

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Old Quebec Street, London.		
Proposal	Use of the public highway for the placing of 158 outdoor seats, 40 tables, 26 canvas barriers, 16 small planters and 9 tree planters in two areas measuring 4.63m x 37.2 (western side) and 3.45m x 36.6m (eastern side) in association with the Cumberland Hotel and three ground floor restaurant/cafe units (western side) and the Sportsman Casino and the City of Quebec Public House (eastern side) of Old Quebec Street.		
Agent	Atkins Ltd		
On behalf of	The Portman Estate		
Registered Number	16/03443/TCH	Date amended/ completed	3 May 2016
Date Application Received	15 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Old Quebec Street runs north/south between Bryanston Street and Oxford Street, close to Marble Arch. The site is located within the Core Central Activities Zone (CAZ), Portman Estate Conservation Area and outside the West End Stress Area. Permission is sought for the use of the public highway for placing tables and chairs and other associated furniture on both sides of Old Quebec Street, in connection with three new restaurants and Cumberland Hotel on the western side and the Sportsman Casino and the City of Quebec Public House on the eastern side of the street. The proposal will create a new al-fresco dining quarter and a new oasis space for the western end of Oxford Street.

The street has been enhanced through pedestrianisation and environmental improvements to paving

and landscaping as part of the ORB Action Plan in 2007. These works included the installation of number of cycle and the planting of four Chanticleer Pear trees.

The key issues for consideration are:

- * The impact on residential amenity, and the character and function of the area ;
- * The impact on pedestrian movement and highways safety;
- * The impact on the townscape
- * The loss of four chanticleer pear trees; and relocation of cycle stands

Permission has previously been granted since 2008 and 2009 for tables and chairs outside the Cumberland Hotel bar and the City of Quebec Public House. The principle of tables and chairs on Old Quebec Street is therefore well established. This co-ordinated approach to external seating would provide an external dining quarter off Oxford Street. This is considered acceptable in principle and will compliment the retail function of the primary shopping street.

The Westminster Way stipulates that proposals should retain a minimum clearance of half the overall width of pedestrian areas to ensure that there is no obstruction. Old Quebec Street is 12.77m wide. The proposal would leave a central area of 4.69m free from obstruction. This does not therefore comply with Westminster Way which requires 6.4m free to be acceptable. The Highways Planning manager has objected that the tables and chairs and planters would result in obstruction and clutter the highway contrary to UDP policy TRANS 3. However as pedestrian flows are relatively low and the remaining footway would be greater than in many other parts of the City it is considered that permission should not be withheld on the grounds that the scheme would result in an obstruction.

With regards to potential noise and the impact on residential amenity, Old Quebec Street comprises primarily commercial uses. The nearest residential is located at the northern end at 30 Old Quebec Street. Subject to a condition which restricts the time which the tables and chairs are used to between 07.00 hours and 24.00 hours (midnight) daily (as per the previous permissions) it is considered that use of the tables and chairs would not be harmful to residents amenities.

It is intended that the table and chairs would be removed from the public highway daily; however, the planters would remain in situ. No details have been provided where the tables and chairs will be stored. It is recommended that this is secured by condition.

There were 6 cycle stands on Old Quebec Street which have been temporarily removed to accommodate the hoarding in connection with current works. The cycle stands are not part of this application and their reinstatement either on Old Quebec Street or in the vicinity would be the subject of a separate application under the highways act.

The proposed layout would result in the loss of four Chanticleer Pear trees which would be replaced by eight tree planters. The Arboricultural Manager raises no objection to the loss of these trees.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Old Quebec Street Prior to the erection of hoarding associated with permission dated 18 September 2012 (RN: 12/05531)



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objection

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

Object on the following ground:

- Modification to highway required;
- Proportion of the pedestrianised street attributed to commercial activity;
- No furniture storage location identified
- Clutter

CLEANSING - DEVELOPMENT PLANNING

No objection

STREET TRADING - PREMISES MANAGEMENT

Any response to be reported verbally

ARBORICULTURAL SECTION - DEVELOPMENT PLANNING

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Memorandum from Cleansing Manager dated 23 May 2016
3. Response from Marylebone Association, dated 6 June 2016
4. Memorandum from Highways Planning Manager dated 27 July 2016
5. Memorandum from Arboricultural Officer dated 1 August 2016

