

**ROYAL BOROUGH OF KENSINGTON & CHELSEA**

**REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION**

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**PLANNING & CONSERVATION COMMITTEE  
PLANNING SERVICES COMMITTEE  
MEMBERS PANEL**

**APP NO. PP/00/02788  
AGENDA NO.**

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**ADDRESS/SUBJECT OF REPORT:**

**Ion Bar, 161-165      London, W10 6HJ  
Ladbroke Grove,**

**APPLICATION DATED                      22/11/2000**

**APPLICATION REVISED**

**APPLICATION COMPLETE      05/12/2000**

**APPLICANT/AGENT ADDRESS:**

**David Smith  
Planning,  
295 Upper Street,  
London, N1 2TU**

**CONS. AREA    N/A                      CAPS    No**

**ARTICLE '4' No                      WARD    Kelfield**

**LISTED BUILDING                      NO**

**HBMC DIRECTION**

**CONSULTED                      OBJ.**

**SUPPORT                      PET.**

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**RECOMMENDED PROPOSAL:**

**RBK& C DRAWING NO(S):**

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**RECOMMENDED DECISION:**

**CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

APP NO. PP/00/02788/ COTH

MEMBERS' PANEL

ADDRESS

Ion Bar, 161-165 Ladbroke  
Grove, London, W10 6HJ

APPLICATION DATED 22/11/2000

APPLICATION COMPLETE 05/12/2000

APPLICANT/AGENT ADDRESS:

David Smith  
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295 Upper Street,  
London,  
N1 2TU

CONSERVATION AREA N/A

CAPS No

ARTICLE '4' No

WARD Kelfield

LISTED BUILDING NO

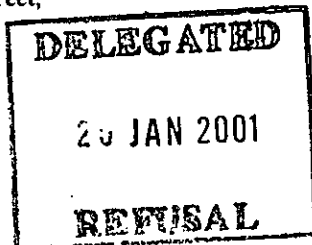
HBMC DIRECTION N/A

CONSULTED 99

OBJECTIONS 1

SUPPORT 0

PETITION 0



Applicant David Smith Planning,

PROPOSAL:

Variation of Condition No. 11 attached to Planning Permission ref.TP/96/0854 dated 9th December 1999 to allow the retained pedestrian access from Ladbroke Grove to Malton Road (along the northern boundary) to be no greater than 2 metres wide instead of 3.5 metres as per Condition No. 11.

RECOMMENDED DECISION:

Pursuant to Section 73 of the Town and Country Planning Act 1990

- (1) Refuse planning permission
- (2) Instruct the Director of legal services to issue a Breach of Condition Notice requiring compliance with Condition 11 attached to Planning Permission ref. TP/96/0854 granted on 2nd September 1996.

**REASONS FOR REFUSAL**

The proposed amendment to Condition 11 would result in an unacceptable decrease in the width and illumination of this passageway, which would generally reduce pedestrian safety and security in the passageway and hinder pedestrian movement to and from the elderly persons day centre immediately to the rear. As such, the proposal is contrary to the Policies of the Unitary Development Plan and the Proposed Changes to the Plan, in particular Policies CD88, CD89, TR21, and S23.

**INFORMATIVE(S)**

You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular Policies CD88, CD89, TR21 and S23.

## **1.0 SITE DESCRIPTION**

- 1.1 The application site is presently occupied by the "Ion Bar", and located beneath the Westway (A40) on the West side of Ladbroke Grove, to the North of Ladbroke Grove Underground Station. The site is within the Ladbroke Grove Station Local Shopping Centre.
- 1.2 The bar area includes an external open courtyard surrounded by concrete planters holding bamboo plants, and immediately to the North of the bar and courtyard is a passage that provides pedestrian access through to Malton Mews and Malton Road behind. Concrete planters have also been erected along this passageway, to provide privacy shielding for those using the Ion bar.

## **2.0 PROPOSAL**

- 2.1 Planning permission is sought to vary Condition 11 attached to planning permission ref. TP/96/0854, granted on 2nd September 1996, to allow the retained pedestrian passageway from Ladbroke Grove to be no greater than 2m wide instead of 3.5m as stipulated under Condition 11.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 There is no relevant planning history other than the 1996 planning permission already referred to.

