purpose and it should also be noted that railings, or an alternative boundary treatment of up to 2 metres above ground level, could be installed without the need for planning permission by virtue of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In this context, the introduction of railings around the forecourt area could not reasonably be withheld on the basis that it may cause pupils and parents to wait in other locations, such as on the opposite footpath on the east side of Bark Place.

In terms of the signage proposed by Application 2, whilst they would be relatively large in scale, they would be non-illuminated and positioned such that they would not cause a significant distraction to drivers of vehicles in Bark Place.

In summary in highways terms, the proposals would accord with Policy TRANS3 in the UDP and S41 in the City Plan in terms of their impact on pedestrian movement and the safety of the public highway outside the site.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

As set out in Section 8.4, the accessibility of the building would remain unchanged by the proposals. The agent for the application has stated that there is existing step free access at the rear of the property.

8.7 Other UDP/ Westminster Policy Considerations

The Arboricultural Officer suggests that there are other species of trees and hedges that would be better suited to the application site. However, whilst this may be the case, as the proposed trees and hedges improve the appearance of the site relative to the existing situation, with landscaping confined to planters and as it would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity, it is not considered that permission could reasonably be withheld on the basis of the Arboricultural Managers concerns. A condition is recommended to ensure the new landscaping scheme is delivered.

8.8 London Plan

This application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

One objector has requested that the bottom third of the windows on the eastern elevation of the building on the application site should be obscure glazed to conceal the boxes and bookshelves currently placed against them. Alterations to the existing windows on the eastern elevation of the building are not part of the current application and therefore it would not be reasonable to seek obscure glazing to these windows as part of the current planning application.

9. BACKGROUND PAPERS

17/10600/FULL

1. Application form.
2. Letter from Councillor Robert Davis dated 10 January 2018.
3. Memorandum from the Arboricultural Manager dated 5 January 2018.
4. Email from Bayswater Residents Association dated 8 January 2018.
5. Memorandum from the Highways Planning Manager dated 8 January 2018.
6. Letter from the occupier of 12 Orme Court dated 18 December 2017.

7. Letter from the occupiers of 2, 3, 4 and 5 Bark Place dated 30 December 2017.
8. Letter from the occupier of 39 Bark Place dated 1 January 2018.
9. Letters from the occupier of 38 Bark Place dated 6 and 7 February 2018.

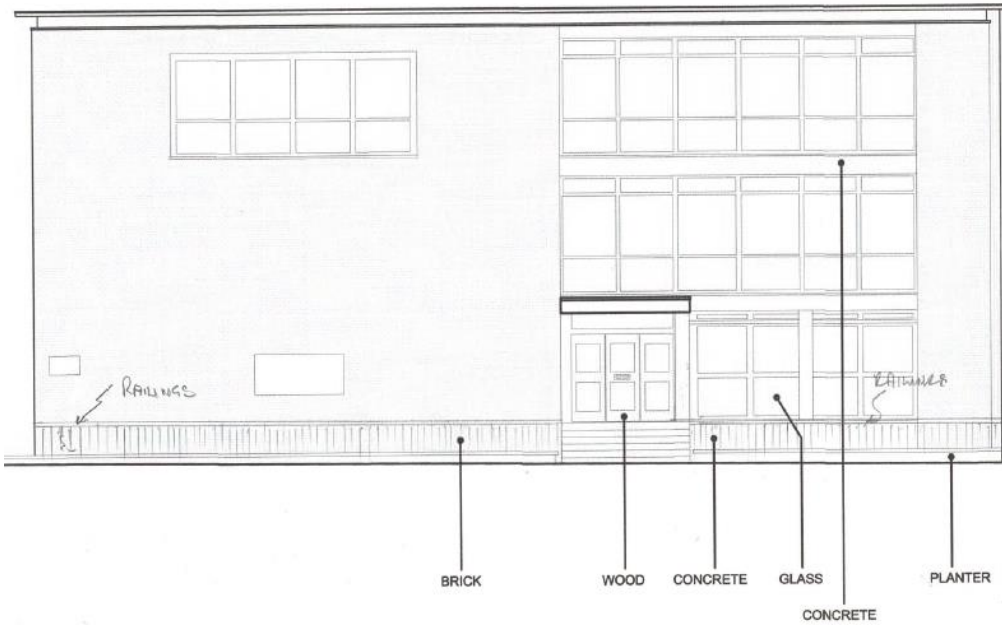
17/10959/ADV

1. Application form.
2. Letter from the occupier of 2 Bark Place dated 30 December 2017.
3. Letter from the occupier of 4 Bark Place dated 30 December 2017.
4. Letter from the occupier of 5 Bark Place dated 30 December 2017.
5. Letter from the occupier of 3 Bark Place dated 30 December 2017.

