

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 15 May 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Church Street	
<b>Subject of Report</b>	<b>Salisbury Street, Church Street, Broadley Street Gardens, Lisson Gardens And Lisson Street , London</b>		
<b>Proposal</b>	Public Realm works to Salisbury Street, Church Street, Broadley Gardens, Lisson Gardens and Lisson Street (Phase 1 of the Green Spine Project)		
<b>Agent</b>	Building Design Partnership (BDP)		
<b>On behalf of</b>	Westminster City Council		
<b>Registered Number</b>	17/06139/COFUL	<b>Date amended/ completed</b>	9 August 2017
<b>Date Application Received</b>	11 July 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Lisson Grove – part of site only.		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended).

## 2. SUMMARY

The application is comprised of public highway along the full length of Salisbury and Lisson Streets and part of Church and Ashmill Streets. It also includes the public parks at Broadley Street Gardens and Lisson Gardens.

It is largely outside a conservation area, although Lisson Gardens is located within the Lisson Grove Conservation Area. The Broadley Street Gardens, Lisson Gardens and Lisson Street parts of the site are also located within the Paddington and Lillestone Villages Site of Archaeological Importance. The entire site is also located within the North Westminster Economic Development Area. The application site is located within the Church Street Masterplan Area.

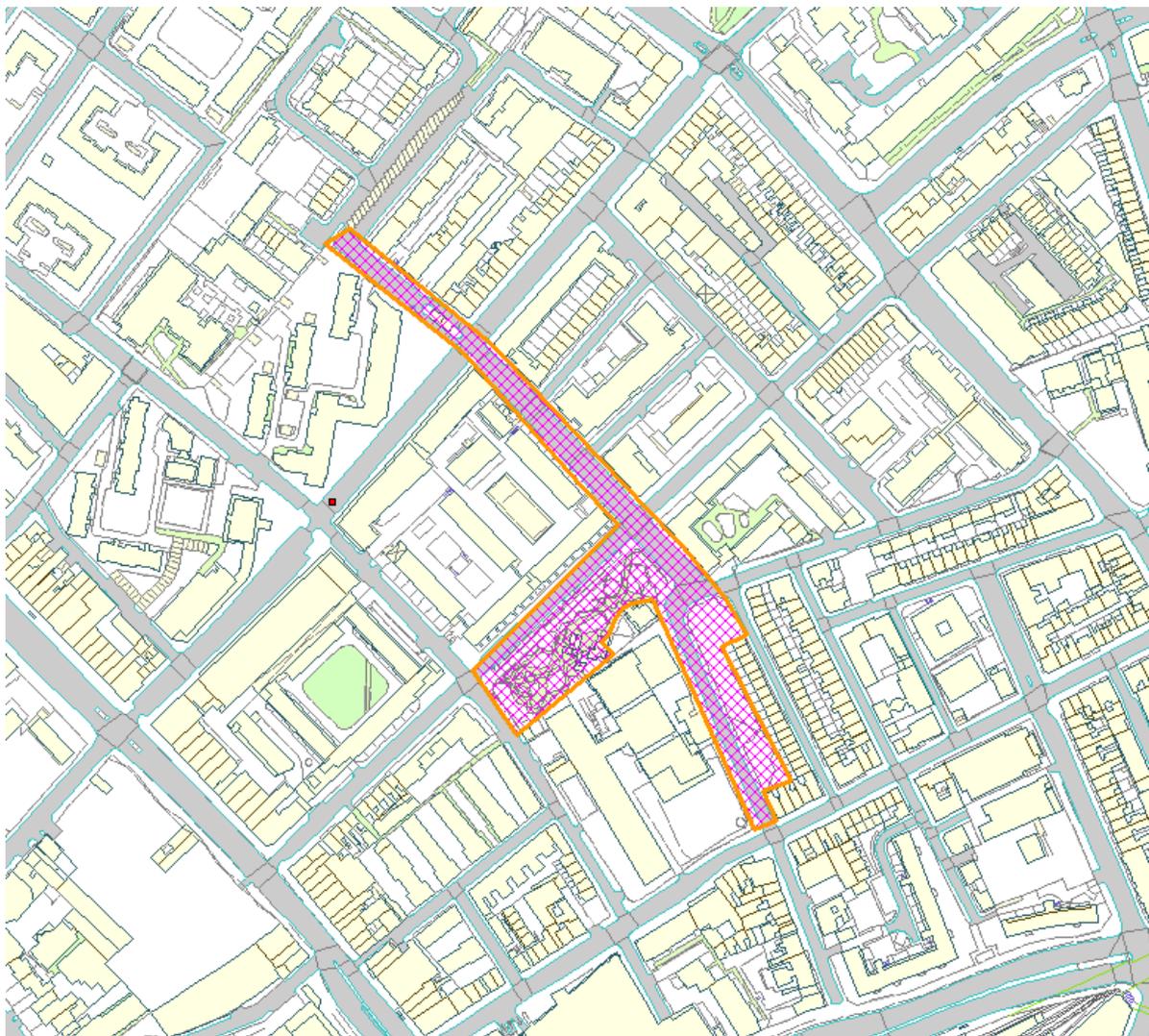
The applicant proposes public realm improvements to create a linear park connecting Fisherton Street (via the Luton Street development site) in the north to Bell Street in the south.

The key consideration are:

- Impact on the character and appearance of the area and the Lisson Grove Conservation Area;
- Impact on the highways function and safety;
- Impact on trees and biodiversity; and
- Impact on residential amenity.

Subject to the recommended conditions, the proposed development would accord with the development plan in all respects and it is therefore recommended that planning permission is granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



**Broadley Street Gardens (looking eastward from entrance at corner of Broadley and Penfold Streets)**



**Lisson Gardens (southern end)**



**Sunken Area and Arches at Northern End of Lisson Gardens**



**Lisson Street (looking northward)**



Salisbury Street (looking northward)

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR CHURCH STREET

Any response to be reported verbally.

### THAMES WATER

Any response to be reported verbally.

### NATURAL ENGLAND

Advise that they have no objection to the proposed development.

