

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	1 St John's Wood High Street, London, NW8 7NG		
Proposal	Use of area outside of the property for the placing of 3 tables and 6 chairs on St John's Wood High Street		
Agent	Mr Pravin Muthiah		
On behalf of	Miss Yasmine Larizadeh		
Registered Number	16/11597/TCH	Date amended/ completed	24 March 2017
Date Application Received	7 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional approval.

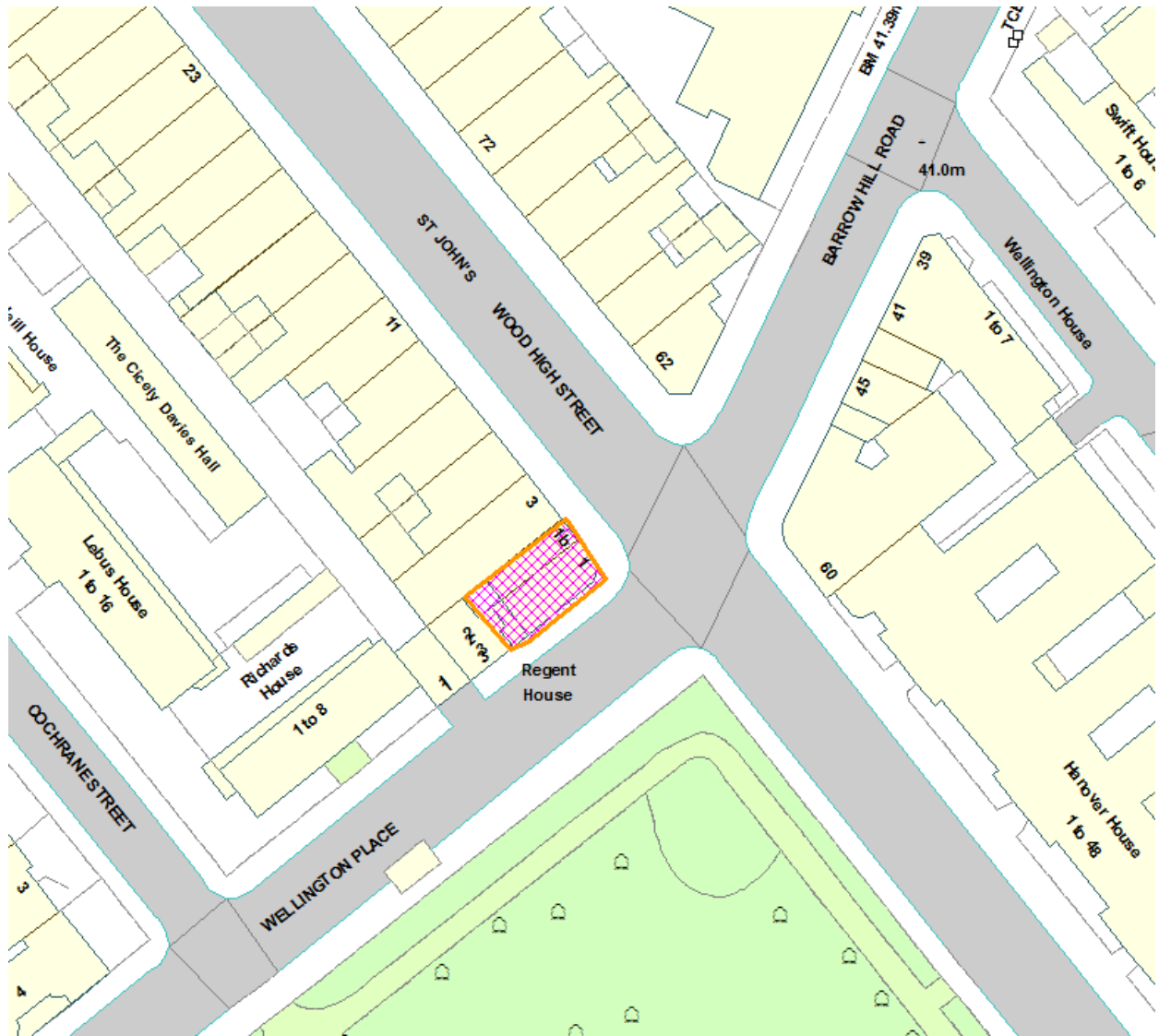
2. SUMMARY

This application proposes use of the area outside the St John's Wood Frontage of this property for the placing of 3 tables and 6 chairs. The main issues relate to;

- Impact on neighbouring amenity.
- Impact upon pedestrian movement and cleansing operations.

