

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 February 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>West Carriage Drive, London, W2 2UH,</b>		
<b>Proposal</b>	Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Road and South Carriage Drive.		
<b>Agent</b>	Abigail Kos		
<b>On behalf of</b>	Transport For London - Surface Transport		
<b>Registered Number</b>	15/09917/FULL	<b>Date amended/ completed</b>	23 October 2015
<b>Date Application Received</b>	23 October 2015		
<b>Historic Building Grade</b>	Serpentine Bridge listed Grade II		
<b>Conservation Area</b>	Knightsbridge/Royal Parks		

## 1. RECOMMENDATION

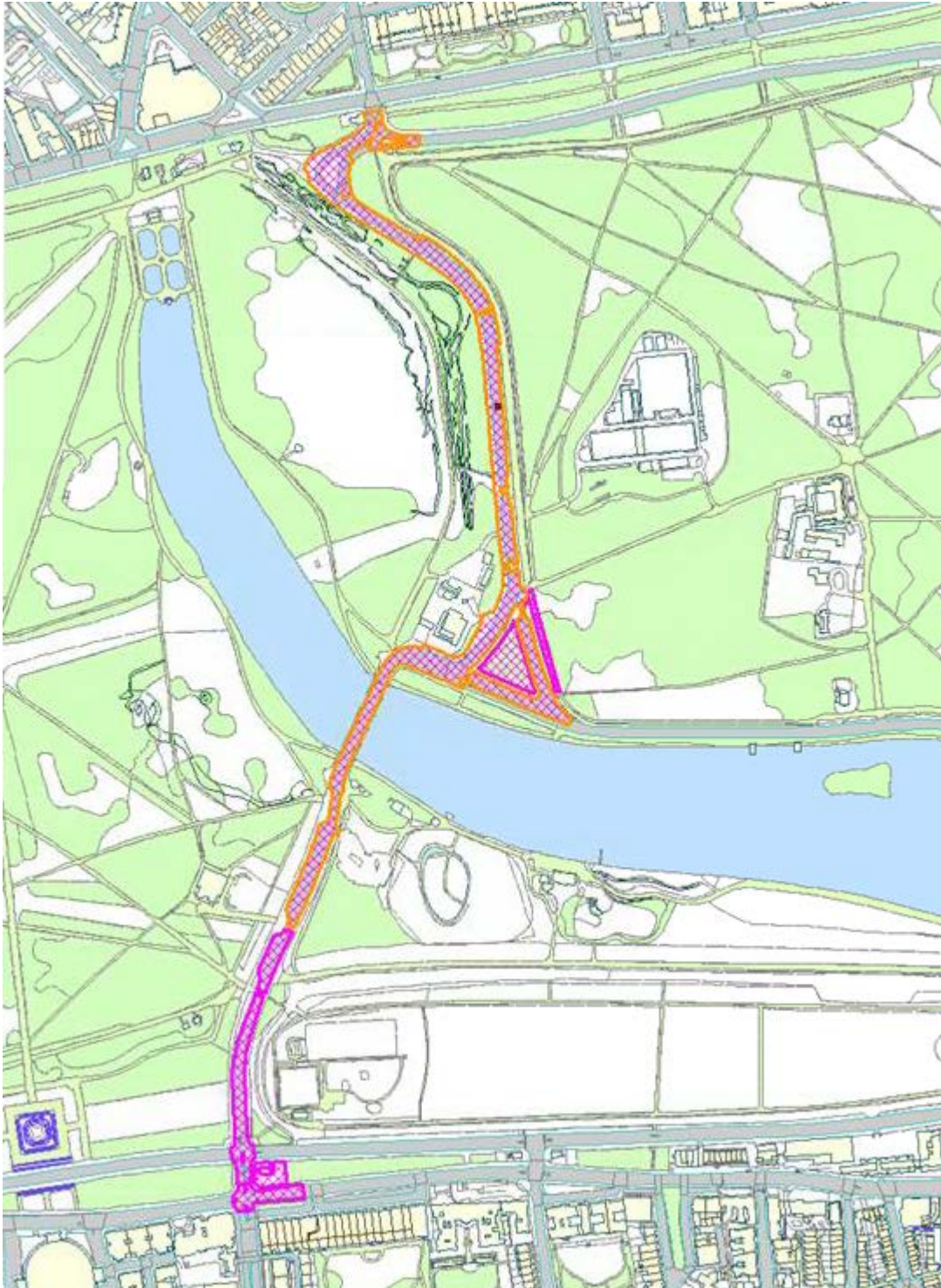
Grant conditional permission.

