

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 September 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	32 Buckingham Palace Road, London, SW1W 0RE		
Proposal	Use of an area of public highway measuring 9.8m x 1.65m for the placing of 8 tables, 16 chairs and 1 planter in connection with the existing restaurant use.		
Agent	Cotton Thompson Cole Ltd.		
On behalf of	Pizza Pilgrims		
Registered Number	21/00312/FULL	Date amended/ completed	26 January 2021
Date Application Received	19 January 2021		
Historic Building Grade	Unlisted		
Conservation Area	Grosvenor Gardens		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

32 Buckingham Palace Road is identified as an unlisted building of merit and is located within the Grosvenor Gardens Conservation Area and the Central Activities Zone.

In January 2020, conditional planning permission was granted for the use of an area of public highway for the placing of 8 tables, 16 chairs and 2 planters in connection with the restaurant use at ground floor level for a temporary 12 month period. The current application seeks to renew this permission for a further 12 month period. Following complaints from residents, the Council has commenced an enforcement investigation into the unauthorised placing of tables and chairs on the highway, since the expiry of the previous permission in January 2021.

Given that the proposals relate to the placing of tables and chairs upon the public highway, Policy 43 (Public Realm) part D of Westminster's City Plan 2019-2040 (adopted April 2021) is of relevance, as well as Policy 25 (Walking and cycling) which seeks to prioritise pedestrian movement, and Policy 33 (Local environmental impacts) which seeks to prevent harmful impacts upon amenity in terms of noise. The Westminster Way Public Realm Strategy is also of consideration (2011).

Policy 43 part D states that proposals for trading from premises extending into the street (including

provision of tables and chairs on the highway) will be supported where they do not: 1) harm local amenity, 2) compromise pedestrian movement or traffic conditions; and 3) impede refuse storage and street cleansing arrangements.

Objections have been received from the residential flats above at 34- 38 Buckingham Palace Road on the grounds that customers using the tables and chairs, and those that congregate nearby, cause noise disturbance, anti-social behaviour, and impact on their privacy late into the night.

The application site is located within the Central Activities Zone on a main road with high levels of pedestrians and vehicular activity. The hours sought are 11:00 – 23:00 hours daily. Noise is likely to arise from customers using the tables and chairs plus staff setting up and clearing away daily. To help mitigate disturbance to nearby residential occupiers the applicant has submitted a management plan, which includes the following:

- Tables and chairs will only be used by guests of the restaurant and during the permitted hours.
- There is a no smoking policy for staff and guests outside the front of the restaurant.
- Staff will be trained in licensing and the appropriate way to serve alcohol. No guest will be allowed alcohol past legal trading hours.
- Staff will be instructed to move the tables, chairs and other furniture into and out the restaurant as quietly as possible by ensuring furniture is lifted and not dragged.

Given the number of tables of chairs, hours of operation and the measures set out in the management plan, it is considered that the proposals would not lead to unacceptable noise and disturbance to residents. Conditions are recommended to secure the management plan and ensure that the tables, chairs and planter are only placed on the highway during the hours permitted.