Selected relevant drawings

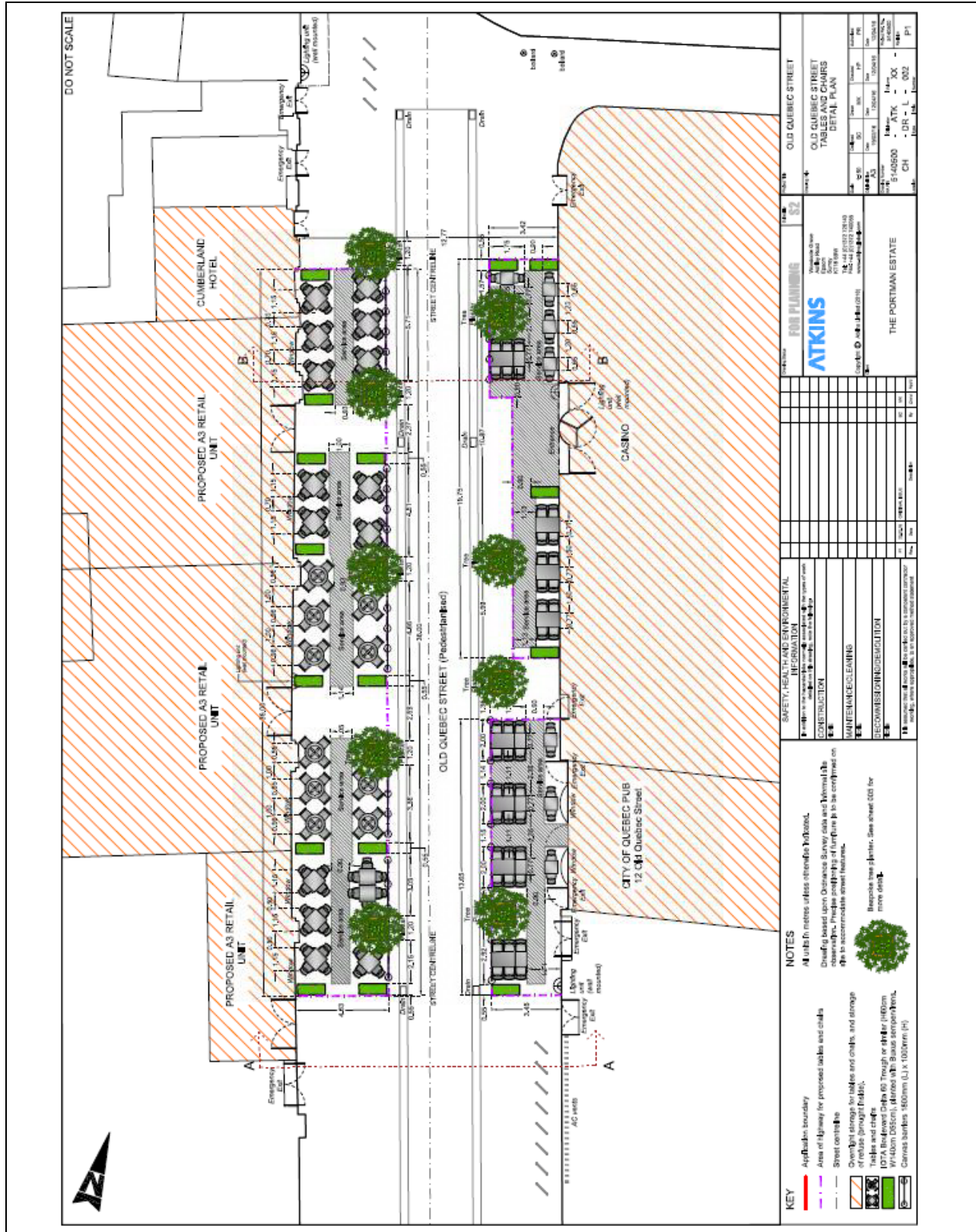
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK.

