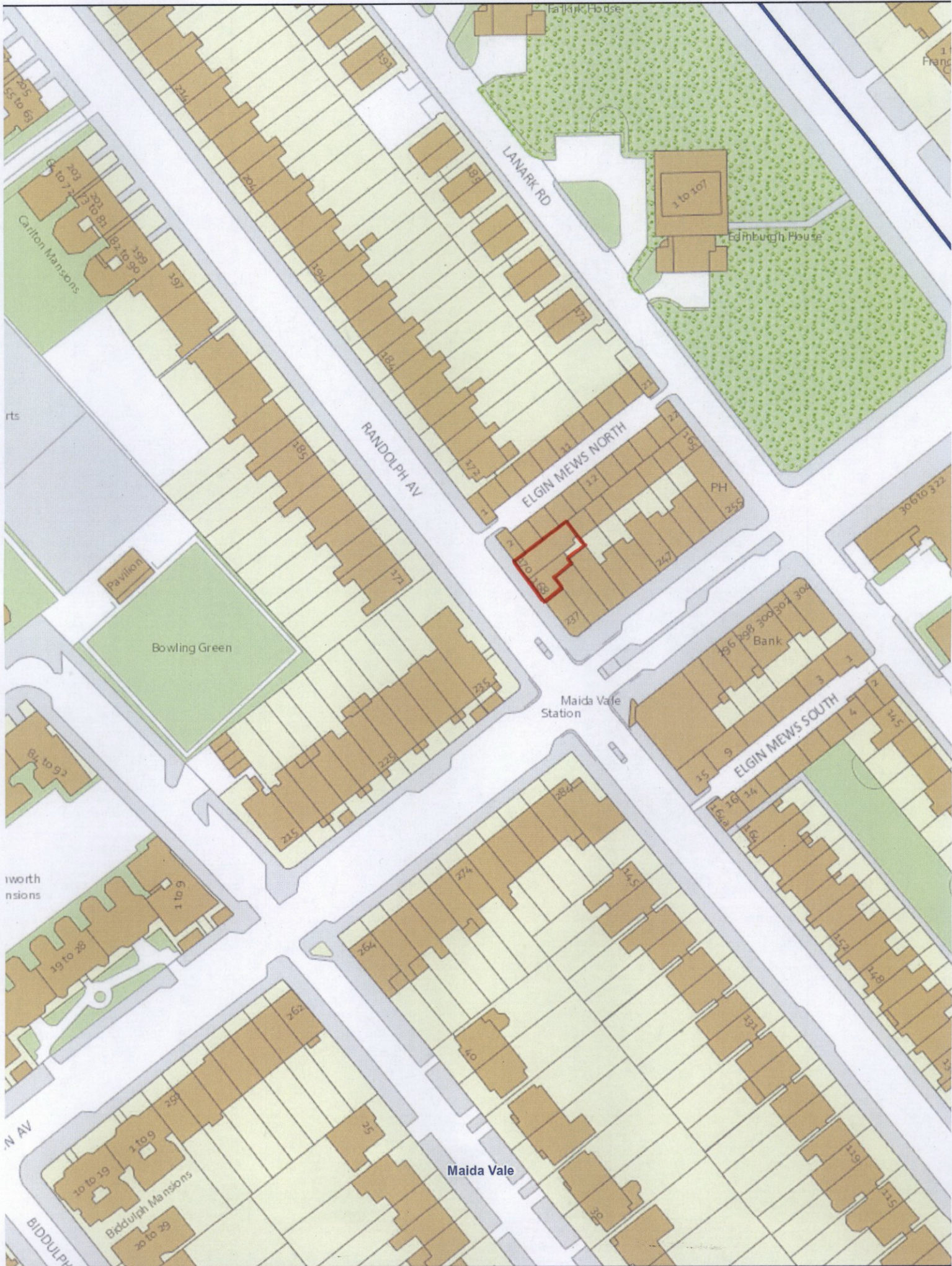


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved Maida Vale	
Subject of Report	168-170 Randolph Avenue, London, W9 1PE		
Proposal	Variation of Condition 2 of planning permission dated 23 March 2006 (RN: 06/00671) for the continued use as mixed use coffee shop (sui generis) at Nos. 168-170; namely, to extend opening hours.		
Agent	Pegasus Planning Group Ltd		
On behalf of	Starbucks Coffee Co (UK) Ltd		
Registered Number	15/05674/FULL	TP / PP No	TP/22459/15162
Date of Application	24.06.2015	Date amended	24.06.2015
Category of Application	Non DCLG		
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 Maida Vale Local Shopping Centre (Core Frontage)		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





168-170 RANDOLPH AVENUE, W9

2. SUMMARY

Planning permission is sought to amend the operational hours of the premises to allow opening during the following times 06.30-20.30 Monday to Friday and 07.30-20.30 Saturday and Sunday. The current hours are 07.00-19.30 Monday to Friday and 07.30-19.30 on Saturdays and Sundays.

Objections have been received from Councillor Prendergast, the Paddington Waterways and Maida Vale Society and three local residents, on grounds that the existing operational hours are adequate and that the operation of Starbucks, which is poorly managed, continues to result in causing problems including those of noise and disturbance, litter and inconsiderate parking.

The key issue in this case is:

- The impact of the increase in operational hours of the premises on the amenities of local residents and local environmental quality.

It is considered that in order to strike a balance between the commercial demands of the use and the protection of residents amenities, that the proposed later operational hours during weekdays until 20.30 is supported, subject to the applicant submitting for approval an operational management plan prior to commencement of these additional operational hours and for a temporary period of one year, however, the hours of morning opening and weekend closing remain as existing. On this basis the proposal as proposed to be amended accords with relevant Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan), and is therefore recommended for approval.

3. CONSULTATIONS

COUNCILLOR PRENDERGAST