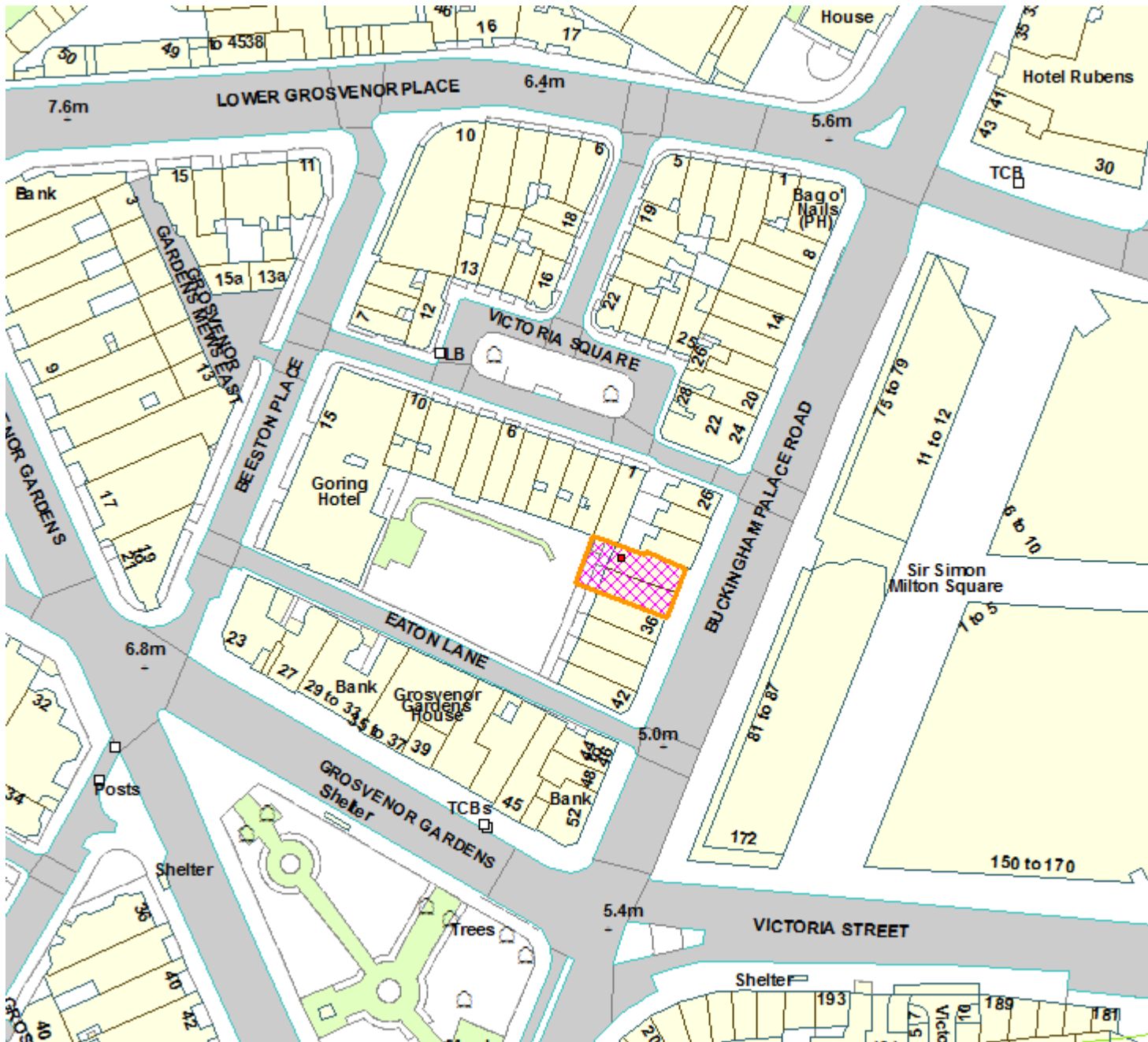
Objectors also state that the proposals will obstruct the pavement, preventing pedestrians (including users of wheelchairs, prams and buggies) from passing safely and easily. They also state that the proposals will obstruct the residential entrance door at 34 Buckingham Palace Road.

The Westminster Way states that items of furniture such as tables and chairs on the pavement area should provide a minimum 2m clearance of unobstructed footway. The pavement width is 4.6m, and the proposed tables and chairs will project 1.65m from the building frontage, leaving a clearway of 2.95m. The applicant has also removed the planter previously positioned beside the residential entrance. The proposals therefore provide a sufficient pedestrian clearway. Conditions are recommended to ensure that the tables, chairs and planter will only be positioned in accordance with the approved drawings and stored internally when not in use.

The proposal would not have a detrimental impact on the appearance of the host building or the appreciation of this part of the Grosvenor Gardens Conservation Area.

As set out above the proposed tables and chairs are considered to comply with the Council's relevant policies. However, it is clear from the Council's enforcement investigation that the tables and chairs have previously not been positioned in accordance with the approved drawings. Accordingly, it is recommended that permission is only granted for a temporary period of one year so that the impact of the tables and chairs on residents can be monitored. If the applicant does not comply with the recommended conditions it is unlikely that permission will be renewed in future.

3. LOCATION PLAN



4. PHOTOGRAPHS



Front Elevation of Application Site

5. CONSULTATIONS

TRANSPORT FOR LONDON:

No comment, on the condition that the external seating will be positioned in the locations outlined by the submitted plans.

