

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 30 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	The Prince Regent, Grand Union Canal, London, W2 1WN,		
Proposal	Use of mooring adjacent to pedestrian bridge opposite Sheldon Square as a restaurant (Use Class A3).		
Agent	Miss Leah Lobek		
On behalf of	Miss Leah Lobek		
Registered Number	17/00108/FULL	Date amended/ completed	4 April 2017
Date Application Received	6 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a designated conservation area		
Licensed Opening hours	16/10548/LIPDPS Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought to moor a boat (The Prince Regent) on the canal opposite Sheldon Square. The boat is to be used as a restaurant with breakfast, lunch and dinner sittings. During the dinner offering the boat sets sail along the canal before returning to moor overnight. The boat is proposed to be open between the hours of 07:00-23:00 Monday to Saturday and 08:00-22:30 on Sundays and Bank Holidays.

An objection has been received from a resident of Sheldon Square on the grounds of noise and disturbance from an existing adjacent restaurant/bar and does not wish for another restaurant offering.

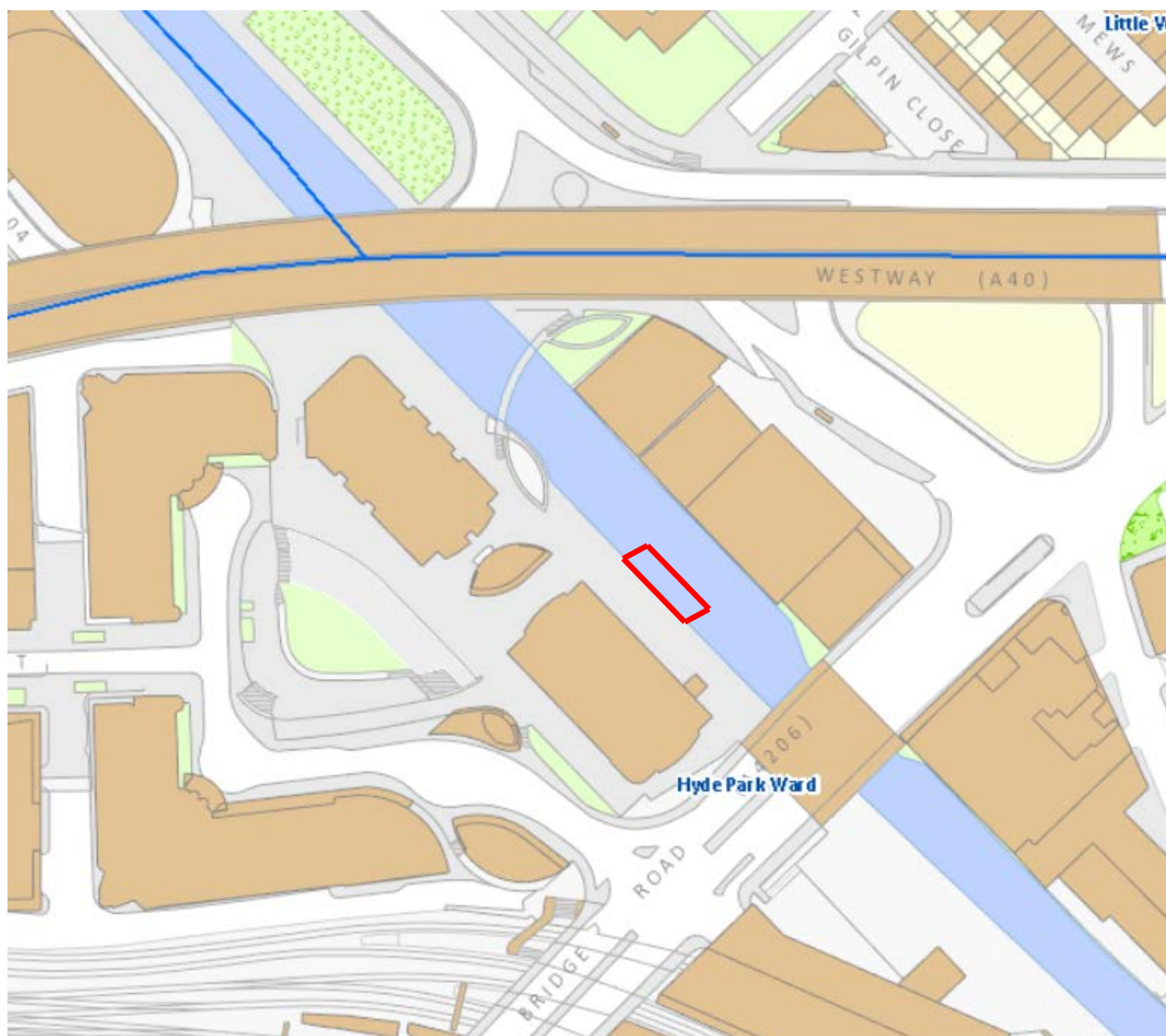
The key issues are:

\* the acceptability of a restaurant in this location in land use terms;

- \* the impact of the proposal upon the amenities of neighbouring residents;
- \* whether the servicing arrangements for this mooring are satisfactory;
- \* the impact of this proposal on the canal side environment and townscape.

Subject to conditions, the proposals are considered to comply with the Council's policies in relation to land use, design and amenity as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objection. Request for neighbours comments to be taken into consideration.

### HYDE PARK ESTATE ASSOCIATION:

Any response to be reported verbally.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

### PADDINGTON BID:

No objection. Support bringing quality dining offers beyond food-on-the-go to Paddington is a priority for the local community as well as people who work in surrounding offices. The water space offers the perfect opportunity to dine in the stunning, relaxing setting of the Grand Union and Regent's Canals. This is an innovative approach to bringing higher quality A3 uses to Paddington and showcasing the public realm transformation at Paddington Central.

### CANAL & RIVER TRUST:

No objection but comment that the applicant will require the Trust's agreement to operate the proposed uses and that proposal could help to activate the canal side and contribute positively to the variety of retail and amenities at Paddington Central. Any additional works associated with the proposed uses such as new service bollards or tables and chairs on the towpath will also require the agreement of the Trust in addition to any necessary planning consent.

### DESIGNING OUT CRIME:

Any response to be reported verbally.

### CLEANSING:

No objection subject to a condition for details of waste and recyclable storage to be submitted.

### HIGHWAYS PLANNING:

No objection given the location of the site within a privately managed estate.

### ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 234

No. of objections: 1 objection on the grounds of existing disturbance from an adjacent restaurant, therefore an additional restaurant should not be allowed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application relates to a mooring located at Paddington Central opposite Sheldon Square and the pedestrian bridge. The site is located outside of a conservation area and the Central

Activities Zone (CAZ), but is within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area.

The mooring is adjacent to an existing boat at Baltic Wharf, currently in use by British Land as a marketing suite for development within Paddington Central (see section 6.2).

## 6.2 Recent Relevant History

*Baltic Wharf (adjacent to site):*

Permission was granted at Planning Committee on 02 April 2013 for a restaurant mooring with 42 covers on the other side of Bishops Bridge Road, at Baltic Wharf. (RN 12/08337/FULL)

Permission was subsequently granted on 25 April 2016 for the dual/alternative use of the same boat for either a marketing suite (sui generis) or A3 (restaurant) use [adjacent to towpath at Paddington Central]. The boat is currently operating as a marketing suite for an office development within Paddington Central. (RN 16/01556/FULL)

*Mooring adjacent to Hammersmith and City Line:*

Permission was granted on 18 October 2016 for the use of two moorings to provide one boat as a cafe/exhibition space (Use Class Sui Generis) and one boat as dual retail/restaurant (Class A1/A3). Associated installation of additional seating and railings on the roof of both vessels. (RN 16/02946/FULL)

## 7. THE PROPOSAL

Permission is sought to moor a boat (The Prince Regent) on the canal opposite Sheldon Square and has a floorspace of 84sqm. The boat is to be used as a restaurant with breakfast, lunch and dinner sittings with a total of 42 covers (32 within the boat and a further 10 within the bow) as well as a small bar and kitchen at the rear. During the dinner offering the boat sets sail along the canal before returning to moor overnight. In addition to the restaurant, it is also proposed to provide an off-license offering. The boat is proposed to be open between the hours of 07:00-23:00 Monday to Saturday and 08:00-22:30 on Sundays and Bank Holidays.