## **4.0 PLANNING CONSIDERATIONS**

- 4.1 The proposal must be considered in the context of the reasons why Condition 11 was originally imposed, and the Condition must now be assessed to determine whether it is necessary to retain in the form prescribed in 1996, in its amended form as proposed in this application, or indeed at all. The relevant planning policies are within the "Conservation and Development", "Transportation" and "Shopping" chapters of the Unitary Development Plan, and the Proposed Alterations to the Plan, with policies CD88, CD89, TR21, and S23 being of particular relevance.
- 4.2 The reason for imposition of Condition 11 was :
- "To ensure that pedestrians can have easy unrestricted access to the EPICS Day Centre"
- 4.3 Although the wording of the Condition was specific, referring to a desired width of 3.5m, in a sense this could have been expressed more clearly as not all of the pedestrian passageway was at such a width; the passage features a northern side that has indents and recesses formed by projecting buttresses, with the result that the passage at its narrowest is in fact only 2.5m, and at its widest is 3.5m.

- 4.4 Notwithstanding the exact description in the Condition, the reason that the Condition was imposed was essentially to ensure that there was no impediment to access through to Malton Mews. The need for this was twofold; firstly a general desire to maintain a free flow of pedestrians locally, but secondly a specific desire to ensure that elderly or disabled people either arriving or departing from the Elderly People's Integrated Care Service (EPICS) Day Centre.
- 4.5 It is considered that there is a clear need not just to provide a minimum width in this passage, but to ensure that it is kept at a maximum. The concrete planters that have been placed in the passage reduce the width of available pedestrian passage by their width of 0.56m to approximately 2m, which is clearly a long way from the desired 3.5m.
- 4.6 Paragraph 5.3.20 of the UDP advises that a "high use" route must be at least 1.8m wide in order to ensure that people with prams and wheelchairs can pass each other without difficulty. However, although this distance is still accommodated within the reduced passageway width, there are several reasons why it is considered that this minimum width should not be acceptable in this case.
- 4.7 Firstly, the planters that have been placed in the passageway, breaching Condition 11, obscure lights in the low flank wall to the Ion Bar courtyard, lights which were intended to illuminate the passageway. Beyond blocking these lights, the bamboo plants within the containers add shade to the passageway. When these two factors are added to the fact that the passageway already has recesses on its North side, it is concluded that the planting containers materially decrease visibility and safety within the passageway, which must be unwelcome in general terms but particularly in view of the elderly people that must pass through it en route to and from the EPICS Centre. Public security and safety are material planning considerations, as acknowledged in Circular 5/94 "Planning Out Crime" and subsequent advice and as reflected strongly in Unitary Development Plan Policies TR21 and S23. These Policies are:
- TR21 TO MAINTAIN AND IMPROVE FOOTWAYS TO PROVIDE A SAFE AND ATTRACTIVE ENVIRONMENT FOR PEDESTRIANS
- S23 TO RESIST PROPOSALS INVOLVING PAVEMENT TRADING WHICH WOULD REDUCE THE FREE PASSAGE, SAFETY AND SECURITY OF PEDESTRIANS
- 4.8 The latter Policy focuses on pavement trading, but the thrust of the Policy is clear and anything that would hinder the free passage, safety or security of pedestrians would clearly be contrary to the aims of the Policy. The supporting paragraph to the Policy (paragraph 8.6.4) makes it clear that "shopping centres need to be well lit, have adequate pavements and places to cross roads, and be free of any obstructions resulting from badly placed or unnecessary street furniture". It is concluded that the planters placed in the passageway, contrary to Condition 11, reduce safety and security within the passageway by a degree that must be contrary to these Policies. Consequently, the amendment of Condition 11 to accommodate these planters must also be contrary to these Policies.

- 4.9 Aside from the reduction in illumination within the passage, the planters form physical obstructions that may still leave the minimum recommended 1.8m width of passage, but nonetheless significantly reduce the potential passage width. Given the special needs of those attending the EPICS Centre, it is considered that the maximum width of passageway must be maintained. The additional street furniture that the planters constitute is considered to be contrary to Policies CD88 and CD89, which are:

CD88 TO DISCOURAGE EXCESS STREET FURNITURE

CD89 TO ENCOURAGE, GOOD QUALITY STREET FURNITURE OF UNOBTRUSIVE DESIGN, IN HARMONY WITH THE STREET SCENE, SITED TO MINIMISE VISUAL CLUTTER AND TO ALLOW CLEAR AND SAFE PASSAGE FOR PEOPLE WITH SENSORY AND MOBILITY DIFFICULTIES

- 4.10 Paragraph 7.4.33 of the Proposed Alterations, which is the supporting paragraph to this Policy, advises that street furniture (which includes planters) can add to the problems that pedestrians encounter, and that the "Council will ensure that street furniture will be kept to a minimum and that its positioning does not create additional difficulties or hazards for pedestrians". It is concluded that the only way to comply with this aim in the case of the application site, which provides a direct and important pedestrian access to the EPICS Centre and the other streets behind, is to maximise the passage width and remove the planters.