## 2. SUMMARY

The application is for works to West Carriage Drive within Hyde Park, to form part of the East-West cycle superhighway (EWCSH). It is proposed to create a segregated cycle route running adjacent to the southbound carriageway. The Licenced Taxi Drivers' Association (LTDA) have raised strong objections to the application on the grounds of inaccurate traffic modelling over the route as a whole. They also consider the segregated route presents a barrier for disabled people being picked up/dropped off by licenced taxis along West Carriage Drive. The other main concern is that this application should not be determined in advance of a ruling on a current Judicial Review regarding the whole East-West superhighway route brought about by the LTDA.

The objections are noted. It is not, however, considered that on this occasion they can be supported given the wider benefits of the proposed cycle superhighway and the application is considered acceptable in planning terms subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLANS



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4. PHOTOGRAPHS



West Carriage Drive (photo taken south of Serpentine Bridge)



West Carriage Drive (north of serpentine) with horse ride and footpath set back from carriageway.

## 5. CONSULTATIONS

Historic England

Authorisation to determine in line with national and local guidance.

The Royal Parks

Any response to be reported verbally.

Knightsbridge Association

Any response to be reported verbally.

South East Bayswater Residents Association

Any response to be reported verbally.

Friends Of Hyde Park & Kensington Gardens

Any response to be reported verbally.

Bayswater Residents Association

No comment.

London Historic Parks and Gardens

Any response to be reported verbally.

Thorney Island Society

No comment

Metropolitan Police - Property Services

Any response to be reported verbally.

Garden History Society

Any response to be reported verbally.

Highways Planning Manager

No objection.

Arboricultural Section

No objection subject to conditions.

Licenced Taxi Drivers Association (LTDA)

Object on the following grounds:

- Consider that planning permission is required for the entire East/West route.
- Any planning decision should be postponed until after the High Court has handed down judgement on the LTDA's application for Judicial Review.
- Do not consider that the traffic modelling for Lower Thames Street or Embankment is accurate. The works have led to greater vehicle congestion along the route and surrounding areas.
- The environmental impact is significantly worse than that originally predicted by TfL.
- TfL predictions for the use and take up by cyclists are flawed.

- Discrimination and accessibility issues for those less ambulant or wheelchair users requiring a black cab on West Carriage Drive – contend it is impossible to pick up/drop off on the southbound carriageway adjacent to the cycle route. There are no provisions to accommodate disabled access.
- Safety issues in that cyclists will be tempted to exceed the 20mph limit particularly southbound.
- Visitors unfamiliar with the concept of the cycle superhighway will potentially increase the risk of accidents and conflict with those cyclists familiar with the route.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site encompasses West Carriage Drive and small sections of South Carriage Drive and Serpentine Road at the points where they meet West Carriage Drive.

West Carriage Drive runs north/south across Hyde Park, essentially separating Hyde Park and Kensington Gardens. Hyde Park and Kensington Gardens are both Royal Parks and are designated as Metropolitan Open Land. They are a Grade I listed landscape.

The site is within the Royal Parks Conservation Area, and also the Knightsbridge Conservation Area at the southernmost point of the route. The proposed cycle route crosses the Grade II listed Serpentine Bridge.

To the south of the Serpentine Bridge, there are currently marked cycle routes adjacent to the vehicular carriageway on West Carriage Drive. They are marked routes at the same level as the footway; the northbound cycle route on the west side of the carriageway, and the southbound route on the east. There is no physical separation between the cycle route and the pedestrian footway.

Around the Serpentine Bridge area, the marked cycle route is within the carriageway, though is not physically separated from vehicles.