Objections from the residential neighbours on upper floors of building were received on grounds of increased noise disturbance, particularly on the Wellington Place side of the site where 6 tables and 12 chairs were proposed initially. These have been removed from the scheme and no further objections were received following re-consultation on the revised scheme. Following this revision, the proposal accords with relevant policies within the UDP and City Plan and the application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site, as viewed from St John's Wood High Street

5. CONSULTATIONS

First Consultation Period – Expired 14 February 2017

ST JOHN'S WOOD SOCIETY

No objection subject to compliance with the council's outside seating policy.

METROPOLITAN POLICE

No objection.

HIGHWAYS PLANNING MANAGER:

Object. By virtue of lack of pavement width on St John's Wood and Wellington Place frontage proposals do not adhere with the aims of the UDP Policy TRANS 3 (Pedestrians) and its SPG (Westminster Way).

HIGHWAYS PLANNING (WASTE)

The equipment used by the City Council's street cleansing contractor requires a minimum clearance of 1.8m to operate efficiently. Proposals do not adhere with these requirements

ADJOINING OWNERS / OCCUPIERS

No. consulted: 10

3 Responses (Objections: 3; Representations: 0; Supporting: 0).

- Noise from outside seating
- Infringement on privacy and security for residential occupiers above premises
- Impact on parking
- Obstruction to pedestrian movement and parents with pushchairs

SITE & PRESS NOTICE

Yes.

Second Consultation Period – Expired 7 April 2017

AMENITY SOCIETY (St John's Wood Society)

No objections

HIGHWAYS PLANNING

No objection

ADJOINING OWNERS / OCCUPIERS

No. consulted: 10

No responses received.

SITE & PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a ground floor retail premises within an unlisted four storey building with residential properties on the upper levels. The lawful use of the premise is retail. It is located at the south east end of the St John's Wood District Shopping Area and falls within the St John's Wood Conservation Area.

6.2 Recent Relevant History

17/01881/FULL

Installation of new shopfronts and installation of awnings to new and existing shopfronts. Granted - 19 April 2017.

7. THE PROPOSAL

Use of area outside of the property for the placing of 3 tables and 6 chairs on St John's Wood High Street. The scheme originally proposed an additional 6 tables and 12 chairs on the Wellington Place frontage. These were removed from the proposals and no further objections were received following a re consultation with neighbours on the revised scheme.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of placing tables and chairs outside of this retail use with a cafe type orientation (Use Class A1), which forms part of the designated St John's Wood District Shopping Centre is acceptable; providing this does not impede pedestrian movement and cleansing operations and does not detrimentally affect the amenity of neighbouring residents.

8.2 Highways

The revised scheme proposes 3 tables and 6 chairs within the private forecourt of the property on the St John's Wood frontage only. The City Council's Highways Officers advise that the proposed arrangement would retain a pavement width of no less than 2m so as not to interfere with pedestrian movement and highways cleansing operations in accordance with Westminster's Planning Guidance 'Guidelines for the placing of Tables and Chairs on the Highway'. A pinch point between the area for tables and chairs and a sign post on the pavement is created, however the tables and chairs only occupy a small part of the forecourt curtilage shown on the plan, whilst the street post is opposite the entrance on St John's Wood High Street and not any tables and chairs, so would not likely be a cause of obstruction.

In light of the above the proposals are considered to be in accordance with the aims of the Westminster City Plan policy S41, Policy TRANS 3 (Pedestrians) of the adopted UDP and Westminster Way (Design principals and practice).

8.3 Residential Amenity

A number of objections were received to the original scheme, from occupiers of the residential units situated above the premises; on grounds of noise and disturbance arising from the use of the forecourt for tables and chairs. Concerns were mainly in relation to tables and chairs on the Wellington Place frontage given this area does not fall within the main shopping frontage. These tables and chairs have since been removed from the scheme and following further consultation with neighbours no further objections have been received.

With regards to the revised scheme for tables and chairs on the St John's Wood frontage only, it would not be uncharacteristic of the High Street. A review of other recent tables and chairs applications on the street indicates that permissions were issued at No.79 which relates to Starbucks, and No. 60 that relates to Carluccios across the road from the development site. Permissions at these sites have been issued on more than one occasion for a temporary period of one year to allow the City Council's Environmental Health Department to review the operation. These premises have similar characteristics to the application site given the location within the District Shopping Centre, commercial retail uses on the ground floor with residential located on the upper floors.