- 4.11 The fact that the bamboo plants planters may "soften" the appearance of the passage and make the front terrace of the Ion Bar a more pleasant place visually is not considered to outweigh the pedestrian safety issues described above. It is concluded that the introduction of the planting containers within this passageway is clearly contrary to Unitary Development Plan Policies, and contrary to the aims of the Council in imposing Condition 11 in the first place. Therefore, it is concluded that this application to amend Condition 11 to allow retention of the planters should be refused, and the requisite action authorised and taken to ensure the removal of the planting containers.

## **5.0 CONSULTATION**

- 5.1 Ninety-nine letters of notification were sent to nearby properties. Two objections have been received.
- 5.2 The Director of Housing and Social Services has raised the following points in objection to the proposal to accept a narrowed passageway. Firstly, it is advised that the passage has been used regularly by rough sleepers who have on occasions been observed lighting fires, and who have presented a hazard to all pedestrians. Secondly, a EPICS Day Centre user was mugged recently whilst walking down Malton Mews, the alternative route to EPICS. Thirdly, the number of staff who work for the Home Care Service of an evening has increased in recent years and evening carers visit EPICS up until 10.00pm. Malton Road is described as "not a

safe place at night" as it is used regularly by drug and alcohol users and the homeless, and several staff have been followed and one mugged in the last four months. Finally, it is pointed out that the passage provides the safest access to the EPICS centre but that the narrowing of the passage offers increased opportunities to the muggers who operate in the area, and that there is clearly a responsibility upon the Council to ensure that risks to users and staff are minimised.

5.3 The other objection relates to noise levels locally and the fact that the Ion Bar adds to these; this is not considered relevant to this application to revise Condition 11.

**6.0 RECOMMENDATION**

6.1 Refuse planning permission

6.2 Instruct the Director of Legal Services to issue a Breach of Condition Notice requiring compliance with Condition 11 attached to Planning Permission ref. TP/96/0854, dated 2nd September 1996

**M.J. FRENCH**  
**EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

ROYAL BOROUGH OF KENSINGTON & CHELSEA  
REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

DP2  
 fe  
 Ladbroke

APP NO. PP/00/02788/ *COTH*

MEMBERS' PANEL

ADDRESS

Ion Bar, 161-165 Ladbroke Grove, London, W10 6HJ

APPLICATION DATED 22/11/2000

APPLICATION COMPLETE 05/12/2000

APPLICATION REVISED

APPLICANT/AGENT ADDRESS:

David Smith  
 Planning,  
 295 Upper Street,  
 London,  
 N1 2TU

CONSERVATION AREA N/A

CAPS No

ARTICLE '4' No

WARD Kelfield

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 99

OBJECTIONS 1

SUPPORT 0

PETITION 0

Applicant David Smith Planning,

PROPOSAL:

*7/9.12.99*

Variation of Condition No. 11 attached to Planning Permission ref. TP/96/0854 <sup>*dated*</sup> granted 2nd September 1996 to allow the retained pedestrian access from Ladbroke Grove to Malton Road (along the northern boundary) to be no greater than 2 metres wide instead of 3.5 metres as per Condition No. 11.

RBK&C Drawing No(s): PP/00/02788



Applicant's Drawing No(s): n/a

RECOMMENDED DECISION:



*Pursuant to section 73 of the Town and Country Planning Act 1990*  
 (1) Refuse planning permission  
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## REASONS FOR REFUSAL

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**6.0 RECOMMENDATION**

6.1 Refuse planning permission

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**7.0 NOTICE TO BE SERVED UPON**

- 7.1 (a) The Mean Fiddler Organisation, 16 High Street, Harlesden, London NW10 4LX  
(b) The Ion Bar, 161-165 Ladbroke Grove W10  
(c) Any others with an interest in the land

**8.0 STEPS TO BE TAKEN**

- 8.1 The removal of the existing planting containers to ensure that the maximum passageway width is provided, to comply with Condition 11.

**M.J. FRENCH  
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

Report Prepared By: DT  
Report Approved By:  
Date Report Approved:

