

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 24 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	Public Highway Adj To Paddington Green Police Station , 4 Harrow Road, London, W2 1XJ		
Proposal	Public art installation of two pieces by John Aiken measuring 180 x 220 x 120 (LxWxH) cm and 240 x 190 x 140 (LxWxH) cm to be sited on highway in front of Paddington Green Police Station for a temporary period.		
Agent	Mr Austin Nwadike		
On behalf of	TfL		
Registered Number	16/08497/FULL	Date amended/ completed	4 November 2016
Date Application Received	5 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.

2. SUMMARY

This application site is the footway in front of Paddington Green Police Station at the junction of Edgware Road and Harrow Road. This area forms part of the Transport for London Road Network. The proposal is to install public art on this area of highway. The proposed installation is a pair of cubed freestanding pieces entitled Europea 1 and 2 by John Aiken.

The two sculptures, measuring 180 x 220 x 120 (LxWxH) cm and 240 x 190 x 140 (LxWxH) cm, will be sited between existing street furniture and trees and the application seeks permission for an installation period of between 2 and 5 years.

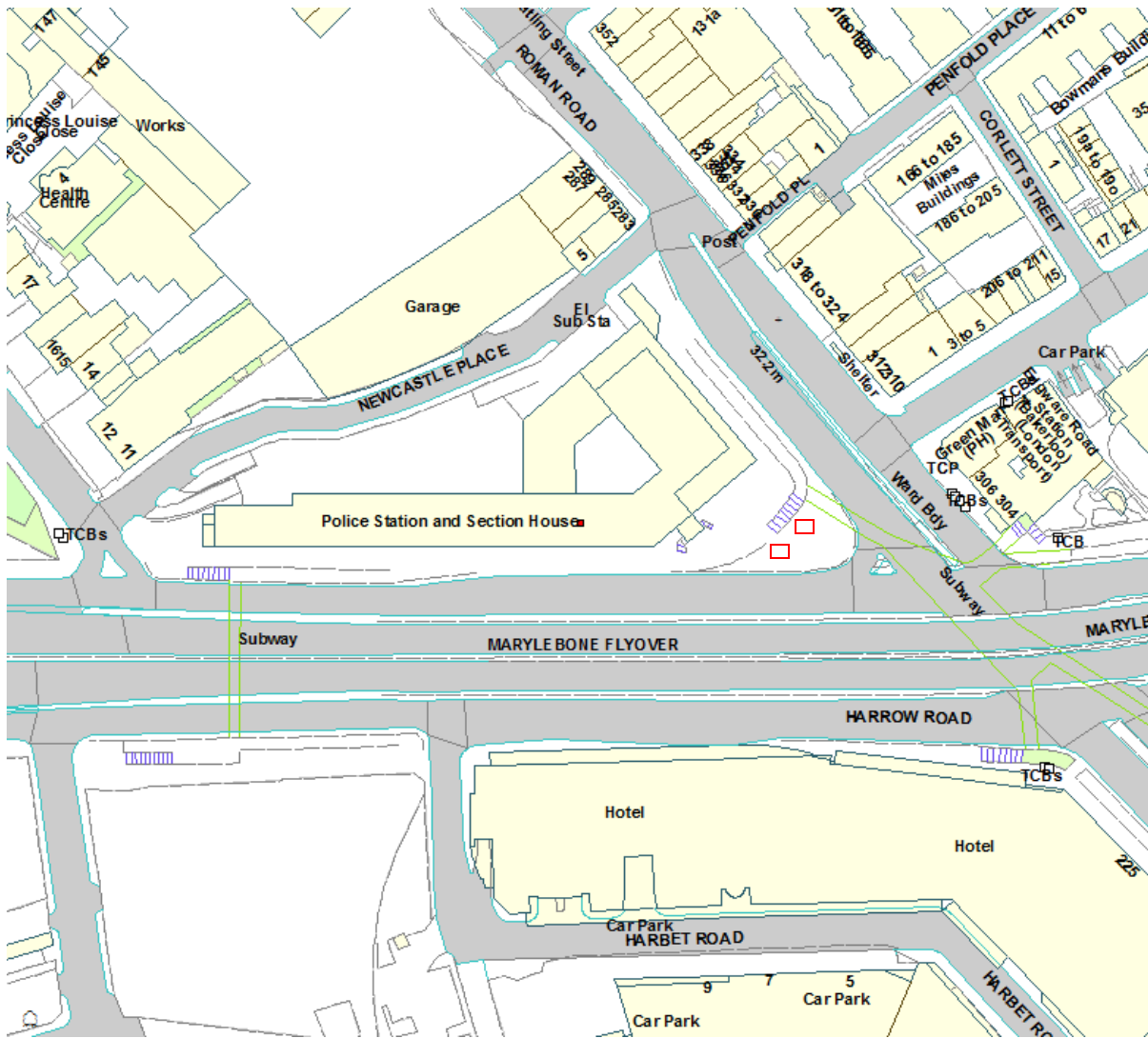
Objections have been received raising concerns about the impact of the proposal on pedestrian movement.

