

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 June 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>Amphitheatre And Outdoor Spaces, Sheldon Square, London, ,</b>		
<b>Proposal</b>	Application 1: Temporary use of the amphitheatre for event screenings between 1 June and 28 August 2016.  Application 2: Display of 1 LED Screen (2058 x 5080mm) to be mounted onto a structure measuring 6280mm (W) x 4958 (H) x 3750 (D) between 1 June and 28 August 2016.		
<b>Agent</b>	Mr Shaun MacArthur		
<b>On behalf of</b>	British Land		
<b>Registered Number</b>	16/03221/FULL & 16/03222/ADV	<b>Date amended/ completed</b>	19 April 2016
<b>Date Application Received</b>	8 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside		
<b>Licensing</b>	Monday – Sunday 09:00 – 21:00		

## 1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional advertisement consent.

## 2. SUMMARY

Planning permission and advertisement consent is sought for the temporary placement of a video screen in the tiered grassed amphitheatre area in the centre of Paddington Central. Objections have been received from residents in Sheldon Square particularly due to increased noise and disturbance to existing residents caused by the screening of events on a large screen in the amphitheatre. The proposal is supported by many of the commercial occupiers in the area.

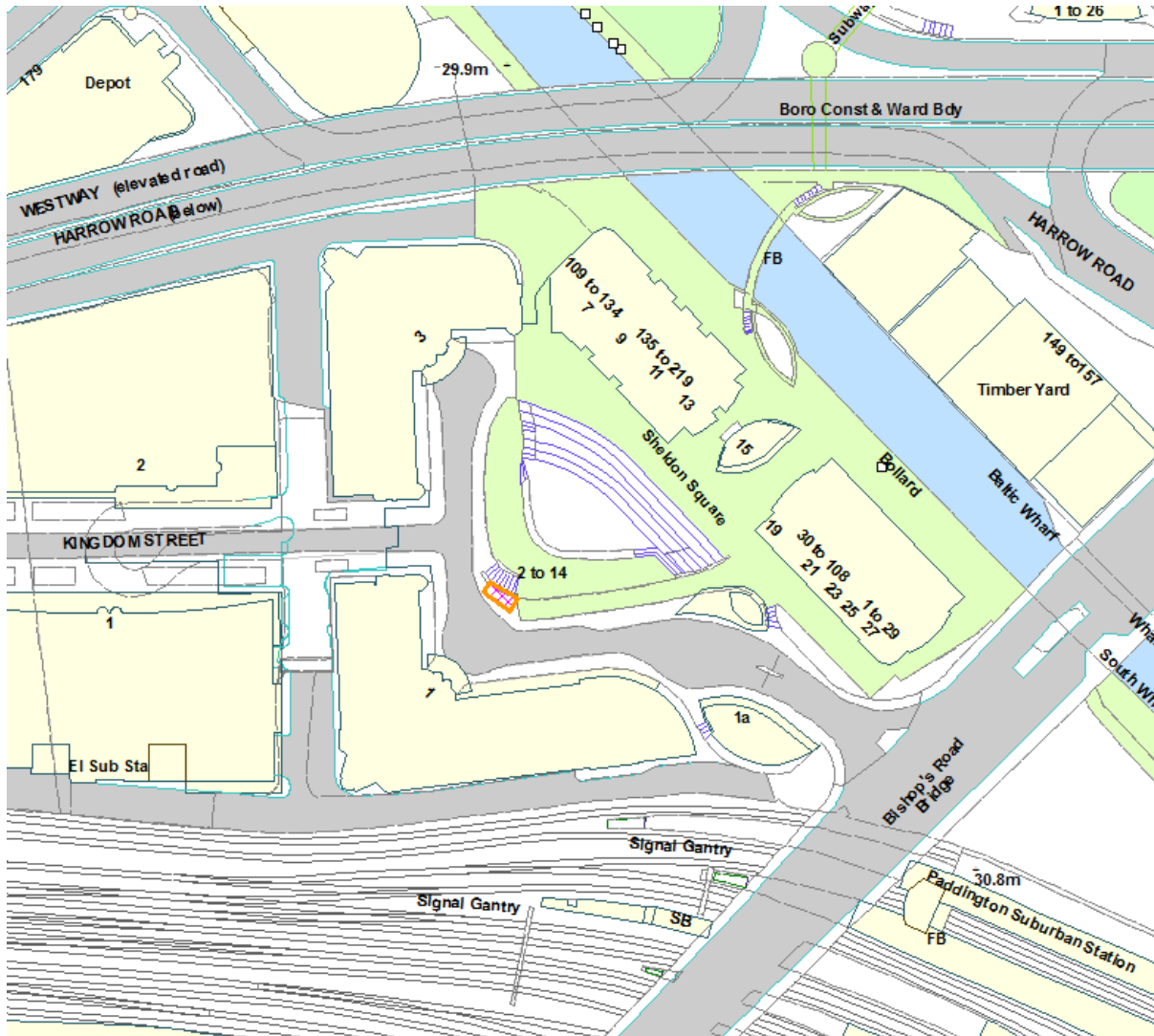
The key issues are:

\* The impact of the screening of events on the amenities of residents living in Sheldon Square for a temporary period;

\* The erection of a LED screen on the amenity of this area given such screens are normally discouraged under Policy DES8 in the UDP.

It is considered that holding of such events (sporting events and films) for a limited period from 1 June to 28 August until 21.00 in the evening, will not materially harm the amenities of existing residents in Paddington Central. Given the location of the amphitheatre within the centre of Phase 1 of the Paddington Central Development, the proposed LED screen will not be visible from public street views and is for a limited period, therefore it is considered that an exception under Policy DES8 can be made.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



The screen in place at Sheldon Square previously

## 5. CONSULTATIONS

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Request that neighbours' views are taken into consideration.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

### HYDE PARK ESTATE ASSOCIATION:

No objection. Support the commercial investment within the Paddington Basin, which help to create a sense of place.

### CANAL & RIVER TRUST:

No comment.

### PADDINGTON BID:

Any response to be reported verbally.

### HIGHWAYS PLANNING:

No objection.

### CLEANSING:

No objection.

### ENVIRONMENTAL HEALTH:

Comment that no noise complaints received for the same event last year.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 261

No. of objections: 5 on some or all of the following grounds:

#### Amenity:

- Noise and disturbance to neighbouring residents.
- It is not possible to open windows in adjacent residential properties to provide ventilation due to noise. The social housing is particularly affected as no air conditioning.
- Despite complaints to Westminster Noise team the sound is kept high or returned back to high later in the day or the following day.

#### Other:

- Increased rubbish.
- Increased anti-social behaviour.
- The square is not a major sporting arena, such events should not be allowed.
- The local supermarket has reduced groceries for residents due to increase in people in the area.

No. in support: 9 from local business workers / companies who welcome the return of the big screen.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

These applications relate to the part grassed part paved amphitheatre at Sheldon Square which formed Phase 1 of the wider Paddington Central Development. This site is located outside of a conservation area and within the Paddington Opportunity Area (POA).

### **6.2 Recent Relevant History**

Planning permission was granted on 2 June 2015 for the temporary use of the amphitheatre for event screenings and associated screen for a limited period between 13 June 2015 and 1 November 2015 and the installation of a temporary "Paddington Bear" statue.

Prior to this, in 2014, the screen was in place for a temporary period of 28 days, which benefited from permitted development and therefore did not require a formal application.

## **7. THE PROPOSAL**

The application is again looking to install the screen for a temporary period until the 28 August 2016. The applicant amended the amount of time the screen would be in place, from November to August, during the course of the application. The screen is to show films along with sporting events such as Wimbledon. The proposed hours for the screen are between the hours of 9am and 9pm daily. Advertisement consent is also sought to display the screen for the same temporary period.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The site is located within the Paddington Opportunity Area and Policy S3 in the City Plan promotes the area as one that supports businesses whilst building a thriving mixed use sustainable neighbourhood and destination. The proposal will bring vitality to this area of public realm for the benefit of local office workers, visitors and residents. However, this has to be balanced against the impact of the proposed use on the amenities of residents in Paddington Central, and this is dealt with in more detail in Section 8.3 of this report. A number of local employees have written in support of the application.

### **8.2 Townscape and Design**

Policy DES8 in the UDP states that advertisement consent will generally not be granted for LED, video screens and moving digital displays. In this particular location, it is considered that an exception to policy could be made for a limited period and will not have such a harmful impact on the visual amenity of this part of the City to warrant refusal. The screen will be located within the development itself and will not be visible from public street views, nor will it affect highway safety in the surrounding area.

### **8.3 Residential Amenity**

Objections have been received from residents within the residential block (Sheldon Square) located adjacent to the site. The principle concern is in relation to noise from both the screen and people in the public square. They note that complaints have previously been made to the council in relation to noise and as a result the volume has either not been turned down, or only turned down temporarily. Environmental Health has however commented that there were no records of noise nuisance complaints being made between June and September last year.

