

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 16 June 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Hyde Park	
<b>Subject of Report</b>	<b>Baltic Wharf, rear of 149-157 Harrow Road, London, W2 6NA</b>		
<b>Proposal</b>	Use of part of the canal towpath (3m x 9.8m) for the placing of nine tables and 19 chairs fronting Sheldon Square in connection with the restaurant boat mooring.		
<b>Agent</b>	John Rowe-Parr Architects		
<b>On behalf of</b>	The Paddington Basin Marina		
<b>Registered Number</b>	15/02093/TCH	<b>TP / PP No</b>	TP4789
<b>Date of Application</b>	09.03.2015	<b>Date amended</b>	12.05.2015
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside Conservation Area		

## 1. RECOMMENDATION

Grant conditional permission for a one year temporary period.

## 2. SUMMARY

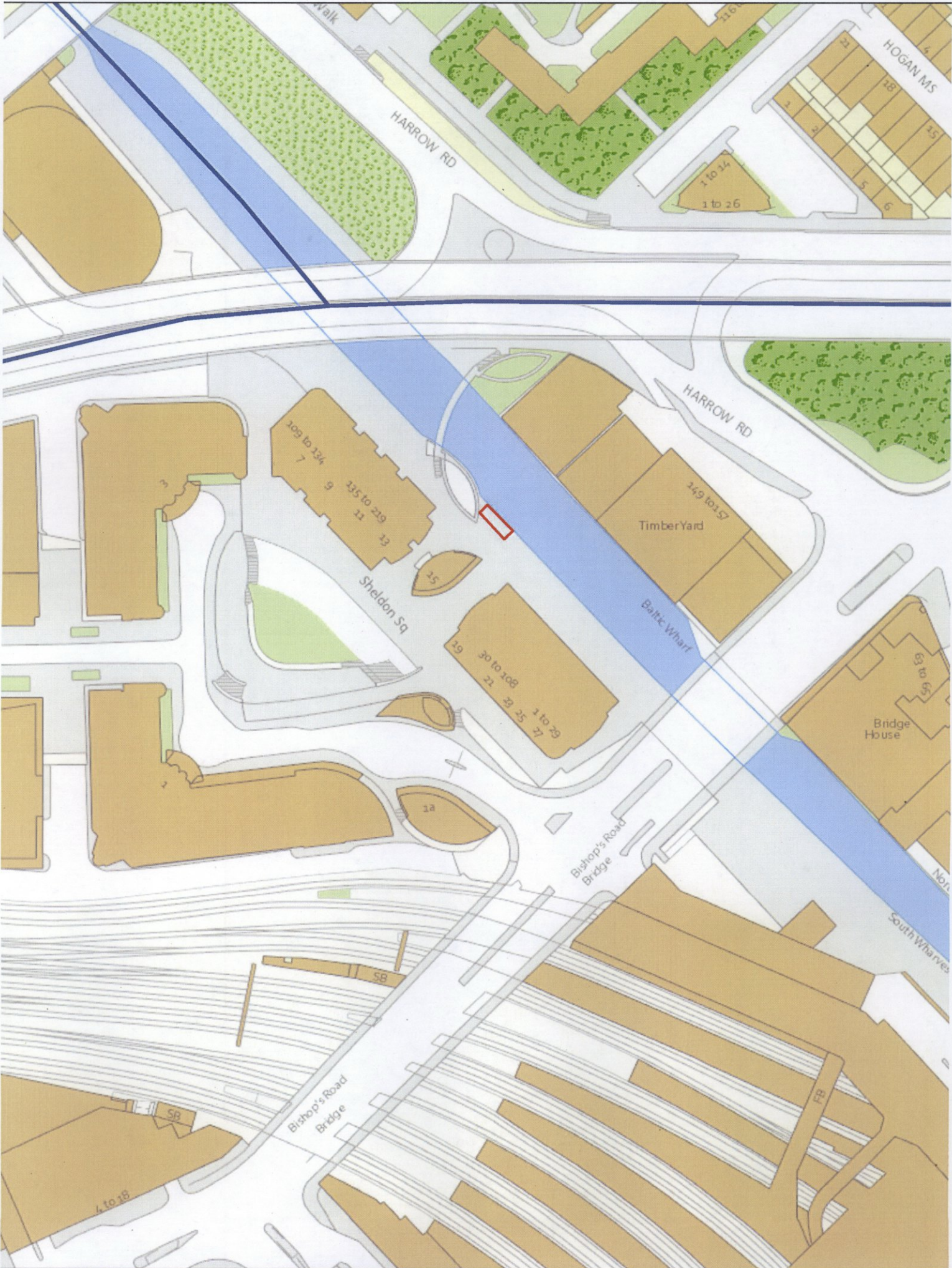
This application originally sought approval to place 11 tables and 23 chairs on the towpath in association with a restaurant boat mooring at Paddington Central.