To the north of the Serpentine Bridge, there is a shared cycle/footpath which runs adjacent to the horse ride, and is well separated from the carriageway by a large grass verge.

### 6.2 Recent Relevant History

None directly relevant.

## **7. THE PROPOSAL**

This proposal forms part of the East West Cycle Superhighway Scheme currently being implemented by Transport for London on behalf of the Mayor. The East/West superhighway runs from Tower Hill to Paddington (with TfL consulting on extending the route beyond Paddington). A large section of the route proposed runs through the Royal Parks within Westminster, incorporating a route through St James's Park, Green Park and Hyde Park. This application solely relates to the section running along West Carriage Drive within Hyde Park. At the time of writing, applications have just been submitted for the sections of the route by St James's Park (Birdcage Walk and a section of the Mall) and along Constitution Hill, part of Green Park.

The cycle superhighway on West Carriage Drive will be a two way cycle lane, segregated from the vehicular route by a raised kerb. It is adjacent to the southbound vehicular lane. Works are currently underway to construct the cycle lane.

TfL do not consider that the works require planning permission as they believe that the construction of the cycle superhighway falls within 'permitted development' rights for highway authorities under Section 55 of the Town and Country Planning Act.

The LTDA contend that this position is wrong in law. The High Court have indicated, in granting permission for a Judicial Review of the entire route in respect of the need for planning permission, that there is an 'arguable case' that the Cycle Superhighway does require planning permission. The LTDA advise that a determination of this Judicial Review was to be made in early January 2016. The LTDA contend that any decision on this planning application should be postponed until after the High Court has handed down their judgment in respect of the application made by the LTDA for Judicial Review which is still awaited.

The maintenance and improvement of the public highway are generally exempt from the need for planning permission if undertaken by a local highway authority pursuant to s55 of the Act. In this instance however TfL is not the local highway authority for the Royal Parks, nor are the roads in question public highway, and as a consequence the City Council takes the view that planning permission is required. On land outside the Royal Parks, the council is satisfied that the normal s55 rights can apply to TfL and to other local highway authorities such as the City Council, acting as it's agent.

Although TfL do not agree with the City Council's view that permission is required for the Cycle Superhighway within the boundaries of the Royal Parks, they agreed to submit an application for planning permission.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

No change of use is proposed as such there are no land use issues to consider.

## 8.2 Townscape and Design

The palette of materials proposed for the works to the footway, highway and proposed cycle route is a combination of asphalt, bauxite, granite setts and bonded gravel. These are considered appropriate to the surroundings and wider Conservation Areas. Whilst there will be works to the carriageway going over the Grade II listed Serpentine Bridge, they are to the upper level of the carriageway (i.e. new and constantly renewed fabric); these works will not alter the stonework on the bridge itself or those elements of the bridge considered to have special interest. It is not considered therefore that the works require listed building consent. The works are not considered to have any impact upon the setting of any other listed structure near the proposed route within the Royal Park.

The finish of the asphalt to the cycle superhighway is generally blue, however, given the sensitivities of the surrounding environment, a scheme more consistent with the Royal Parks roads is considered preferable in this location. TfL have confirmed that the finish of the asphalt will be black for the cycle route and red for the carriageway (similar to the finish on the Mall, at the request of the Royal Parks).

The works are acceptable in design and conservation terms, in line with policies S25 and S28 of the City Plan and DES1, DES9, DES10 and DES12.

## 8.3 Residential Amenity

The proposed cycle superhighway is not considered to have any negative impact on the amenity of local residents.

## 8.4 Transportation

Policy S41 relates to pedestrian movement and sustainable transport, aiming to support walking and other sustainable transport modes, including cycling. UDP policy TRANS 9 aims to make cycling safer and to promote cycling as an alternative to the private car. Part A(1) of this policy states that the City Council will implement traffic management measures to aid cyclists and improve safety such as cycle lanes or advance stop lines. TRANS 2 (road safety) and TRANS 3 (pedestrians) are also of relevance.

The creation of the segregated routes means that there are some on-street parking spaces just off the northbound carriageway which will be reconfigured and retained. There will be no loss of on street parking as a result of the proposals.

