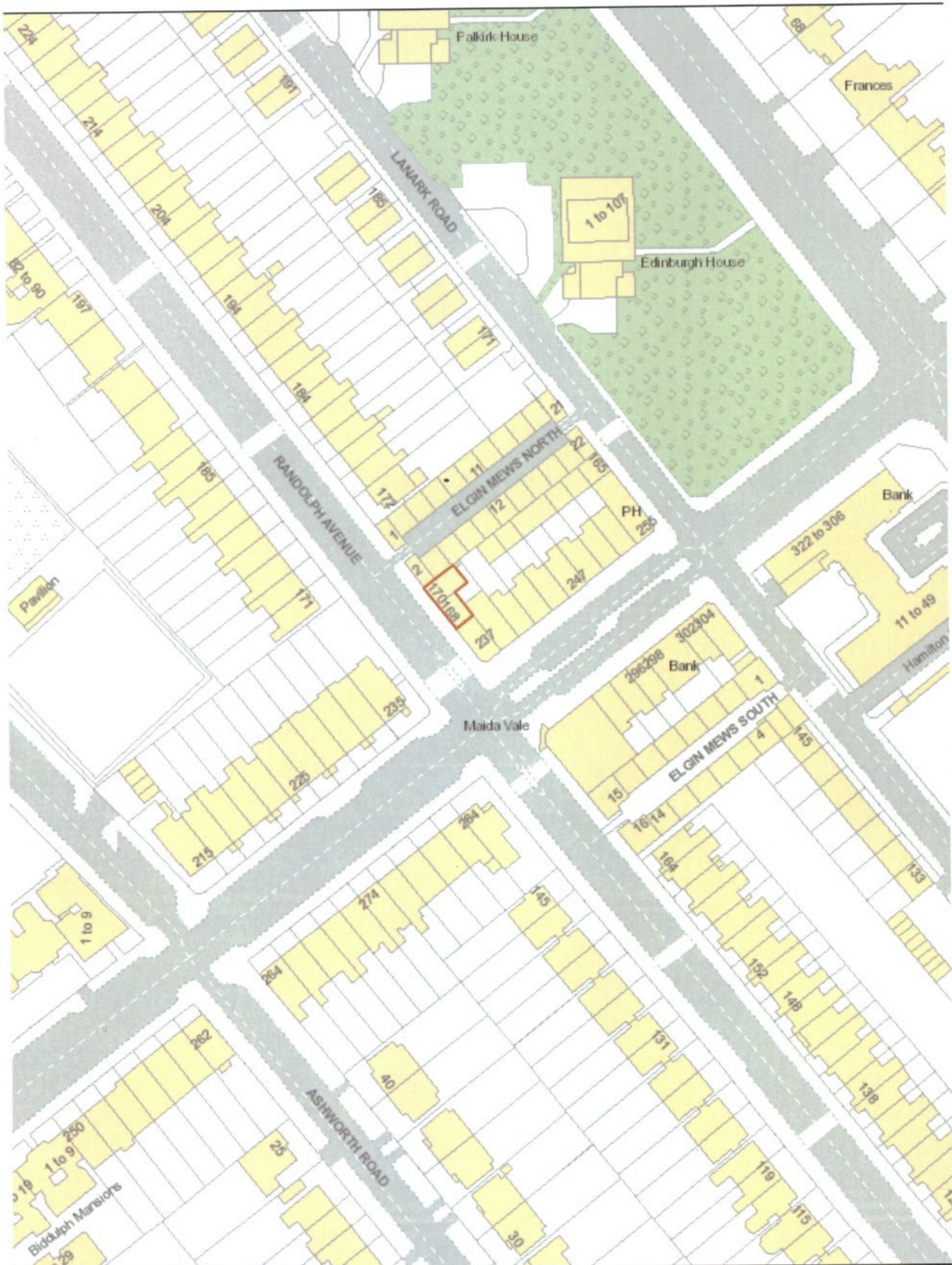


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 February 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Maida Vale	
Subject of Report	168-170 Randolph Avenue, London, W9 1NJ		
Proposal	Use of two areas of the public highway for the siting of three tables, six chairs and one waste bin in connection with Starbucks Coffee.		
Agent	Pegasus Planning Group Ltd		
On behalf of	Starbucks Coffee Co (UK) Ltd		
Registered Number	14/10399/TCH	TP / PP No	TP/22459/15162
Date of Application	15.10.2014	Date amended/ completed	20.10.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone Within Maida Vale Local Shopping Centre (Core Frontage)		
Stress Area	Outside Stress Area		
Current Licensing Position	Temporary Licence for the use of three tables and six chairs and one litter bin from 1 October 2014 until 31 March 2015 09.00 – 21.00 daily with a note that a further licence will not be issued until planning permission is in place.		

1. RECOMMENDATION

Grant conditional permission.



City of Westminster

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168-170 RANDOLPH AVENUE, W9

2. SUMMARY

Planning permission is sought for the use of the public highway for the siting of three external tables and six chairs associated with Starbucks Coffee in Maida Vale between 08.00 and 21.00 daily. The premises have both a long history of external tables and chairs associated with the premises, however, there have also been breaches of planning control and local residents in close proximity to the premises have raised concern with the management of the premises and the impact of the external tables and chairs in respect of noise and disturbance, litter and highways issues.

The key issues in this case are:

- The impact of the placing of the external tables and chairs on the public highway in transportation terms.
- The impact of the use of the external tables and chairs on the amenities of local residents.

Given the modest amount of seating proposed, subject to a restriction on the hours of use to between 08.00 and 19.30 Monday to Saturday and 09.00 and 19.30 on Sundays, the proposal would satisfy the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies, and is therefore recommended for approval.

3. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Tables and chairs are a useful amenity for the customers of Starbucks but can cause a nuisance to some users of the pavement, sympathise with occupier who lives above premises in so far as they should not be allowed to place tables and chairs outside unless/until they have permission. Neighbours views should be taken into consideration.

HIGHWAYS PLANNING MANAGER

Acceptable on transportation grounds.

CLEANSING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 199; Total No. of Replies: 5.

Five responses received raising the following issues:

Amenity

- Noise and disturbance from putting tables and chairs outside early morning.
- Noise from talking, shouting, laughing, mobile phone use.
- Smoke fumes.
- Litter from cups and rubbish left on tables and chairs which is then blown around as staff do not clear the tables.
- Increased hours of tables and chairs would cause increased nuisance to residents and pedestrians.
- Youths loitering at tables and transmitting music through blue tooth speakers before staff moving them on.
- Casual loitering has reduced since tables and chairs removed.
- Noise and litter when tables and chairs were outside was dreadful.
- Life is much quieter and cleaner since tables have been removed.

Transportation

- Traffic congestion has reduced since recent opening hours restriction and so do not want to return to the previous experience.
- When tables and chairs in place anti-social parking (including double parking) would take place.
- Have had our street back and realise the severe total environmental impact of gradually extended opening hours and stealthily increasing presence of pavement furniture over the last 10 years.
- Pavement is uncluttered with a significant reduction in Starbucks associated litter due to recent removal of tables and chairs.
- Pavements belong to pedestrians.
- Impact of five people and push chair outside premises.
- Impact on partially sighted and blind pedestrians.

Other

- Starbucks think they are above the law and constantly flout Westminster's rules and regulations as well as neighbours requests.
- Starbucks already fail to comply with the planning permissions they have and have had in terms of hours of use.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

No.168-170 Randolph Avenue is a three storey plus basement building located on the eastern side of Randolph Avenue close to the junction with Elgin Avenue and Maida Vale Underground Station. The site operates under a planning permission for a mixed A1/A3 use granted in 2006. The site forms part of the Maida Vale Local Shopping Centre (Core Frontage) and is located within the Maida Vale Conservation Area.

4.2 Relevant History

Planning permission was granted on 23 March 2006 for the continued use of the premises as a mixed use coffee shop (Class A1/A3) sui generis. This was subject to a number of conditions restricting the use including:-

1. No cooking of raw or fresh food.
2. Hours of operation 07.00-19.30 Monday to Friday and 07.30 to 19.30 on Saturdays and Sundays.
3. Personal to Starbucks.
(Ref: - 06/00671/FULL)

Planning permission was subsequently granted in 2006, 2007, 2008, 2009, 2010, 2011 and 2013 (the latest which included the provision of a waste bin outside the premises) for the placing of three tables and six chairs on the highway in connection with Starbucks between the hours of 09.00 and 21.00.