As such, the provision of tables and chairs as proposed is considered acceptable pursuant to policies S29 and S32 of Westminster's City Plan and ENV 6 and TACE 11 of our Unitary Development Plan, subject to conditions; to allow a review of the tables and chairs in a year's time, and to restrict the hours which the tables and chairs may be placed outside the premises between 07:30 - 21:30 Monday to Sunday (as proposed in the application forms).

8.4 Townscape

The types of tables and chairs proposed are detailed within the Design and Access Statement. These are considered acceptable pursuant to TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Other UDP/Westminster Policy Considerations

Street Cleansing

The City Councils Highways Planning Officer (Waste) advise that a clear path of 2m is required for street cleansing operations. As discussed above, there is a pinch point opposite the sign post. However, given this is in front of the entrance on St John's Wood High Street where no tables and chairs are positioned, and the actual distance between the closest chairs to the lamp post is greater than 2.5m, the proposals are not considered to unduly impact cleansing operations.

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, nor is the application liable to Pay CIL

8.10 Other Issues

The planning application forms list the existing use of the unit as A3 (cafe/restaurant). The unit is currently vacant but was previously used as a frozen yoghurt shop and prior to that a deli. Both uses fall within the A1 Use Class. The proposed plans in this application show that a large number of tables and chairs would be provided, indicative of a cafe or restaurant use (Use Class A3). The agent maintains that the proposed operator 'The Good Life Eatery' is a use falling within the parameters of A1 retail use class. Given this written assurance has been provided, and this application relates to tables and chairs only, it is considered sufficient in this instance to advise through informative that planning permission would be required for the permanent change of use from a use falling within Class A1 to a use falling in Class A3.

Objections to the original scheme for tables and chairs were received on grounds of security from increased visitor numbers. The Metropolitan Police responded to the original consultation and did not raise any objections on these grounds. No further comments were received following consultation on the revised scheme with tables and chairs on St John's Wood frontage only. As such the proposals are considered acceptable on these grounds.

With regards to concerns regarding increased pressure on parking, both Wellington Place and St John's Wood High street are within a controlled parking zone and provide safeguards for residents parking. Therefore objections on these grounds are not sustainable.

9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society (x2), dated 13 February 2017 and 3 April 2017.
3. Memo from Highways Planning (x2), dated 6 February 2017, 21 April 2017.
4. Memo from Highways Planning (Waste), dated 31 January 2017.
5. Memo from Metropolitan Police, dated 3 February 2017.
6. Letter from occupier of Flat 3A Regent House, London, dated 9 February 2017.
7. Letter from occupier of Flat1 Regent House, Wellington Place, London, dated 10 February 2017.

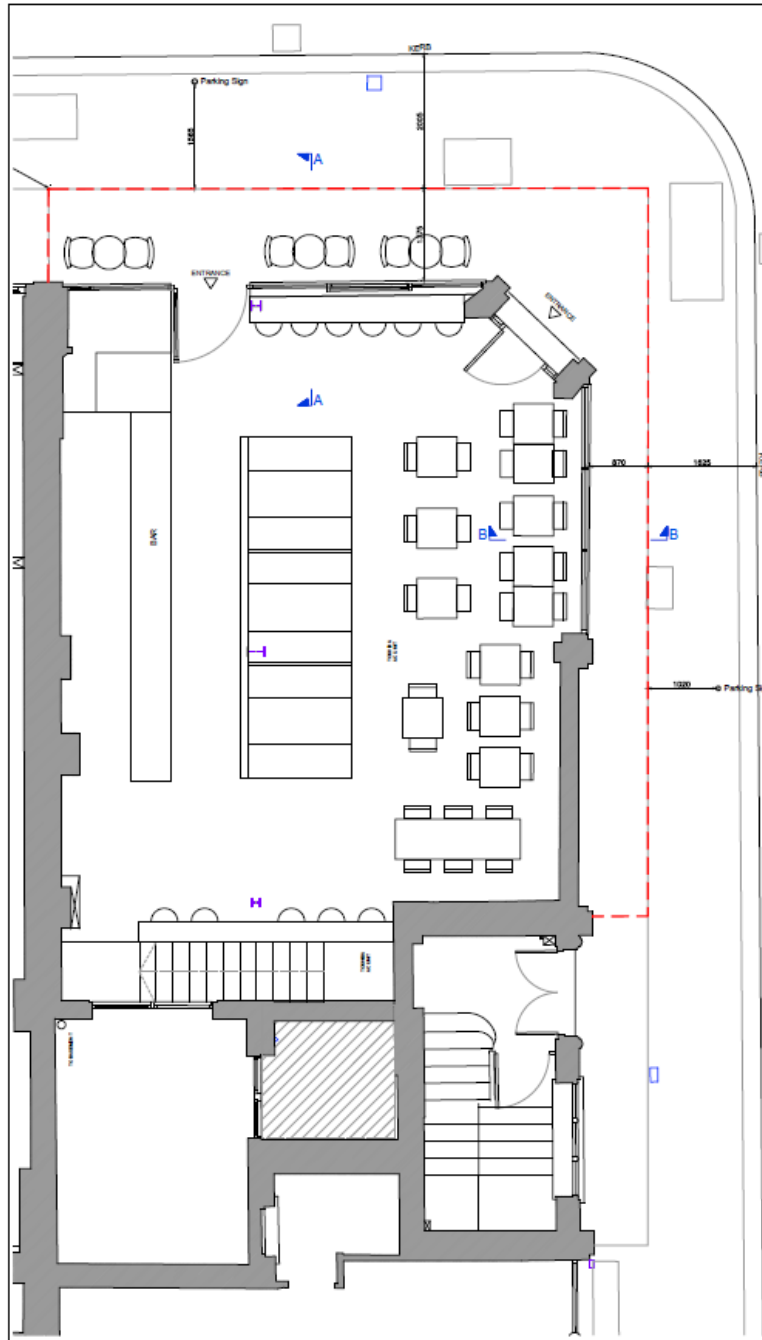
8. Letter from occupier of Flat 2B, Regent house, Wellington Place, London, dated 10 February 2017.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@wesminster.gov.uk