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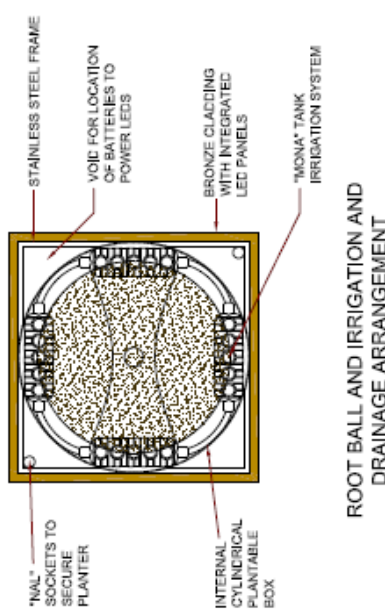
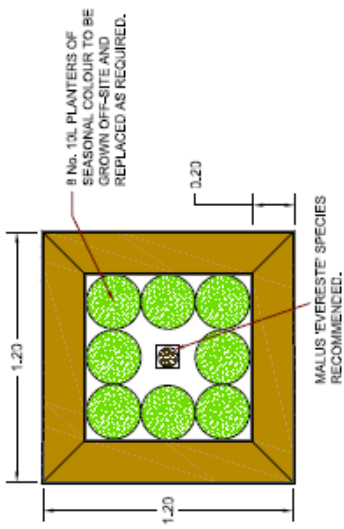
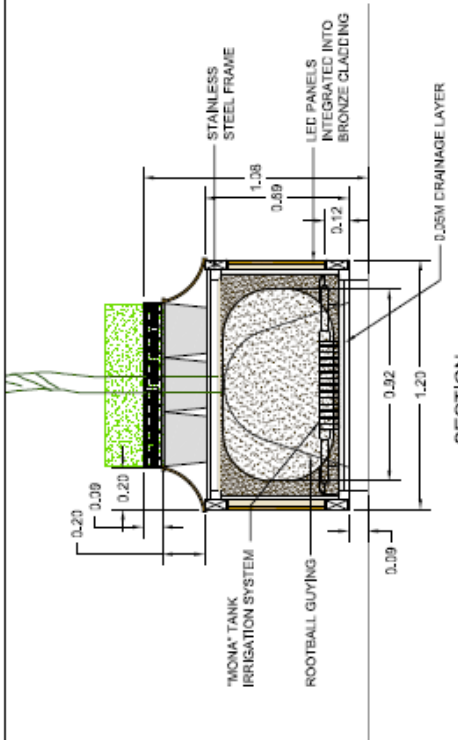
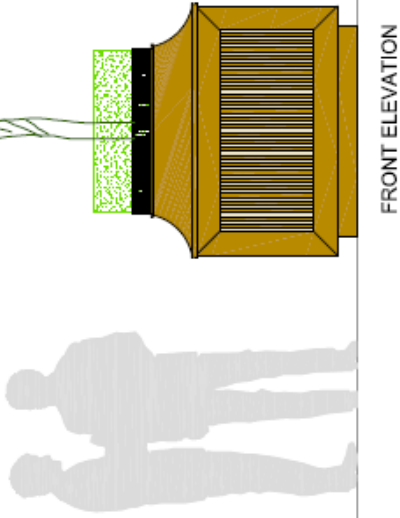
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7. KEY DRAWINGS



<p>KEY</p> <ul style="list-style-type: none"> Applicable boundary Area of Highway for proposed tables and chairs Street centerline Overnight storage for tables and chairs, and storage of refuse (bring trucks) Tables and chairs DOTA Block and Chair (180cm x 180cm) (1800mm x 1800mm) (1:1000mm (1:1)) Camera markers (1800mm (1:1) x 1000mm (1:1)) 		<p>NOTES</p> <ul style="list-style-type: none"> All units fit notes unless otherwise indicated. Drafting based upon Quebec Survey data and Internal (to be confirmed) and/or other survey data. Finality of footprint to be confirmed on site to accommodate street furniture. Respect tree planting. See sheet 025 for more details. 	
<p>FOR PLANNING</p> <p>ATKINS</p> <p>155-157, RUE DE LA LOUVE, QUÉBEC, QUÉBEC G1R 1S5</p> <p>TEL: 514 399-1234</p> <p>WWW.ATKINS.COM</p>		<p>SAFETY: REMAINS FOR ENVIRONMENTAL INFORMATION</p> <p>CONSTRUCTION</p> <p>MAINTENANCE/CLEANING</p> <p>DECOMMISSION/DEMOLITION</p>	
<p>THE PORTMAN ESTATE</p>		<p>OLD QUEBEC STREET TABLES AND CHAIRS DETAIL PLAN</p> <p>5-140500 - DR - 002</p>	

