

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	50 - 54 Westbourne Terrace, London, W2 3UH		
Proposal	Installation of 10 bollards to the roadway in front of nos. 50, 52 and 54 Westbourne Terrace.		
Agent	Mr Mark Defoe		
On behalf of	Mr Mark Defoe		
Registered Number	16/05561/FULL	Date amended/ completed	23 March 2017
Date Application Received	15 June 2016		
Historic Building Grade	Adjacent to Grade II listed buildings		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to an area of private road in front of nos. 50, 52 and 54 Westbourne Terrace, which are all Grade II listed buildings on the west side of Westbourne Terrace. In common with other Westbourne Terrace properties the buildings are set back from the public highway behind a separate private road, which runs parallel to the public highway and to such locations in Westbourne Terrace cars commonly park to both sides of the private street, including partly over the pavement on the building side of the street.

On 12th March 2013 permission was granted for the installation of 13 bollards to the private street in front of these three buildings in order to prevent parking on the pavement in front, in response to concerns regarding the structural stability of the front vaults to the building underneath the pavement. The permission was given for a 3 year period, which has now expired. On site, 7 bollards, unevenly spaced, were erected and these remain in place. This application seeks permission to install 10 evenly spaced bollards.

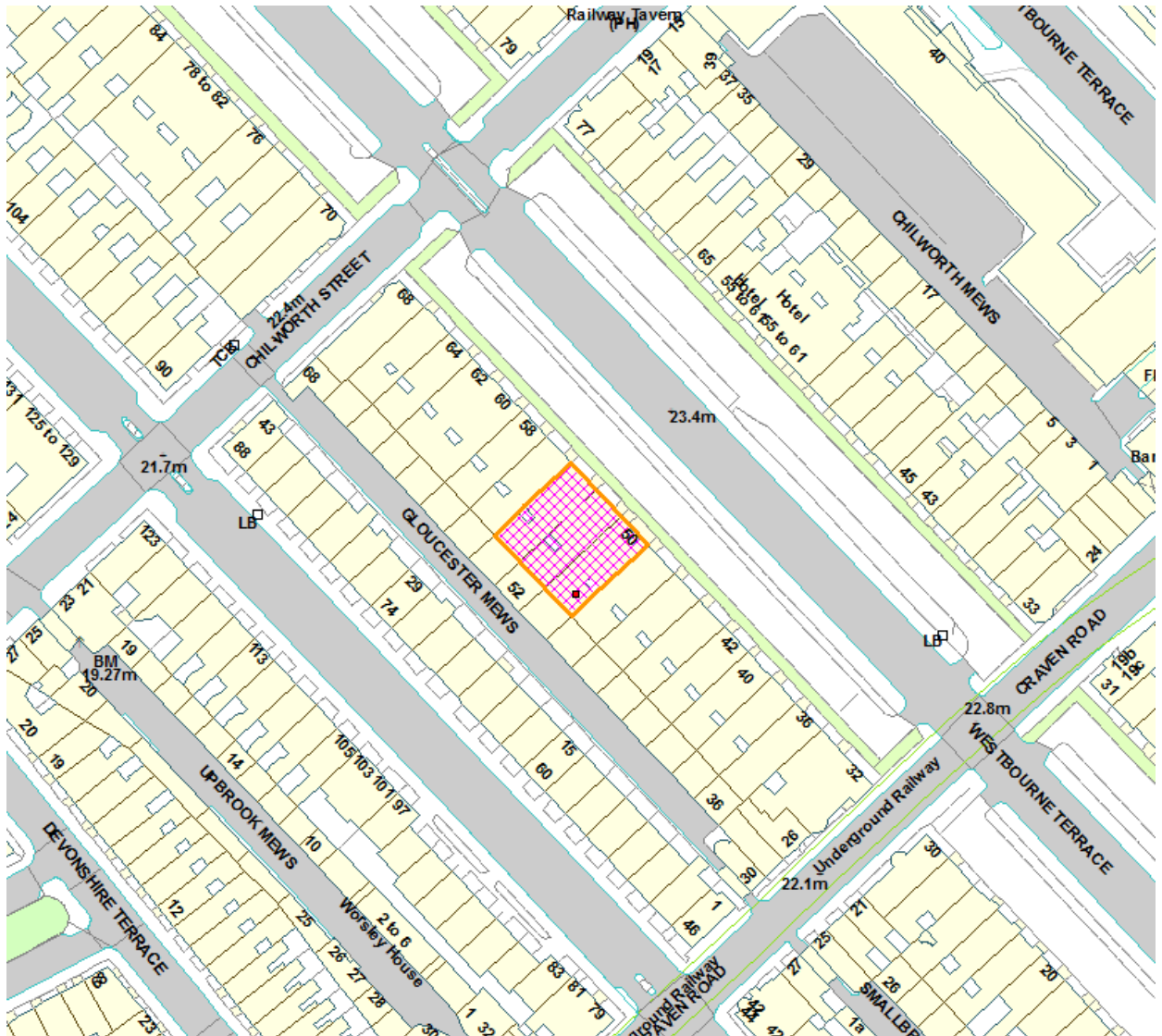
The key issues in this case are:

* The impact upon the character and appearance of the Bayswater Conservation Area and the setting

of the adjacent Grade II listed buildings; and
* The impact on the parking provision in the area.

The application proposals are considered to be acceptable and in accordance with policies DES 1, DES 7, DES 9, DES 10, TRANS2 and TRANS3 in the UDP and S25 and S28 in the City Plan, and the application is thus recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

State that they have no objection to the proposals as the bollards are conservation style, and that the protection of the original York stone pavements is a worthy object in itself. Comment that it is unfortunate that in other parts of this section of the terrace the practice of cars parking partially on the pavement of this private road persists.

HIGHWAYS PLANNING

State that they consider the proposals undesirable on highways grounds but that they could be considered acceptable, and further comment that if the spaces were protected by a condition then they would object to the loss of accessible unallocated parking spaces adding to an already high demand for on-street car parking in the area.

HISTORIC ENGLAND

State that they do not consider it necessary for the application to be notified to Historic England.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40

Total No. of replies: 5

No. of objections: 5

No. in support: 0

In summary, have been received on the following grounds:

- Concern that the bollards are unsightly, unevenly spaced, fixed into unevenly coloured concrete, break the uniformity to the terrace, and are poorly maintained.
- Concern that the installers have made several exploratory holes near the bollards leaving the roadway in a poor condition.
- Concern that the bollards lead to a loss of parking spaces.
- Concern that the bollards are a hazard, including to vehicles.
- Statement made that residents have a right of 'easement' in their leases making any impediment to the free flow of vehicles and persons illegal.
- Concern expressed that residents have been misled as the installers advised residents that the bollards were temporary whilst maintenance works were carried out beneath them, but that no such work has ever been intended or attempted.
- State that it is unclear why the bollards are installed outside nos. 52 and 54, as the 2012 application stated that works were required on the pavement outside no. 50 only.
- View expressed that the apparent reason for the weak pavement is the poor maintenance of the under street vault that has been caused by the applicants own negligence.
- State that during 2015 trucks have been parked on the pavement which is argued to contradict the applicants stated concern for the structural weakness of the pavement.
- Concern about the structural weakness of the pavement, and state that this issue should be addressed.
- Concern that the bollards could be part of an attempt to eventually commercialise the parking.

- Query whether any other properties managed by City Estates within this terrace have suffered this loss of amenity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to the area of private road in front of Nos. 50, 52 and 54 Westbourne Terrace. The private road, which serves the whole terrace between Nos.32 to 68 Westbourne Terrace is accessed from the west side of Westbourne Terrace. The three buildings adjacent to this area are all Grade II listed, as is the rest of the terrace of which they form a part. The buildings and the private road in front of them are all within the Bayswater Conservation Area. The buildings at Nos.50, 52 and 54 are in use as flats.

6.2 Recent Relevant History

On 12th March 2013 approval was granted for a temporary period of 3 years allowing for the installation of 13 bollards to the roadway outside Nos.50, 52 and 54 Westbourne Terrace. On site, within the area where 13 bollards were approved, 7 bollards have been erected to an uneven spacing.

The planning application was submitted with an accompanying application for listed building consent (RN: 12/06739/LBC). However, given that the bollards are located outside the listed buildings at Nos. 50, 52 and 54 Westbourne Terrace and are not attached to the listed buildings themselves, it was determined that listed building consent was not required.

7. THE PROPOSAL

The application seeks permission for the installation of 10 bollards to the private road outside Nos.50, 52 and 54 Westbourne Terrace. The proposed bollards would be sited in a row immediately adjacent to the kerb of the pavement to this private road and would be evenly spaced at 2.5m intervals. The bollards would be 0.97m in height, designed to appear as traditional style bollards and would be finished in a black colour.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed bollards do not raise any land use issues as the development does not propose a material change of use of the existing private road, which is used for parking and access purposes, and would continue to be used for this purpose despite the proposed bollards. The impact on the availability of parking is considered in Section 8.4 of this report.

