

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 January 2018	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	Floral Street, London, WC2		
Proposal	<ol style="list-style-type: none"> 1. Installation of planters on the highway and planters at first floor level to the north and south sides of Floral Street, with associated works. 2. Installation of screw fixings and associated plant wiring system to south facades of 14 Garrick Street, 27a Floral Street and Carriage Hall. 		
Agent	Mrs Natalie Rowland, Gerald Eve LLP		
On behalf of	Mr A Hicks, Capital and Counties		
Registered Number	18/06759/FULL and 18/06760/LBC	Date amended/ completed	14 August 2018
Date Application Received	10 August 2018		
Historic Building Grade	14 Garrick Street, 27a Floral Street and Carriage Hall – all Grade II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission for a temporary period of 3 years. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.
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2. SUMMARY

This proposal relates to the western section of Floral Street between Garrick Street and James Street which is in the Covent Garden Conservation Area and the Core Central Activities Zone. This section has retail units at ground floor levels and a mix of office and residential uses at upper floors. It is proposed to install a combination of planters on the highway, first floor window boxes and climbers on both sides of the pavement.

The main objectives of the greening of the street are to improve the attractiveness of the street to support retail activities and to provide environmental benefits.

Letters of support from the Covent Garden Area Trust, local residents and businesses have been received. Objections have also been received from the Covent Garden Community Association and

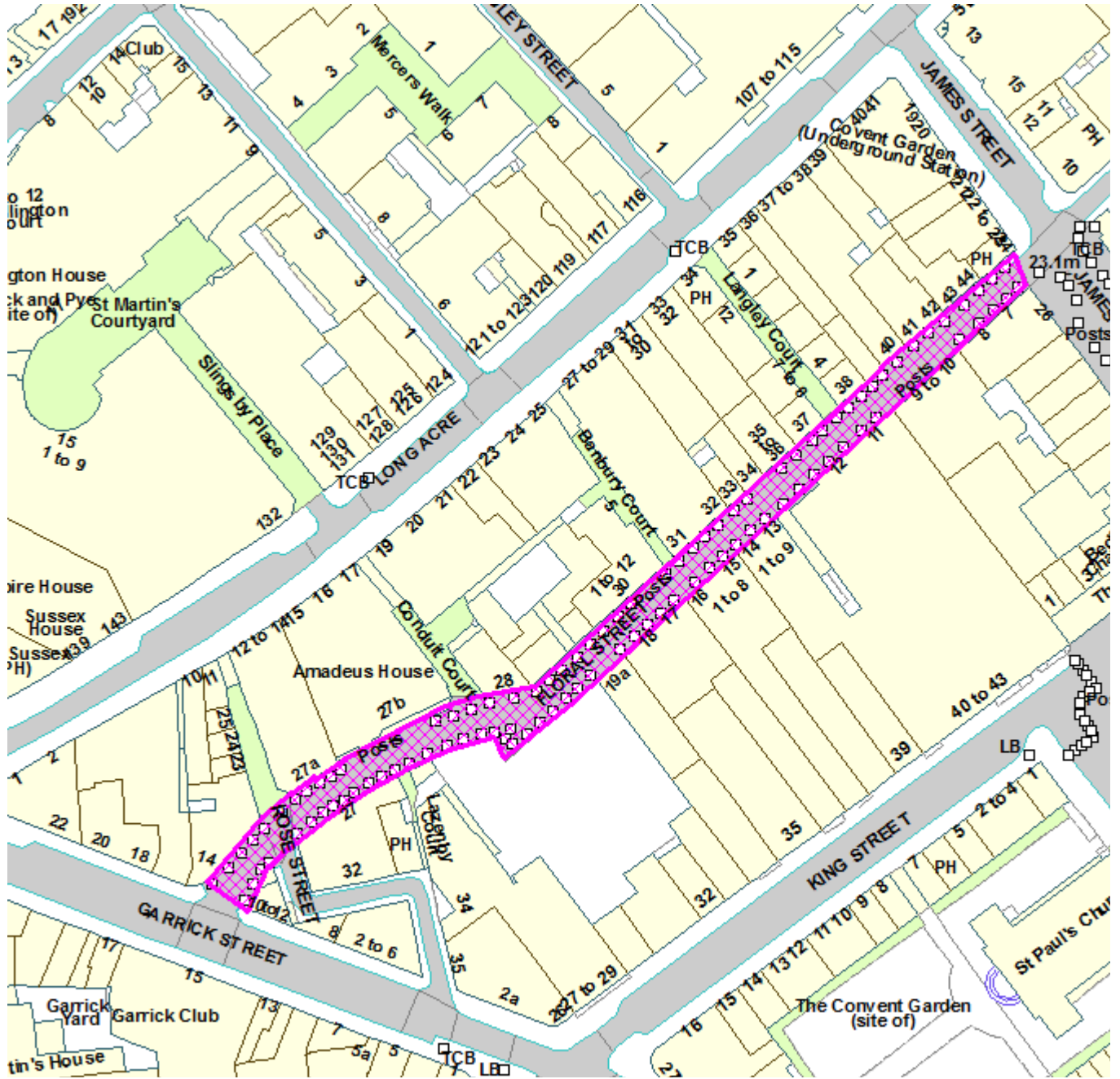
local residents on grounds of accessibility in particular for disabled people and people with pushchairs, pedestrian movement and street clutter.

