

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Connaught Hotel, Carlos Place, London, W1K 2AL		
Proposal	Use of an area of the public highway measuring 12m x 2.75m for the placing of five tables and 16 chairs and barriers		
Agent	Mr Michael Blair		
On behalf of	The Connaught Hotel		
Registered Number	17/10559/TCH	Date amended/ completed	5 December 2017
Date Application Received	28 November 2017		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.

2. SUMMARY

The application relates to an area of public highway at the junction of Mount Street and Carlos Place, outside of the Connaught Hotel. Recent public realm improvements in this location involve the creation of a wider stretch of pavement, with raised sections of carriageway, and the installation of a water sculpture.

Permission is sought for the use of an area of the highway, measuring 12m x 2.75m, for the placing five tables and 16 chairs and 1.2m high sculpted screens, formed in metal, to enclose the seating area for use in association with the hotel. The furniture would be placed on the highway between 07.30 and 22.00 hours on Monday to Saturday and between 08:30 and 21.00 hours on Sunday and Bank Holidays.

The key issues raised in this case are:

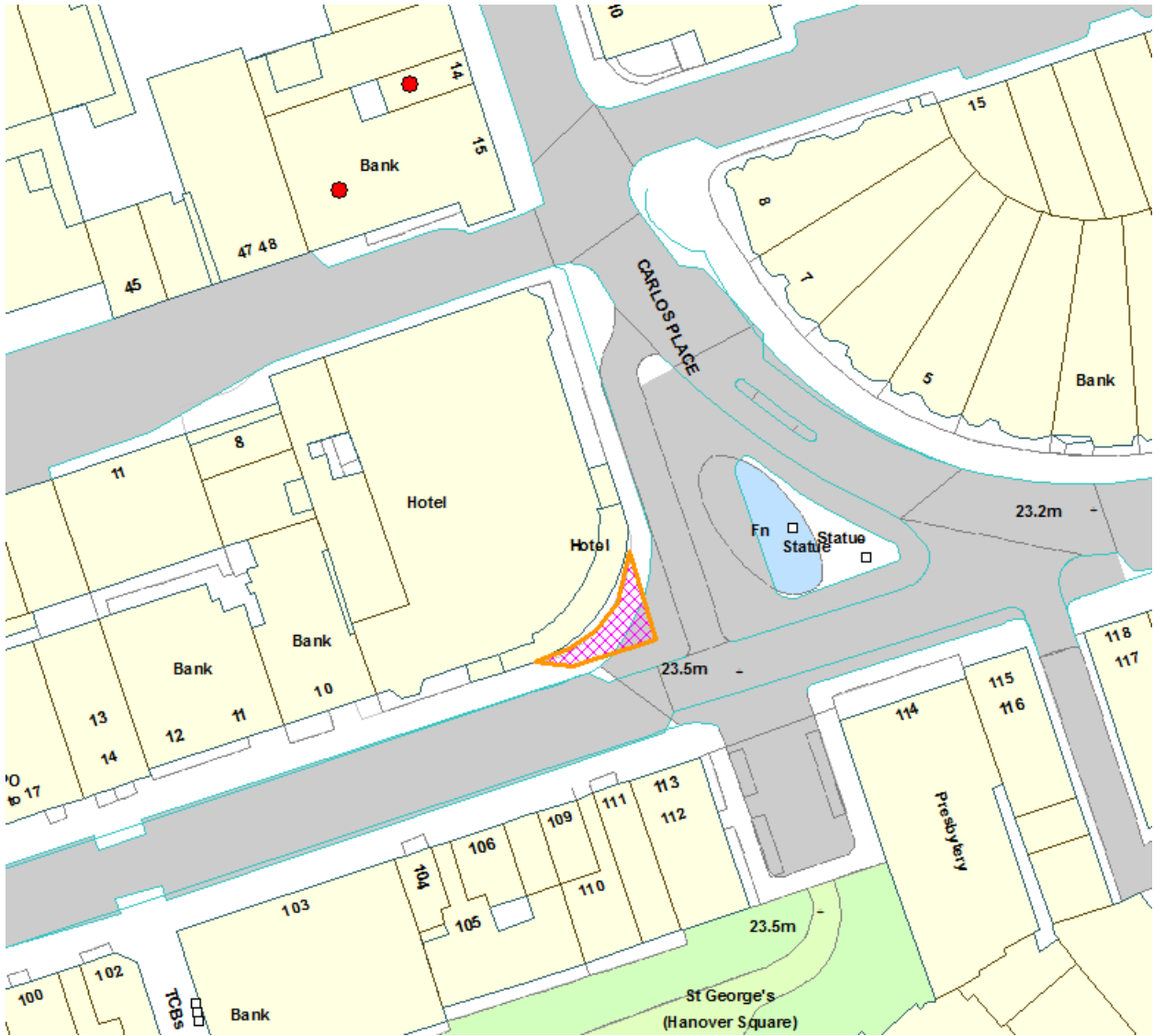
- * The impact of the proposal on pedestrian movement and highways safety and
- * The impact of the use on residential amenity.
- * The impact of the proposals upon the character of the conservation area