BELGRAVIA RESIDENTS' ASSOCIATION:

Any response to be reported verbally.

THE BELGRAVIA SOCIETY:

Any response to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

VICTORIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection, conditions recommended to secure hours of operation, management plan and to limit permission to a 12 month period.

WASTE PROJECT OFFICER:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 7

No. of objections: 6

No. of neutral: 1

One neutral representation and six objections have been received from nearby residential occupiers on the following grounds:

LANDUSE/AMENITY

- Customers using the tables and chairs in this location, and those who congregate nearby, will continue to cause noise disturbance and impact the privacy of residents late into the night.
- Moving the tables and chairs in and out of the building causes a great deal of noise disturbance.
- The proposals will attract rough sleepers, beggars, street drinkers and associated anti-social behaviour, impacting the security of nearby residents.

HIGHWAYS:

- The proposals will obstruct the main residential entrance door and video panel at no. 34 Buckingham Palace Road. Enough space needs to be given to allow unimpeded access to the residential properties.
- The proposals will obstruct the pavement, preventing pedestrians, wheelchair

users, prams and buggies to pass along safely and easily.

OTHER:

- Due to the length of time the notification letters took to arrive in the post the deadline for comments should be extended.
- The applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
- The applicant has already been using the highway for the placing of tables and chairs without permission.
- All previous permissions to the premises should be reviewed, especially the illuminated signage.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

5.1 Recent Relevant History

In April 2016, permission was granted for the construction of a mansard roof extension at fourth floor level and use of first, second, third and new fourth floor to provide 23 intermediate affordable housing units (Class C3). Use of the ground and basement floors for retail (Class A1/A3) including replacement shopfronts. External works to the front, rear and side elevations and other associated works.

In November 2017, permission was granted to vary the approved drawings to allow for changes to the scheme to include increasing the height of the mansard roof by 450mm, the lift over run by 250mm and the escape stair by 450mm.

In April 2018, permission was again granted to vary the approved drawings to allow the use of space as (Class A1) in place of the proposed substation, retain height of rear boundary wall with lateral support from construction of new leaf, enlargement of two risers adjacent to lift shaft and addition of third riser in the new stair core, raise the parapet level of wall enclosing the main stair by 450mm to allow for a new access roof light, installation of new automatic opening vent, the walkway, escape stair and locations of service outlets altered, and number of PV panels reduced to reflect electrical demand from the common parts of the building

In November 2019, a non-material amendment was granted to add a screen to a covered basement area in the rear light-well so as to provide WC facilities for concierge and maintenance staff.

In November 2019, advertisement consent was granted for display of an externally illuminated fascia sign measuring 0.25m x 2.17m, externally illuminated projecting sign measuring 0.50m x 0.60m, and internally illuminated menu board measuring 0.77m x 0.46m.

In January 2020, permission was granted for use of area of the public highway measuring 1.65m x 9.8m for the placing of 16 chairs, 8 tables and 2 planters in connection with the ground floor use, for a temporary 12 month period.

In December 2020, permission was granted for installation of two retractable awnings at front of building.

