

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 December 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>48 Knightsbridge, London, SW1X 7JN</b>		
<b>Proposal</b>	Use of the public highway measuring between 1400mm and 650mm x 4040mm for the placing of three tables and six chairs in connection with existing restaurant at ground floor.		
<b>Agent</b>	Mr Deon van Niekerk		
<b>On behalf of</b>	Mr Magdy Khalil		
<b>Registered Number</b>	16/09072/TCH	<b>Date amended/ completed</b>	22 November 2016
<b>Date Application Received</b>	21 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Albert Gate		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application relates to part of the public highway outside 48 Knightsbridge, which is an unlisted building located in the Albert Gate Conservation Area. The area of public highway forms part of the forecourt of the building and is therefore outside of the area maintained by Transport for London, the highway authority for this part of Knightsbridge. Planning permission is sought for the use of part of the public highway for the placing of three tables and six chairs in connection with the existing restaurant at ground floor level.

The key issues for consideration are:

- The impact on pedestrian movement and highway safety;
- The impact on residential amenity;
- The impact on the character and appearance of the conservation area.

Objections have been received from neighbouring residents and a business on the grounds the proposal would harm residential amenity, would obstruct the pavement, would worsen safety and would be visually inappropriate. The Knightsbridge Association have also raised concerns.

Originally, four tables and eight chairs were proposed. In this layout the tables and chairs would have been partly located outside of the building's forecourt. Transport for London objected to the use of part of the highway they maintain for the tables and chairs. Accordingly, the applicant amended the proposal so the tables and chairs are proposed only within the forecourt.

The Westminster Way Supplementary Planning Guidance (2011) stipulates that proposals for outdoor seating should maintain a minimum clearance of 2 metres from the edge of the seating area to the kerb. A minimum of 2.1 metres is proposed. Whilst Knightsbridge experiences very heavy vehicular traffic, on this footway, pedestrian flow is relatively low. Therefore, the tables and chairs would not obstruct or endanger pedestrians. The Highway Planning Manger raises no objection to the proposal.

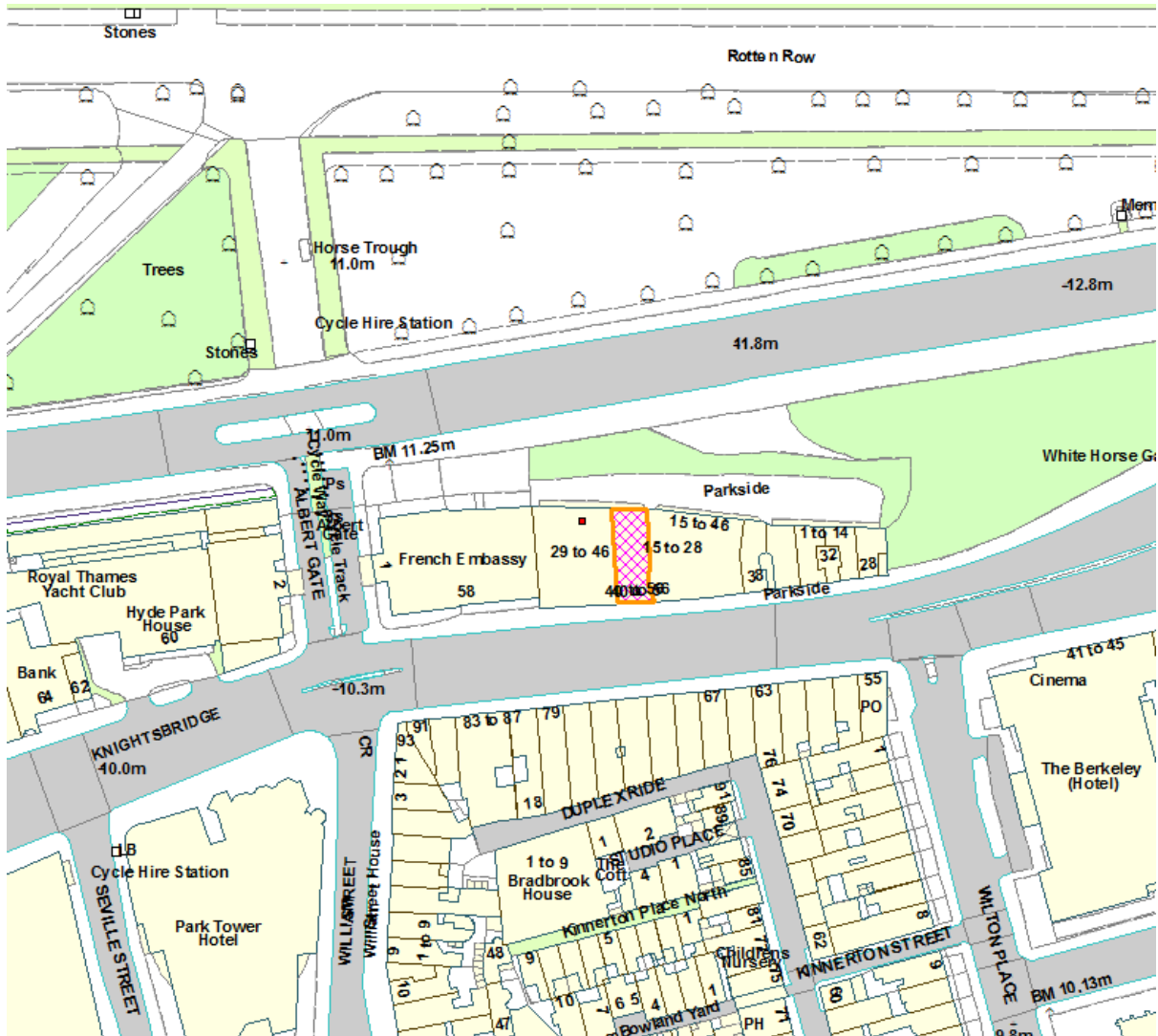
The nearest residents are above the existing restaurant. The tables and chairs would allow for a maximum of six customers to dine outside, given this modest number it is not considered this would unacceptably intensify the existing restaurant use. Whilst residents live close, subject to the imposition of a condition which allows the external dining between 11:30 and 22:30 only, it is not considered that this level of dining would likely create a harmful increase in noise or disturbance. A condition recommending the use be limited to a temporary one year period is also recommended. This would allow the circumstances to be reviewed in future.