Objection, additional opening hours would have a significant, harmful and detrimental impact on this quiet residential road. Starbucks are the only business trading on the road in a high density housing area, they cause noise and disturbance, litter and anti-social parking by customers and is a poorly managed premises. City Inspectors have spent a lot of time attempting to educate the managers (in relation to waste presentation and litter) without success. There are also ongoing problems with mess associated with external tables and chairs. Cars are left in the bays designated for the local doctor's practice, and residents find themselves boxed in.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection, existing hours are appropriate, neighbours views should be taken into consideration.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 76; Total No. of Replies: 3.

Three objections received on the following grounds:

- Noise and nuisance as a result of the proposed extended hours.

- Litter as there is no longer a bin outside the premises, residents suffer from the litter dropped by customers.
- Anti-social and dangerous parking by customers.
- External tables and chairs exacerbate impact of litter and obstruction.
- Detrimental impact will be exacerbated by increased hours of use.
- Company has demonstrated that it cannot be trusted to comply with regulations or show any concern for residents or the street environment.

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.

Planning permission was subsequently granted in 2006, 2007, 2008, 2009, 2010, 2011 and 2013 (the latter of which also 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 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 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 on-going management concerns raised by local residents in respect of unsocial hours of servicing, noise and disturbance, litter, inconsiderate parking and general management issues.

Planning permission was granted on 3 February 2015 for 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. (14/10399/TCH). The Planning Applications Committee had resolved to grant conditional permission subject to reduced hours of 09.00 to 19.00 Monday to Saturday and 10.00-18.00 on Sunday, however, due to an administrative error the decision notice granted permission between 09.00 to 19.30 Monday to Saturday and 10.00-18.00 on Sundays. The applicant's agent was made aware of this error and was requested to return

the decision notice so that a revised notice could be issued, however, whilst this request was originally declined, the applicant has now co-operated and the correct decision notice has been issued and the table and chairs can therefore be put on the pavement between 09.00 and 19.00 Monday to Saturday and 10.00-18.00 on Sundays, until 03.02.2016.

