

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	6 Sheldon Square, London, W2 6HY,		
Proposal	Use of the paved area outside unit 6 A&B measuring 26.6m x 1.3m (2.7m within the recessed bay) for the placing of 23 tables and 42 chairs, 2 benches and 2 planters in connection with the adjacent unit.		
Agent	Mr Graham Timms		
On behalf of	Vagabond		
Registered Number	18/05435/TCH	Date amended/ completed	14 August 2018
Date Application Received	27 June 2018		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a currently vacant unit located adjacent to the canal towpath at the base of Sheldon Square, which is located within the Paddington Central development. The building comprises commercial units at ground floor level with the upper floors from first floor up in residential use.

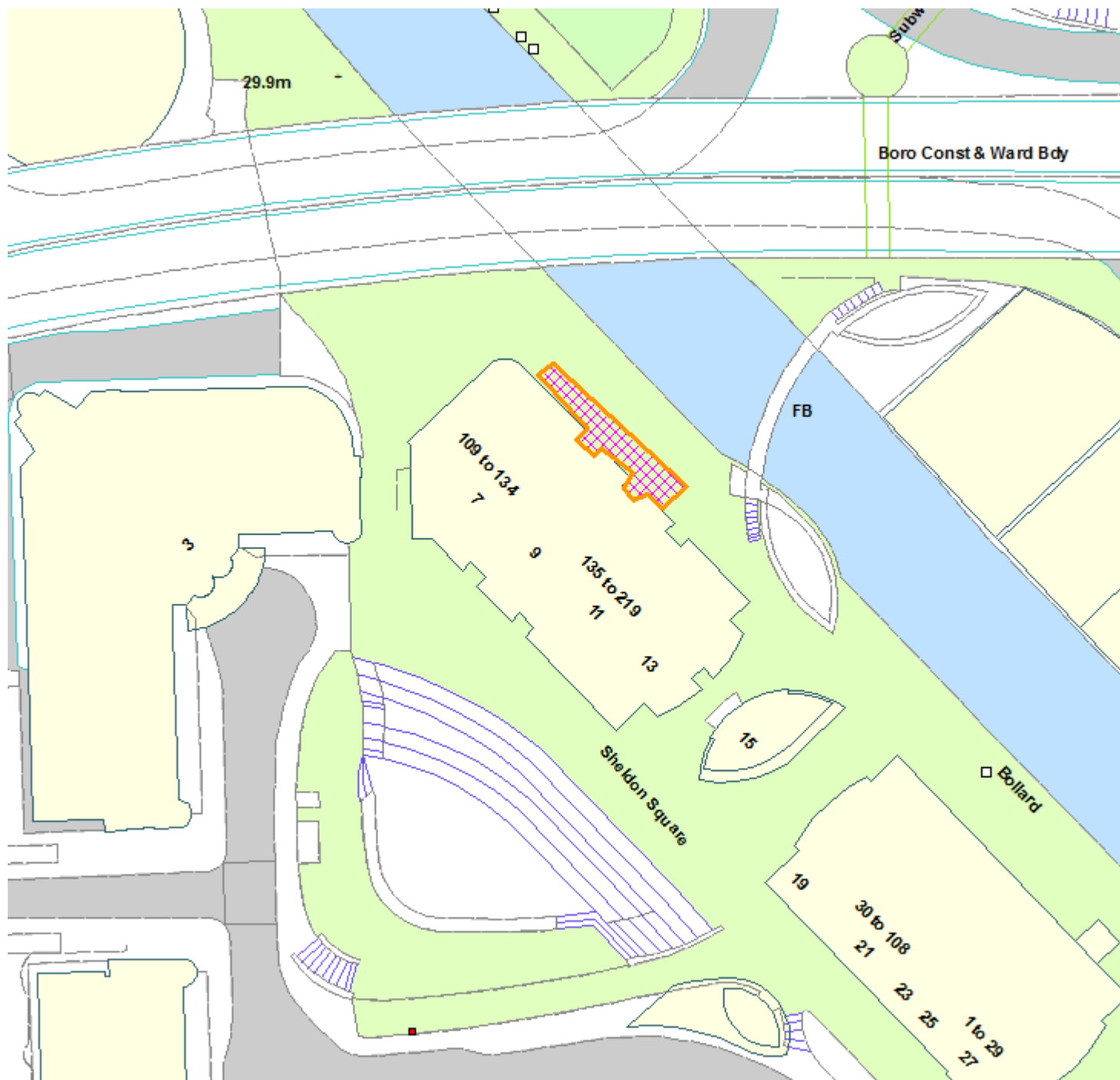
Permission is sought for the placement of tables, chairs and planters on an area of pavement measuring 26.6m x 1.3m (widening to 2.7m within a recessed bay). The proposals have been revised during the application process, reducing the width of pavement to be used and the number of tables, chairs and planters.