### ENVIRONMENT AGENCY

Any response to be reported verbally.

### DESIGNING OUT CRIME OFFICER – METROPOLITAN POLICE

Advise that they do not object to the proposals on the basis of crime and disorder. Concern raised in relation to the permeability of the site, especially given the recent rise in moped enabled crime across central London. The proposals layout has the potential to become targeted by offenders, as mopeds could commit crimes such as robbery within the park or use it as a way of escaping and evading the police who would not be able to follow them into the park. Recommend that the proposed park area is gated and fenced or blocked off at all sides so that it is not possible to drive a moped into the park. Access to the gates could be provided to emergency services access and kissing gates introduced for pedestrian access. If it is not possible to introduce gates then drop kerbs on the pavements adjacent to the park should be removed and street furniture and strategic landscaping should be used to in order to block off the routes as much as possible to discourage mopeds from driving through the park.

### WCC PARKS & GARDENS

Any response to be reported verbally.

### WCC CHILDREN'S SERVICES

Any response to be reported verbally.

### WCC SPORT & LEISURE

Any response to be reported verbally.

### BUILDING CONTROL

Advise that the proposal does not involve basement construction. Accordingly, no comments have been provided.

### LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Any response to be reported verbally.

### LONDON FIRE SERVICES

Any response to be reported verbally.

### CHURCH ST. LARP

Any response to be reported verbally.

## WASTE PROJECT OFFICER

Object. The proposed relocated micro recycling centre on Broadley Street is not acceptable. The design of the recycling centre requires users to stand on the edge of pavement which is very close to public highway used by vehicles. There is high risk of vehicle colliding with the users of the centre. This may also disrupt the free flow of traffic slowing down for the users. Recommend that timber screening posts are located close to the edge of the pavement to screen the bins from the street. Adjacent cycle stands would also make it impossible to access bins for collection. There are currently car parking spaces immediately adjacent to the proposed bins location which would not allow the refuse vehicle to stop and load if cars are parked at this location. A loading bay or single yellow line should be provided at this location to allow loading of waste bins.

## HIGHWAYS PLANNING MANAGER

The broad concepts of the proposal are considered noble and consistent with the objectives of policy S41 of the City Plan and TRANS3 of the UDP as they will improve the overall pedestrian environment.

It is unclear where existing parking will be relocated to or if these alternative locations are suitable to existing residents or visitors or why these locations are already not providing on-street car parking. Proposal may therefore be contrary to policy TRANS26 of the UDP.

Access to the on-street Micro Recycling Centre appears limited for pedestrians. This is a problem in terms of safety and needs to be re-designed. This should be conditioned.

The proposal is likely to have an effect on the surrounding highway network with some vehicle and bicycle traffic displaced. However, it is accepted that the overall local highway network will continue to operate in a similar fashion as to now.

Over and above items of street furniture which are required to be on the highway to support its primary function (including regulatory signage, street lighting, cycle parking, electric vehicle charging points, directional signage etc) concern is raised to the addition of non-essential street furniture (e.g. exercise equipment, game areas, public art etc). These items add to street clutter (especially if not maintained) and can become the locations of anti-social behaviour. It is noted that this scheme has been developed with the Highway Authority and therefore, while a concern is raised to the introduction of these items on the highway, an objection is not raised on this point in this instance.

The type of street furniture proposed is also primarily non-standard Westminster items. The use of such items may increase on-going maintenance costs and ability to replace damaged items. The acceptability will be subject to agreement of the Highway Authority during the detail design process.

A large amount of the proposal will require other statutory consents, which include their own required consultation process (e.g. TMO) It is also likely that once detail design of the highway scheme commences there will be a number of changes to the scheme (but

not the broad principles). As part of the detail design, formal Safety Audits will need to be undertaken and any issues arising addressed.

It is worth noting that the final decision on on-street parking is for the Council as Traffic Authority. As it a separate legal process, their outcome cannot be guaranteed with all representations carefully considered.

#### ARBORICULTURAL MANAGER

Seven trees are proposed to be removed. However, the proposed tree planting and green infrastructure has the potential to make a significant contribution to the public realm, and on that basis no objection is raised. Conditions can also be imposed to protect the trees to be retained.

The new tree planting is welcomed although the precise species of trees does still require some further consideration, and details of initial planting sizes should also be required by condition.

#### THE ST MARYLEBONE SOCIETY

Advise that they welcome the concept of the “Green spine”, but are disappointed in the extent of the works: a very limited intervention – could be much greener.

#### CHURCH STREET WARD NEIGHBOURHOOD FORUM

Welcome the concept of the Green Spine. They commend the following aspects:

- Enhancement of green space by linking Lisson Gardens and Broadley Gardens to create one larger integrated park;
- The greening and pedestrianisation of Lisson Street and the stretch of Salisbury Street south of Broadley Street;
- The provision of more and better quality play areas than is currently the case. The range of facilities ought to ensure that these appeal to different age groups;
- The fact that some additional trees will be planted and only a low number of existing trees removed, which are planned to be replaced;
- Quality and choice of the materials palette
- Good lighting will matter enormously, particularly to prevent antisocial behaviour at night and the proposed *Shuffle Pedestrian Path Lighting Column* appears to be innovative.