Two objections have been received from neighbouring residents in Sheldon Square on grounds of increased noise and disturbance, the design of the boat, the narrowing of the pedestrian walkway and request that this area is made cycle free. The Paddington Waterways and Maida Vale Society, the South East Bayswater Residents Association, and the Canal and River Trust all express concerns that the proposal may cause a pinch point and affect pedestrian flow and safety. The revision has sought to locate the tables and chairs away from the outdoor seating associated with Zizzi's restaurant and is now for nine tables and 19 chairs.

The key issues are:

- The impact of the revised outdoor seating on the amenities of neighbouring residents.
- Whether the tables and chairs will affect pedestrian safety along the towpath.

It is recommended that a one year temporary approval be given and to limit the hours of opening until 23.00 Monday to Saturday and to 22.30 on Sundays/Bank Holidays. This one year permission will allow a review of the situation in the light of forthcoming developments such as the opening of Crossrail which will result in increased pedestrian movements and in light of the impact on nearby residents.





Brunel Boat restaurant mooring (top) and view from the pedestrian footbridge (bottom)

**BALTIC WHARF, REAR OF 149-157 HARROW ROAD, W2**

### 3. CONSULTATIONS

Originally submitted scheme (larger area 11 tables and 23 chairs).

#### CANAL AND RIVER TRUST

Concerned that the tables and chairs may result in conflict with pedestrians, cyclists and other towpath users. This is particularly the case at the south eastern corner of the site where Zizzi also have outdoor seating. This is a busy section of the towpath particularly in the morning and evening and the proposal may result in a pinch point that affects pedestrian flow and safety. This will likely be exacerbated by forthcoming developments in the surrounding area including Crossrail, the Triangle site and the development at 45-65 North Wharf Road. The applicant has a lease from the Canal and River Trust for the site that does not currently permit outside seating. If Council is minded to grant, request Informative to be added.

#### HYDE PARK ESTATE ASSOCIATION

To be reported verbally.

#### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Object, the tables and chairs (13-23) will cause a significant restriction to pedestrians and cyclists which use this space and will increase the risk of injury. Tables 1-12 are considered acceptable and please take neighbours views into account.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Note that the description does not tally with the plans. Some concerns as the footpath left being too narrow on a busy day with pedestrians and cyclists. Noise from outdoor seating and impact on adjacent flats and therefore permission should only be for one year, and the clutter of street furniture associated with the tables and chairs.

#### HIGHWAYS PLANNING MANAGER

Acceptable on transportation terms.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 235; Total No. of Replies: 2.

Two responses received to date, one objecting and one in support albeit with a comment on narrowing the pavement

#### Residential Amenity.

- There is already too much noise, pollution and crowds in Paddington Central and tables and chairs will make matters worse. Residents are suffering from noise late at night and all premises should close by 21.00.

#### Design

- Object to the design of the boat which is ugly.

#### Highway safety

- Whilst support the proposal for outdoor seating, the proposal will narrow the width of the pavement. There are already tables and chairs outside Zizzi's and the proposal will make matters worse for pedestrians. At peak times there are already issues with cyclists along the canal and the proposal will make matters worse. Request that this area is cycle free.

ADVERTISEMENT/SITE NOTICE: Yes x 2

REVISED SCHEME  
(Reduced area nine tables 19 chairs)

CANAL AND RIVER TRUST  
To be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY  
To be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION  
To be reported verbally.

HIGHWAYS PLANNING MANAGER  
To be reported verbally.

#### **4. BACKGROUND INFORMATION**

##### **4.1 The Application Site**

This application relates to the canal side at Paddington Central known as Baltic Wharf, just south of the pedestrian footbridge. Permission was recently granted for the mooring of a restaurant boat known as the Brunel, and the land which it is sought to place tables and chairs is owned by the Canal and River Trust.

Paddington Central is a mixed development of offices, retail and residential flats. The application site lies next to the two residential blocks in Sheldon Square (which comprises over 230 units of affordable and private units). Opposite the site on the other side of the canal is Travis Perkins Builders Merchants.

The application site is located outside a conservation area, and is within the Paddington Opportunity Area (POA) in the City Plan and Paddington Special Policy Area (PSPA) in the UDP. The application site lies outside a Stress Area.

##### **4.2 Planning History**

There have been a number of planning decisions relating to a restaurant mooring at this location.