A license has been granted for the screen to be in place for the same hours as those currently proposed (9am – 9pm). The license includes conditions to ensure that no noise is heard outside of the perimeter of the site and that noise levels are monitored to ensure that no nuisance is caused to both commercial and residential occupiers. A copy of the noise report for last year's installation has been provided by the applicant for information.

The amphitheatre space is a popular location for workers and visitors to congregate. As in previous years the applicant has sought to position the screen away from the flats in order to minimise disturbance, although it is noted that by nature of the design of the amphitheatre this does mean that the screen is directed at the residential blocks. Subject to conditions to ensure that the screen is only operational during the hours proposed (9am – 9pm) and subject to the restrictions on the approved license the screen is acceptable for a further temporary period. Officers also note that the space has been designed for events such as those currently proposed and welcome the place shaping benefits that such proposals bring to the area.

The proposals are therefore considered to be acceptable having regard to policies ENV6 and ENV13 of the UDP and S29 and S32 of the City Plan.

### **8.4 Transportation/Parking**

The application site is well served by public transport being a short distance away from Paddington Station and it is not considered that the proposed use will result in unacceptable increases in vehicular traffic.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

No change to existing arrangements.

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

None

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 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.

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

### **8.11 Environmental Impact Assessment**

Not relevant to the determination of an application of these types.

### **8.12 Other Issues**

Objections on the grounds of increased rubbish, anti-social behaviour and the impact of such events on local services, such as provisions within the supermarket. The applicant has commented that they have a dedicated cleaning team and security staff who patrol the area in order to manage such issues and they note that they were able to ensure that such issues were kept under control on previous years. It is in the interest of both the applicant as well as local residents for such monitoring to take place, to ensure that the space is a safe and welcoming space for both residents/workers and visitors alike. In terms of the supermarket stock, this is not a planning consideration.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 5 May 2016
3. Response from Highways Planning, dated 5 May 2016
4. Response from Cleansing, dated 6 May 2016
5. Response from Hyde Park Estate Association, dated 26 May 2016
6. Response from Canal & River Trust, dated 19 May 2016
7. Response from Environmental Health, dated 1 June 2016
8. Letter from occupier of St George House, 16 The Boulevard, dated 1 June 2016
9. Letter from employee of EMEA offices, dated 27 May 2016
10. Letter from employee of 'Poncho 8' dated 27 May 2016
11. Letter from employee of Cerner dated 27 May 2016
12. Letter from employee of Larsen & Toubro Infotech Ltd, Ground Floor, 3 Sheldon Square, dated 27 May 2016
13. Letter from employee of Novotel London Paddington, 3 Kingdom Street, dated 27 May 2016
14. Letter from employee of Pret A Manger, Paddington Central, dated 27 May 2016
15. Letter from occupier of Kingfisher Plc, 3 Sheldon Square, dated 27 May 2016
16. Letter from occupier of Flat, LONDON, dated 7 May 2016
17. Letter from occupier of Apartment 14, 27 Sheldon Square, dated 20 & 26 May 2016
18. Letter from occupier of Corner Lodge, 107 Sussex Gardens, dated 26 May 2016
19. Letter from occupier of Paddington, dated 8 May 2016
20. Letter from occupier of Apartment 4, 27 Sheldon square, dated 20 May 2016
21. Letter from the Sheldon Square Residents Association dated 31 May 2016