The key issues in the consideration of this application are:

- The impact on the amenity of occupiers of neighbouring properties;
- The impact on the pedestrian movement;
- The acceptability of the proposals in land use terms.

The revised proposals are considered to accord with the City Councils adopted policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design, amenity and highways terms. The application is therefore recommended for temporary approval, subject to the conditions as set out on the draft decision letter appended to this report.

3. LOCATION PLAN



4. PHOTOGRAPH



5. CONSULTATIONS

CONSULTATION RESPONSES TO INITIAL PROPOSALS:

SOUTH EAST BASWATER RESIDENTS ASSOCIATION:

Raise objection on the grounds of potential nuisance, crime and disorder to local residents in the area. Also state that the number of tables and chairs are too many and will impede pedestrian and cyclists along the tow path. Note that the described location/address is confusing, concerns in relation to licensing issues, smoking. Concern will impede pedestrians and cyclists passing along canal footpath.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY:

Raise an objection as the proposals will cause congestion to pedestrians, cyclists, pushchairs and wheelchairs and should therefore not be permitted. Alterations to the street furniture and planting could be made to alleviate this. Request for neighbours' views to be taken into consideration.

DESIGNING OUT CRIME OFFICER:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Raise objection as the proposals do not comply with the Westminster Way or the Councils public realm strategy.

CLEANSING MANAGER:

No objection as not a publically maintained space.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 117

No. of replies: 1 response from an unknown address raising general issues in relation to lack of consultation.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

CONSULTATION RESPONSES TO REVISED PROPOSALS:

SOUTH EAST BASWATER RESIDENTS ASSOCIATION:

Maintain objection as still too many tables and chairs due to location under a large block of flats. Also comment that no dedicated smoking area has been shown and note that similar comments have been made in relation to a licensing application. Request a condition that planters are maintained at all times in a good condition, particularly given that plants at other sites are dead or missing.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY:

The applicant has failed to address the issue of the restriction in the footpath caused to the south of the premises. Whilst the reduction in the tables and chairs is noted, the loss of the barriers will result in customers spreading across the pavement/tow path causing

a greater problem. There is also nowhere to 'contain' people who have come outside to smoke. Is it considered the revised proposal to be ill conceived and unmanageable. If the 16 seats and tables to the Southern end were removed and the barriers re-installed along with a dedicated smoking area provided then this would be acceptable. Also request for neighbours' views to be taken into consideration

DESIGNING OUT CRIME OFFICER:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection to revised proposals. Note that 3.3m free pavement would meet Transport for London Pedestrian Comfort Guidance for London.

CLEANSING MANAGER:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 117

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to an area of pavement adjacent to an unlisted building located outside of a designated conservation area. The site is however within the Central Activities Zone (CAZ), the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area. The ground floor of the building is largely in commercial use, with a café, a bar and a restaurant on the other three frontages of the building. The upper floors (first floor and up) are in residential use.

The tables and chairs subject to this application are to be used in association with a unit located at ground and basement level of the building facing the canal, which has recently been granted planning permission for a Sui Generis mixed use.

6.2 Recent Relevant History

18/03640/FULL

Use of unit 6a and 6b and part basement as a mixed Sui Generis unit offering the sale of wine for consumption on and off the premises and sale of food for consumption on the premises (Class A1/A3/A4). Alterations to shopfront including the blocking up of existing entrances and creation of new entrance.

Application Permitted 19 June 2018

There is an application currently under consideration for the variation of this permission to allow for low level extraction of the kitchen ventilation system for this approved mixed use (referenced 18/06001/FULL).

16/10173/FULL

Use of ground floor Units 6A and 6B for retail purpose (Class A1).

Application Permitted 14 December 2016

7. THE PROPOSAL

The application has been revised during the course of the application to reduce the width of pavement to be used and the number of items of furniture to be placed on the highway. Permission is now sought for the use of an area of the footpath outside of unit 6 A&B measuring 26.6m x 1.3m (increasing to 2.7m within the recessed bay) for the placing of 23 tables and 42 chairs, 2 benches and 2 planters in connection with the adjacent unit.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Proposals for the use of the footway for the provision of tables and chairs 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 footway where they would not result in obstruction and where there would be no material loss of amenity to neighbouring occupiers. The impact of the proposals in these terms is discussed in sections 8.3 and 8.4 of this report.