The proposals originally included the provision of a takeaway service from the boat, however this was withdrawn. Any takeaway is now to be ancillary to the main use as a restaurant. Should this element increase beyond an ancillary function as a restaurant, the applicant will need to make a new application for planning permission to include details of how this would operate and be managed.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Policy S3 of the City Plan relates to Paddington Opportunity Area and promotes a range of uses including retail, social and community facilities, entertainment and arts/cultural uses. The proposals are considered to be in accordance with this policy.

Policy DES 13 (B) 3) of the UDP relates to the provision of canal moorings and encourages their provision where they provide facilities for visitors and boaters, as long as such facilities will

not hinder the navigation of the canal. As the proposals provide an additional facility in the form of a restaurant, and as sufficient canal is left clear for the navigation of the canal, the proposals are considered in accordance with this part of the policy.

Policies S24 of the City Plan and SS8 and TACE 8 within the UDP relate to new entertainment uses such as restaurants under 150sqm and are relevant.

S24 states that Planning Permission will generally be granted for such uses where the Council is satisfied that the proposed development is appropriate in terms of size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Policies SS8 and TACE 8 specifically seeks to ensure that developments will have no adverse impact on both residential amenity and the local environmental quality as a result of noise, vibration, smells, late night activity or increased parking/traffic. In order to mitigate such issues, the Council will take account of the need for conditions to control the new use, where appropriate.

The nearest residential accommodation to the site is located at Sheldon Square, which is directly adjacent on the other side of the tow path. No objections have been received from residents of this building.

Sheldon Square, is characterised by restaurants on the ground floor, with outside seating on the canal side frontage, with residential flats on the upper floors. The terminating hour for the existing ground floor entertainment uses is 23:00. Permission was also approved for the dual use of the boat adjacent as either a marketing suite or a restaurant but is currently operating as a marketing suite.

The Prince Regent (subject to this application) is already operating as a fish restaurant. While it is noted that there are a number of bars and restaurants in this location, the proposed use does provide a different offering, including a sailing dinner service along the canal. While there are a number of other restaurants in the area, the proposed boat is considered to provide additional vitality to this part of Paddington. However, alike the recent permission for the two boats adjacent to the Hammersmith and City Line, a temporary permission is recommended so that the impact and any operational issues can be reassessed. Conditions in relation to operational management, ventilation, noise, covers, servicing and opening hours as set out on the draft decision letter are also recommended.

## 8.2 Townscape and Design

The site is located outside of a conservation area, but is on the canal which is part of the Blue Ribbon Network, and therefore policies S37 of the City Plan and DES13 of the UDP apply. Policies TACE 8 part (B) 2) also seeks to ensure that developments do not have an adverse effect on the character or function of its area.

The proposals are for a relatively wide berth boat, measuring approximately 3.3m in width, however it is an attractive, traditionally detailed boat. Traditional narrow boats have a maximum width of around 2m. While officers have concerns in relation to the number of untraditional boats which are being moored along this stretch of the canal, it is understood that

such boats do not provide very suitable internal floorspace to provide offerings such as the use proposed.

Given the particular character of the site, and the benefits of improving the vitality to this part of Paddington which will help to enliven the towpath, it is considered that the proposals could be considered acceptable in this instance. The proposals are considered to be acceptable in design and townscape terms in accordance with Policies S37, DES13 and TACE 8.

### **8.3 Residential Amenity**

Please refer to the Land Use section of this report (section 8.1).

### **8.4 Transportation/Parking**

The applicant has submitted an Operational Management Strategy (OMS) with the application, which confirms that servicing takes place within the Paddington Central development.