The size of the planters have been reduced to increase the width of clear pavement on the northern side of the street in order to respond to the objections raised.

Whilst it is recognised that the clear pavement requirement set out in the Westminster Way SPD is not met, on balance it has been demonstrated that people using a wheelchair or mobility scooter will be able to use the pavement and the benefits associated to the scheme are considered sufficient to justify an exception in this case. A temporary permission is recommended to monitor the impacts of the scheme on pedestrian movement and accessibility.

The proposals are considered to be acceptable in design, highways, amenity and sustainability terms. The application is recommended for approval for a limited period of 3 years.

3. LOCATION PLAN



4. PHOTOGRAPHS



North pavement



South pavement

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION: The principle of greening is welcome but objection to the reduction in width of the safest part of the pavement which will affect the safety of all users and of the most vulnerable in particular. The amenity society shows the creation of a slalom route and refers to the Council's 1.8m requirements of clear pavement. The amenity society suggests solutions (placing planters on the same line as bollards and using narrower planters).

COVENT GARDEN AREA TRUST: The improvement of the appearance of the street is welcome but some modifications to the scheme at ground floor level would meet the needs of the objectors: reducing the depth of larger planters and alter position and shape of the planters.

ARBORICULTURAL SECTION: No objection subject to conditions with regards to maintenance and cleansing.

HIGHWAYS PLANNING MANAGER: Concern that the scheme introduces unnecessary clutter contrary to the spirit of the Westminster Way. Contrary to policies TRANS3 and TRANS2.

WASTE PROJECT OFFICER: Objects as the pavement is too narrow, pedestrian will be forced to use the motor carriageway and pavement will not be available for street cleansing maintenance.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 206

Total No. of replies: 17

No. of objections: 4

No. in support: 13

Objections received on the following grounds:

- narrow pavement constrained by existing bollards, below existing Highways' England recommendations – the situation will be exacerbated
- space insufficient for wheelchairs users and people with pushchairs – would force users into or far too close the flow of traffic and would put disabled residents at a disadvantage
- clutter – impact on directness of movement and pedestrians congestion
- safety as existing traffic feels dangerous despite the 20mph limit
- 1.8m of clear pavement needed
- using mobility scooter on cobbles is unpleasant
- box plants around Carriage Hall removed after complaints the pedestrians had to walk in the road
- Christmas lighting scheme not appropriate

Support received raising the following points:

- improve the public realm and bring street to life as street seems to have been forgotten
- improve experience of visitors and encourage more visitors in the street
- environmental benefits - absorb emissions from vehicles and improve sustainability
- healthier district

- contribute to the greening of the city
- street will feel safer
- planting on the piazza and at the end of Floral Street adds to sense of pride and well-being and talks of the general care of the place
- access concerns could be alleviated with changes of shape
- street pedestrianised as the next step?

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Floral Street runs parallel with Long Acre to the north and King Street to the south and lies within the Covent Garden Conservation Area. The street is within the Core Central Activities Zone and the West End Stress Area. The proposals relate to the western section of Floral Street running between Garrick Street and James Street. This section of the street encompasses ground floor retail units with a mixture of office and residential accommodation above. There are four listed buildings of varying architectural styles within this section of Floral Street.

6.2 Recent Relevant History

None directly relevant.

7. THE PROPOSAL

The proposal involves the installation of a combination of pavement planters, first floor window boxes and wires and screw fixings to buildings to enable climbers. The applicant requested to withdraw the lighting from the scheme, the description of the application has been amended accordingly.