The pavement widths are generally improved. It is considered the scheme offers greater protection for pedestrians by removing the existing cycle routes that are not physically separated from the footpath.

One of the major concerns of the LTDA relates to TfL's traffic modelling in respect of Lower Thames Street and Victoria Embankment. They do not consider the modelling is accurate and comment that the works to construct the EWCSH have led to greater vehicle congestion along the route and surrounding areas.

TfL state that their 'traffic assignment model' used to produce the traffic modelling on their predictions for the Cycle Superhighway are based, is one of the most detailed models of its kind in the world for an urban road network. They state that both the wider context and the areas local to each section of the route have been modelled. TfL consider that the modelling provides a robust picture of the likely traffic impacts arising from the Cycle Superhighway once completed. TfL acknowledge that during construction of the route, there will inevitably be disruption to the road network, and comment that the monitoring of traffic conditions will not be completely accurate until the construction of the EWCSH is finished.

As TfL are the strategic transport authority for London, it is not considered that the City Council is in a position to challenge the traffic modelling done in relation to the cycle route as a whole given it is a strategic project spanning multiple boroughs.

The LTDA consider that TfL's predictions for the level of use of the EWCSH are flawed. They contend that as, in their view, TfL's modelling for congestion/environmental impact is inaccurate, the same will apply to the predictions relating to the use of the finished cycle route.

TfL states that its predictions of future cycle flows are based on extensive monitoring of cycle trends, annual growth and the increase in cycle flows on Cycle Superhighway routes already in use. They note that cycling during the morning rush hour has trebled since 2000.

Given the specific policies with the London Plan and Westminster's statutory development plans in relation to cycling and segregated routes, the proposed cycle route is welcomed. There is not considered to be any robust evidence that the route would not be used.

## **8.5 Economic Considerations**

The economic benefits generated are welcomed.

## **8.6 Access**

The Licenced Taxi Drivers' Association have raised several issues regarding the potential impact upon the public being able to access black cabs from the pavement on West Carriage Drive. They make the point that black cabs are the only public carriage vehicles which are access compliant that run along West Carriage Drive. At present, cabs can stop on either side of the carriageway to pick up and set down passengers. The ramp within a cab is contained by the near side passenger door. With the cycle route in place therefore, it would be impossible for these taxis to stop and pick up/set down on the southbound carriageway. The LTDA comment that there are no provisions at all in the design of the cycle lane to improve access for disabled or less ambulant park users.

It is acknowledged that the proposals could potentially create a conflict and present issues for less ambulant people wishing to be picked up/dropped off on the southbound carriageway. As TfL correctly point out, the Superhighway will relocate the existing cycle track away from the western footway and onto the eastern carriageway, thus removing the existing conflict. For anyone wishing to take a cab or be dropped off on either footway, there is potential for conflict with cyclists given the existing cycle lanes are not physically separated from the footway. To the north of the Serpentine, on the east side of the



carriageway the footway is separated from the carriageway by a large grass verge and a sandy horse riding path – so accessing a taxi at this point is difficult in any event.

Clearly, the existing highway/footway layout presents potential conflicts for less ambulant people wishing to be picked up/set down on West Carriage Drive. With the cycle superhighway in place, there will not be the opportunity for cabs to access the kerb on the footway to the southbound section of carriageway to the south of the Serpentine in the same way they can at the moment. Officers consider that on balance, the benefit bought about by the presence of a segregated cycle lane in this location along with the improvements to the existing footways, outweighs the potential harm caused by a relatively small section of the southbound carriageway not being easily accessible for cab pick up/drop offs for less mobile park users.

Concern has also been raised about the speed of cyclists using the superhighway. The speed limit for all vehicles using this road is 30mph. Speed reducing measures are designed in to the route and include speed tables and rumble strips to slow cyclists at points where there is the potential for conflict with other park users (ie car park entrances, paths, other roads).