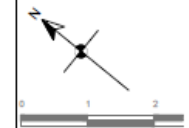
10. KEY DRAWINGS

Proposed tables and chairs layout



NOTES
 Coupedville Architects drawings are illustrative of the design intent and subject to opening up works. The design and condition of the existing cannot be guaranteed without inspection. Any information critical to the fabric of the proposed the contractor should verify the fabric at the earliest opportunity.

- All dimensions to be checked on site, dimensions stated are not to be relied on.
- This drawing is to be used in conjunction with the planning approval information, structural engineers, specifications, party wall agreement or other specialist and manufacturer's information.
- Contractor to ensure all work to be carried out in accordance with the relevant codes of practice, all materials and detailing to comply with relevant British Standards and in line with the Manufacturers Details, Energy Conservation Report, Building Regulations, Compliance and Structural Engineers Details.



PRELIMINARY

Rev	Date	Description	Drawn

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COUPDEVILLE
Architects

Unit 14
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 10 Riverside Drive
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 E: info@coupedville.co.uk
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DESIGNED BY	CLIENT
CHECKED BY	Good Life Eatery
SCALE	1:50

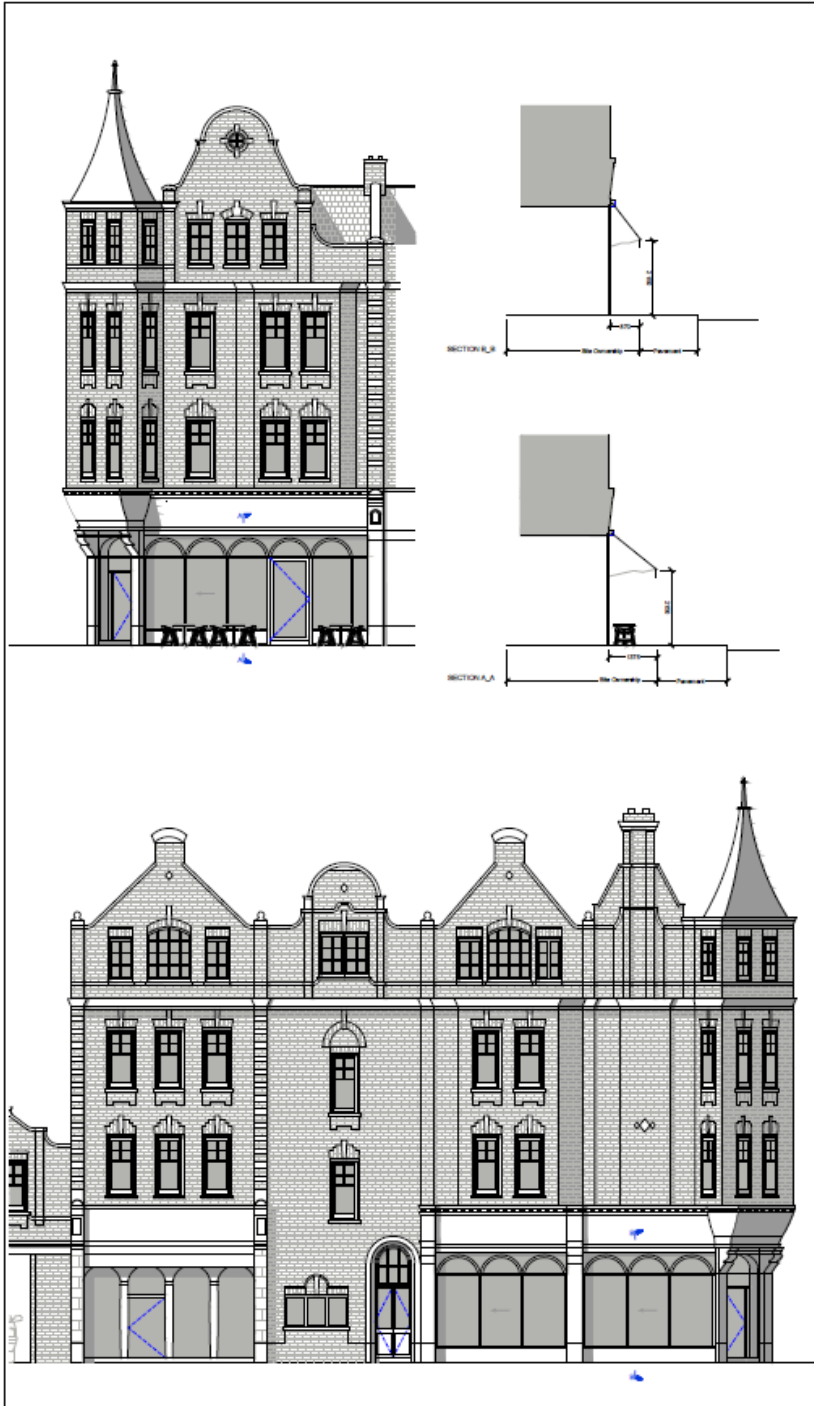
PROPOSED CHAIRS
 SPECIFIED FLOOR PLANS

ADDRESS:
 1 St Johns Wood High St

JOB No	PROJECT NUMBER
1087	PLD1 revA

10 Sheet

Proposed tables and chairs elevation



NOTES

Coupeville Architects drawings are illustrative of the design intent and subject to opening up works, the nature and condition of the existing structure is guaranteed before inspection. Any information critical to the fabric of the proposed construction should notify the Architect at the earliest opportunity.

All dimensions to be checked on site, dimensions stated are not to be relied on.

This drawing is to be read in conjunction with the planning approval information, structural engineers, specifications, party wall agreement and other specialist and manufacturer information.