In their view, implementation of the Green Spine will have to be guided by the following:

- Regarding planting and maintenance, a good water supply throughout will be essential;
- Broad-leaved tree species should be avoided to ward off the risk of slippery surfaces. Perennial plants might be the best option for areas in close proximity to a drainage system that is already overstretched in the area;
- The design of the slope between the level of Lisson Street and the gardens of Octavia Housing both along and across Lisson Gardens appears to be addressed appropriately and innovatively. The configuration of the boundary between Lisson Gardens and the adjacent back gardens of Octavia Housing

properties will be critical. Should Anti-social Behaviour occur, they want to see tall fencing reinstated;

- Just as the footway between Bell Street and Ashmill Street follows a straight line for oversight and security reasons, so should the entrance paths from this footway to the two gates of King Solomon Academy (KSA) grounds.
- The Green Spine must provide a calm pedestrian environment. By contrast, Penfold Street, running parallel to the Green Spine, is the designated 'quietway' for cyclists and will have to be regulated and designed in a way that ensures cyclists' safety. Having such a clearly assigned route available to them, cyclists should be dissuaded from using the Green Spine;
- The Neighbourhood Keepers scheme, integral to the Futures Plan, should organise community gardening and maintenance and social activities on the Green Spine in a sustainable manner. However, the long-term maintenance and supervision cannot rely on volunteers, but will have to be carried out by paid, qualified staff;
- Providing several picnic tables with seats may not be a good idea in an area where rough sleeping and homelessness are an issue;
- As the public open-air barbecue brick plinths involve the use of fire, any provision of this kind has to be carefully weighed up against the risk of misuse;
- Bioretention systems or SUDS are most successful where they can take in relatively clean water from roof surfaces. Water from carriageways and even from pavements is likely to contain debris and contaminants. Object to SUDS on Salisbury Street if this risk cannot be ruled out. It appears that the SUDS planned for Broadley Gardens will be solely fed from the surrounding green and paved area, hence the water volume they will capture may be minimal.

They strongly criticise and ask for changes to be made regarding the following:

- Providing play space at both the western and eastern end of Broadley Gardens risks drowning out all other uses and depriving the neighbourhood of areas for tranquil relaxation and recreation. As a variety of activity spaces are provided on Salisbury Street and on what is currently the Lisson Street area of the Green Spine, one side of Broadley Gardens should be reserved for the above described recreation purposes;
- No bio-retention systems or SUDS should be installed in areas less than 50 metres away from Church Street market. The market generates a lot of litter which will likely be blown in and accumulate in these, making them difficult and costly to manage.
- Where publicly accessible green space is as deficient as in Church Street, none of it should be lost for public use. Regret therefore that this opportunity to relocate the nursery occupying a significant space of Broadley Gardens that could otherwise serve recreational purposes and possibly deliver a small community gardening hub and much needed public toilets.
- Also note the masterplan's clear envisioning of a central community hub on site B, adjacent to Salisbury Street. With the high footfall that such a hub would generate, the pavement should be planned wider on the western side of Salisbury Street than is currently the case.

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

No. Consulted: 690  
Total No. of replies: 6  
No. of objections: 6  
No. in support: 0

In summary, the objectors raise the following issues:

- Loss of mature trees. It would be more cost effective and aesthetically pleasing to retain them;
- The deck area for informal events near the intersection of Ashmill and Ranston Streets would result in noise and disturbance for nearby residents. Request that this area is turned into a garden area;
- Closure of Lisson and Salisbury Streets may result in traffic congestion on other streets, particularly Ranston and Ashmill Streets. Request that traffic is limited somehow in Ranston Street;
- There will be a greater need for supervision and policing of the area as it will be a much larger public space and there have been problems with rough sleepers and anti-social behaviour.
- The fence erected around Lisson Gardens was erected because of serious security concerns. The existing fencing is not high enough and its removal would not give proper protection from physical intrusion and noise;
- The proposals are dominated by children's play areas, at the expense of the needs of other park users, particularly the elderly and disabled;
- The 'informal play area' and the 'play structures' should be moved to adjacent to the toddler play area. This creates a clear children's zone, where parents are able to better supervise and ensure their safety. Separating children's play areas by age groups will make it difficult for parents to supervise both;
- The gardens need to function as gardens (i.e. providing space for relaxation and creating decorative flower beds) and not a giant play area;
- CCTV and street lighting should be installed and monitored; and
- Raising of the ground level at the rear of 67,69 and 71 Bell Street may cause damp issues for those properties.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application is comprised of public highway along the full length of Salisbury and Lisson Streets and part of Church and Ashmill Streets. It also includes the public parks at Broadley Street Gardens and Lisson Gardens.

It is largely outside a conservation area, although Lisson Gardens is located within the Lisson Grove Conservation Area. No listed buildings are located within the application site. However, a Grade 2\* Listed Building is located at King Solomon Academy, to the south of Broadley Street Gardens (Marylebone Lower North Westminster Community

School). A Grade 2 Listed Terrace is also located on land to the east of Lisson Gardens (21-37 Ranston Street). The Broadley Street Gardens, Lisson Gardens and Lisson Street parts of the site are also located within the Paddington and Lillestone Villages Site of Archaeological Importance.

The part of Church Street that forms part of the application site is located within the Core Frontage of the Church Street and Edgware Road District Shopping Centre. The entire site is also located within the North Westminster Economic Development Area.

Although not part of the development plan, the application site is located within the Church Street Masterplan Area. The masterplan builds on the Futures Plan, which was agreed in 2012, other developments underway in or nearby the area, and those that will start in 2018. It provides a renewed focus for the regeneration of Church Street.

Overall, the Church Street Masterplan includes proposals for around 1,750 new homes of all types, including more affordable homes for local people; a 40% increase in publicly accessible open space; a health and well-being hub and a new community hub; and improved access throughout the area by balancing the relationship between pedestrians, cars and bicycles.

The application site also abuts the Luton Street development site at its north-western end. At their meeting on 13 February 2018, Planning Applications Committee 2 resolved to grant permission for redevelopment of that site (see ref: 17/08619/FULL). That permission includes a further extension of the green spine to Fisherton Street.

## 6.2 Recent Relevant History

### Within Application Site

Within the application site the following applications at Broadley Street Gardens are relevant. There is no other relevant history for the application site.

09/01839/COFUL - Construction of boundary wall, railings and gates and engineering operations associated with the redesign of the gardens.  
Granted – 13 August 2009

10/07980/COFUL - Erection of a single storey building for social and community use and for the park keeper, associated external play area, park keepers compound and fencing.  
Granted – 30 September 2010

### Outside Application Site

The application site adjoins the Luton Street development site to the north west. The following application is relevant to the proposed development:

17/08619/FULL - Demolition of buildings and redevelopment to provide two six storey buildings above lower ground and row of three storey townhouses comprising up to 168 residential units with ancillary facilities (Class C3) and a Sports Hall (Class D2), and associated car park, energy centre and all other works incidental to the proposed development.