The LTDA also raise more general points about the safety of people who are unfamiliar with the area or local rules of the road, such as tourists. Hyde Park has a multitude of users with different requirements and conflict points inevitably arise. It is worth noting that throughout Hyde Park there are multiple shared routes used by cyclists and pedestrians, and it is not unusual to have shared routes. Officers do not consider there is any reason to believe that there would be increased danger to tourists from a well signposted, segregated cycle route. TfL state that they are working with the Royal Parks to provide new signage to help cyclists navigate through the park, encouraging the use of the shared routes by cyclists requiring a slower pace which may be more suitable for tourists seeking to experience the park.

It is not considered that the proposed cycle superhighway will prevent people accessing the park or travelling through it, and the proposals are in line with S29 Health, Safety and Wellbeing.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Trees**

The proposed works require the removal of four trees adjacent to West Carriage Drive. All these trees are young lime trees which are easily replaced. The City Council has already agreed to their removal under Section 211 notifications.

There are a number of trees in close proximity to the works. For the main part, any new surfacing will replace existing hard standing so it should be possible to minimise any impact on nearby trees. Insufficient information has been submitted in this regard, but this can be mitigated by a condition to secure further details of the ways in which retained trees will be protected.

### **Biodiversity**

Again, given that new surfacing generally replaces existing hard standing, it is not considered that there will be any undue impact on the biodiversity found in this part of

Hyde Park. The main impact is likely to be during construction works, which will only be temporary.

## **8.8 London Plan**

Of particular relevance in the consideration of this application are policies 6.1 and 6.9. Policy 6.1 encourages close integration between transport and development, part b aims to “improve the capacity and accessibility of public transport, walking and cycling, particularly in areas of greatest demand”. Policy 6.9 relates specifically to cycling, stating that the Mayor will “identify, promote and implement a network of cycle routes across London which will include Cycle Superhighways and Quietways”. Paragraph 6.36 states that the aim of the Mayor is to enhance the conditions for cycling by improving the quality of the cycling network and improving the safety of, priority for and access to cycling”

## **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 applicant has provided an ‘environmental evaluation report’ covering issues including biodiversity, cultural heritage, townscape, noise and vibration, emissions and water resources.

The principal impacts not already discussed in this report are noise/vibration and air quality.

In terms of noise, an assessment for impacts along the whole East-West route was carried out. In this park location, the report concludes that there would be a very slight decrease in noise levels from this road after the works are completed.

In terms of air quality, there is projected to be a slight improvement following the completion of works. There will be a short term potential increase in noise, vibration and diminution in air quality during construction work, however this is a temporary effect.