DO NOT SCALE



<p>FOR PLANNING</p> <p>ATKINS</p> <p>100 King Street West Toronto, Ontario M5X 1C4 Tel: +1 (416) 593-9100 www.atkins.com</p>		<p>OLD QUEBEC STREET</p> <p>OLD QUEBEC STREET TREE PLANTER DETAIL</p>	
<p>THE PORTMAN ESTATE</p> <p>5140500 - ATK - XX - 1000</p> <p>CH - DR - L - 006 - P1</p>		<p>DATE: 10/10/2018</p> <p>SCALE: 1:100</p>	
<p>SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION</p> <p>1. Refer to the project for more information.</p> <p>2. Refer to the project for more information.</p> <p>3. Refer to the project for more information.</p>			
<p>CONSTRUCTION</p> <p>1. Refer to the project for more information.</p> <p>2. Refer to the project for more information.</p> <p>3. Refer to the project for more information.</p>			
<p>MAINTENANCE/CLEANING</p> <p>1. Refer to the project for more information.</p> <p>2. Refer to the project for more information.</p> <p>3. Refer to the project for more information.</p>			
<p>DECOMMISSION/DEMOLITION</p> <p>1. Refer to the project for more information.</p> <p>2. Refer to the project for more information.</p> <p>3. Refer to the project for more information.</p>			

DRAFT DECISION LETTER

Address: Old Quebec Street, London, ,

Proposal: Use of the public highway for the placing of 158 outdoor seats, 40 tables, 26 canvas barriers, 16 small planters and 9 tree planters in two areas measuring 4.63m x 37.2 (western side) and 3.45m x 36.6m (eastern side) in association with the Cumberland Hotel and three ground floor restaurant/cafe units (western side) and the Sportsman Casino and the City of Quebec Public House (eastern side) of Old Quebec Street.

Plan Nos: 5140500 CH-ATK-XX-DR-L-002 Rev P1, 5140500 CH-ATK-XX-DR-L-003 Rev P1, Chair Spec (1), Chair Spec (2), Table Spec (1), Table Spec (2), Table & Chair, Canvas Barrier Spec, 5140500_ATK_XX_OQS_DR_L_005_Small Planter detail - Small Planter Detail, 5140500_ATK_XX_OQS_DR_L_006_Tree Planter detail - Tree Planter Detail.

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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 You must not put the tables and chairs in any other position than that shown on drawing 5140500 CH-ATK-XX-DR-L-002 Rev P1. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 07:00 and 24:00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of the City of Quebec Public House, Sportsman Casino, Cumberland Hotel and three restaurants on the western side of Old Quebec Street as shown on drawing 5140500 CH-ATK-XX-DR-L-002 Rev P1.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 31 August 2017. 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 (July 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.

- 6 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing 5140500 CH-ATK-XX-DR-L-002 Rev P1.

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.

- 7 Furniture and litter receptacles are to be removed from the highway when trading is not taking place or is not supervised.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 8 You must not place the tables, chairs and associated furniture on the public highway until the existing Chanticleer Pear trees have been removed and replacement paving has been installed.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 9 The tables, chairs and associated furniture hereby permitted, can only be placed on the public

highway if the furniture permitted under 14/07851/TCH is not placed on the highway.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 10 **Pre Commencement Condition.** You must apply to us for approval of details of how the 158 chairs, 40 tables, 26 canvas barriers, 16 small planter is going to be stored on the site. You must not place any furniture on the highway until we have approved what you have sent us. You must then store the furniture in the agreed location out of the permitted hours detailed in condition 3 daily.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

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 (July 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 It should be noted that you need to secure a license under the Highways Act from Westminster Council for the structures to be positioned within the highway. It is important to note that the Highway Authority may not support any licensing application under the Highways Act to install the structures
- 3 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)

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- 4 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)