Following officers' concerns and the objections received a mock-up has been installed on site and a revised scheme has been submitted showing a reduction of the planters on northern pavement of Floral Street to allow a minimum of 1.2m of clear pavement.

Permission is sought for 85 planters on the highways and 53 first floor level boxes. On the southern side of the street it is proposed to relocate 10 of the existing bollards.

It is hoped that the greening of Floral Street will enliven its frontage encouraging footfall to support its retail provision and create a sense of place. The other objectives are improving the air quality and to create a greener street which will support the new Environmental Masterplan for the area prepared by the applicant and will help to achieve the low emission neighbourhood ambition.

8. DETAILED CONSIDERATIONS

8.1 Townscape and Design

The proposed works are assessed against the National Planning Policy Framework (NPPF), specifically chapter 16, policies S25 and S28 of the City Plan: Strategic Policies (2016), policies DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan (2007) and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' SPG.

Encompassing a mix of historic, traditional and modern buildings, the overriding architectural character of Floral Street is one of medium scaled warehouse style buildings. The proposals also effect three listed building, 14 Garrick Street, 27a Floral Street and Carriage Hall.

Planters will be fibre glass to provide the best conditions for the planting and enable easy maintenance, the colour of the planters is yet to be confirmed but likely to exhibit a brass tone and finish, a material sample will be secured by condition.

By using predominantly evergreen ornamental planting with seasonal shrubs and climbing plants, the planting should maintain a vibrancy throughout the year.

From a conservation and design perspective the greening of Floral Street has the potential to positively enhance its streetscape. The scheme appears to provide an adequate level of planting at both ground and first floor levels to create a positive visual effect without appearing over cluttered or fragmented. In order to maintain the aesthetic quality of the scheme the maintenance strategy submitted will be secured via condition.

In relation to the listed buildings, the wires and fixings are visually discreet. The fixings will be installed through mortar joints, resulting in very little impact upon the historic fabric and are easily reversible. The pavement mounted planters will not be physically attached to the buildings. The impact upon the listed buildings is not considered to be harmful.

8.2 Residential Amenity

Policies ENV 13 of the Unitary Development Plan (UDP) and S29 of the City Plan seek to protect residential amenity and environmental quality, ENV 13 specifically seeks to ensure properties do not suffer from sense of enclosure or loss of daylight/sunlight. The wires on the buildings will direct the growth of the climbers and the maintenance strategy ensures that the scheme will not affect residential amenities.

8.3 Economic Considerations

The scheme is expected to improve the attractiveness of this section of Floral Street supporting the retailers with higher levels of footfall. Any economic benefits generated are welcome.

8.4 Access

Several local residents and the Covent Garden Community Association objected on the grounds of restricted pavement width of Floral Street and the impact of the scheme on pedestrian movement in particular people using wheelchairs and pushchairs.

The Highways Planning Manager has raised concerns over the proposals being contrary to the principle of the Westminster Way SPD. Where possible an unobstructed footway width of 2m is sought to allow easy pedestrian passage. The footway on Floral Street is already narrower than this, and there are concerns that any further narrowing would encourage a situation where some pedestrians would be forced or encouraged to walk outside the bollards.

Floral Street has a modest pavement width on both sides which is narrowed by existing bollards. The removal of the bollards has been considered but cannot be achieved as they have been installed to protect the buildings and the basements, they also act as a pedestrians protection from traffic.

It is recognised that given the restricted pavement width it will not be possible to achieve the 2m clearance required by the Westminster Way. Due to existing pinch points in some sections of the street the pavement clearance is below 1.5m.

The applicant demonstrated that due to the existing width of the southern footway and the presence of bollards access to wheelchair users is already restricted with pinch points of less than 800mm (universal wheelchair dimensions, from the Accessibility Code Part 1, is 860mm). Therefore the applicant revised the scheme on the northern side of the street only to respond to officers' concerns and local residents' objections. One planter has been relocated and all the planters (except the round planter in Conduit Court) have been reduced in size in order to retain an accessible route along the northern footway. 14 planters have been reduced to 350mm, 22 planters are now 300mm and 5 have been decreased to 200mm. The minimum pavement clearance is now 1.2m instead of 1m originally proposed and wherever it is possible a 1.8m clearance will be accommodated.

In addition the applicant proposes the creation of two dressed level setts (to provide a level surface) between both sides of the street to facilitate crossing of the pedestrians.

On the southern footway it is proposed to relocate 10 existing bollards in order to achieve a minimum of 1m of clear pedestrian space.