8.2 Townscape and Design

The proposed furniture is not considered to have a negative impact on the local townscape and is therefore considered acceptable in design terms.

8.3 Residential Amenity

Policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our UDP (January 2007) concern the impact on the amenities of the occupiers of neighbouring and adjoining properties.

Concerns have been raised by the South East Bayswater local amenity society on the grounds that the proposed tables and chairs will have a negative impact on the amenity of the residential flats located on the upper levels of the building. Such concerns are shared by officers.

The application has been amended to significantly reduce the number of tables and chairs which are to be placed on the highway, this will help to reduce noise emanating from people sitting out. The applicant has provided an Operational Management Plan in support of the application, which sets out how patrons will be managed to reduce

disturbance and a dispersal policy. A condition is recommended to ensure that this Plan is adhered to.

It is appreciated that there is currently no outside tables and chairs on the canal side frontage of this building, therefore there will be some increase in general noise as a result of the proposals, particularly in the evening. However, such furniture is now established around both of the residential blocks, with the eastern block including restaurants and bars and much larger areas of seating (due to less obstructions on the footway) along the canal. It is recommended that permission is only granted on a temporary basis of one year so that the impact can be re-assessed.

For the reasons stated above, and subject to the proposed conditions, it is considered that the proposal is in accordance with policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our UDP (January 2007).

8.4 Transportation/Parking

The City Council's UDP policies TRANS 3 (A) and TACE 11 and Supplementary Planning Guidance (SPG) The Westminster Way (adopted November 2011) relate to tables chairs and other objects placed on the footway.

Objection was received to the original proposals from the Highways Planning Manager and two local amenity societies due to the extent of footway to be used for furniture, which would block pedestrian flows.

Due to the location of the pedestrian bridge, and fixed street furniture and street trees, the natural flow of pedestrians is pushed up to the building line where the tables and chairs are proposed to be placed. Given the pleasant canal side location, there are regular pushchairs and large numbers of pedestrians who use this stretch of footway.

Following officer comments that the proposed layout was not considered acceptable, a revised layout with reduced tables, chairs and planters has been submitted.

One of the local amenity societies remains of the opinion that the proposals are unacceptable, and that the removal of the line of planters means that patrons will spread over the footway. While these comments are noted, it is not possible under planning regulations to limit vertical drinkers or smoking. This would be a matter of management of the premises and licensing.

No objection has been received to the revised proposals from the Highways Planning Manager, which now leaves a clear pavement width of at least 3m. The revised proposals are considered to leave sufficient pavement width for pedestrian flows and the application is therefore considered to be acceptable in these terms.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the unit will remain as permitted.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 Neighbourhood Plans

Not applicable to this site.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment (EIA)

The proposed development is of insufficient scale to require an EIA.

8.13 Other Issues

An objection has been received with general complaints in relation to consultation with residents about planning and licensing applications, particularly in relation to the location of the site noticed. It is unknown which particular applications the objection relate, however the following comments are made.