## **9. BACKGROUND PAPERS**

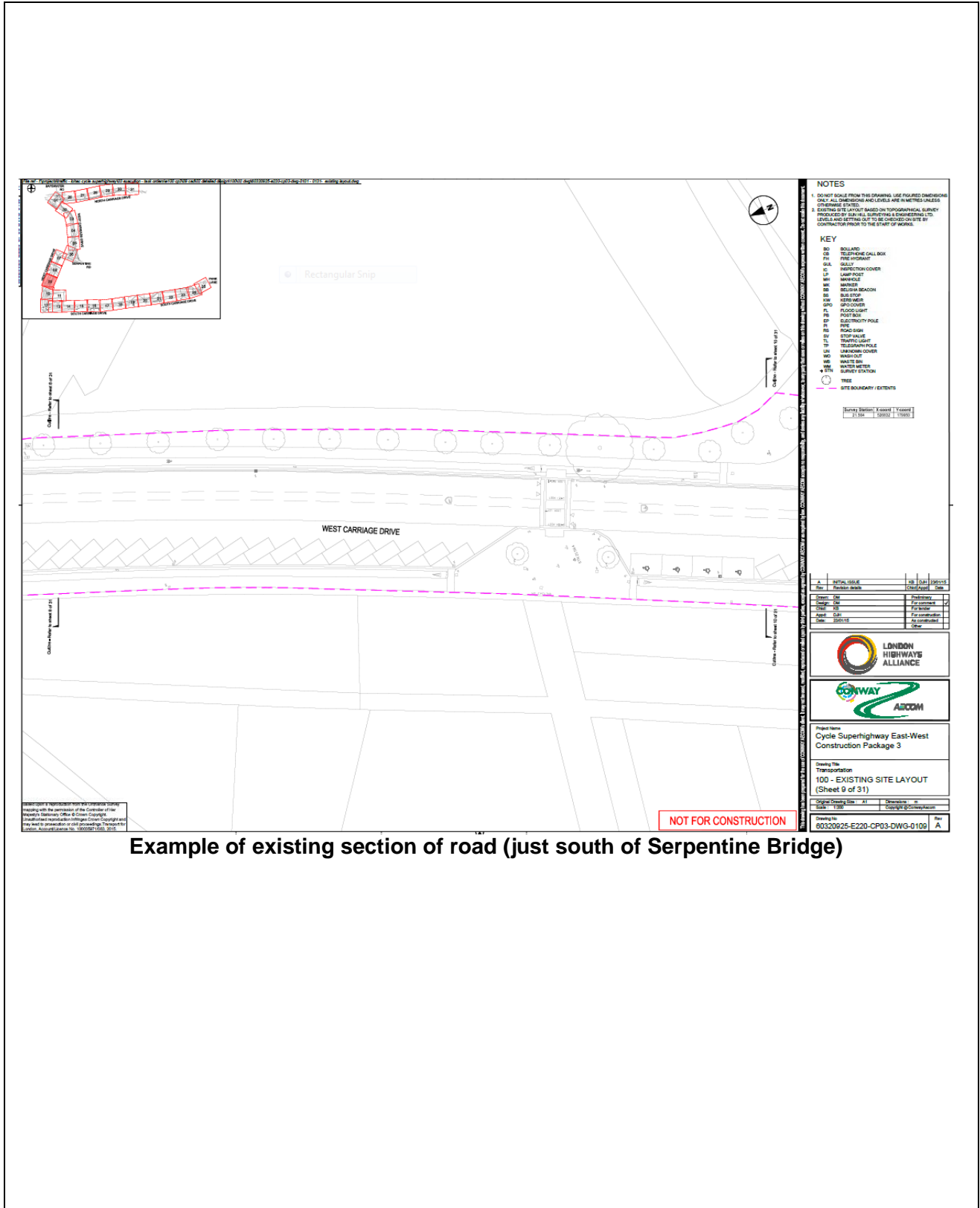
1. Application form
2. Response from Thorney Island Society, dated 16 November 2015
3. Response from Historic England (Listed Builds/Con Areas), dated 24 November 2015
4. Letter from the Bayswater Residents’ Association, dated 18 November 2015
5. Letter from the LTDA, Taxi House, 11 Woodfield Road, dated 29 December 2015