5.2 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

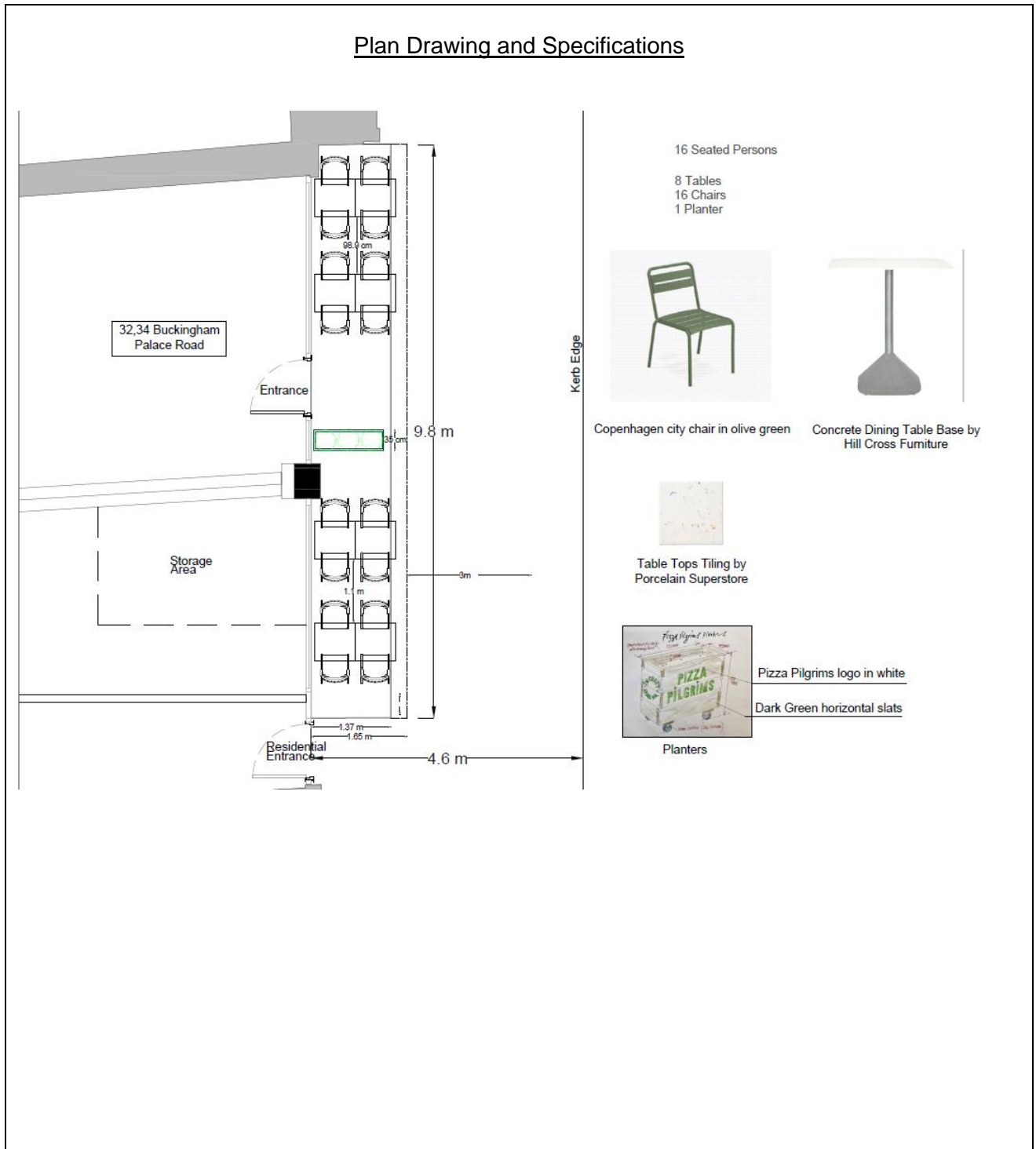
5.3 London Plan

This application raises no strategic issues.

(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: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK

6. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 32 Buckingham Palace Road, London, SW1W 0RE

Proposal: Use of an area of the highway measuring 9.8m x 1.65m for the placing of 8 tables, 16 chairs and 1 planter in connection with the existing restaurant use.

Reference: 21/00312/FULL

Plan Nos: 600 A; 610 F; External Seating Area Management Plan – Revision A dated 27 August 2021.

Case Officer: Ian Corrie

Direct Tel. No. 07866038370

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 and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing 610 F. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R25AD)

- 3 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved on the pavement between 1100 and 2300. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

- 4 The tables and chairs must only be used by customers of the ground floor restaurant. (C25CA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

- 5 This use of the pavement may continue until 30 September 2022. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (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 Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission. (R25DD)

- 6 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing 610 F. (C24FA)

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 Policy 43 of the City Plan 2019 - 2040 (April 2021). (R25EB)

- 7 You must carry out the measures included in your External Seating Area Management Plan – Revision A dated 27 August 2021 at all times that the tables, chairs and other furniture is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

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, neighbourhood plan (where relevant), 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, which can be applied for at the following link: www.westminster.gov.uk/tables-and-chairs-licence. If you want to know about the progress of your application for a licence, you can contact our Licensing Service by email to streettradinglicensing@westminster.gov.uk. 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.
- 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 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: signs on planter and externally illuminated fascia sign.

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.