A number of objections been received including those relating to the principle of private use of the public highway and increased commercialisation of the area. Objectors are also concerned about the

impact of the proposals upon both the setting and enjoyment of the adjacent water sculpture/fountain and the character of the area and the impact on residents' amenity and highway safety. The application has also generated several letters of support from local residents and businesses.

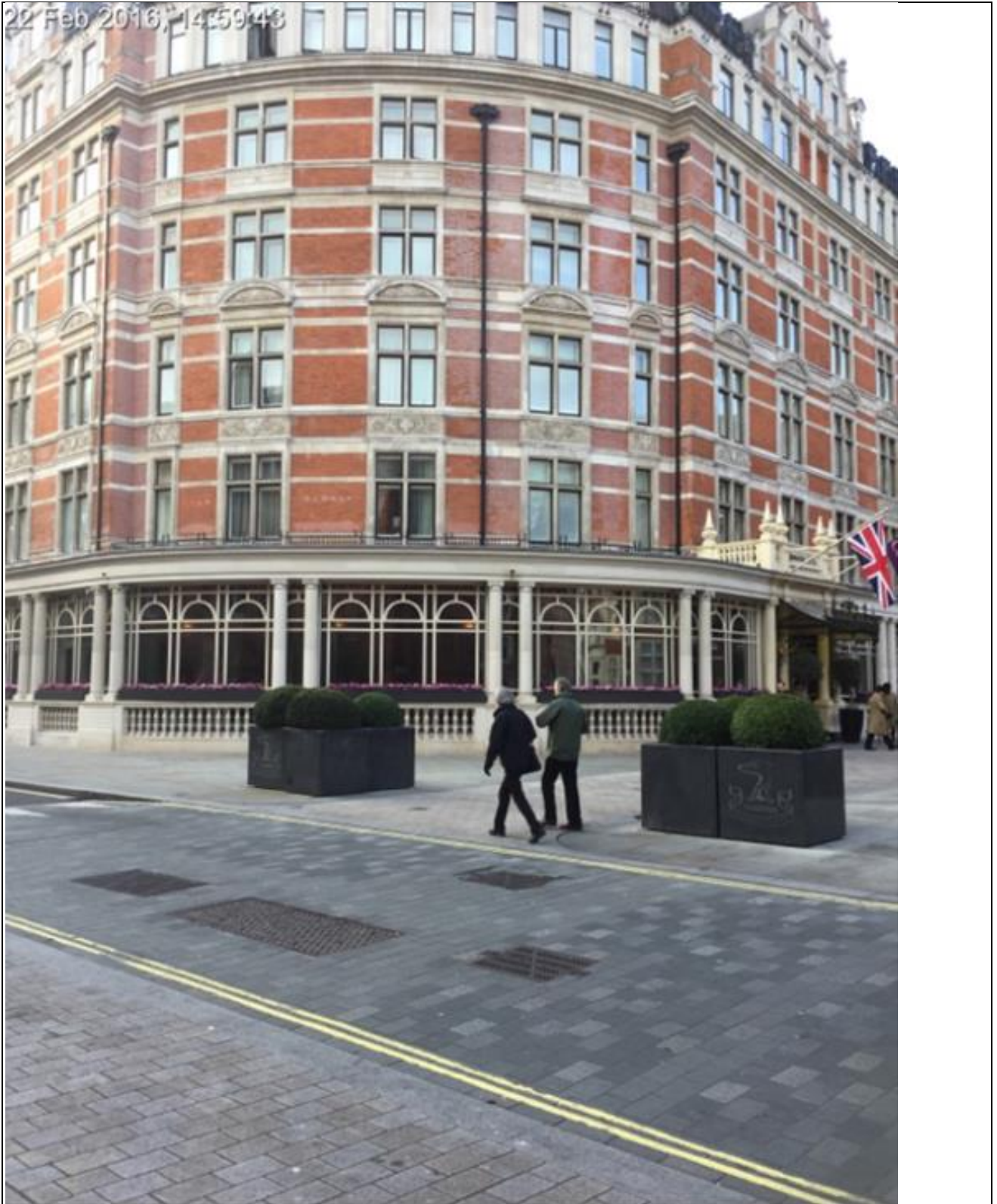
The proposal is considered acceptable in highways terms, leaving a sufficient width of unobstructed pavement for pedestrian movement. As there is a roadway between the proposed seating area and the adjacent fountain, it is not considered that there would be a material impact on the setting or enjoyment of the fountain or a significant adverse impact upon the character of this part of the Mayfair conservation area, which is characterised by commercial and residential uses. Subject to appropriate conditions, it is not considered that the use would have a material impact upon residents' amenity. The proposals comply with relevant local plan policies and is recommended that permission be granted for a temporary period of one year to enable the impact of the development to be monitored.