11.05.2015 Withdrawn application by applicant (due to be reported to Planning Applications Committee 12.05.2015) for variation of Condition 2 (hours of opening) of planning permission dated 23 March 2006 (RN: 06/00671/FULL), for continued use as mixed use coffee shop Class A1/A3 (sui generis) at Nos. 168-170 Randolph Avenue, namely to extend the opening hours of the premises from 19.30 until 21.00 daily. (15/02135/FULL)

5. THE PROPOSAL

Planning permission is sought to vary Condition 2 (hours of opening) of planning permission dated 23 March 2006 namely to open the premises earlier at 06.30 (rather than 07.00) on Monday to Friday and to close later at 20.30 (rather than 19.30) seven days a week.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The existing use of the premises by Starbucks is operated under the 2006 permission which granted conditional permission for a mixed use coffee shop (Class A1/A3), a sui generis use.

6.2 Townscape and Design

It is not considered that the proposed extension of opening hours will have a harmful impact on the character and appearance of this part of the Maida Vale Conservation Area.

6.3 Amenity

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 a number of local residents. Any proposed intensification of the use will therefore need to assess the potential impact on residents amenities. A key consideration is therefore whether the increase in operational hours of Starbucks (to open half hour earlier during weekdays at 06.30 rather than 07.00 and to close one hour later daily at 20.30 rather than 19.30) would be significantly detrimental to the amenities of local residents and local environmental quality.

Representations have been received from Councillor Prendergast, the Paddington Waterways and Maida Vale Society along with three local residents of Randolph Avenue and Elgin Mews North, on grounds that Starbucks already cause a nuisance during their existing operational hours. The representations cite resident's continued negative experience of the Starbucks premises over the years. The key issue raised relates to the management of the operation of Starbucks on a daily basis and in relation to consistent noise and disturbance and negative impact on environmental quality and residents amenities from servicing, use of external tables and chairs, noise and disturbance, litter and inconsiderate parking.

Policy SS7 of the UDP seeks to restrict proposals within the local centres that would harm residential amenity or local environmental quality. Given the sui generis use comprises A1/A3, TACE8 of the UDP and S24 of the City Plan relating to entertainment uses are also relevant and these policies also seek to restrict uses where they adversely impact upon residential amenity or local environmental quality. These policies clearly seek to strike a balance between the demands of commercial uses and their impact on resident's amenity.

Policy S29 of the City Plan seeks to resist proposals that would result in an unacceptable material loss of residential amenity.

It is evident from the representations received from Councillor Prendergast and from three local residents that the existing use has and continues to have a harmful impact on residential amenity, by virtue of the cumulative impact of customer behaviour and irresponsible management. This includes inconsiderate car parking including double parking, blocking access to Elgin Mews North, parking on the zebra crossing zig zag lines, dropping of litter and cigarette butts, poor waste presentation for collection, absence of collection of litter from external tables which result in paper cups, napkins, straws being blown into the street and mews.

In relation to the previously withdrawn application, officers had recommended the imposition of an appropriate condition requiring Starbucks to provide (before commencement of any additional hours of operation) an operational management plan, which sets out how they will address the issues through responsible management of the premises and what measures they will put in place to deal with the above issues. In support of this current application the applicant has sought to comment on the issues raised, but has not provided an operational management plan.

In relation to store management practices, the applicant has indicated that the store do not take deliveries of goods or have waste collected outside of store opening hours and that staff members regularly check the external tables and chairs to remove litter several times an hour and that staff ensure that the floor and area surrounding the seating area are clear of rubbish. The applicant states that litter is a matter relating to the external seating and not relevant to the determination of this application. They state that the external furniture including the external litter bin is removed and stored within the coffee shop when trading is finished and the area swept and cleared. They also indicate that rubbish and recycling is collected daily by an external contractor.

In relation to both dropped litter and inconsiderate parking by customers of Starbucks, the applicant indicates that Starbucks cannot be held responsible for the actions of their customers.

It is regrettable that the applicant has not sought to provide an operational management plan that clearly sets out measures to minimise the associated negative impact of the activities associated with this use. It is considered that the applicant could go further to address the issues raised by local residents so as to reduce the impact of the use on local environmental quality and local residents amenities within the vicinity of the site.