The Highways Planning Manager has not raised objection to the proposals but comment that Policies S42 of the City Plan and TRANS20 of the UDP require off street servicing. They note that while off-street servicing is proposed, little detail of the links to the application site is provided and thereby may cause disruption to pedestrians. However, given that the site is within a managed estate environment and the relatively small floorspace of the combined barges, no objection is raised.

While the OMS states that deliveries will be undertaken between the hours of 06:45 and 18:00 it is recommended for the servicing of the boats to only take place between the hours of 08:00 and 18:00 to match the conditions for the adjacent boat at Baltic Wharf. A condition that the trolleys are fitted with rubber wheels to ensure that servicing does not have a negative impact on the residents is also recommended.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Access to the boats is gained via the tow path.

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

#### **8.7.1 Plant**

The plans submitted with the application indicate that a flue is proposed out of the boats rooflight. Environmental Health has not commented on the application, but has previously raised no objections to similar proposals for the other boats located adjacent. It is understood that the boat is currently naturally ventilated, but a fan may be installed to provide air flow at a later date. Alike with the applications for the other recently approved boats along the tow path, a condition is recommended for the submission of details of a ventilation system to show how cooking smells will be dealt with, including details of how it will be built and how it will look.



Westminster's standard noise condition is also recommended to ensure that any mechanical ventilation does not result in any noise disturbance.

An informative is also recommended to advise the applicant that the installation of any external mechanical heating/cooling equipment is likely to require a separate application for planning permission. Subject to these conditions and informative the proposals are considered acceptable in terms of odour.

#### 8.7.2 Refuse / Recycling

The Cleansing Officer has commented that the proposals do not include details of the storage of waste, food and recyclable materials. A condition is recommended to secure this information.

### 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

The proposed floorspace of 84sqm does not trigger the requirement for a CIL payment.

### 8.11 Environmental Impact Assessment

The proposals are of insufficient scale to trigger the requirement to submit an EIA.

### 8.12 Other Issues

The applicant has stated that they wish to provide an off-license service for alcohol to be purchased and taken off the premises. An informative is recommended to advise the applicant that they will need to get a suitable license to provide such a service.

