

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 21 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Selfridges, 400 Oxford Street, London, W1A 1AB,		
Proposal	Installation of stone bench, water fountain and 4 trees including tree grilles on Duke Street.		
Agent	JLL		
On behalf of	Selfridges Retail Ltd		
Registered Number	16/10206/FULL	Date amended/ completed	25 October 2016
Date Application Received	25 October 2016		
Historic Building Grade	Classical building is Grade II, the SWOD building is not listed		
Conservation Area	Part of the application site is within the Stratford Place conservation area, the majority is not.		

1. RECOMMENDATION

Grant conditional permission, subject to a maintenance agreement to secure the following:

- The implementation of the servicing regime for the water feature, bench and trees; and
- Arrangements to secure the removal of the water feature, bench and trees, associated works of making good above ground level and the re-instatement of the adjacent paving, to match that in adjoining areas, should the servicing regime fail.

2. SUMMARY

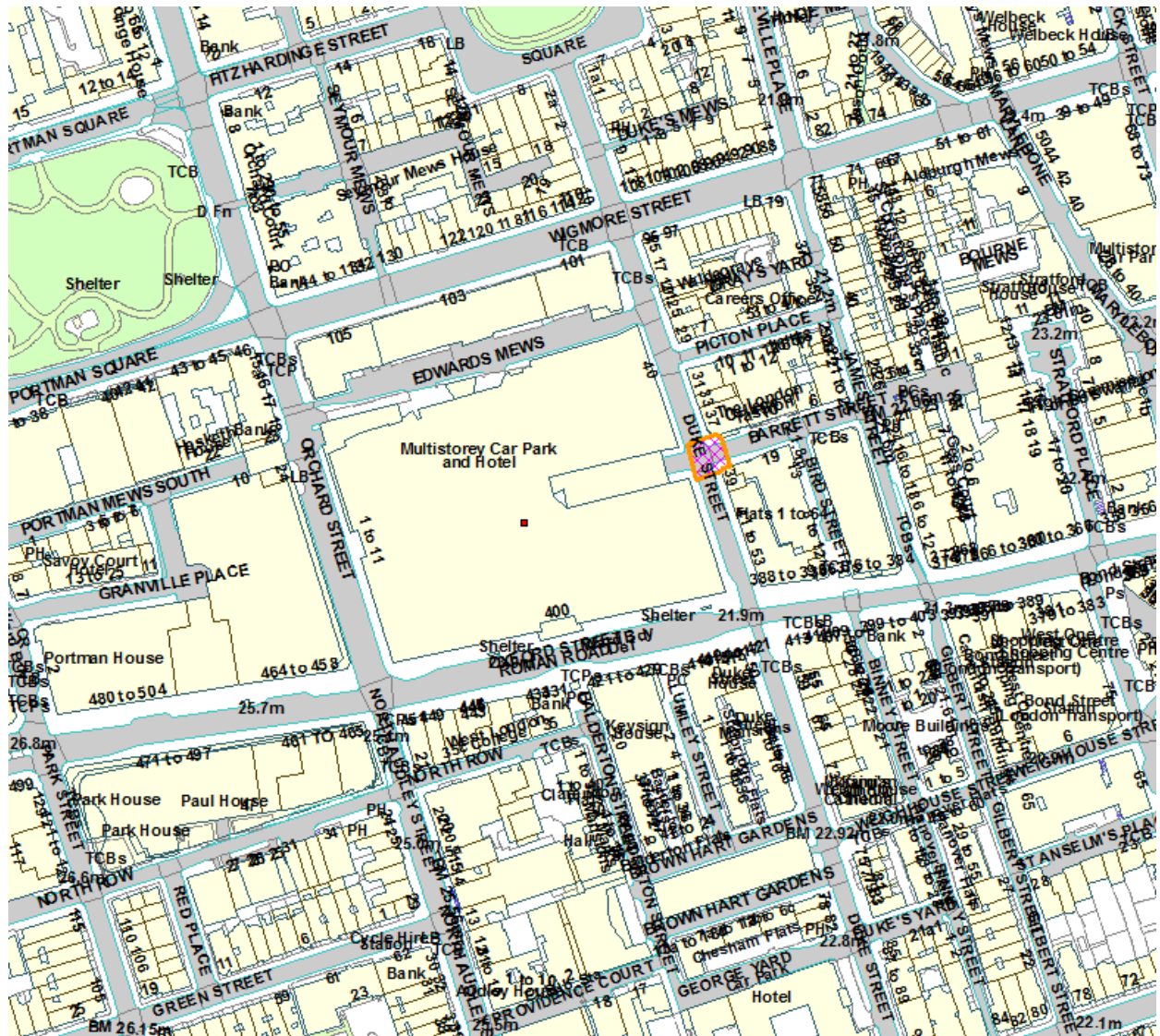
Selfridges occupies a street block with frontages on Oxford Street, Duke Street, Edwards Mews and Orchard Street. Works are continuing on site to create a new entrance from Duke Street and permission is sought for the installation of a stone bench and water fountain on the public highway outside the new entrance. Four new trees are also proposed, two will be planted either side of the bench and water fountain and the other two will be planted on the opposite side of Duke Street.

The key issues for consideration are:

- The impact of the street furniture on the public highway;
- The impact of the street furniture on the character and appearance of the conservation area.

The proposed bench, water fountain and trees are considered acceptable and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan.

3. LOCATION PLAN



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Approved Duke Street elevation



4. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

No objection

HIGHWAYS PLANNING MANAGER

Objection – proposal will cause an obstruction of the public highway.

CLEANSING

Objection – proposal will leave insufficient room for the City Council's cleansing vehicles.

DESIGNING OUT CRIME

Any response to be reported verbally.

ARBORICULTURAL SECTION

No objection, subject to the planting of four Liquidambar trees.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The application site relates to an area of public highway on Duke Street on the east side of Selfridges.

5.2 Recent Relevant History

Permission was granted in 2014 for a variety of works including the removal of vehicular exit ramp and creation of a new customer entrance and new glazed four storey façade on Duke Street. Works are currently underway on site to implement this permission.

Permission was subsequently granted for alterations to the new façade on Duke Street.

6. THE PROPOSAL

Permission is sought for the installation of a stone bench and a drinking water fountain on the public highway outside the new entrance on Duke Street. Four new trees are proposed to be planted on Duke Street, two either side of the bench and fountain and two at the junction of Barratt Street and Duke Street.

The bench includes seating on one side and has been designed to deter anyone lying on it. It has also been designed and placed with Hostile Vehicle Mitigation in mind.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The proposal does not raise any land use issues.

7.2 Townscape and Design

The application site is on the west side of Duke Street in front of the new entrance to Selfridges which is currently under construction. The application site is partly within the Stratford Place conservation area and partly outside the conservation area.

Whilst there is no objection in principle to the proposals and the street trees are acceptable, the detailed design of the drinking fountain and seating are unusual and do not follow established patterns for such features in the streetscape. However, in this case, the site forms part of a major new entrance to Selfridges rather than being part of a more typical, general, street area. Therefore a more elaborate approach to what would normally be expected, in accordance with UDP policy DES 7 and the City Council's 'Westminster Way' supplementary planning document, is permissible.

The use of green marble (Verde Luana) with a rough surface texture for the drinking fountain and on the bench (except on the seating areas which will be polished), will make the street furniture attractive and enhance the appearance of the street outside the new entrance. This will improve the setting of the listed building and the conservation area, in accordance with UDP policies DES 1, DES 7, DES 9 and DES 10 and it is therefore acceptable in design and heritage asset terms.

There is no requirement for the approval of further details in design terms because the drawings are sufficiently detailed and samples of the materials have been provided.

7.3 Residential Amenity

Records indicate that there is a residential unit above the Henry Holland PH at 39 Duke Street, opposite the proposed street furniture. It is not considered that the street furniture will have a detrimental impact on the nearby residential flats.

7.4 Transportation/Parking

The Highways Planning Manager has objected to the proposal on the grounds that the street furniture would cause an unnecessary obstruction to the footway which is busy with pedestrians.

The footway on this part of Duke Street is over 5m wide and can therefore cope with a relatively high pedestrian flow. The proposed bench would leave 2.4m from the building line to the bench and 2m between the other side of the bench and the pavement edge. The water fountain would leave a greater amount clear footway by virtue of it being smaller. The tree grills would leave 1.9m clear footway but as you can walk on the grills it is not considered that this will reduce pedestrian movement on Duke Street and are therefore acceptable in highways terms.

The Highways Planning Manager has stated that these distances will be reduced with people sat on the bench. However, the bench has been designed with the seats facing the building rather than the public highway, where there is the greater distance of clear public highway. As the amount of public highway remaining complies with the Westminster Way the proposed street furniture is considered acceptable.

The Cleansing Manager has also raised concerns over the amount of clear public highway remaining. However, as stated above, it is considered that the scheme complies with the Westminster Way and minimum space standards.

A maintenance agreement will be required to secure the management and maintenance of the bench, water fountain and trees. The City Council would have the power to remove the street furniture and trees if they not adequately maintained.

7.5 Economic Considerations

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

7.6 Access

Access to the new entrance will not be compromised by the installation of the new street furniture. As set out above, it is not considered that pedestrian access around Duke Street or Barratt Street will be adversely affected by the street furniture and trees.

7.7 Other UDP/Westminster Policy Considerations

New trees

Four new street trees are proposed. The applicants originally proposed three Liquidambar Styraciflua (Sweet gum) trees and one Liriodendron Tulipifera (Tulip) tree. The trees officer has commented that the Tulip tree is inappropriate in this location as it can grow to a considerable size without regular pruning. Four Sweet gum trees would be more appropriate and these are similar species to other street trees in the area. An amending condition is recommended in agreement with the applicant.

The trees officers has also raised concerns over the use of brass tree grills rather than using Westminster's standard tree pit surface of either a) surrounding paving material taken up to the base of the trunk or b) a resin bound aggregate in a colour to match the surrounding paving material. The applicant has confirmed that they will maintain the trees and the grills and on this basis the brass grills are considered acceptable.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

The applicant has confirmed that they are willing to maintain the street furniture and the trees in perpetuity. The maintenance agreement will need to be secured to ensure that the street furniture is the responsibility of the applicant. The agreement will also secure the removal of the street furniture and with associated works of making good above ground floor level, and the re-instatement of the paving, to match adjoining areas, should the maintenance regime fail.

It is also considered necessary to include a clause within the maintenance regime to secure the removal of the water fountain and bench if they are being used for continual anti-social behaviour.

This application is not CIL liable.

7.11 Environmental Impact Assessment

Not required for the scale of development.