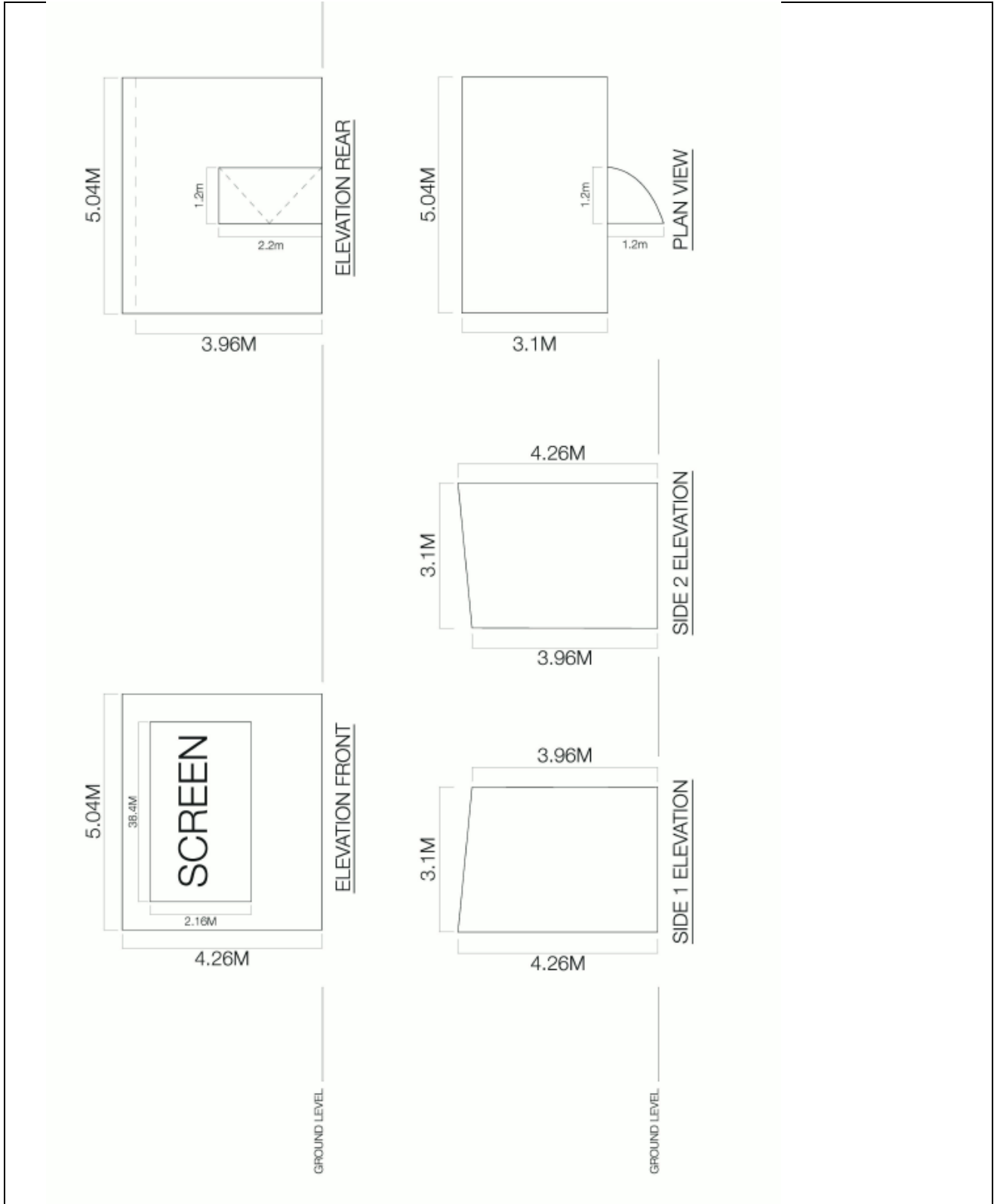
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT KIMBERLEY DAVIES ON 02076415939 OR BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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10. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** Amphitheatre And Outdoor Spaces, Sheldon Square, London,

**Proposal:** Temporary use of the amphitheatre for event screenings between 1 June and 28 August 2016.

**Plan Nos:** Site location plan; 6 Photographs; 3D visual of front and rear of structure; drawing showing dimensions of screen; LED screen hire ltd specifications; Letters dated 8 Aprils and 31 May 2016 from CBRE.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 The use of the amphitheatre for events screening and the associated screen use allowed by this permission can take place from 1 June 2016 until 28 August 2016. After that period the use shall cease and the screen shall be removed, and the land must return to its previous use.

Reason:

To ensure that the temporary use and associated structure are removed at the end of the temporary period, and the land is restored to its former use .

- 3 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 The screen hereby approved shall only be used between the hours of 09.00 to 21.00 daily.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

**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.

**DRAFT DECISION LETTER**

**Address:** Amphitheatre And Outdoor Spaces, Sheldon Square, London,

**Proposal:** Display of 1 LED Screen (2058 x 5080mm) to be mounted onto a structure measuring 6280mm (W) x 4958 (H) x 3750 (D) between 1 June and 28 August 2016.

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**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 You can display the advert from 1 June 2016 to 28 August 2016. You must then remove it without delay. (C04BA)

**Reason:**

The advert is temporary, so under DES 8 of our Unitary Development Plan that we adopted in January 2007, we can only approve it for a limited period. (R04AB)