3. LOCATION PLAN



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4. PHOTOGRAPHS



22 Feb 2016, 15:00:07



5. CONSULTATIONS

COUNCILLOR ROBERTS

- Inappropriate use of the public footpath;
- Noise disturbance to local residents
- Impact on the quiet enjoyment of the area and of the neighbouring water sculpture
- Impact on the residential character of Mount Street
- Additional traffic generation in this dangerous location, which is already heavily congested;
- The public highway does not belong to the hotel but is frequently used for vehicle parking in association with the hotel use (being at the same level as the adjacent carriageway)
- Concern that neighbour consultation was carried out over the Christmas period.

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

No objection to proposal. Management of parking outside of the hotel should be improved.

HIGHWAYS PLANNING MANAGER:

No objection subject to standard conditions and temporary one-year permission to allow monitoring.

CLEANSING:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 91, Total No. of replies: 23, No. of objections: 5 No. in support: 19

Objections on the following grounds:

- Unacceptable location resulting in noise disturbance to neighbouring residents; no hours of use specified
- Increased commercialisation of the street/public space
- Area is already heavily congested with traffic and heavily parked
- Adverse impact on the tranquillity, enjoyment and setting of the adjacent water sculpture
- Unacceptable visual impact on the streetscape
- Proposals of no benefit to the local community

Letters of support on the following grounds:

- Scheme would result in the “seemly animation” of the streetscape in accordance with the Grosvenor Estate’s “Vision for Mayfair and Belgravia” and aim to create ‘Active Neighbourhoods’.
- Proposal would add to the character and vibrancy of the area, enhance the sense of “community” in Mount Street and would be a welcome addition to the hotel, which is the cornerstone of the street.
- Seating area is likely to be well maintained and managed by the hotel, who would be keen to safeguard their guests’ amenity

- Use of a small number of tables would not adversely affect neighbouring occupiers
- The seating is simple, discreet and will not cause harm to the setting of the listed building.
- Sufficient highway would be maintained for pedestrians

ADVERTISED / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to an area of public highway at the junction of Mount Street and Carlos Place within the Mayfair conservation area and the Core Central Activities Zone. This part of the highway is adjacent to the Connaught Hotel, which is a Grade II listed building.

6.2 Recent Relevant History

7 April 2016: Permission granted for alterations to the hotel's ground level bottle balustrading to accommodate new access doors and steps to facilitate access from the hotel restaurant to the proposed pavement seating area; installation of six awnings to the ground floor elevation. Fully implemented.

An application for the use of a larger area of public highway than currently proposed (4.5m x 13.5m) for the placing of 5 tables and 16 chairs for hotel use was withdrawn on 12 May 2016 following the receipt of a number of objections.

7. THE PROPOSAL

Permission is sought for the use of an area of the public highway (12m x 2.75m) for the placing of five tables and sixteen chairs for use in association with the Connaught Hotel. It is proposed that the seating area would be enclosed by 1.2m high, lightweight, sculpted barriers formed in metal.