Resolution to Grant – 13 February 2018

## 7. THE PROPOSAL

The applicant proposes public realm improvements to create a linear park connecting Fisherton Street (via the Luton Street development site) in the north to Bell Street in the south.

The proposed development would be the first phase of the Green Spine proposed within the Church Street Masterplan. As set out in the Church Street Masterplan, the wider Green Spine would extend beyond the Luton Street development site to the Fisherton Estate and Orange Park to form a new linear park that creates a pedestrian focussed route running north-south through the Church Street area.

A detailed description of each section of the proposed development is set out below.

### Lisson Street and Lisson Gardens

In Lisson Street and Lisson Gardens, the proposal includes the following:

- Closing Lisson Street to vehicular traffic and replacement of the carriageway with a 3.5 m wide pedestrian footway. This would be demarcated by a resin bonded surface;
- Removal of fencing between Lisson Street and Lisson Gardens to create one contiguous park area;
- Creation of a series of stepped terraces across Lisson Gardens and at its northern end to mediate between the higher ground at street level and the lower ground within Lisson Gardens. These terraces would also allow for a flexible amphitheatre space at the northern end of Lisson Gardens.
- Introduction of separate play areas for children of all ages at five points along the new pedestrian footway;
- Introduction of new street furniture throughout, including park benches, litter bins, lighting columns and bicycle stands;
- Removal of five trees; and
- Substantial increase in soft landscaping to include new trees, shrubs and lawn areas throughout. The planted area adjacent to the rear gardens in Ranston Street would include and screen a 1.8 m high security fence.

### Broadley Street Gardens and Lisson Street, Ashmill Street and Broadley Street Junction

In Broadley Street Gardens and at the Lisson, Ashmill and Broadley Street Junction, the proposal includes the following:

- The junction of Lisson, Ashmill and Broadley Streets would be closed to vehicular traffic. Walkways would be introduced in approximately the same position as the existing carriageways and desire lines in the area. The applicant proposes informal use of this space for informal community events and food, market and/or coffee stalls;

- Introduction of a mixed age play area at the eastern end of Broadley Street Gardens;
- Introduction of a toddler play area at the south-western end of Broadley Street Gardens. This area would be surrounded by a 1.2 m high fence;
- Introduction of a flexible lawn area on the northern side of the semi-circular path that currently bisects Broadley Street Gardens;
- Introduction of a community garden space on the southern side of Broadley Street Gardens;
- Introduction of bio-retention swales on the southern side of Broadley Street;
- Relocation of the micro-recycling centre within Lisson Street to the southern side of Broadley Street, near the present junction of Broadley and Lisson Streets;
- Introduction of new street furniture throughout, including park benches, litter bins, light columns, picnic tables and bicycle stands;
- Space for an art installation at the corner of Lisson and Ashmill Streets;
- Removal of two trees; and
- Substantial increase in soft landscaping to include new trees, shrubs and lawn areas throughout.

### Salisbury Street

In Salisbury Street, the following is proposed:

- Reduction of the carriageway width, closing Salisbury Street to northbound vehicular traffic. Tegula pavers would be introduced to the carriageway surface and raised platforms introduced at the junction of Salisbury and Church Streets to make Salisbury Street a pedestrian priority area;
- Increase in footpath width and introduction of bio-retention swales on the north-eastern side of Salisbury Street. The bio-retention swales would include additional trees and shrubs;
- Introduction of play and exercise equipment in two areas on the north-eastern side of Salisbury Street;
- Introduction of new street furniture throughout, including timber benches, litter bins, light columns and bicycle stands; and
- Retention of the existing toilet block on the northern side of the junction of Church and Salisbury Streets.

## **8. DETAILED CONSIDERATIONS**

It is important to note that almost all of the development proposed under this application benefits from permitted development rights pursuant to Parts 9 and 12 of Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, it could take place without planning permission from the City Council as Local Planning Authority and this a relevant material consideration for the purposes of the assessment below.

## 8.1 Land Use

Policy S12 of the City Plan encourages development that, inter alia, improve the public realm and local environment, particularly within Shopping Centres and housing estates. As the application site bisects the Church Street/Edgware Road District Shopping Centre and is located adjacent to several housing estates. The proposal is also a public recreation facility and therefore a form of Social and Community facility. Policy S34 of the City Plan encourages the provision of new social and community facilities throughout Westminster. Accordingly, the proposed development is consistent with policies S12 and S34 of the City Plan.

The proposal would also enhance and expand Westminster's open space and green infrastructure. It is therefore consistent with policies S35 and S38 of the City Plan.

The introduction of pedestrian only and pedestrian priority areas would also be consistent with policy S41 of the City Plan and TRANS3 of the UDP.

The proposed development does not result in the loss of any areas of open space that are an important part of the townscape, characteristic features of a conservation area, provide the setting of a listed building or are of significant ecological value. The alterations to Lisson Gardens do not result in the loss of or harm to any features of significance to the Lisson Grove Conservation Area or the listed buildings at King Solomon Academy and 21-37 Ranston Street. Accordingly, the proposed development is consistent with policy DES 12 of the UDP.

Given the above, the proposed development is acceptable in principle.

## 8.2 Townscape and Design

Currently Lisson Street is presented in standard form with pavements and tarmac road, and as such it integrates seamlessly with the surrounding street network. Policy DES 1 of the Unitary Development Plan considers that development should maintain the character, scale, and pattern of historic squares, streets, lanes, mews and passageways, and improve the quality of spaces between buildings showing careful attention to such issues as use and surface treatment.

Lisson Street will have a marked different character under these proposals, and will no longer form part of a seamless street network as its significant landscaping will mark it out as a differing type of space than surrounding streets. The character of the street has however changed a number of times since its initial construction in the mid 19<sup>th</sup> century, having originally been closed off at the north end, then opened out and widened, then truncated by the construction of the Marylebone Road, then with the buildings flanking both sides of the street edge removed. It is also important to recognise that the street will remain visually open to the street network, though significantly more landscaped. The landscaping itself will add a good degree of character and attractiveness to the area and will represent a considerable improvement in its appearance. Overall, the improvement to the appearance is significant and, as set out elsewhere in the report, it will form an integral part of the longer term ambition to create a green spine through the Lisson Grove area, as set out elsewhere in the report. As such, the treatment of the street in this manner is considered acceptable and

in line with policy given the very specific considerations of this case. The landscaping improvements north of the junction of Broadley Street are more modest but nonetheless will introduce some attractive greenery into the street scene, which is also welcomed.