For the above reasons, it is considered appropriate and necessary in order to support (with variation) this proposal to require the submission and approval of an appropriately detailed operational management plan. Subject to the submission of such, an increase in operational hours during the working week (Monday to Friday) until 20.30 is supported, for a temporary period of one year in order to monitor the situation. However, given the issues surrounding these premises and the proximity of residents, an increase in operational hours at the weekend is not supported, as this is a time when residents can expect more peace and quiet and respite from commercial activity. It is therefore proposed to restrict the closing time during the weekend so as to remain at 19.30.

In terms of the proposed earlier opening of the premises at 06.30 during weekdays, rather than 07.00, this is not supported by officers. This is on the basis that if the premises are to open at 06.30 then staff and activities are likely to occur prior to that time. Therefore due to the proximity of the site to residents and the activities associated with the use, which is

evident from local residents, has and continues to cause noise and disturbance, it is not considered that such early opening hours can be supported.

The recommendation therefore seeks to strike a balance between the demand of the commercial uses and the protection of resident's amenity and local environmental quality.

The applicant has suggested that the opening hours of three other restaurants in the vicinity of the site and the proximity of the Maida Vale Underground Station set a precedent for later operational hours at Starbucks. However, each case is dealt with on its merits and the issues associated with Starbucks are very much specific to the nature of their premises, its operation and location.

For the reasons set out above, subject to a condition to require a detailed operational management plan to be submitted for approval prior to the additional hours being operated, the proposal as restricted to exclude later operational hours at the weekend and exclude earlier opening hours during weekdays, is supported by officers for a temporary period of one year. This will enable the applicant the opportunity to address the issues raised by residents over a one year period and for any improvements or otherwise to be considered in any future applications to extend hours of operation. On this basis the proposal as proposed to be amended accords with relevant UDP and City Plan policies, and is therefore recommended for approval in accordance with Policies SS7, TACE8 of our UDP and S24 and S29 of the City Plan.

6.4 Transportation/Parking

The key highways consideration relates to inconsiderate car parking of customers visiting Starbucks. Local residents state that a number of customers inconsiderately park outside the premises whilst they visit the premises and this includes double parking in Randolph Avenue, parking on the zig zag lines of the zebra crossing and parking across the vehicular access to Elgin Mews North. This anti-social behaviour in the form of inconsiderate car parking is unneighbourly and has a detrimental impact on resident's amenities. The Highways Planning Manager has indicated that this illegal parking is an enforcement related issue. Notwithstanding this, it is considered that Starbucks could through an operational management plan put measures in place to seek to prevent customers from undertaking these activities.

6.5 Economic Considerations

Not applicable.

6.6 Equalities and Diversities (including Disabled Access)

Not applicable.

6.7 Other UDP/Westminster Policy Considerations

None.

6.8 London Plan

The proposal does not raise strategic issues.

6.9 National Policy/Guidance considerations

Regard has been had to the relevant advice in the National Planning Policy Framework (NPPF).

6.10 Planning Obligations

Not applicable in the determination of this planning application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Not applicable.

6.12 Conclusion

The proposed later operational hours during weekdays until 20.30 is supported, but only subject to the applicant submitting for approval an operational management plan prior to commencement of these additional operational hours and only for a temporary period of one year. This is on the basis that this will enable the applicant the opportunity to address the issues raised by residents over a one year period and for any improvements or otherwise to be considered in any future applications to extend hours of operation. On this basis the proposal as proposed to be amended accords with Policies SS7 and TACE8 of our UDP and Policies S24 and S29 of our City Plan and is therefore recommended for approval.