## 9. BACKGROUND PAPERS

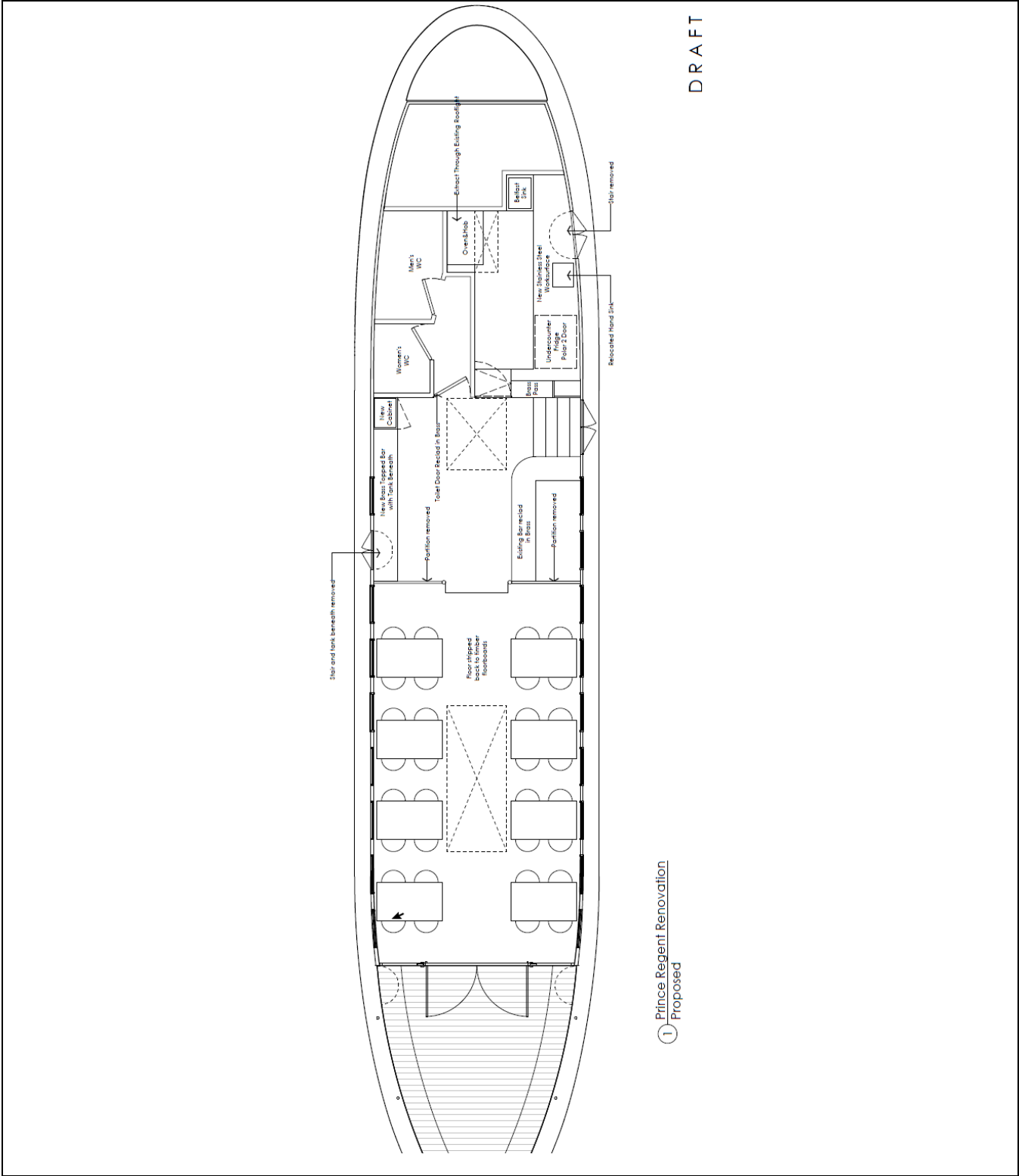
1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 18 April 2017
3. Response from Paddington Bid (Kay Buxton), dated
4. Memorandum from Highways Planning, dated 13 April 2017
5. Memorandum from Cleansing, dated 18 April 2017
6. Letter from occupier of unknown address (listed though as Flat 15, London), dated 10 April 2017

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

Item No.
<b>4</b>

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **KIMBERLEY DAVIES** BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk).

10. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** The Prince Regent, Grand Union Canal, London, W2 1WN

**Proposal:** Use of mooring adjacent to pedestrian bridge opposite Sheldon Square as a restaurant (Use Class A3).

**Plan Nos:** 011\_20.01; 011\_30.01; Plan 1; Email dated 4 April 2017 from LSC; Operational Management Strategy; Planning Statement - Prince Regent.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Customers shall not be permitted within the boat premises before 07:00 or after 23:00 on Monday to Saturday (not including bank holidays and public holidays) and before 08:00 or after 22:30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 You must not play live or recorded music which can be heard when outside the boat.

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 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 4 You must apply to us for approval of details within 3 months of the date of this decision of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must then carry out the work according to the approved details within 3 months of this decision.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 5 A maximum of 42 covers will be provided. In addition to this maximum capacity, an additional 20% will be allowed within the restaurant boat for patrons to wait within a designated bar/waiting area until their table within the main dining areas becomes available.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 & 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 All servicing must take place between 08.00 and 18.00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and transporting rubbish to the rubbish bins.

Reason:

To avoid blocking the surrounding streets and highway and to protect the local environment as set out in S42, S44 of Westminster's City Plan (July 2016) and STRA 25, ENV 12, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window

of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 The uses allowed by this permission can continue until 30 May 2022. After that, the use must end and you must remove the boat.

Reason:

So that we can assess the effect of the uses and make sure it meets policies DES 13 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R03CB)

### Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).

Item No.
<b>4</b>

- 3 The applicant/developer is advised that any encroachment onto the canal towpath requires written consent from the Canal & River Trust, and should contact the Canal & River Trust's Estates Surveyor (martin.hime@canalrivertrust.org.uk).
- 4 You are advised that you will need to apply for a suitable premises license in relation to the consumption / sale of alcohol both on and off the premises.