The mural proposed would be located on the northern end of the Grade 2 listed terrace at 21-37 Ranston Street. However, it would be painted on the remnants of a London stock brick party wall that formed part of a terrace house that has since been demolished. This wall appears to be listed by virtue of its attachment to 21 Ranston Street but has none of the features noted of significance in the list description. Accordingly, and subject to a condition requiring details of the mural, it would preserve the special architectural and historic interest of this listed terrace and the character and appearance of the Lisson Grove Conservation Area. A condition is also recommended to secure full details of the art installations proposed. Subject to this condition, the proposed artworks would not harm the character and appearance of the area.

To Broadley Street, the loss of definition to the streetscape through the removal of the existing railings around the park would give a lesser definition to the street scene. However, the overall benefits from the attractive landscaping being created outweighs this concern.

The street furniture proposed is of a high standard, either being bespoke items or standard Westminster City Council items. It would also be unobtrusive and designed as integral parts of the overall design strategy and palette of materials to be used throughout the Green Spine.

Part of the application site is located within an Archaeological Priority Area and the proposed development involves excavation and level changes throughout the site. Accordingly, a condition is recommended to safeguard archaeological remains that may be found on-site.

Overall, the works would create an attractive landscaped area and add activity and vibrancy to this part of Lisson Grove. Accordingly, and subject to the recommended condition, the proposed development is consistent with policies S25 of the City Plan and policies DES 1, DES 7 and DES 11 of the UDP and the Westminster Way SPD (2011).

### **8.3 Transportation/Parking**

As noted above, the Highways Planning Manager has reviewed the proposed development.

Objectors are concerned that the proposed closure of Lisson Street to vehicular traffic and the closure of one traffic lane on Salisbury Road would result in traffic congestion and disruption on surrounding streets. Whilst this concern is understood, the Highways Planning Manager has noted that the overall local highway network would continue to operate in a similar fashion to the present. Accordingly, and given the strong encouragement for schemes that prioritise pedestrian movement in policy S41 of the City Plan and policy TRANS 3 of the UDP, an objection on this basis would not be sustainable.

Policy TRANS 26 of the UDP seeks to prevent the loss of existing on-street parking spaces. The application documents indicate that 30 on-street parking spaces would be lost, and only 10 would be re-provided (i.e. a net loss of 20 spaces). The 10 spaces proposed would be located outside the application site and it is unclear if these alternative locations are suitable to existing residents or visitors. It is also unclear why these locations are already not providing on-street car parking (e.g. potentially locations are kept clear to aid traffic flow or allow for servicing). Accordingly, the proposed development would not be consistent with policy TRANS 23 of the UDP.

However, the applicant is also Highways Authority in this instance and could reconfigure on-street parking arrangements without planning permission, pursuant to a Traffic Management Order made under the Road Traffic Regulation Act 1984. The Traffic Management Order would require a separate consultation process that may result in changes to the final arrangement of on-street parking on the application site but planning permission is not required for this. Given this, as well as the proposed developments aim to prioritise pedestrian movement in the area, in accordance with policies S41 and TRANS 3 of the UDP, an objection to the development on this basis would not be sustainable.

The Highways Planning Manager and Waste Project Officer are concerned that there is little space around the micro recycling centre and this may result in users having to stand on the carriageway. This would disrupt traffic flow and increase the potential for vehicles to collide with pedestrians in this area. To address this, a condition is recommended that requires the relocation or redesign of the micro-recycling centre and/or its immediate surrounds.

#### **8.4 Residential Amenity**

The proposed development does not change the use of the application site as public realm and it is therefore anticipated that it will not result in unacceptable increases in noise or disturbance for the occupants of neighbouring residential properties. It also does not include the construction of substantial structures capable of causing material loss of light or sense of enclosure for the occupants of neighbouring residential properties.

Objectors are concerned that the removal of the fencing separating Lisson Gardens from Lisson Grove may decrease security for the occupants of properties within Ranston and Bell Streets. However, the applicant proposes replacing this with a 1.8 m high wire mesh fence within a defensible landscaped area on the eastern side of Lisson Gardens. This arrangement is considered appropriate for maintaining the security of these properties.

The applicant proposes using the new amphitheatre within Lisson Gardens and the square at around the junction of Lisson, Ashmill and Salisbury Streets for events. Objectors are concerned that this will give rise to noise and disturbance from nearby residents and no details of these events have provided. It is recommended that details of these events are secured by condition to ensure that they do not harm the residential amenity of neighbouring properties.

Overall, and subject to the recommended conditions, the proposed development would be consistent with policies S29 of the City Plan and policies ENV 6 and ENV 13 of the UDP.

## **8.5 Economic Considerations**

The proposed development would increase footfall through the Church Street District Shopping Centre which would support businesses and the Church Street Market.

## **8.6 Access**

The proposed works retain level access throughout the application site.

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

### **8.7.1 Trees and Biodiversity**

Objectors are concerned that the proposal will result in the loss of mature trees on-site. Seven trees are proposed to be removed. Of the trees identified, the loss of the London Plane and Norway Maple trees within Lisson Gardens are the most regrettable as they are the higher quality and most prominent specimens. However, and on balance the proposed tree planting and green infrastructure has the potential to make a significant contribution to the public realm. On that basis, the Arboricultural Manager raises no objection to their loss.

The proposal includes level changes across the site that have the potential to harm the health and wellbeing of trees to be retained on the application site. However, the Arboricultural Manager is satisfied that conditions can be imposed to safeguard the trees to be retained and a condition to this effect is recommended.

The uplift in tree numbers across the site is welcomed. However, the Arboricultural Manager notes that the precise species of trees requires some further consideration, and details of initial planting sizes should also be specified. Accordingly, a condition is recommended to secure these details.

The proposed development would greatly increase greening throughout the site. The area between the new security fence proposed and the rear of sites in Ranston and Bell Streets would also be protected, with public access restricted. Accordingly, the proposal would greatly increase habitat throughout the site.

Given the above and subject to the recommended conditions, the proposed development would be consistent with policy S38 of the City Plan and ENV 16 and ENV 17 of the UDP.

### **8.7.2 Sustainable Urban Drainage Systems (SUDS)**

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The proposed development includes bio-retention swales along Broadley and Salisbury Streets. These and the increase in greenery across the site would slow run-off from the application site. Whilst this would not achieve greenfield run-off rates, it would provide increased attenuation at source for run-off from the proposed development.

Objectors note that bio-retention swales should not be provided within 50 metres of Church Street as they are likely to be blocked by litter from the market. Objectors are also concerned that polluted run-off from Salisbury Street may compromise the success of these swales. However, it is anticipated that litter that may collect in the swales will be collected as part of routine maintenance of the green spine and the market. It is also understood that plant species can be selected that will thrive despite polluted run-off from Salisbury Street. Accordingly, this objection is not considered sustainable and the drainage system proposed is considered acceptable.

### **8.7.3 Crime Prevention**

The Designing Out Crime Officer raises no serious concerns with the proposed development. However, they are concerned that the permeability of the site may assist moped enabled crime on-site. Accordingly, they have recommended that the proposed park area is gated and fenced or blocked off at all sides so that it is not possible to drive a moped into the park. If this is not possible, they have suggested the removal of drop kerbs adjacent to the park and the placement of street furniture and strategic landscaping to block off routes as much as possible and discourage mopeds from driving through the park. A condition is therefore recommended to secure these measures.

### **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**

This application is not large enough to require an Environmental Impact Assessment.

### **8.12 Other Issues**

The issues raised in the representations received are largely addressed above. However, the following is also noted:

Supervision and Policing of the Area

Objectors are concerned that the larger area of public realm proposed will increase rough sleeping and anti-social behaviour in the area. However, and as noted above the Designing Our Crime Officer has not objected to the proposal or noted this as an issue of concern. The proposal would also increase passive surveillance of the area through increased footfall and activity throughout the area. The proposal also seeks to close several areas where rough sleeping has been a problem, such as the arches within Lisson Gardens. Accordingly, this objection is not considered sustainable.

#### Extent of Children's Play Area

Objectors are concerned that the proposals are dominated by children's play areas and that the play areas within Bradley Street Gardens should be moved adjacent to each other.

However, the drawings submitted indicate that there is a roughly equal split between play areas and non-play areas. This is not considered excessive and an objection on this basis would not be sustainable.

#### Damp Issues for Properties in Bell Street

An objector is concerned that increasing ground levels on the boundary with properties in Bell Street may breach the damp courses for those properties, causing damage to them.

The applicant has provided cross sections through this part of the application site and confirmed that there will be no level changes on the boundary with these properties. Accordingly, an objection on this basis would not be sustainable.

## **9. BACKGROUND PAPERS**

1. Application form
2. Letter from Natural England, dated 12 September 2017
3. Letter from Designing Out Crime Officer, dated 14 September 2017
4. Response from Highways Planning Manager, dated 13 November 2017
5. Response from Waste Project Officer, dated 19 September 2017
6. Response from Building Control Officer, dated 25 September 2017
7. Response from Arboricultural Manager, dated 2 May 2018
8. Response from The St Marylebone Society, dated 14 September 2017
9. Response from Church Street Ward Neighbourhood Forum, dated 6 November 2017
10. Letter from occupier of 10 Lyon House, Broadley Street, dated 9 September 2017
11. Letter from occupier of 20 b Ranston Street, Marylebone, dated 19 September 2017
12. Letter from occupier of Flat 4 , 71 Bell Street, London, dated 21 November 2017
13. Letter from occupier of 2 Frith House, Frampton Street, dated 3 November 2017
14. Letter from occupier of 23 Ranston Street, London, dated 19 September 2017
15. Letter from occupier of 70 Blenheim Crescent, South Croydon, dated 14 November 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: NATHAN BARRETT BY EMAIL AT <a href="mailto:nbarrett@westminster.gov.uk">nbarrett@westminster.gov.uk</a>
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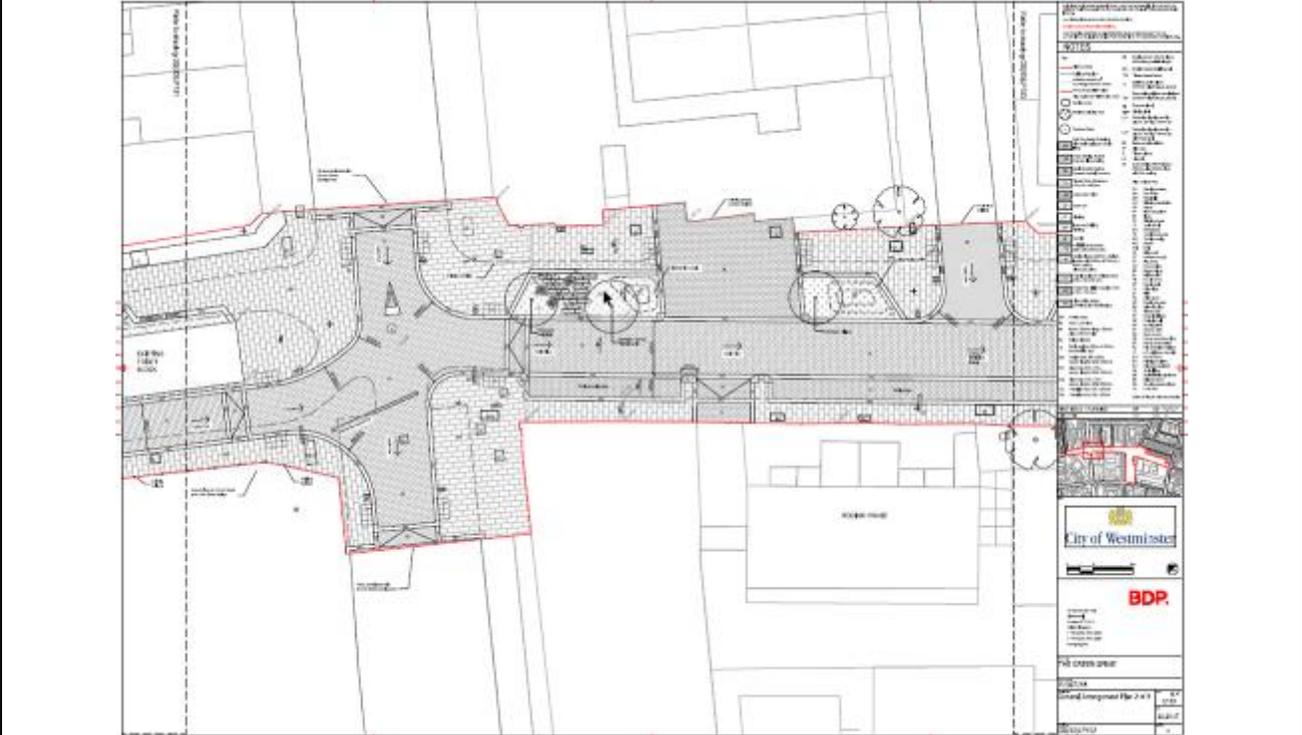
10. KEY DRAWINGS



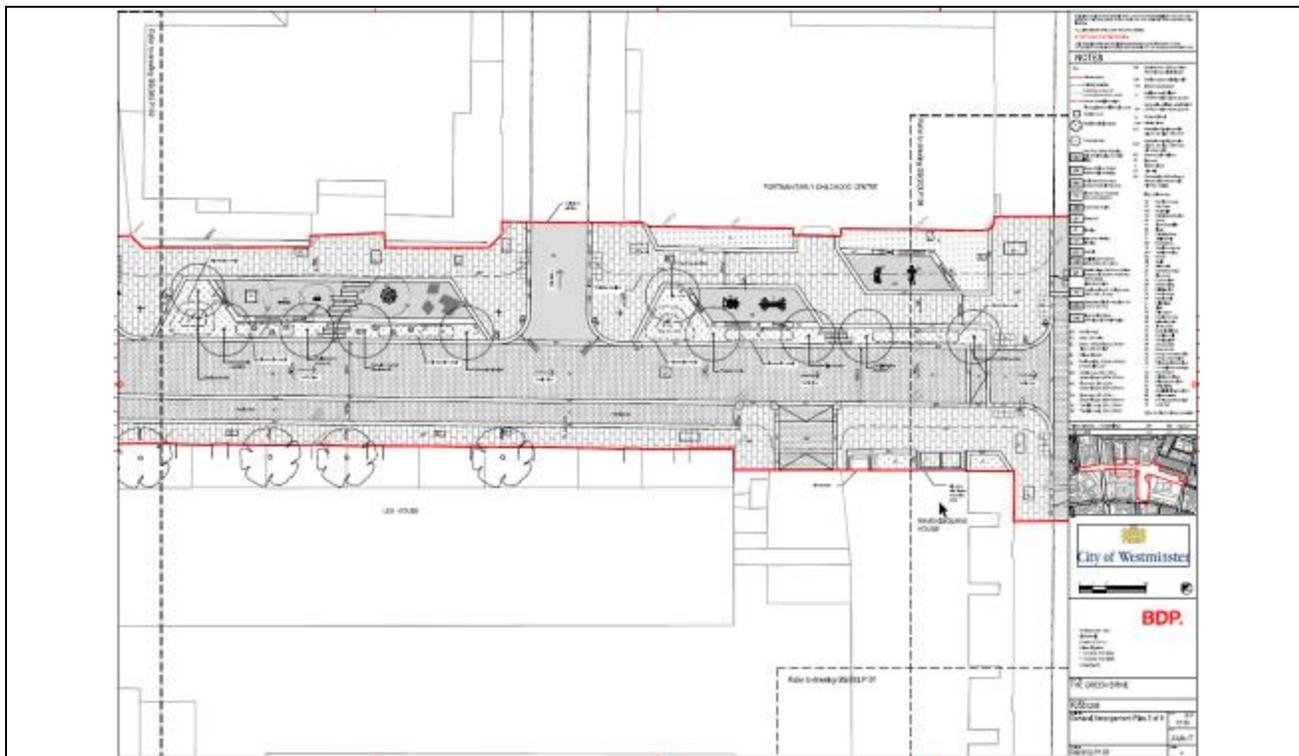
Proposed Master Plan



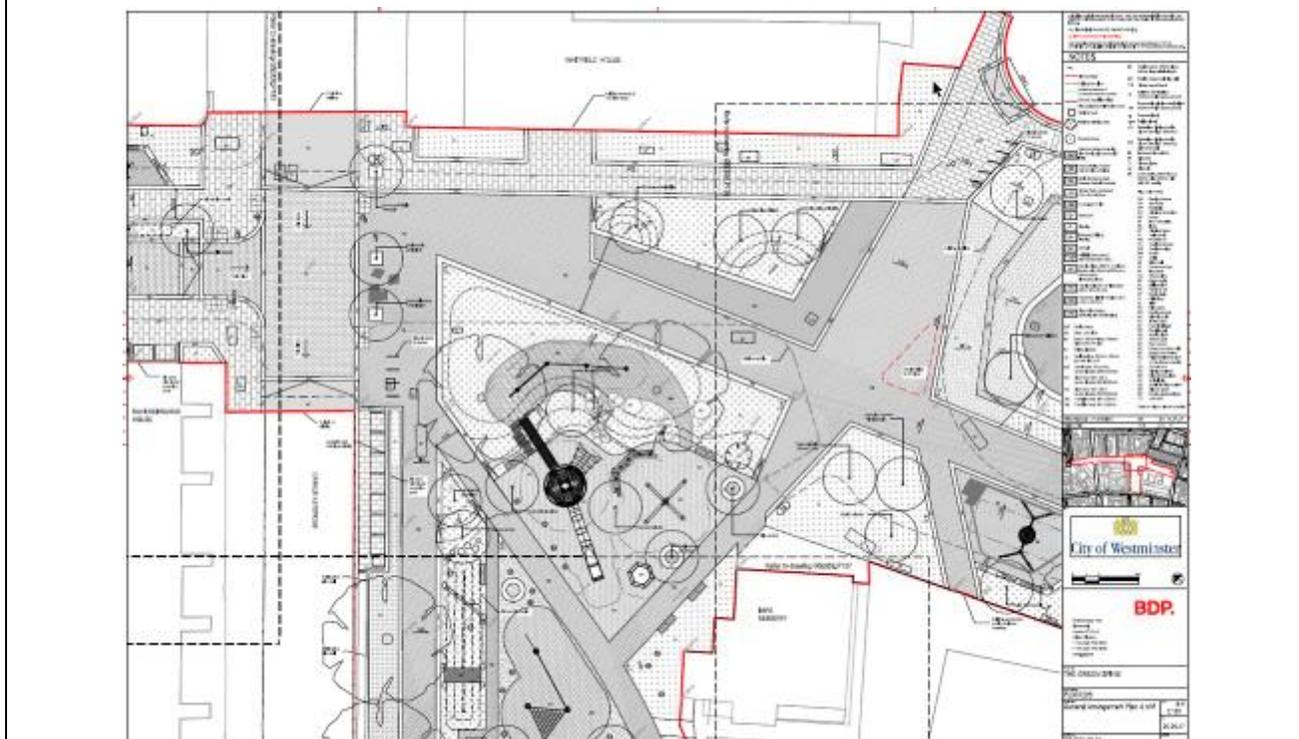
Proposed Plan of the Northern End of Salisbury Street



Proposed Plan of Salisbury Street (Church Street Junction)



**Proposed Plan of Salisbury Street (Church Street Junction to Broadley Street Junction)**



**Proposed Plan of Junction of Salisbury, Broadley, Ashmill and Lisson Streets and eastern End of Broadley Street Gardens**



**Proposed Plan of Central Section of Broadley Street Gardens**



**Proposed Plan of Western End of Broadley Street Gardens**



**Proposed Plan of Northern End of Lisson Gardens and Lisson Street**



**Proposed Plan of Southern End of Lisson Gardens and Lisson Street**



**Artists Impression of Lisson Street and Lisson Gardens**



**Artists Impression of Broadley Street Gardens and Lisson Street Junction**



**Artists Impression of Broadley Street Gardens**



**Artists Impression of Salisbury Street**

**DRAFT DECISION LETTER**

**Address:** Salisbury Street, Church Street, Broadley Gardens, Lisson Gardens And Lisson Street , London

**Proposal:** Public Realm works to Salisbury Street, Church Street, Broadley Gardens, Lisson Gardens and Lisson Street (Phase 1 of the Green Spine Project)

**Reference:** 17/06139/COFUL

**Plan Nos:** Drawing numbers (90) LP 001, GS (90)LP002, (90) LP 003, GS(90)LP101, GS(90)LP102, GS(90)LP103, GS(90)LP104, GS(90)LP105, GS(90)LP106, GS(90)LP107, GS(90)LP108, GS (94) LP 101, Design and Access Statement by BDP, including seven appendices (dated July 2017)

**Case Officer:** Nathan Barrett **Direct Tel. No.** 020 7641 5943

**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 (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 of the following parts of the development:

-all fences and railings;

-subject to condition 5, all artwork; and  
-bin store on Salisbury Street.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

Reason:

To make sure that the appearance of the development is suitable and that it contributes to the character and appearance of the Lisson Grove 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)

- 4 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

-Relocation and/or redesign of the micro-recycling centre on Broadley Street to ensure that pedestrian safety is safeguarded and that adequate space for refuse vehicle collection is provided.

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. (C26UB)

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. (R24AC)

- 5 You must apply to us for approval of the following details in relation to the mural proposed on the northern elevation of 21 Ranston Street.

- Detailed drawings;  
- A CV of the artist;  
- A description from the artist of the artwork (including description of the context and artistic quality of the piece); and  
- On-going maintenance once completed.

You must not start work on the mural until we have approved what you have sent us.

You must maintain the approved mural and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the special interest of this listed building is preserved. This is as set out in DES 7 (A) and DES 10 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must apply to us for approval of detailed drawings of a soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work until we have approved what you have sent us. You must then carry out the landscaping and planting within the first planting season of completing the development, (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of the same size and species or any other size or species that we agree to in writing.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 7 **Pre Commencement Condition.** 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 (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Inclusion of obstructions to moped enabled crime within the Broadley Street Gardens, Lisson Gardens and Lisson Street parts of the development.

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. (C26UB)

Reason:

To reduce the chances of crime as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 9 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing

that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

10 Events on the application site shall only take place between 0700 and 2200 each day.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

11 Before any events and/or markets are held within the terraced lawn, deck for informal events, flexible square and/or flexible lawn shown on drawing number (90) LP 003, an Operational Management Plan shall be submitted to and approved in writing by local planning authority. The Operational Management Plan shall specify the following:

- Types of events, their duration and frequency; and
- Measures to minimise harm to the amenity of nearby and/or neighbouring residents.

The events shall be carried out in accordance with the approved Operational Management Plan.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

### **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 With regards to condition 8, consideration should be given to the inclusion of gates and fenced or blocked off at all sides so that it is not possible to drive a moped into this part of the development or the placement of street furniture and strategic landscaping to block off routes as much as possible and discourage mopeds from driving through the park.
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 6 The proposed changes to highway alignment and parking need to be made pursuant to a Traffic Management Order under the Road Traffic Regulation Act 1984. As it is a separate legal process that also requires the agreement of the City Council as Highways Authority, their outcome cannot be guaranteed. Should the Highways Authority not agree with the proposed changes, you may have to amend the approved development.

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.