It is regrettable that the Westminster Way recommendations are not achieved but the width constraints in this location are recognised. A 1.2m minimum width on the northern side of the street will allow for wheelchair users and people with pushchairs a comfortable access along the northern footway, however the distance will not allow for two wheelchairs users to pass each other. On balance the benefits expected in terms of support to retail activity, greening of the city, helping biodiversity and contribution to improving local air quality (as detailed in other sections of this document) are considered to justify a departure from a standard approach to furniture on public highways. A temporary permission will allow the Council to monitor the impacts of the scheme on pedestrian movement and accessibility.

It is recommended that the proposed relocation of the bollards and installation of two level crossing points are secured via pre-commencement conditions.

8.5 Other UDP/Westminster Policy Considerations

Sustainability/Biodiversity

The planters, window boxes and climbers will make a positive contribution to create a greener city. The proposal is considered to contribute to the reduction of air pollution and help enhance biodiversity in accordance with policies S31 and S38 of the City Plan.

The choice of species is suitable for the location but plant in planters require frequent watering and aftercare, and the planters themselves require frequent cleaning and maintenance to ensure that a high quality appearance is maintained. The submitted Maintenance schedule will be secured via condition to ensure that cleansing and maintenance is carried out.

8.6 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the provision of two dressed level setts to roadway on Floral Street and the relocation of 10 bollards on the southern pavement of Floral Street prior to the installation of planters on the public highways. The applicant has agreed to the imposition of the condition.

8.9 Planning Obligations

Via informative the applicant will be informed that a legal agreement is likely to be accepted to secure the relocation of the bollards and the creation of two walkways prior to the installation of the planters.

8.10 Environmental Impact Assessment

The proposals are of insufficient scale to require an environmental assessment.

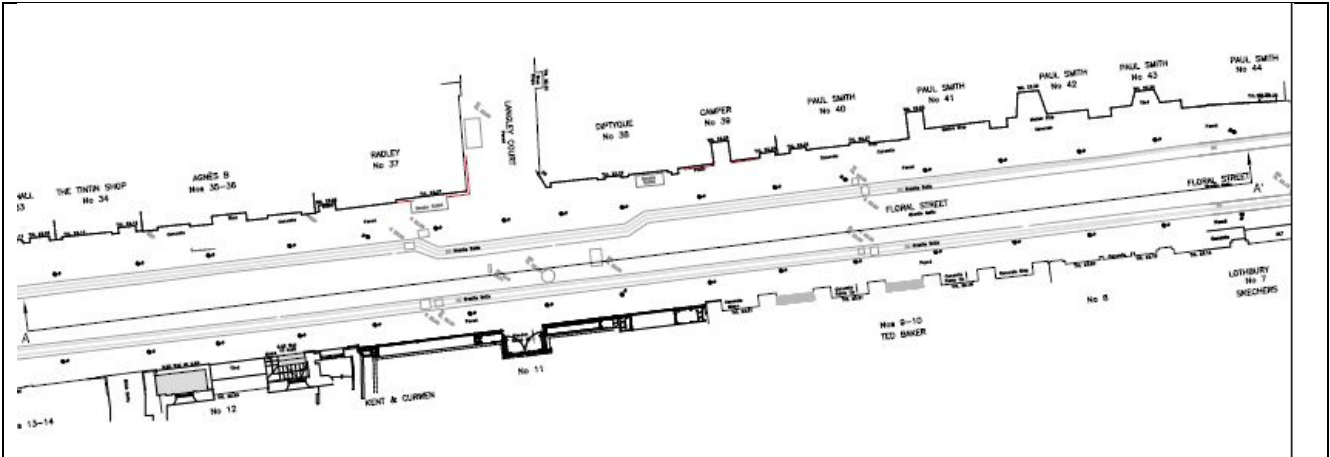
8.11 Other Issues

One objection letter mentions that the proposed Christmas lighting scheme is inappropriate for a narrow street as Floral Street. However this application relates to the greening of the street and no lighting is proposed.