6. Response from TfL, received 27 January 2016.
7. Memorandum from the Arboricultural manager dated 7 January 2016.

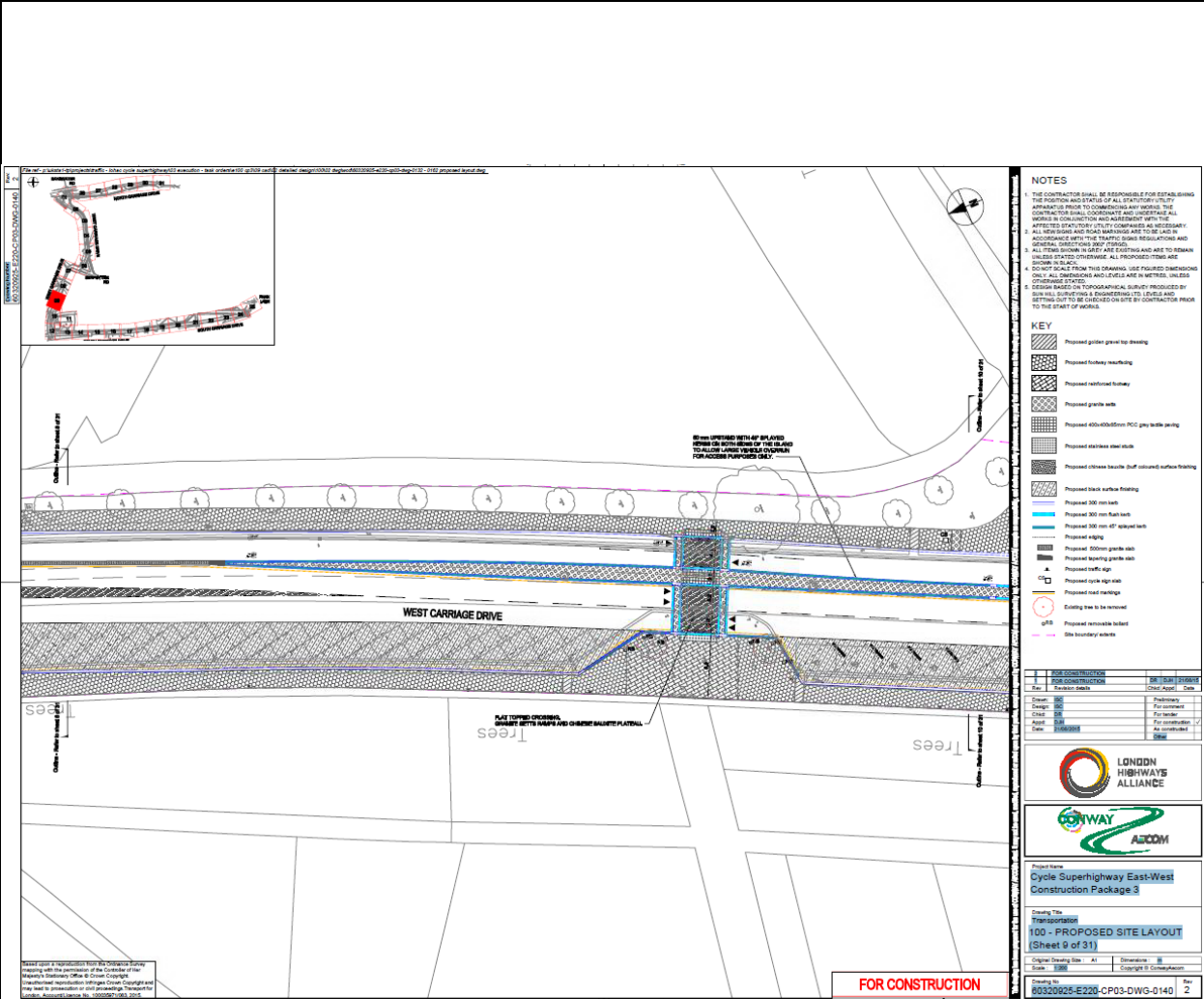
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY EMAIL AT <a href="mailto:mmason@westminster.gov.uk">mmason@westminster.gov.uk</a>
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10. KEY DRAWINGS



Example of existing section of road (just south of Serpentine Bridge)



Proposed layout for same section of road

**DRAFT DECISION LETTER**

**Address:** West Carriage Drive, London, W2 2UH,

**Proposal:** Segregated cycle route running through West Carriage Drive in Hyde Park as part of the East-West Cycle Superhighway and associated works. Route also includes part of Serpentine Rd and South Carriage Drive.

**Reference:** 15/09917/FULL

**Plan Nos:** Environmental Evaluation Report dated October 2015; Planning and Design statement dated 23 October 2015; site plan; detailed site plan pt1, pt2, pt3; 60320925-E220-CP03-DWG-0102A; 103A; 104A; 105A; 106A; 107A; 108A; 109A; 110A; 112A; 0133rev2; 0134 rev2; 0135 rev2; 0136 rev2; 0137 rev2; 0138 rev2; 0139 rev2; 0140 rev2; 0141 rev2; 0143 rev2.

**Case Officer:** Louise Francis

**Direct Tel. No.** 020 7641 2488

**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 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., , Noisy work  
must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on the approved drawings. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the

recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

**Reason:**

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 4 If you cut down any trees so you can build this development, you must plant replacement trees in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of similar size and species to the one originally planted. (C31KA)

**Reason:**

To protect the trees and the character and appearance of this part of the Royal Parks Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 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. (R31DC)

**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: Strategic Policies adopted November 2013, 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.

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.