Planning permission refused on 01.06.2011 under Delegated Powers for a much larger floating boat/restaurant with outdoor seating (40) on grounds of i) loss of amenity to existing residents at Sheldon Square as a result of increased noise and nuisance especially late in the evening as a result of the open top deck seating, the folding doors on the ground floor and the use of the canal towpath for outdoor seating, ii) The proposed servicing and refuse arrangements for the proposed restaurant along the canal towpath at Westbourne Terrace Road are considered unacceptable in terms of the distance to travel, and will result in conflict with pedestrians using this stretch of the towpath and iii) The proposed tables and chairs would take up too much of the canal towpath and therefore impede the flow of pedestrians along the towpath and so could be unsafe. This scheme was for a boat with an open top deck and for a total of 134 covers.

An appeal was lodged against the Council's refusal of permission. On 8 February 2012, the appeal was dismissed but solely on residential amenity grounds. The Inspector concluded that the proposal would cause serious residential amenity problems and given the potential number of customers, the new restaurant would be a materially different operation compared

to the existing boat and it would have a far greater adverse impact on nearby living conditions over a prolonged period of time and late into the night when neighbours should expect some peace and quiet.

In respect of the other reasons for refusal, the Inspector, although he agreed that the deliveries to and from the boat taking place along the canal path from the existing Waterside Cafe boat was not ideal, he did not consider it would be unduly noisy or have a serious affect on amenity. Nor did the Inspector consider that the siting of tables and chairs on the towpath posed a serious risk to the safety of pedestrians. A copy of this appeal decision is set out in the background papers.

On 2 April 2013 Planning Applications Sub-Committee granted permission for a mooring for a restaurant boat (42 seats). This conditioned the hours of opening from 08.00 to 23.00 Monday to Saturday and 08.00 to 22.30 on Sundays/Bank Holidays, and the servicing of the boat is the subject of a Management Plan.

On 13 February 2015 permission was granted for variation of Conditions 1 and 3 of planning permission dated 2 April 2013 (RN: 12/08337) for a mooring for a restaurant boat (42 seats) to be located at Baltic Wharf, adjacent to Sheldon Square, namely the use of a new boat of different appearance (the Brunel barge) and revised refuse arrangements.

## **5. THE PROPOSAL**

This application has been amended to reduce the area sought to place tables and chairs. The applicant had originally sought a much larger area. The revised scheme is now for a smaller area measuring approximately 3m wide and 9.8m long and for nine tables and 19 chairs.

## **6. DETAILED CONSIDERATIONS**

### **6.1 Land Use**

This site is located within the Paddington Opportunity Area (POA) and there are no objections in land use terms to the placing of outdoor seating.

### **6.2 Townscape and Design**

This part of Paddington Central is located outside a conservation area, but is sited adjacent to the canal which is part of the Blue Ribbon Network. It is not considered that the siting of tables and chairs will harm the character and appearance of this part of the canal. This part of Paddington Central is the subject of a range of public realm improvements which were granted by Committee on 10 March 2015, and this proposal will not prejudice these works.

Although an objection has been raised to the design of the restaurant boat, this already has been approved and therefore this objection cannot be supported. The Brunel Dutch barge used to be moored at Paddington Basin before it was converted to a restaurant and moved to Paddington Central.

### **6.3 Residential Amenity**

The key issue is whether the proposal will have an adverse impact on the living conditions of existing residents in Paddington Central in terms of noise, disturbance and late night activity.

The proposal for outdoor seating increases the capacity of this restaurant mooring by approximately 50%, and this does have the potential to adversely affect the amenities of existing residents. The terminal hour for existing entertainment uses within Paddington Central

is 23.00, therefore the request from the objector that all premises shall shut at 21.00 is considered unreasonable.

There are a number of entertainment (Class A3/ A4) premises in Sheldon Square which have outdoor seating which have been granted on a temporary one year basis. In refusing the 2012 scheme the Inspector recognised that other restaurants and bars have outdoor drinking and eating areas, but felt that none seem to accommodate such a high number of clientele outside in one concentrated area, and that 13 outdoor tables and 40 chairs which formed part of the appeal scheme would cause serious residential amenity problems.

This latest scheme has reduced the number of tables and chairs further to nine tables and 19 chairs. The objectors concerns about more outdoor seating along the canal are well understood, as there are flats above the ground floor commercial units and the cumulative impact of more outdoor dining. However, the revised scheme with a smaller area, reduced tables and chairs and limits on opening hours, it is considered acceptable in amenity terms. A one year temporary period will allow time to assess the impact on nearby residential neighbours.