The key issues are:

- The acceptability of the proposal in land use terms;
- The impact of the proposal on the highway;
- The impact on the townscape.

Given that Transport for London, who are the highway authority for this site, have raised no objection, it is considered that the installation would be acceptable for a temporary period. However, the proposed 2-5 year permission sought is considered excessive and instead an installation period of one year is considered appropriate and would be more in line with other temporary public art installation permissions.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR CAPLAN:

No objection, but would wish to ensure that this would not affect any possible road widening scheme.

TRANSPORT FOR LONDON:

Request that a condition is imposed to ensure that the footway/carriageway is not blocked during the installation of the artwork.

DESIGNING OUT CRIME:

Do not have any security concerns.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Object. Consider the installation will obstruct pedestrian movement.

ST MARYLEBONE SOCIETY:

Support the proposal. Consider the proposal to be a positive initiative in an area which can be bleak.

HIGHWAYS PLANNING:

No objection. Transport for London is the Highways Authority. Comment that it is not considered that the proposals will affect sight lines or give rise to pedestrian obstruction.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3

Total No. of replies: 1

No. of objections: 1

No. in support: 1

The objection raises concerns about pedestrian obstruction on an already busy area of highway

The representation in support from the Marble Arch Business Improvement District note this site one of only a few that can accommodate such pieces of art, which will help to create a greater sense of place and interest for passers-by.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is the footway in front of Paddington Green Police Station at the junction of Edgware Road and Harrow Road. This area forms part of the Transport for London Road Network. The site lies outside a conservation area and there are no listed

buildings in the immediate vicinity. There is some street furniture (lamp columns, railings and feeder pillars) and street trees in the immediate vicinity of the proposal.

6.2 Recent Relevant History

No relevant planning history on this actually site, although advertisement consent was granted on 5 January 2016 (ref.15/08510/ADV) to display public art on the underside of the Marylebone Flyover, immediately adjacent to the application site. This latter scheme was also an initiative of Transport for London.

7. THE PROPOSAL

The proposal is to install public art on this area of highway. The proposed installation is a pair of cubed freestanding pieces entitled *Europea 1* and *2* by John Aiken. The pieces were designed as part of the public art strategy for Paddington Central and were previously located in Kingdom Street. The twin sculptures are fabricated from Portuguese silver grey granite with inlaid enamel panels in various bright colours. The sculptures are the property of British Land who own Paddington Central and arrangements have been made between them and the applicant, Transport for London. British Land would be responsible for undertaking the installation and removal and would be responsible for public liability.

The two sculptures, measuring 180 x 220 x 120 (LxWxH) cm and 240 x 190 x 140 (LxWxH) cm, will be sited between existing street furniture and trees and the application seeks permission for an installation period of between 2 and 5 years.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal would effectively be using a small area of land for the display of public art. Policy TRANS 3 of the Council's UDP seeks to ensure that development proposals will secure an improved environment for pedestrians, while policy S41 of the City Plan indicates that all developments will "prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment, with particular emphasis in areas with high pedestrian volumes or peaks". The proposed installations would introduce additional obstacles on the footway and this is a concern expressed by the two objections to this application. However, Transport for London, who are both applicant and highway authority in this case, have not raised an objection to the proposal. As this is a temporary installation, with no long term change to the highway proposed, the proposal is considered acceptable in land use terms.

8.2 Townscape and Design

The site lies outside a conservation area and is in an area of low quality townscape, with the road network in the immediate vicinity creating a rather harsh environment. In these circumstances it is considered that there is scope to improve the environment and that public art could achieve this. Nevertheless, the current proposal does appear somewhat arbitrary in terms of location and artwork, with no obvious rationale for the selection of the proposed piece or its precise siting. Indeed, it is regrettable that there is no evidence that the artist has been consulted or any assessment made of the relevance of the piece to the site. However, as a temporary installation, it is not considered that the proposal would be harmful to the townscape and as such no design objection is raised.

8.3 Residential Amenity

No amenity issues arise from the proposal.

8.4 Transportation/Parking

There are no impacts on parking or carriageway activity as a consequence of the proposal. As indicated in section 8.1 of this report there is an impact on pedestrian movement, with additional obstacles introduced onto the footway, in an area which objectors claim can be a busy one at times. No objection has been received by the highway authority to the proposal and given the temporary nature of the installation, it is considered that the proposal is acceptable for a limited period.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

While there is some reduction in extent to the footway, the installations would not prevent access across the footway or to adjacent properties.

8.7 Other UDP/Westminster Policy Considerations

There are some street trees in the immediate vicinity of the installations, but there is no proposal to remove these.

8.8 London Plan

This application raises no 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. The proposals do not trigger the requirement for a CIL payment.

8.11 Environmental Impact Assessment

Not applicable to this application.

8.12 Other Issues

Crime and Security - The site lies immediately adjacent to Paddington Green Police Station, however, the Designing Out Crime Officer from the Met Police has not objected to the proposal. Public liability insurance will be covered by British Land.

Maintenance - Given that the land is owned and maintained by TfL, and the artwork is on loan from British Land, it is considered that the City Council has no liability in terms of the cleaning or maintenance of the proposed public art. A condition is however recommended for the submission of details to confirm how the artwork is to be maintained, particularly in the event of damage or graffiti, to ensure that it does not have a negative impact on the local townscape.

Period of Installation - The proposed period of time for installation is 2-5 years, but this is considered excessive. The site has not previously been used for public art, concerns have been expressed about pedestrian movement and the issue of maintenance is unresolved. Furthermore Councillor Caplan has remarked about the need to ensure that the installation would not encumber any road widening programme. While there is no planned programme, the site does lie close to the large development site at West End Green and any changes to the use of the highway as a consequence of this development or nearby developments should be taken into account. In these circumstances, and in line with many permissions the Council have granted for temporary public art, it is considered that a period of 12 months is appropriate and it is suggested that this is controlled by condition. This would not preclude TfL making an application to extend the period of installation and such an application would be assessed on its own merits, but with the benefit of a better understanding of the impacts that the sculptures have on pedestrian movement and the townscape.

9. BACKGROUND PAPERS

1. Application form
2. Response from Councillor Caplin, dated 18 November 2016
3. Response from Transport For London - Borough Planning, dated 23 November 2016
4. Response from Designing Out Crime, dated 22 December 2016
5. Response from Paddington Waterways & Maida Vale Society, dated 9 December 2016
6. Letter from St Marylebone Society, dated 13 December 2016
7. Memorandum from the Highways Planning Manager, dated 6 January 2017
8. Letter from occupier of 48 Lambourne House, 100 Broadley Street, dated 21 November

2016

Selected relevant drawings

(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: RUPERT HANDLEY BY EMAIL AT: RHANDLEY@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Public Highway Adj To Paddington Green Police Station , 4 Harrow Road, London, W2 1XJ

Proposal: Public art installation of two pieces by John Aiken measuring 180 x 220 x 120 (LxWxH) cm and 240 x 190 x 140 (LxWxH) cm to be sited on highway in front of Paddington Green Police Station for a temporary period.

Plan Nos: Location plan; photomontage; background details.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

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 The art installation hereby approved can remain for a period of 12 months from the date of this decision letter. After that you must remove it and return the land to its previous condition.

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway. We also need to reassess the effect of the artwork to make sure it meets S28, S41 of Westminster's City Plan (November 2016) and DES 1, DES 7 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen as a form of trial period, we can therefore only grant a temporary permission.

- 3 You must apply to us for approval of details of how the artwork will be maintained. You must not start work until we have approved what you have sent us. You must then maintain the artwork according to these details.

Reason:

To make sure that the appearance of the artwork is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 The precise citing of the artwork shall avoid being located on any tree pits.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

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 application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that this permission only allows the installation for a period of 12 months from the date of the decision letter. Should you wish to extend this period, you would need to make a further application for an additional period of time.
- 3 In relation to condition 3, you are advised that any application should include details of how the artwork would be maintained in the event of any damage or graffiti.