This area of highway has been the subject of recent public realm improvements including the creation of a wider footway, the introduction of raised sections of carriageway (to the same height as the pavement), and the installation of a water sculpture.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing hotel use dates back to 1815.

Proposals for the use of the public highway for the provision of tables and chairs for use in association with eating and drinking establishments is considered under Unitary

Development Plan (UDP) Policy TACE 11 and Policy S41 of the City Plan. These policies permit tables and chairs to be sited on the highway where they would not result in highway obstruction and where there would be no material loss of amenity to neighbouring occupiers. In these circumstances, there is no policy objection to the principle of private use of the public highway and objections to the commercialisation of the public highway cannot be supported.

The impact of the proposals upon local amenity and the operation of the highway is discussed in sections 8.3 and 8.4 below.

8.2 Townscape and Design

The area in front of the hotel was redesigned and improved at the same time as the adjacent water feature was installed, in 2010. These works greatly enhanced the public realm at the junction of Carlos Place and Mount Street, increased the area available to pedestrians, and enhanced the character and appearance of the Mayfair Conservation Area.

Objections have been received on the grounds that the placing of tables and chairs on the highway would have an unacceptable visual impact on the streetscape and upon the setting and enjoyment of the adjacent water sculpture "Silence".

The use of the space in front of the hotel for tables and chairs does cause some harm to the quality of the new public realm. However, it is considered that, on balance, the siting of tables and chairs, and barriers, is acceptable in townscape terms and, being impermanent, would not harm the character and appearance of the Mayfair Conservation Area.

The barriers are considered acceptable, provided that they do not display advertising. It is considered that they should be finished in a colour to match the adjacent stone balustrade, rather than in the bronze colour currently proposed. A condition is therefore recommended to secure this colour change, which the applicant is agreeable to.

To protect the character of the Mayfair conservation area, a condition recommended to prevent the placing of any furniture and equipment on the highway other than the proposed barriers, tables and chairs.

8.3 Amenity

Objections have been received from a Ward Councillor (Councillor Roberts) and local residents on the grounds that the proposals would result in unacceptable noise disturbance to neighbouring residential properties and would be detrimental to residents' and visitors' quiet enjoyment and appreciation of the adjacent water sculpture.

The supporting text to UDP Policy TACE 11 states that the City Council normally would not permit external tables and chairs where the upper floors of the main building are in residential use. The entire corner at the junction of Mount Street and Carlos Place is occupied by the hotel. The nearest residential units are on the opposite side of Mount Street, approximately 15m to the south.

It is accepted that there are many residential premises in the area and that Mount Street is quieter later into the evening. The applicant confirms their intention of operate the outside dining facility during the summer months, from breakfast time until dusk. Given the limited number of seats proposed (16) and subject to a condition limiting the hours of use to those proposed (07.30 to 22.00 hours on Monday to Saturday and 08.30 to 21.00 hours on Sundays and Bank Holidays), it is not considered that the scheme would result in unacceptable noise disturbance to neighbouring residents.

Other objections concern the likelihood that use of the seating would be prioritised for hotel guests, being of no benefit to the local community. This is not a material planning consideration and could not justify the withholding of permission.

The application is supported by the Grosvenor Estate and eighteen local residential and business occupiers, who consider that the proposals would enhance the character of the area and would add to the sense of local community. Supporters also anticipate that the external area would be well managed and maintained by the hotel operators.

8.4 Transportation/Parking

As a result of recent public realm improvements, the footway adjacent to the hotel has been widened. It is distinct from the carriageway in terms of its materials and separated by a kerb and planters/bollards. However, there is no difference in levels between the pavement and the carriageway. The Council's public realm strategy "The Westminster Way" states that 'where footways and pedestrian areas have been given more room for people, there is a presumption against allowing new obstructions that take the footway back to or near to its former width'.

There is no suggestion that the public realm works, which included the widening of the pavement, were undertaken in order to increase the available pavement space. The area is subject to light pedestrian flows.

Objectors have referred to the fact that the area is heavily congested and heavily parked and that the pavement is sometimes use for vehicle parking in association with the hotel. An objection has also been received on the grounds that the proposals would generate additional vehicular traffic to an area which already is already subject to heavy traffic flows. However, it is not considered that the provision of external seating for a maximum of 16 customers is likely to result in a significant increase in traffic generation which would affect the safe operation of the highway network.