8.2 Townscape and Design

The pavement in front of the terrace of buildings including nos. 50-54 Westbourne Terrace is formed by very large York stone paving slabs, and it represents what is almost certainly the original 19th century pavement finish. These York stone paving slabs sit above the pavement vaults of the buildings.

A planning application was submitted in 2012 which proposed to install a series of 13 bollards to the private road in front of nos. 50-54 Westbourne Terrace in a location immediately adjacent to the York stone pavement. At the time of that previous application unauthorised modern metal bollards had already been erected on site, and the previous application proposed to remove these and replace them with more traditionally detailed black metal bollards. The application stated that these bollards were sought to prevent vehicles parking on the York stone paving slabs on grounds of a concern about the structural stability of the brick structure of the pavement vaults, and on grounds of cracking to the York stone paving slabs themselves. This previous planning application was approved on 12th March 2013 for a 3 year period, with an informative attached to the decision letter advising that it was an expectation that the repair works required to the pavement and vaults would be carried out, thus allowing for the removal of the bollards.

Despite the expiry of the 3 year temporary period of approval, bollards still remain in place on site though 7 bollards have been erected to an uneven spacing instead of the 13 evenly spaced bollards approved. The applicants advise that this was as a result of a need for the piecemeal installation of bollards with vehicles parked for long periods of time. The current application seeks the installation of 10 bollards to this area on a permanent basis. Concerns have been raised by objectors on grounds that the bollards are unsightly, unevenly spaced, break the uniformity of the terrace and with the area around the bollards in poor condition.

Objectors have also stated that they believe no repair works have been carried out to their knowledge. However, the applicants nonetheless advise that works have been carried out addressing the condition of the vault walls, but that the loading of the York stone paving slabs has not been addressed as they consider that this would involve the replacement of the slabs, and the applicants also note a crack in the paving slab outside no. 50 Westbourne Terrace. The applicants go on to state that the bollards proposed are a key issue preventing the paving slabs from further degradation.

Notwithstanding the intention of the 2013 approval to see the bollards removed after repair works, this current application proposing to retain them permanently is considered acceptable. The issue regarding the condition of the York stone slabs and their structural capability in terms of supporting vehicle loads is a difficult issue to judge, given the difficulty of their structural stability being fully certified by an engineer. There appear evident issues of ground movement to this section of the street as evidenced by the notable undulation of the road surface to this section of the private road. The York stone slabs in themselves are of considerable importance to the setting of these listed buildings, and could be anticipated to degrade at a faster rate over time with cars parking over them rather than being solely in pedestrian use. Though the bollards will add a degree of clutter to the frontage of these listed buildings, the impression of cars regularly parked over the pavement as occurred prior to the bollards also detracted from the appearance of the frontage of the building.

The proposed bollards are black coloured metal 'Manchester' style bollards, the design of which is a cross between a Doric style column and a cannon form of traditional bollard. Other such examples of this style of bollard exist elsewhere in Westminster. Though objectors describe the bollards as unsightly, it is not considered that their detailed design is inherently unattractive. The road surface around is not maintained by Westminster as it is a private road. However, the expectation is that concerns over the condition of the road surface would be addressed over time.

The existing car parking on the pavement has a cluttering impact upon the setting of these buildings. However, during periods when parking is not so prevalent, the buildings retain their original attractive foreground setting, with simply detailed kerb, original York stone slabs to pavement. In addition, the vault structures are also of some importance to the special interest of the listed buildings.

Given the structural justification put forward by the applicants, and to avoid an ad-hoc arrangement of bollards which could appear unsightly, it is recommended that the permanent fixing of the bollards in place is secured by condition. The plans have been revised from the 13 bollards originally submitted to now show 10, as this is considered a sufficient number to prevent parking without unduly adding unnecessary street clutter.

In summary, and in the particular circumstances of this case it is not considered that a reason for refusal could be justified on grounds of the impact of the bollards on the character and appearance of the Bayswater Conservation Area and setting of these listed buildings. As such, the proposals are considered acceptable and in line with policies DES1, DES7, DES9 and DES10 in the UDP and policies S25 and S28 City Plan.

8.3 Residential Amenity

There are no amenity implications arising as a result of the proposed bollards.

8.4 Transportation/Parking

The private road has been used historically to provide vehicular parking and access to the buildings fronting on to the road, and concerns are raised by objectors about the loss of on-pavement parking that the bollards would give rise to. Whilst the proposed bollards would reduce the availability of vehicular parking along this section of the private road, there are no planning conditions apparent requiring the provision of a particular number of parking spaces or indeed the provision of this area for car parking at all. Similarly, there are no planning conditions apparent limiting the parking in this location to residents of the buildings. The Highways Planning Manager does not object provided there are no conditions protecting these areas as parking spaces.