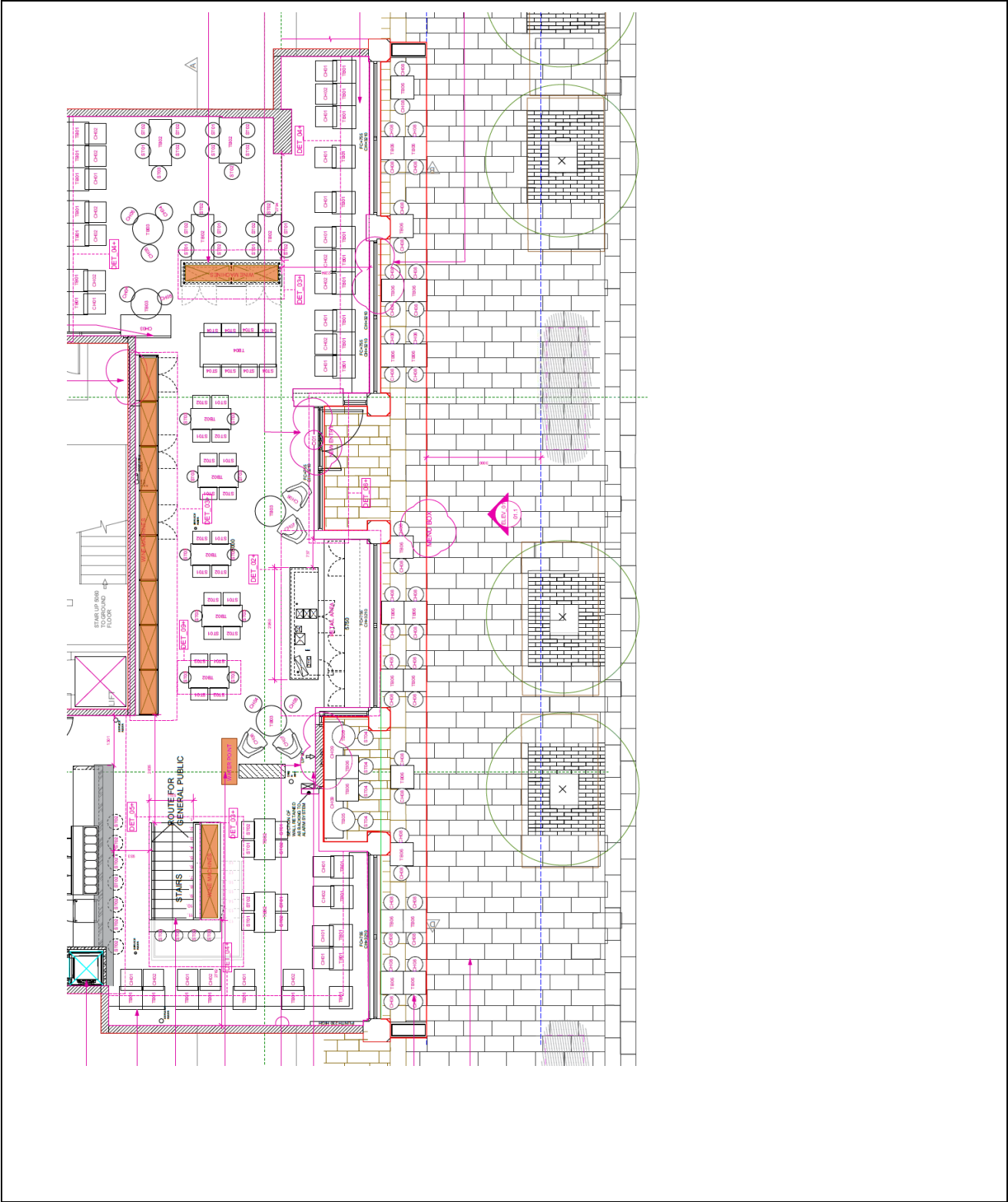
Consultation letters have been sent out to all of the resident's location above the application site. No responses (other than this one) have been received. The council has not consulted the residents within the eastern block due to the nature of the proposals, which relate to the retail unit at ground floor level facing the canal, which is considered acceptable.

In relation to the site notice being displayed on Bishops Bridge Road (a significant distance from the application site), the issue here arises due to Paddington Central being a privately managed estate (by British Land) and therefore the lamp posts, trees and walls etc. are not owned by the City Council and therefore the attachment of the signs is not permitted. The site notices have been displayed on the nearest public highway to the development site, however it is accepted that this may be of limited use given the distance to Bishops Bridge Road. In addition to the site notices and the neighbour consultation, we place an advert in the local press. It is considered that the council has met its statutory consultation requirement which is to undertake either neighbour consultation or a site and press notice.

(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: RICHARD LANGSTON BY EMAIL AT rlangston@westminster.gov.uk.

9. KEY DRAWING



DRAFT DECISION LETTER

Address: 6 Sheldon Square, London, W2 6HY,

Proposal: Use of the paved area outside unit 6 A&B measuring 26.6m x 1.3m (2.7m within the recessed bay) for the placing of 23 tables and 42 chairs, 2 benches and 2 planters in connection with the adjacent unit.

Plan Nos: GA_01 J; Ground floor plan; Site location plan; Operational Management Strategy.

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 You must not put the tables and chairs in any other position than that shown on drawing GA_01 J. (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 10:00 and 23:00. (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. (R25BD)

- 4 The tables and chairs must only be used by customers of the unit at 6A&B Sheldon Square. (C25CA)

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. (R25BD)

- 5 This use of the pavement may continue until 30 September 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 as a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing GA_01 J. No other furniture, equipment or screening 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. (R25EA)

- 7 The tables and chairs shall be managed in accordance with the Operational Management Strategy.

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. (R25BD)

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 If you want to know about the progress of your application for a street trading licence, you can contact our Licensing Service on 020 7641 8549. (I49AB)

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.