Objectors have also raised concerns regarding smoking. Whilst diners will be able to smoke, it is considered that any smoke will have adequately dispersed to not materially harm the air quality for those residents above. Further concern is raised regarding waste storage and cleansing. The proposal would not alter the refuse arrangements of the restaurant and the external tables and tables would be serviced in the same manner as the internal covers. The Cleansing Manager has raised no objection to the proposal.

In design terms, the proposed furniture is considered acceptable in appearance and will not harm the character and appearance of the Albert Gate Conservation Area. It should be noted that advertisements will require separate advertisement consent.

For the above reasons, the proposal is considered to comply with Westminster Way requirements and is accordance with Policy S41 of Westminster's City Plan, TRANS 3, ENV 6, ENV 13, DES 7, DES 9, TACE 11 of the Unitary Development Plan and the Tables and Chairs SPG.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### TRANSPORT for LONDON

No objection; subject to revision to ensure tables and chairs are not placed on TfL maintained highway.

### KNIGHTSBRIDGE ASSOCIATION

No objection; subject to no shisha smoking, no A boards, pavement washed daily and tables and chairs removed by 21:30.

### HIGHWAY PLANNING MANGER

No objection.

### CLEANSING MANAGER

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43

Total No. of replies: 50

No. of objections: 50 (including 45 signed pro-forma letters).

No. in support: 0

Objections from neighbouring residents and businesses on some or all of the following grounds:

- The use of part of the pavement for tables and chairs would generate noise, disturbance, rubbish, cigarette (cigar, pipe and/ or shisha) smoke and smells harmful to neighbouring resident's amenity and neighbouring businesses.
- The use of part of the pavement for tables and chairs would obstruct pedestrians and distract vehicular traffic.
- The use of part of the pavement for tables and chairs would increase crime.
- The tables and chairs would harm the character and appearance of the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND PAPERS