A condition is recommended requiring the bollards to be retained fixed in place and as such they would not be capable of being removed on an ad-hoc basis to facilitate a commercial use for parking, which was a concern expressed by an objector, and would remain a uniform run of bollards without interruption.

Given the proposed location of the bollards immediately adjacent to the curb line and the spacing between the bollards, the means of access for emergency vehicles would be

arguably better than the pre-existing situation when this area was used for parking. Given their location immediately adjacent to the pavement they are not considered an unacceptable hazard to vehicular movement.

The proposed bollards are therefore considered acceptable given that they are located on a private road, and they would accord with policies TRANS2 and TRANS3 in the UDP.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The bollards proposed do not impede pedestrian movement along the access road.

8.7 Other UDP/Westminster Policy Considerations

None

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.

8.11 Environmental Impact Assessment

Not applicable to these proposals.

8.12 Other Issues

A statement was made by one of the objectors that some residents may have a right of 'easement' in their leases making any impediment of the free flow of vehicles and persons illegal. However, no evidence has been presented to illustrate this concern, and in any case this would be a private matter between the leaseholders and applicants.

A statement was made by an objector expressing concern about the bollards being installed in front of nos. 50-54 Westbourne Terrace as, in their view, the 2012 application submission stated that works were only required to the pavement outside no. 50 only. As with the application submitted in 2012 however, this application makes specific reference to the condition of the vaults and pavement structure in front of all three buildings, and as such the concerns expressed on this issue are not considered sustainable.

The statement made that the vault structures are in poor condition results from a lack of maintenance by the applicants is noted, though not supported by evidence and is not considered as a reason for refusal. Comments are also made by objectors that the structural weakness of the pavement should be addressed instead. However, given the concerns about the impact such a proposal could have upon the York stone pavement slabs, this is not considered to overcome the reasons behind the recommendation for approval.

The further statement that trucks were at one point in 2015 parked on the pavement outside these properties is noted. However, no further information is available at this point, and this statement is not considered grounds for the refusal of the application.

A further query has been received regarding whether any other properties within this terrace managed by City Estates have suffered this issue. The applicants advise that they are currently investigating the front pavement vaults at no. 46 for structural stability. Notwithstanding, any issues related to separate buildings are not of relevance to the consideration of these current application proposals, and in addition the managing agents for any building are a not a relevant consideration to the planning merits of an application.