#### **6.4 Transportation /Servicing**

The extent of the area for seating has been pulled back to create a greater pedestrian space between the external seating of the floating restaurant and the outdoor seating at the neighbouring Zizzi's restaurant and this is now considered acceptable. The siting of tables and chairs will not affect pedestrian access to the footbridge. The Highways Planning Manager raises no objections.

In respect of the principle of placing tables and chairs, the Inspector in 2012 did not agree with the City Council that the siting of tables and chairs on the towpath may inconvenience pedestrians by having to walk around them. He concluded that the proposal would not pose a serious risk to the safety of pedestrians, and therefore weight must be attached to this appeal decision.

#### **6.5 Equalities and Diversities**

Not relevant in the determination of this application.

#### **6.6 Economic Considerations.**

Not relevant in the determination of this application.

#### **6.7 Other UDP/Westminster Policy Considerations**

Not relevant in the determination of this application.

#### **6.8 London Plan**

This application raises no strategic issues.

#### **6.9 Central Government Advice**

Regard has been had to the advice in Central Government's National Planning Policy Framework (NPPF) which came into effect on 27 March 2012.

### **6.10 Planning Obligations**

Not relevant in the determination of this application for tables and chairs.

### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

It is not considered that this proposal will adversely affect the biodiversity or environmental quality along this section of the canal.

### **6.12 Other Matters**

It is recognised that cyclists using the canal towpath and footway at Paddington Central can cause conflict with pedestrians, but this is not a ground to refuse permission, nor can the Council insist as part of this application that this route be cycle free.

### **6.13 Conclusion**

It is therefore recommended to grant temporary permission for one year.

## **BACKGROUND PAPERS**

1. Application form.
2. Response from the Paddington Waterways and Maida Vale Society dated 29.4.2015.
3. Email from a resident in Sheldon Square W2 dated 28.4.2015.
4. Email from a resident at Flat 41 11 Sheldon Square W2 dated 29.4.2015.
5. Response from South East Bayswater Residents Association dated 2.5.2015.
6. Email from the Canal and River Trust dated 11.5.2015.
7. Memorandum from Highways Planning Manager dated 12.5.2015.

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](mailto:nbarrett@westminster.gov.uk)



**DRAFT DECISION LETTER**

**Address:** Baltic Wharf, rear of 149-157 Harrow Road, London, W2 6NA

**Proposal:** Use of part of the canal towpath (3m x 9.8m) for the placing of nine tables and 19 chairs fronting Sheldon Square in connection with the restaurant boat mooring.

**Plan Nos:** Site location plan ;725\_0201 Revision C ; 725\_0202 Revision A ;

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

**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 This use of the pavement may continue until 1 June 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 a part of the pedestrian walkway in this development. 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 and in the light of its impact on pedestrian flow and safety, especially in the light of forthcoming major developments in this part of Paddington, namely Crossrail, the redevelopment of the Triangle site and No's 45-65 North Wharf Road. For the above reasons, and not because this is seen as a form of trial period, we can therefore only grant a temporary permission.

- 3 You must not put the tables and chairs in any other position than that shown on drawing 725\_0201 Revision C. (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 You can only put the tables and chairs on the canal towpath pavement between 08.00 and 23.00 hours Monday to Saturday and from 08.00 and 22.30 hours on Sundays and Bank Holidays/Public Holidays.

**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.

- 5 The tables and chairs must only be used by customers of Brunel. (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)

- 6 You can only put out on the pavement the tables and chairs shown on drawing 725\_0201 Revision B. 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):**