(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: KIMBERLEY DAVIES EMAIL AT kdavies1@westminster.gov.uk

10. KEY DRAWINGS



Existing Front Elevation



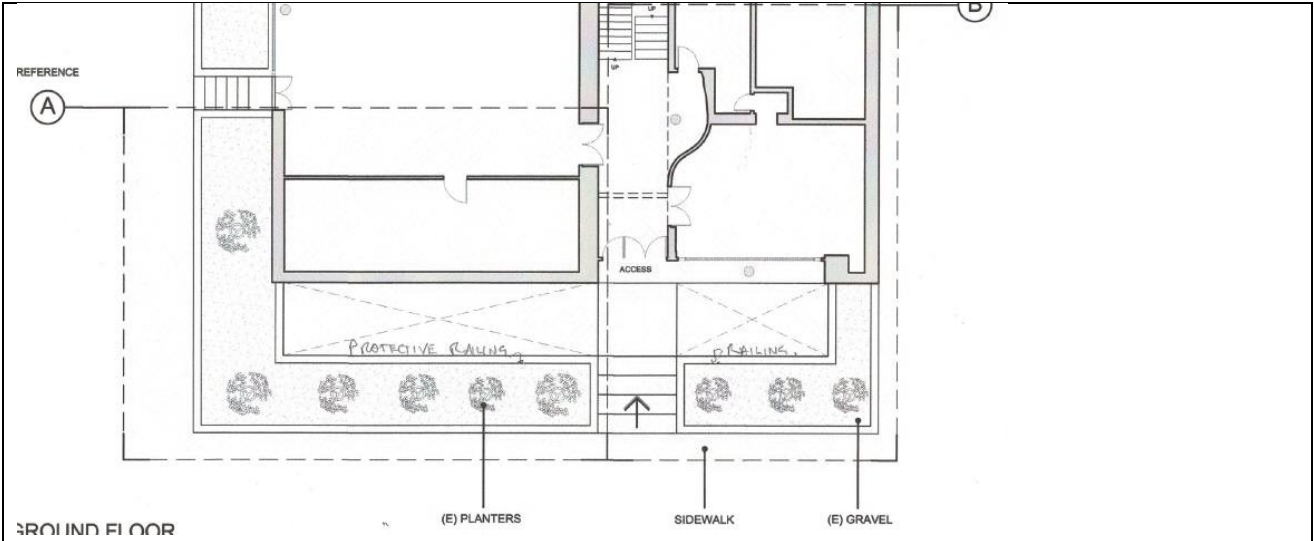
Proposed Front Elevation



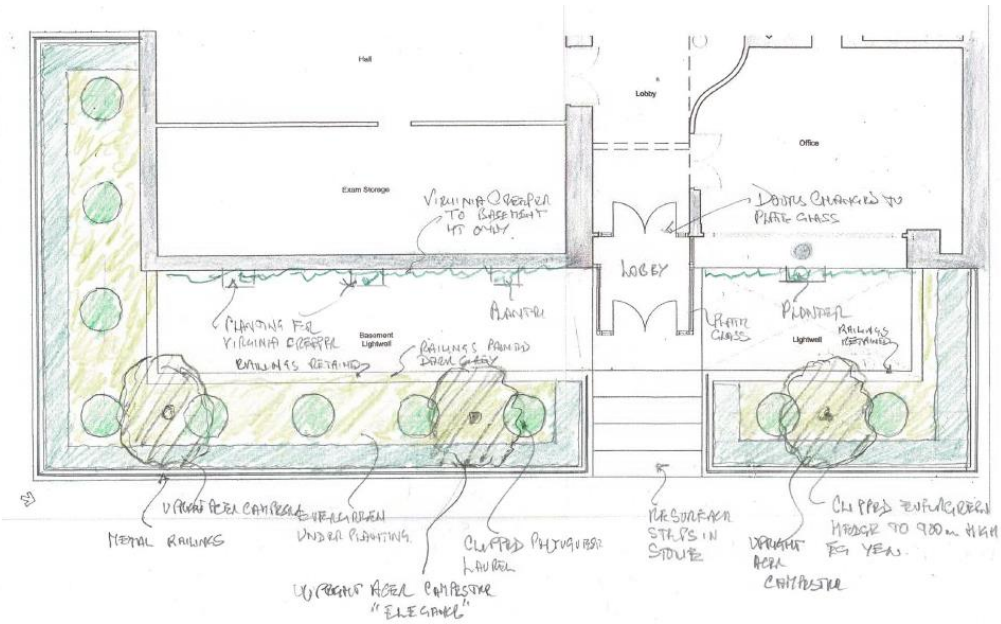
Existing Side Elevation



Proposed Side Elevation



Existing Plan



Proposed Plan

DRAFT DECISION LETTER – 17/10600/FULL

Address: 40 - 44 Bark Place, London, W2 4AT,

Proposal: Erection of glass enclosure lobby under existing canopy, render brickwork to front and side elevations, Erection of metal guardrail and re-plant beds up to pavement edge.

Reference: 17/10600/FULL

Plan Nos: 814/04 rev. A, 814/05, 814/06, 814/07 rev. A, 814/08, 814/09 rev. A, 814/10, 814/11, Design and Access Statement dated November 2017

Case Officer: William Philps

Direct Tel. No. 020 7641 3993

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed in 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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in specific instances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the

choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings of the new boundary railings, including confirmation of their colour finish. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must carry out the planting shown on the drawings within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30EA)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

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 Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, 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

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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.

DRAFT DECISION LETTER – 17/10959/ADV

Address: 40 - 44 Bark Place, London, W2 4AT,

Proposal: Display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m to the front elevation.

Reference: 17/10959/ADV

Plan Nos: 814/04 rev. A, 814/05, 814/06, 814/08, 814/09 rev. A, 814/10, 814/12

Case Officer: William Philips

Direct Tel. No. 020 7641 3993

Standard Conditions:

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission
- (2) No advertisement shall be sited or displayed so as to –
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Additional Condition(s):

If you object to any conditions imposed by the City Council other than the Standard Conditions 1, 2, 3, 4 and 5, you may appeal to the Planning Inspectorate, at the Department of Communities and Local Government (DCLG), by notice in writing within two months from the receipt of this decision, or such longer period as the Secretary of State may allow.