In July 2014 an application for use of the public highway for the placing of three tables, six chairs and one waste bin in connection with Starbucks Coffee from 06:00 - 22:00 Monday to Friday, 07:00-22:00 Saturdays and 07:30 - 21:00 Sundays, was withdrawn on officer advice.(14/00356/TCH).

An officers meeting with Starbucks Coffee followed whereby the lawful planning position in respect of both the use of the building and the external tables and chairs was discussed together with ongoing management concerns raised by local residents in respect of unsocial hours of servicing, noise and disturbance, litter, inconsiderate parking and general management issues. Following this meeting, as the external tables and chairs did not have permission, they were removed by the applicant.

5. THE PROPOSAL

Planning permission is sought for the use of two areas of public highway for the placing of three tables and six chairs and one waste bin in connection with Starbucks Coffee. The external furniture is proposed for use between 08.00 and 21.00 daily.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The three tables and six chairs are not considered to unacceptably intensify the existing mixed use coffee shop and the principle of external tables and chairs is considered to be acceptable in terms of Policy TACE11 of the UDP. Furthermore, the planning history demonstrates that temporary permission has been granted for tables and chairs on the public highway outside of Starbucks continuously since 2006.

However, the hours of use sought for the external tables and chairs fall outside of the permitted hours that the premises are able to operate (07.00-19.30 Monday to Friday and 07.30-19.30 on Saturdays and Sundays). Therefore, notwithstanding that external tables and chairs appear to have been granted for use till 21.00 in the past, this is in breach of the 2006 planning permission for the premises. As such, it is considered that if the proposal is acceptable in amenity terms that the use of the external tables and chairs is restricted, so that they fall within the lawful hours of use of the premises.

6.2 Townscape and Design

The furniture comprises steel circular tables and steel/teak wood chairs. These are considered to be of appropriate design and material and are considered to protect the character and appearance of the Maida Vale Conservation Area.

The waste bin which was requested by the Sub-Committee in 2009 is fibre glass and does not display any advertisements. The bin is therefore considered to be of appropriate appearance. No other furniture is proposed and this is to be secured by condition. The proposal therefore satisfies Policy TACE11 and DES7 of the UDP.

6.3 Amenity

The application proposes the same number of external tables and chairs previously granted permission (three tables and six chairs) for use between 08.00 and 21.00 daily. However, given the existing permitted hours of use of the main premises until 19.30 daily, it is inappropriate to consider the use of the associated tables and chairs outside of these hours. As such, an assessment is made to the acceptability of the use of the tables and chairs between 08.00 and 19.30 daily.

A number of local residents have made representations in respect of the Starbucks premises and associated external tables and chairs in connection with their experiences over the years. A key issue relates to the management of the operation of Starbucks Coffee on a daily basis. Matters raised include consistent breaches of planning control in respect of hours of operation of the premises and the external tables and chairs, unsocial hours of servicing, noise and disturbance, litter, inconsiderate parking and general management issues.

It is acknowledged that a number of the issues raised relate to the general management of the premises (including servicing which is unrestricted), however, these do not form grounds to withhold permission. Notwithstanding this, management issues were raised with Starbucks Coffee and they are also to be reminded to respect their neighbours, in an Informative.

The premises lie on the edge of the Maida Vale Local Shopping Centre (Core Frontage) and in close proximity to the Maida Vale Underground Station, but also in close proximity to local residents. As such, it is considered that whilst the use of three tables and six chairs from 08.00 to 19.30 Monday to Saturday is reasonable and acceptable, it is considered that the use of the external tables and chairs should be further restricted on Sundays to between 09.00 and 19.30 in order to provide local residents with some additional respite on Sunday mornings. As such, it is considered that the use of the external tables and chairs between 08.00 and 19.30 Monday to Saturday and 09.00 and 19.30 on Sundays would strike the balance between the provision of an external facility for customers of the premises and the amenity of residents in accordance with Policies TACE11 of the UDP and S29 and S32 of the City Plan.