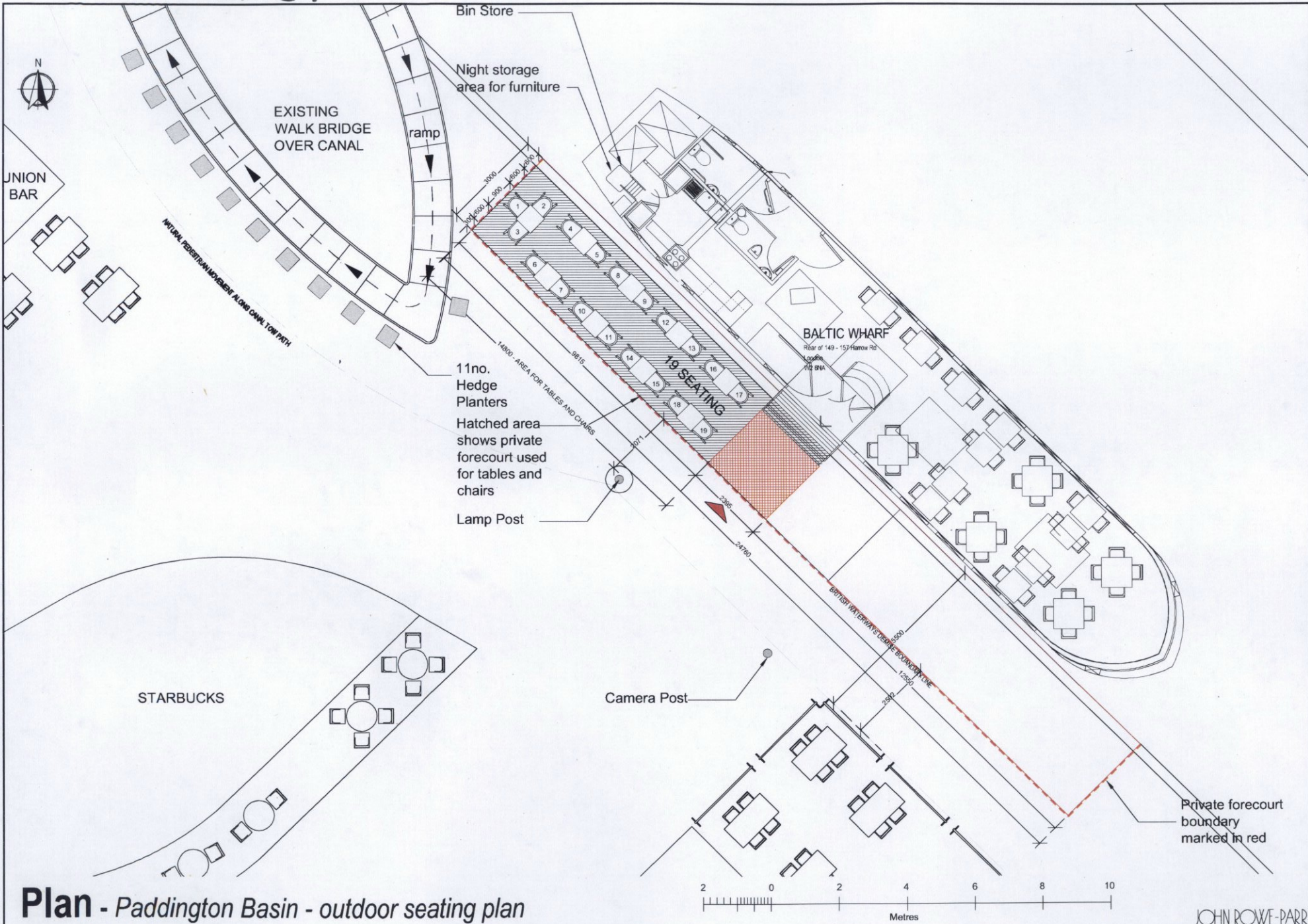
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic 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 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 The applicant is advised to contact Martin Hime ([Martin.Hime@canalrivertrust.org.uk](mailto:Martin.Hime@canalrivertrust.org.uk)) from the Canal & River Trust in order to ensure that any necessary consents or agreements are obtained in relation to the outside seating.

# Revised Scheme



**Plan - Paddington Basin - outdoor seating plan**

**Client:** Robert Shackleton

**Project:** Baltic Wharf Paddington Basin

**File:** PLAN SEATING LAYOUT

**Scale:** 1:100 @ A1

**Drawn by:** JRP

**Start date:** March 2015

**Checked by:** JRP

**Drawing number:** 725\_0201

**Revision no.:** C

**JRPA project no.:** 725

**The Studio:** The Studio, Portobello Lane, London W1D 7YD  
T: 020 7112 2000  
E: info@johnrowe-parr.com



Bolero Aluminium Stacking Chairs  
Dimensions 735(H) x 530(W) x 580(D)mm



Bolero Square Bistro Table  
Dimensions 720(H) x 600(W) x 600(D)mm

## Furniture type - *Paddington Basin* - outdoor seating

**Notes:**  
The client has requested a table with a square top and a four-legged base. The table is to be used for outdoor seating and should be made from a material suitable for outdoor use. The table should be made from aluminium. The table should be made from a material suitable for outdoor use. The table should be made from a material suitable for outdoor use.

**Revision notes:**

Rev. No.	Description	Date
1	Issue for production	03/03/15

**Health & Safety notes:**

<b>FEASIBILITY</b>	
client:	Robert Shackelford
project:	Baltic Wharf Paddington Basin
title:	PLAN SEATING TYPE
scale:	NTS
drawn by:	WL
start date:	March 2015
checked by:	JRP
drawing number:	725_0202
revision no:	A
JRPA project no:	725