Contractor to ensure all work to be carried out in accordance with the relevant codes of practice, all standards and detailing to comply with relevant British Standards and in line with the Manufacturers Details, Energy Calculations Report, Building Regulations Compliance and Structural Engineers Details.

PRELIMINARY

Rev	By	Description	Date

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COUPEVILLE
Architects

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WV1 1LF
TEL: 01902 811 240
E: info@coupeville.co.uk
www.coupeville.co.uk

CLIENT	Good Life Eatery
DESIGNED BY	Good Life Eatery
CHECKED BY	1/1/20

PROPOSED CHAIRS
SUGGESTED TABLE AND SEATING SECTIONS

ADDRESS
1 St Johns Wood High St

JOB No.	DRAWING NUMBER
1087	PL02 revA

PL02 sheet

DRAFT DECISION LETTER

Address: 1 St John's Wood High Street, London, NW8 7NG,

Proposal: Use of area outside of the property for the placing of 3 tables and 6 chairs on St John's Wood High Street

Reference: 16/11597/TCH

Plan Nos: S01, PL01 rev A, PL02 rev A, Design and Access Statement

Case Officer: Samuel Gerstein **Direct Tel. No.** 020 7641 4273

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 on the pavement between 07:30 and 21.00. (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.

- 3 The tables and chairs must only be used by customers of the ground floor premises of No 1 St Johns Wood High Street London NW8 7NG (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)

- 4 This use of the pavement may continue until 9 May 2018. 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.

- 5 You can only put out on the pavement the tables and chairs shown on drawing PL01 revA.

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 (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 You are advised that this permission relates to the use of the area outside of the property on St John's Wood High Street for the placing of 3 tables and 6 chairs only.
- 5 You are advised that the conversion of the premises to use falling under Use Class A3 would require a separate planning permission.

Item No.

5

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.