The Highways Planning Manager has expressed some concern that cars overrunning the footway could pose a potential hazard to pavement diners. However, the seating area will be enclosed by the proposed barriers and the potential risk is not considered to be any greater than that to pedestrians walking along this stretch of pavement.

The Highway Planning Manager has raised no objection to the application, subject to standard conditions, on the basis that the proposal would leave sufficient unobstructed highway width for pedestrian movement. However, they have requested that permission be granted for a temporary period of one year to allow monitoring of the situation.

For the reasons outlined above, the proposals are considered acceptable in highways terms.

In accordance with the Council's usual practice, it is recommended that permission is granted for a temporary period of one year to allow the impact of the proposal to be monitored.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Other UDP/Westminster Policy Considerations

Cleansing

The Projects Officer (Waste) has raised no objection to the application.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.10 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.11 Other Issues

The Ward Councillor has expressed concern that the neighbour consultation took place over the festive period, denying many residents the opportunity to comment on the application. A second neighbour consultation took place in January 2018 (with a corrected description of development). In these circumstances, it is considered that neighbouring occupiers have had ample opportunity to comment on the application.

9. BACKGROUND PAPERS

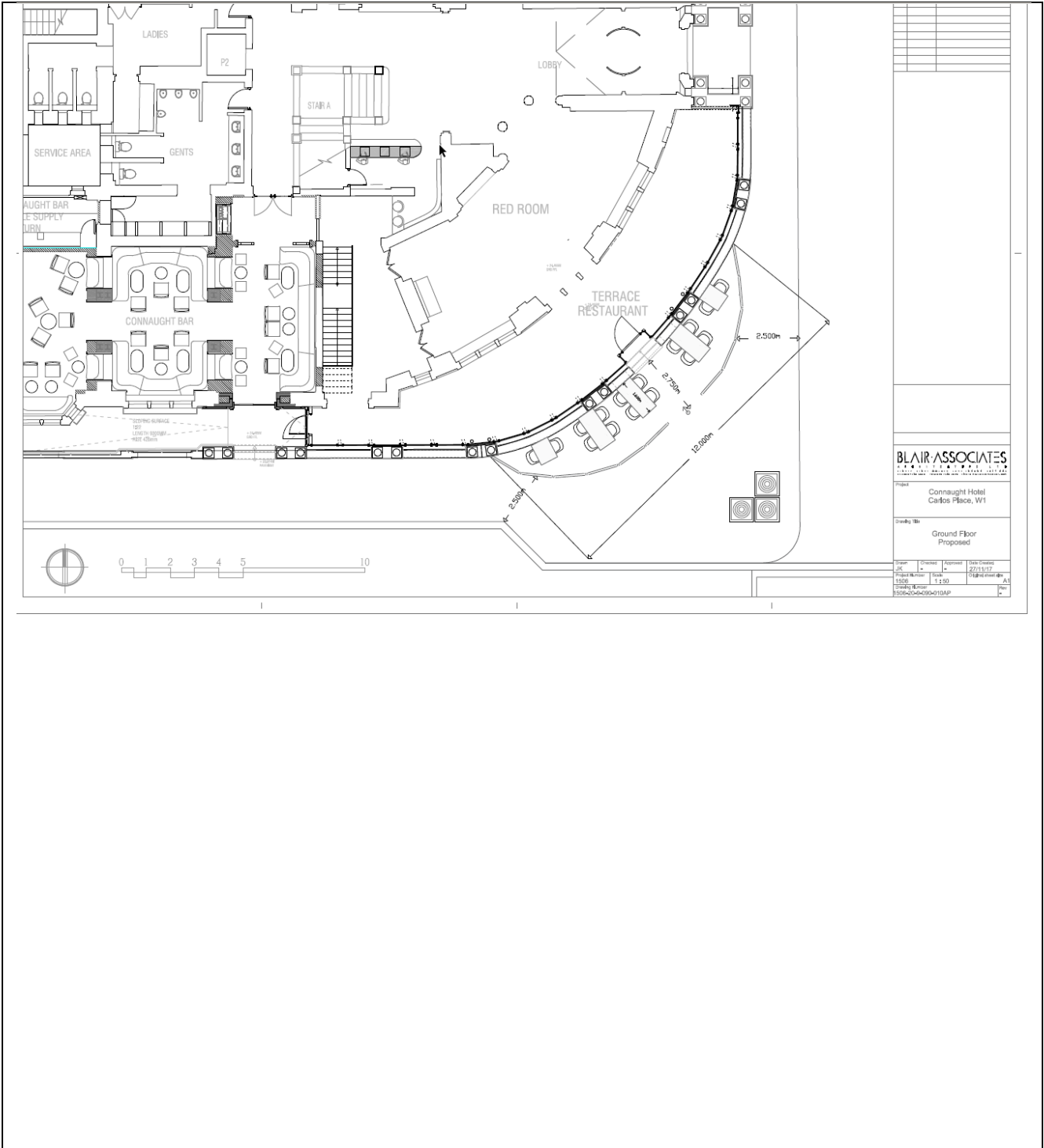
1. Application form
2. Response from Councillor Roberts dated 28 December 2017
3. Response from the Residents' Association of Mayfair & St. James' dated 16 January 2018
4. Response from Highways Planning Manager dated 9 January 2018
5. Response from Cleansing dated 20 December 2017