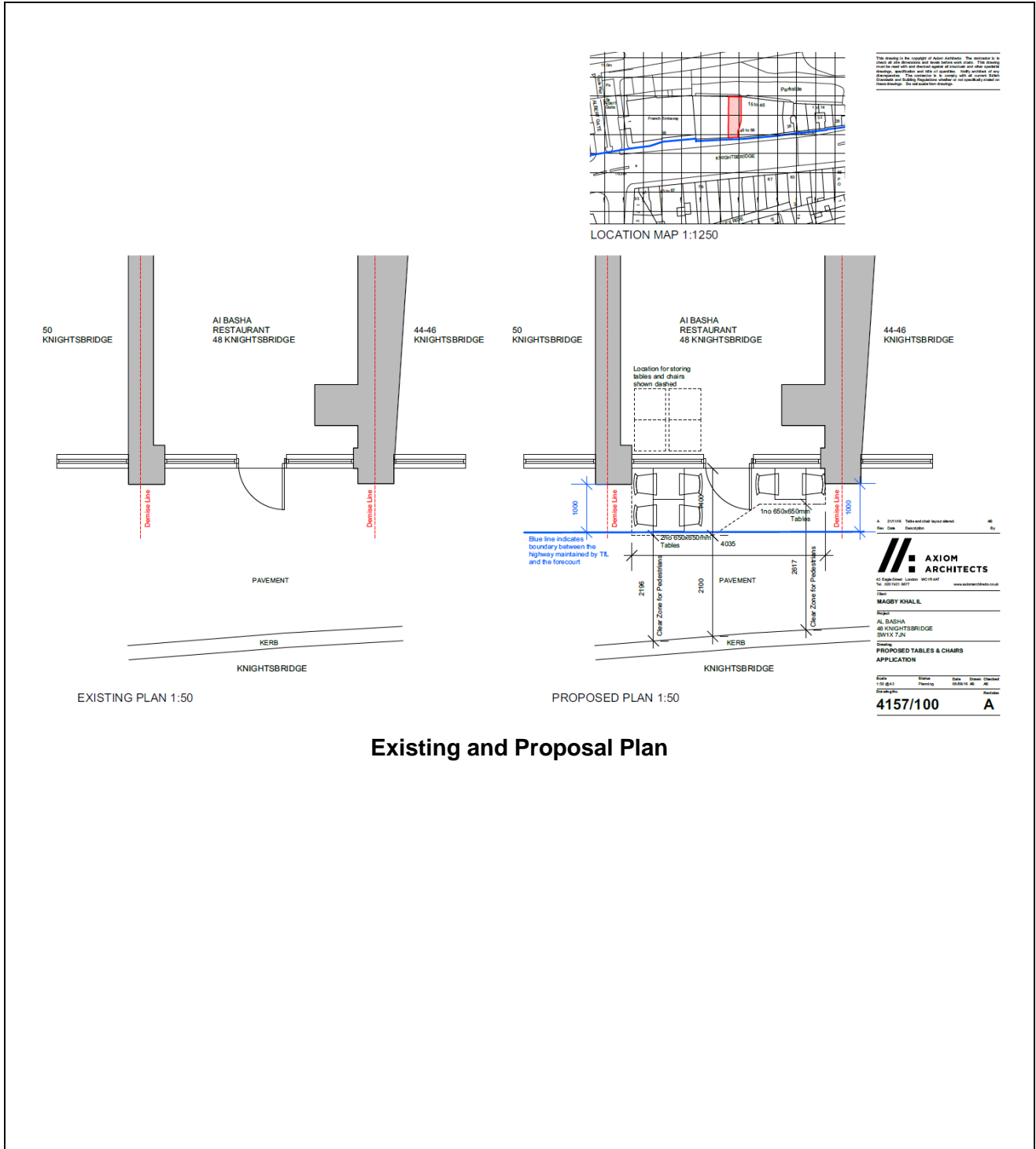
1. Application form
2. Memorandum from Cleansing Manger, dated 20 October 2016
3. Response from Knightsbridge Association, dated 3 November 2016
4. Memorandum from Highway Planning Manager, dated 15 November 2016
5. Email from Transport For London, dated 22 November 2016
6. Letter from occupier of 50 Knightsbridge, dated 25 October 2016
7. Letter from occupier of Flat 15, Parkside, 28-56 Knightsbridge, dated 28 October 2016
8. Letter from occupier of Flat 17, Parkside, 28-56 Knightsbridge, dated 1 November 2016
9. Letter from occupier of Flat 37, Parkside, 28-56 Knightsbridge, dated 1 November 2016
10. Letter from occupier of Flat 23, Parkside, 28-56 Knightsbridge, dated 3 November 2016
11. 45 signed pro-forma letters from residents of Parkside, 28-56 Knightsbridge, various dates

### **Selected relevant drawings**

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT <a href="mailto:lfrancis@westminster.gov.uk">lfrancis@westminster.gov.uk</a>
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# 7. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** 48 Knightsbridge, London, SW1X 7JN

**Proposal:** Use of the public highway measuring a between 1400mm and 650mm by 4040mm for the placing of three tables and six chairs in connection with existing restaurant at ground floor.

**Reference:** 16/09072/TCH

**Plan Nos:** Site Location Plan; 4157/100 rev A; Design and Access Statement (Capital Safety Solutions); Table and Chairs Photo.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing 4157/100 rev A. (C25AA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 11:30 and 10:30. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 This use of the pavement may continue until 31 December 2017. You must then remove the tables and chairs. (C25DA)



**Reason:**

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority" and states "Any council may assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing 4157/100 rev A.

**Reason:**

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 6 The tables and chairs must only be used by customers of the adjacent restaurant. (C25CA)

**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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

**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 (July 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 You may not be able to put tables and chairs in the area unless you have a street trading licence.,

, You are advised to contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

- 3 You must keep the tables and chairs within the area shown at all times.

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.