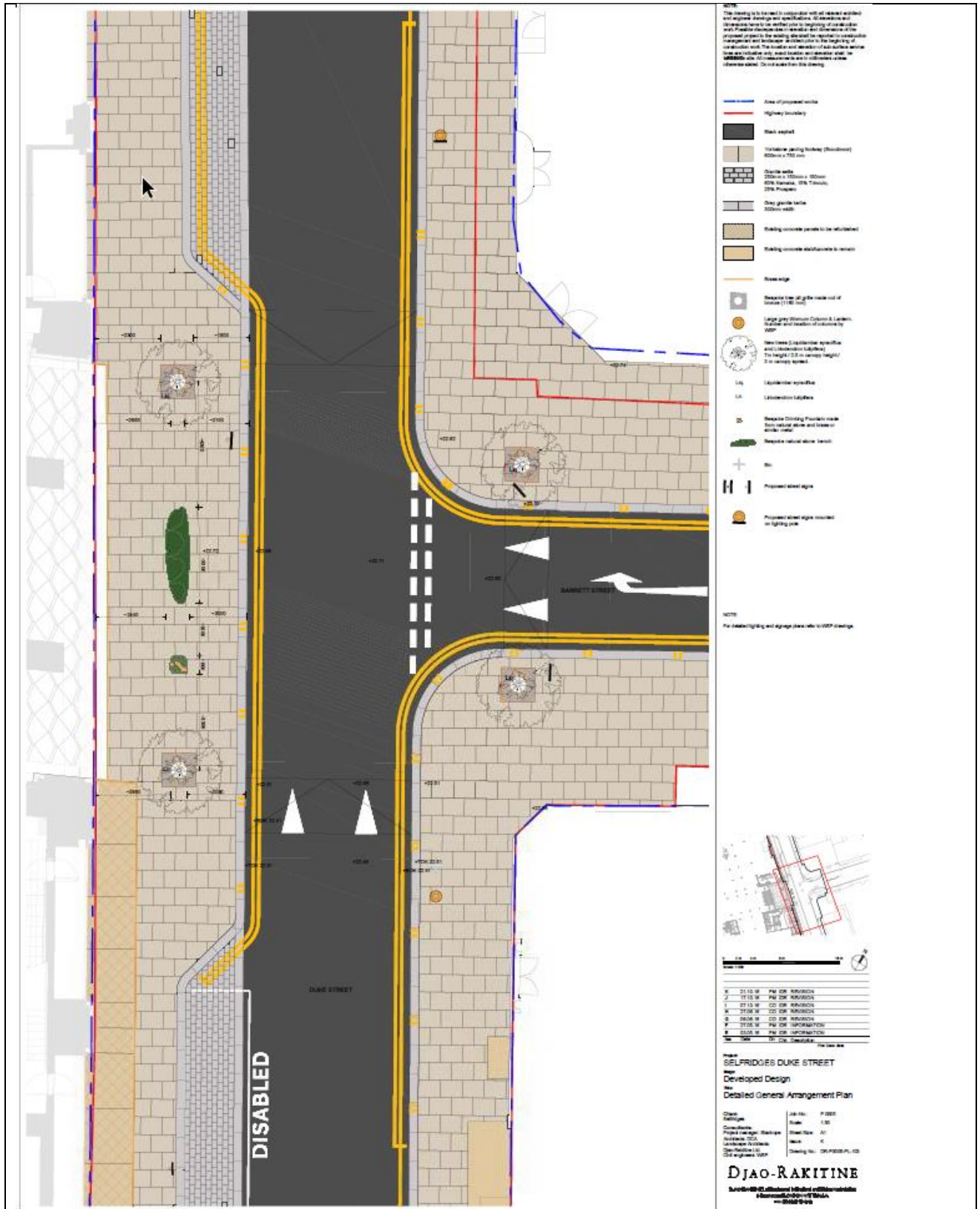
8. BACKGROUND PAPERS

1. Application form.
2. Response from Marylebone Association dated 11 November 2016.
3. Response from Cleansing dated 11 November 2016.
4. Response from Tree Section dated 16 November 2016.
5. Response from the Highways Planning Manager dated 20 January 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: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

9. KEY DRAWINGS







DRAFT DECISION LETTER

Address: Selfridges, 400 Oxford Street, London, W1A 1AB,

Proposal: Installation of stone bench, water fountain and 4 trees including tree grilles on Duke Street.

Reference: 16/10206/FULL

Plan Nos: DR-P0005_PL-103 K, DR-P0005-SC-202 C, DR-P0005-SC-200 G, DR-P0005-DT-400 F, DR-P0005-DT-402 F, DR-P0005-PL-102 I, , Materials, Verde Luana for Stone Bench and Fountain

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

- 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 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:
- between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.
 -

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

- between 08.00 and 18.00 Monday to Friday; and
- 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 special circumstances (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 as 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 You must apply to us for approval of detailed drawings and a detailed specification showing the following alteration(s) to the scheme: removal of the Tulip Tree (*Liriodendron tulipifera*) and the

planting of more suitable species. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings and specification. (C26UB)

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 you will need to apply for a licence under section 115 of the Highways Act (1980) for this feature to be erected on the public highway.

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.