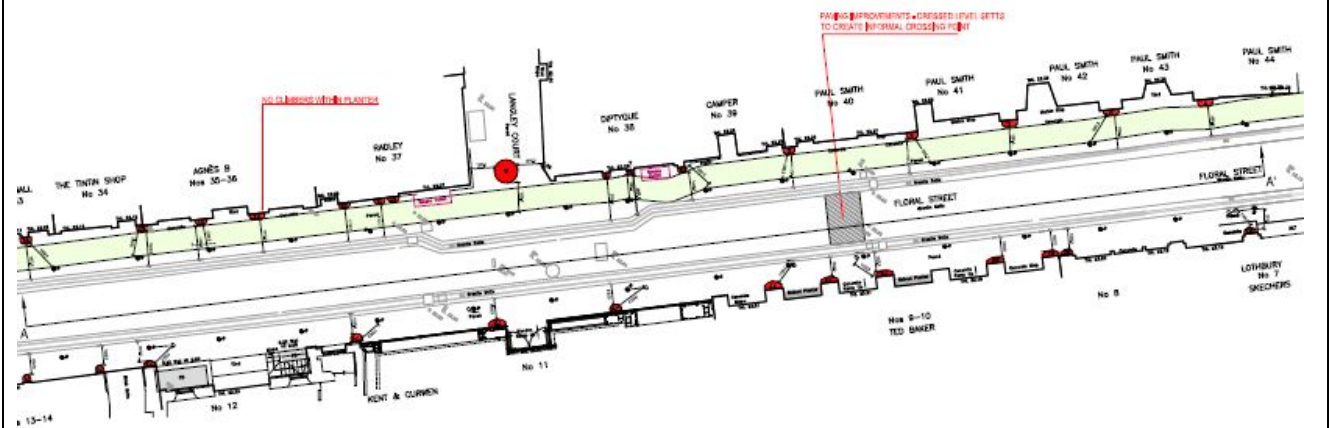
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk

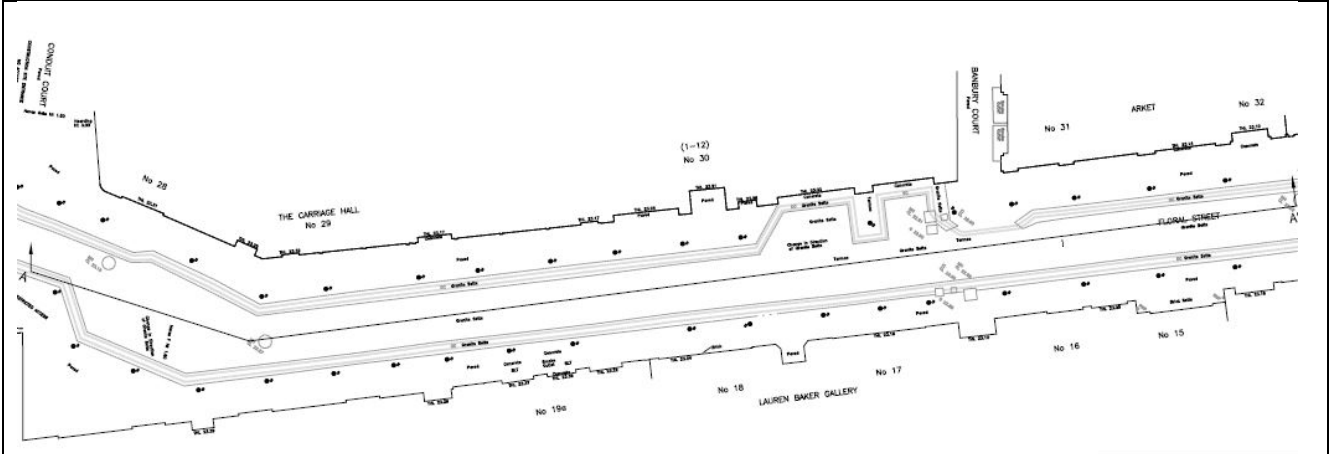
9. KEY DRAWINGS



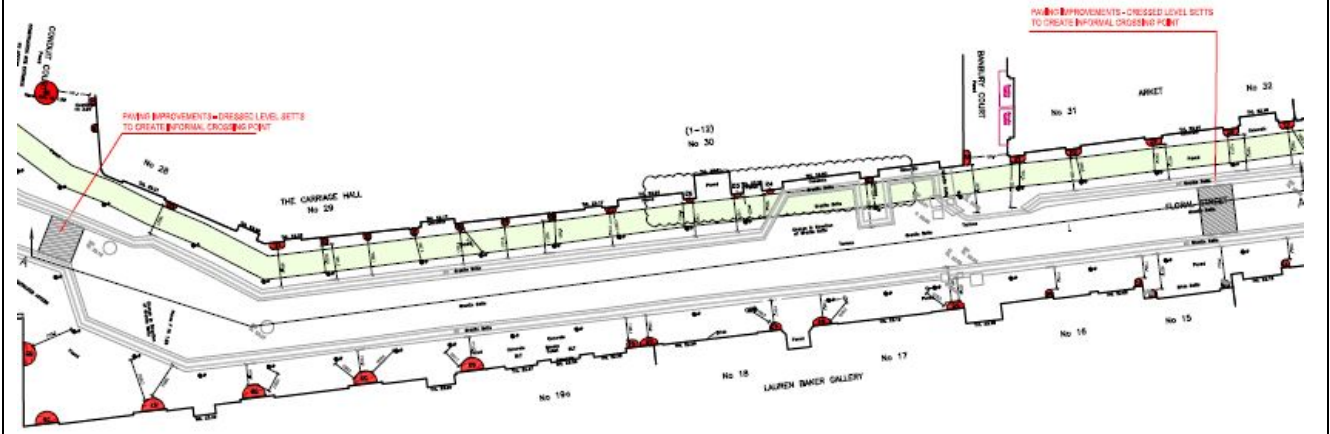
Existing East section



Proposed East section



Existing middle section



Proposed middle section

DRAFT DECISION LETTER

Address: Floral Street, London, ,

Proposal: Installation of planters on the highway and planters at first floor level to the north and south sides of Floral Street, with associated works.

Reference: 18/06759/FULL

Plan Nos: 90-LP001 rev.B; 90-LP002 rev.B; 90-LP003 rev.B; 90-LP004 rev.B; 90-LP005 rev.B; 90-LP006 rev.B; 90-LP007; 90-LP021; 90-LP022; 90-LP023; 90-LP021; 90-LP025; 90-LP026; 90-LP027; 90-LE101; 90-LE102; 90-LD101 rev.B; 90-LD103 rev.B; 90-LD104 rev.B; Maintenance schedule P2007611 RP 02 01 Rev R00 dated July 2018 prepared by BDP., , For information only: Design and access statement.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 The planters hereby approved may remain in place for no longer than 3 years following their installation. After that you must remove them and return the land to its previous condition. (C03CA)

Reason:

So that we can assess the effect of the planters in terms of their contribution to the 'greening' of the street in line with policy S38 of the City Plan (November 2016) and make sure it meets policies S41 of Westminster's City Plan (November 2016) and TRANS2 and TRANS3 of our Unitary Development Plan that we adopted in January 2007. (R03CB)

- 4 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 Covent Garden 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 apply to us for approval of a material sample of the planters. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved material sample.

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 Covent Garden 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)

- 6 The maintenance and cleansing of the planters must be carried out in accordance with the submitted Maintenance Schedule P2007611 RP 02 01 Rev R00 prepared by BDP dated July 2018.

Reason:

To make sure that the appearance of the site is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area and to protect the planting. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and DES 1, paras 10.108 to 10.128 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must not commence development until we have approved in writing appropriate arrangements to secure the following:

- i) provision of dressed level setts to carriageway to create two informal crossing points on Floral Street;
- ii) relocation of 10 bollards on the southern pavement of Floral Street.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

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 The planters at first floor levels should have the appropriate oversailing licence where necessary and the planters on the highway should have the appropriate licence under the Highways Act 1980.
- 3 Under Condition 8 we are likely to accept a legal agreement under Section 106 of the Town and County Planning Act to secure the relocation of the 10 bollards and the creation of 2 walkways within Floral Street as indicated within the drawings submitted before the installation of any planters on the public highways, all associated costs of which must be covered by the applicant

Please look at the template wordings for planning obligations (listed under 'Supplementary Planning Guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

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

Address: Floral Street, London, WC2

Proposal: Installation of screw fixings and associated plant wiring system to south facades of 14 Garrick Street, 27a Floral Street and Carriage Hall.

Reference: 18/06760/LBC

Plan Nos: 90-LP001 rev.B; 90-LP002 rev.B; 90-LP003 rev.B; 90-LP004 rev.B; 90-LP005 rev.B; 90-LP006 rev.B; 90-LP007; 90-LP021; 90-LP022; 90-LP023; 90-LP021; 90-LP025; 90-LP026; 90-LP027; 90-LE101; 90-LE102; 90-LD101 rev.B; 90-LD103rev.B; 90-LD104 rev.B. For information only: Design and access statement; Heritage Statement dated July 2017.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

3 You must apply to us for approval of a material sample of the planters. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved material sample.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation

Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -

In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2** You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)