A temporary permission for one year is recommended in order to monitor compliance with the planning permission and the applicant is to be advised in an Informative that any future breach of planning control may result in unsuccessful future applications, especially given the previous breaches.

6.4 Transportation/Parking

The application proposes the same number of tables and chairs within the same area of footway as has been granted permission on numerous occasions. As long as this layout and number of tables and chairs is complied with, there would be no impingement on the free flow of pedestrians, and the proposal would satisfy Policies TACE11 of the UDP and S41 of the City Plan.

6.5 Economic Considerations

Not applicable.

6.6 Equalities and Diversities (including Disabled Access)

It is not considered that the granting or refusal of permission will have any significant impact on the City Council's equalities and diversities policies.

6.7 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan:

Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

Not applicable.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable.

6.11 Conclusion

The proposal is considered to accord with the relevant UDP policies and City Plan policies and a favourable recommendation is made, subject to a restriction on the hours of use of the external tables and chairs to between 08.00 and 19.30 Monday to Saturday and 09.00 and 19.30 on Sundays.

BACKGROUND PAPERS

1. Application form and licensing paperwork
2. Memo from Highways Planning Manager dated 25.11.2014.
3. Memo from Cleansing Manager dated 31.10.2014.
4. Representations from Paddington Waterways and Maida Vale Society dated 02.11.2014 and 06.11.2014
5. Representations from occupier of 170A Randolph Avenue (including email correspondence with other parties), undated, 31.10.2014 (including emails of 21.01.2014 and 22.01.2014); 01.11.2014; 03.11.2014 (x3); 06.11.2014.
6. Representations from occupier of 1 Elgin Mews North (including email correspondence with other parties); undated; 04.11.2014.
7. Representation from occupier of 171E Randolph Avenue undated.
8. Representation from occupier of 171 Randolph Avenue dated 10.11.2014.
9. Representation from occupier of 177A via Councillor Prendergast date 18.11.2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

Address: 168-170 Randolph Avenue, London, W9 1NJ

Proposal: Use of two areas of the public highway for the siting of three tables, six chairs and one waste bin in connection with Starbucks Coffee.

Plan Nos: Site location plan BRS.1091-12437_01-1; BRS.1091-12437_02-1e; Pegasus letter 15.10.2014; Design and Access Statement; Furniture visuals; Marsh letter (confirmation of Insurance) 23.09.2014; Pegasus letter 20.10.2014 (copy of licence)

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

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 can only put the tables and chairs and litter bin on the pavement between 08.00 and 19.30 Monday to Saturday and 09.00 and 19.30 on Sundays. (C25BA)
Reason:
To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.
- 3 You must not put the tables and chairs and litter bin in any other position than that shown on drawing BRS.1091-12437_02-1e. (C25AA)
Reason:
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)
- 4 The tables and chairs must only be used by customers of Starbucks Coffee, 168-170 Randolph Avenue, W9. (C25CA)
Reason:
In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)
- 5 This use of the pavement may continue until 03.02.2016. 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: Strategic Policies adopted November 2013 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.

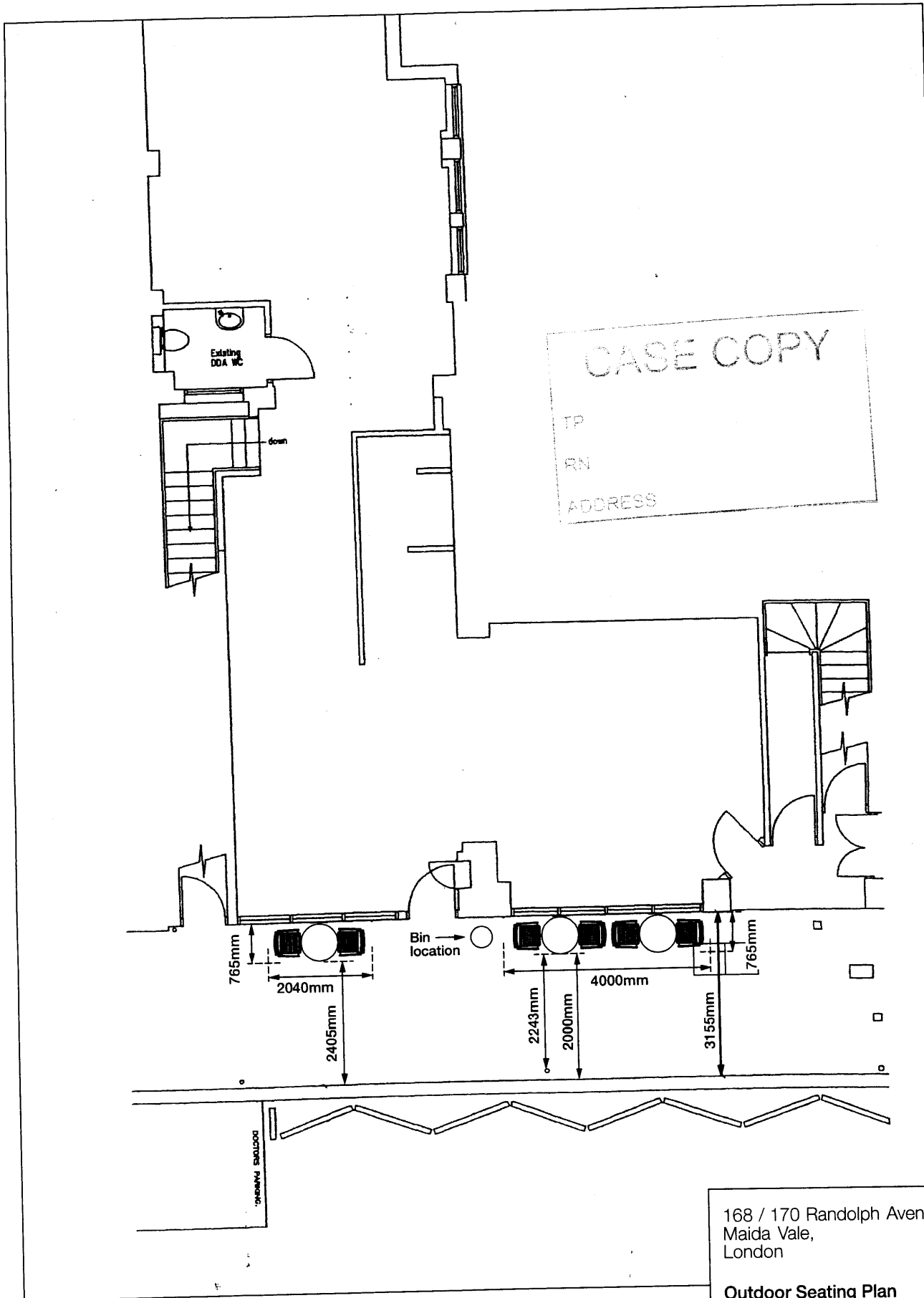
- 6 You can only put out on the pavement the tables and chairs and litter bin shown on drawing BRS.1091-12437_02-1e. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

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.

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: Strategic Policies adopted November 2013, 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 are reminded of the need to comply with the conditions on this planning permission and planning permission dated 23 March 2006 (Ref:-06/00671/FULL) which granted permission for the continued use of the premises as a mixed use coffee shop (Class A1/A3) Sui Generis subject to a number of conditions, including a restriction on the hours of use of the premises to between 07.00-19.30 Monday to Friday and 07.30 to 19.30 on Saturdays and Sundays. Failure to comply is a breach of planning control and we may take legal action to stop any such breach. Any such breaches will be taken into account in assessing any future applications. (I24AA)
- 3 You are reminded of the need to respect your neighbours in the operation of your business. This includes managing the premises in a way to prevent anti social behaviour, noise and disturbance, litter and unsocial hours of servicing of the premises.



168 / 170 Randolph Avenue,
Maida Vale,
London

Outdoor Seating Plan

Starbucks Coffee Company (UK) Ltd

www.pegasus.co.uk
Team KP/CEL
30th March 2012
1:100 @A4

Pegasus
Planning
Group

BRS.1091-12437_02-1e