BACKGROUND PAPERS

1. Application form.
2. Memo from Environmental Health dated 03.08.2015
3. Letter from Councillor Prendergast dated 03.08.2015
4. Response from Paddington Waterways and Maida Vale Society dated 31.07.2015
5. Representation from occupier of 1 Elgin Mews North dated 01.08.2015.
6. Representation from occupier of 177A Randolph Avenue dated 12.08.2015
7. Representation from occupier of 177C Randolph Avenue dated 10.08.2015
8. Memorandum from Highways Planning Manager dated 17.8.2015.
9. Copy of the permission dated 23 March 2006.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

DRAFT DECISION LETTER

Address: 168–170 Randolph Avenue, London, W9 1PE

Proposal: Variation of Condition 2 of planning permission dated 23 March 2006 (RN: 06/00671) for the continued use as mixed use coffee shop (sui generis) at Nos. 168-170; namely, to extend opening hours.

Plan Nos: Pegasus Group letter 24.06.2015 and attachments.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

Recommended Condition(s) and Reason(s):

- 1 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 2 Up until 31st August 2016 you must not open the premises to customers, and you must not allow customers on the premises, outside of the following times: between 07.00 to 20.30 Monday to Friday and 07.30 to 19.30 on Saturdays and Sundays. After this one year period, you shall revert to the following hours

After this time you must not open the premises to customers, and you must not allow customers on the premises, outside of the following times: between 07.00 to 19.30 Monday to Friday and 07.30 to 19.30 on Saturdays and Sundays 07.00 to 19.30 Monday to Friday and 07.30 to 19.30 on Saturdays and Sundays.

You must not open the premises to customers and you must not allow customers on the premises outside of the permitted hours set out in this condition.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 3 Only Starbucks Coffee (UK) Ltd can carry out the mixed A1/A3 use. No one else may benefit from this permission. (C06AA)

Reason:

Because of the special circumstances of this case we need to control future use of the premises if Starbucks Coffee Company (UK) Ltd leaves. This is as set out in SS7, TACE8 of our Unitary Development Plan that we adopted in January 2007 and S24 and S29 of our Westminster City Plan: Strategic Policies that we adopted November 2013. (R06AB)

- 4 You must provide the waste and recycling store shown on drawing BRS.0435_02_01A. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is to be collected. You must not use the waste store for any other purpose. (C14DB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 5 The additional operational hours by Condition 2 to close at 20.30 hours Monday to Friday hereby allowed shall not take place until an Operational Management Plan has been submitted to and approved in writing by the City Council as local planning authority. The plan shall show how you will prevent the use causing a nuisance to people in the area and being detrimental to local environmental quality. The plan shall provide the following details:

- (i) Starbucks contact number for residents to report issues;
- (ii) Details of waste management including arrangements (employee responsibility and times and dates) for waste presentation, collection of Starbucks litter from external tables and chairs and from the streets within the vicinity of the site including Randolph Avenue and Elgin Mews North.
- iii) Details of measures to discourage and minimise anti social parking by customers.

You must not operate the additional hours until we have approved what you have sent us. You must then operate the premises in accordance with the measures included in the operational management plan at all times.

Reason:

To make sure that the additional operational hours will not cause a nuisance for people in the area and that local environmental quality will be protected. This is as set out in policies SS7 and TACE8 of our Unitary Development Plan that we adopted in January 2007 and policies S24 and S29 of the Westminster City Plan: Strategic Policies that we adopted November 2013.

- 6 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.

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.

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OPENING HOURS PLAN



KEY

□ SITE LOCATION

STORE OPENING TIMES

SITE NO.	DESCRIPTION	USE CLASS	OPENING TIMES
1	WINE RACK	A1	11:00-22:00
2	STARBUCKS (SITE)	A1	07:00-19:30
3	THAI RICE	A3	16:00-23:00
4	ELGIN PUBLIC HOUSE	A4	08:00-00:00
5	CONVENIENCE STORE	A1	07:30-23:30
6	THE BANANA TREE	A3	12:00-23:00

MAIDA VALE UNDERGROUND TIMES

DAY	EARLIEST	LATEST
MONDAY - SATURDAY	05:42	00:45
SUNDAY	07:18	23:59

168/170 RANDOLPH AVENUE, MAIDA VALE, LONDON - OPENING HOURS PLAN