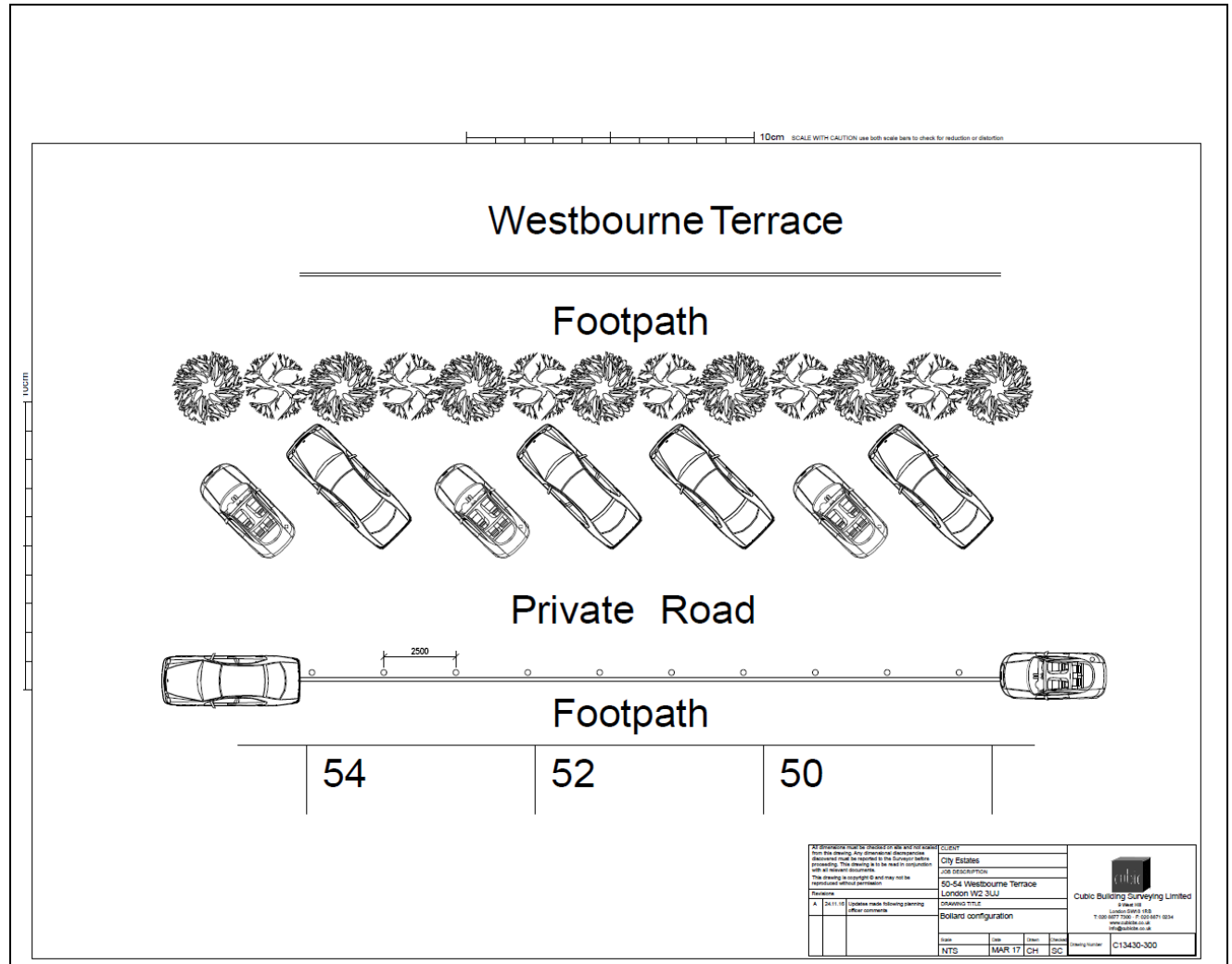
9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning dated 6 July 2016.
3. Response from South East Bayswater Residents Association, dated 2 July 2016.
4. Response from Historic England dated 27 June 2016.
5. Letter from occupier of 46a Westbourne Terrace dated 5 July 2016.
6. Letter from occupier of Flat 2, 66 Westbourne Terrace dated 7 July 2016.
7. Letter from occupier of 48a Westbourne Terrace, dated 5 July 2016.
8. Letter from occupier of 50 Westbourne Terrace, London, dated 13 July 2016.
9. Letter from occupier of 50g Westbourne Terrace, London, dated 11 July 2016.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

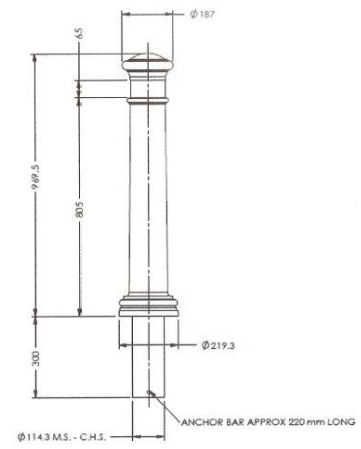
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

KEY DRAWINGS



Proposed Plans

Below are some images and dimensions of the proposed bollard



DRAFT DECISION LETTER

Address: 50 Westbourne Terrace, London, W2 3UH

Proposal: Retention of 13 bollards to the roadway in front of nos. 50, 52 and 54 Westbourne Terrace

Reference: 16/05561/FULL

Plan Nos: C13430-300, Undated Design and Access Statement as revised by C13430-300, Undated Heritage Statement as revised by C13430-300, Site Plan (as amended to show area of front forecourt in solid red shading), Emails from Mark Defoe dated 9th August 2016, 18th August 2016 and 17th February 2017, 5 site photos

Case Officer: Alistair Taylor **Direct Tel. No.** 020 7641 2979

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:
- 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 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 (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the road surface 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 protect the setting of the adjacent grade 2 listed buildings and to make sure that the development 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 (July 2016) and DES 1, DES 7, DES 10(A) 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 Once work commences on the installation of the new bollards, each of the ten bollards hereby approved shall be installed as one continuous programme of works without interruption, and they shall be permanently fixed in an upright position and shall not be removed.

Reason:

To protect the setting of the adjacent grade 2 listed buildings and to make sure that the development 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 (July 2016) and DES 1, DES 7, DES 10(A) 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 The bollards shall be formed in black painted metal and shall be maintained in that colour thereafter, and shall have no signs, information panels, chains, linking structures or other features attached

Reason:

To protect the setting of the adjacent grade 2 listed buildings and to make sure that the development 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 (July 2016) and DES 1, DES 7, DES 10(A) 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)

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 (July 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.

Item No.

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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.