6. Letter from occupier of Flat 7, 101 Mount Street, dated 29 December 2017
7. Letter from occupier of 101 Mount Street, dated 29 December 2017
8. Letter from occupier of 114, Mount Street, dated 28 December 2017
9. Letter from occupier of 125 Mount Street, dated 29 December 2017
10. Letter from occupier of 125 Mount Street, dated 29 December 2017
11. Letter from The Grosvenor Office, 70 Grosvenor Street, dated 24 January 2018
12. Letter from occupier of 5 Mount Street, dated 24 January 2018
13. Letter from occupier 4th Floor, 5a Mount Street, dated 8 January 2018
14. E-mail from occupiers 11 Mount Street, dated 14 February 2018
15. Letter from occupier 49 Mount Street, dated 15 December 2017
16. Letter from occupier 102 Mount Street, dated 13 December 2017
17. E-mail from occupier 106 Mount Street, dated 22 January 2018
18. Letter from occupier 111 - 112 Mount Street, dated 29 December 2017
19. Letter from occupier 114 Mount Street, dated 28 December 2017
20. Letter from occupier 3, Upper Brook Street, dated 16 December 2017
21. Letter from occupier 37 Upper Brook St, dated 13 December 2017
22. Letter from occupier 59 South Audley Street dated 15 December 2017
23. Letter from Alvaro Sanchez, Ermenegildo Zegna, New Bond Street, dated 26 January 2018
24. Letter from occupier 2 Davies Street, dated 26 January 2018
25. Letter from occupier 4 Carlos Place, dated 12 January 2018
26. E-mail from Sir George Iacobescu, dated 22 January 2018
27. E-mail from occupier 20 Adam's Row/ 6 Farm Street dated 22 January 2018
28. E-mail from occupier 48 Grosvenor Square dated 23 January 2018
29. E-mail from local resident (anonymous) dated 27 February 2018

(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: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Connaught Hotel, Carlos Place, London, W1K 2AL,

Proposal: Use of an area of the public highway measuring 12m x 2.75m for placing of five tables and 16 chairs.

Reference: 17/10559/TCH

Plan Nos: 1506-20-9-090-010AP; 1506-08-002AP

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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 screening, tables and chairs in any other position than that shown on drawing 1506-20-9-090-010AP. (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 07:30 and 22:00 Monday to Saturday and 08:30 and 21:00 on Sunday and Bank Holidays.

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 The tables and chairs must only be used by customers of The Connaught Hotel. (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)

- 5 This use of the pavement may continue until 31 March 2019. 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". 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.

- 6 You can only put out on the pavement the screening, tables and chairs shown on drawing 1506-20-9-090-010AP. No other furniture or equipment shall be placed on the pavement in association with the tables and chairs hereby approved.

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.

- 7 You must finish barriers, which must not include any advertising, including logos, in a colour to match the colour of the stonework to the ground floor façade of the adjacent Connaught Hotel. You must then permanently maintain them in that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair 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)

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 You cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can 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. Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 This permission does not grant approval for the incorporation of any advertising, including logos, on the barriers. This would require an application for advertisement consent, which is unlikely to be approved.

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.