

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 May 2017	<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>	Temporary use of the amphitheatre for event screenings between 1st June and 5 <sup>th</sup> September 2017.		
<b>Agent</b>	Miss Kelly Lippett		
<b>On behalf of</b>	British Land		
<b>Registered Number</b>	17/02045/FULL & 17/02046/ADV	<b>Date amended/ completed</b>	17 March 2017
<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 and associated structure adjacent to the tiered amphitheatre area in the centre of Paddington Central, for the temporary screening of events. At the point of drafting this report, one objection has been received from a local resident on the grounds of general nuisance and use of the amphitheatre in a residential location.

The key issues are:

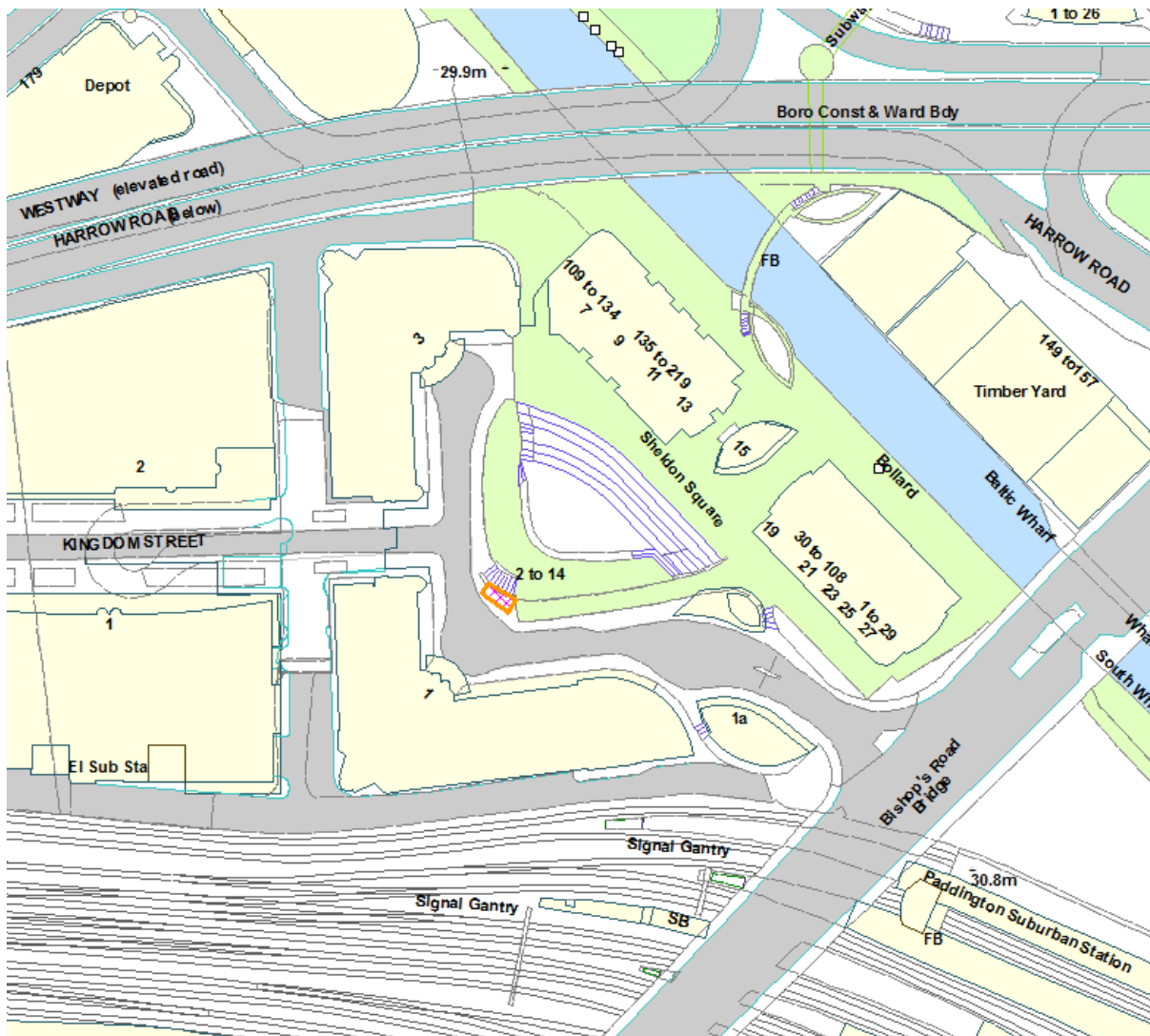
- \* The impact of the screening of events on the amenities of residents living in Sheldon Square for a temporary period;
- \* The erection of a LED screen on the amenity of this area given such screens are normally discouraged under Policy DES8 in the UDP.

Item No.

It is considered that the screening of sporting and filming such events for a limited period from 1 June to 5 September 2017 from 9am until 9pm Monday-Sunday, will not materially harm the amenities of existing residents in Paddington Central.

In relation to the proposed advert application, 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 (Due to expire on 16<sup>th</sup> May 2017)

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Support the proposals. The applicant should advise how the screenings will impact on noise and safety when run at the same time as 'The Pergola' (a recently granted temporary new restaurant / bar at the western end of Paddington Central). The hours of opening should be no longer than The Pergola. Request that neighbours' views are taken into consideration.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

No objection unless there are records of neighbour complaints.

### HYDE PARK ESTATE ASSOCIATION:

Any response to be reported verbally.

### CANAL & RIVER TRUST:

No comment.

### PADDINGTON PARTNERSHIP:

Support the proposal.

### HIGHWAYS PLANNING:

No objection.

### CLEANSING:

No objection.

### ENVIRONMENTAL HEALTH:

Any response to be reported verbally

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

No. Consulted: 270

No. of objections: 1 Objection on the grounds of general disturbance and the amphitheatre should not be used in a residential location.

Any further representations received will be reported to committee verbally.

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

Permission was granted in 2016 and 2015 for the display of a screen associated with the use of the amphitheatre on a temporary basis over the summer. 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 from the 1 June to 5 September 2017. As previously, 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. The screen will not be used on days when there are no planned events. Advertisement consent is also sought to display the screen on a display structure 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 space has been designed for events such as those currently proposed and has place shaping benefits that such proposals bring to the area. 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.

### **8.2 Townscape and Design**

Policy DES8 in the UDP states that advertisement consent will generally not be granted for the permanent display of LED video screens and moving digital displays. However, in this particular location, it is considered that an exception to policy could be made for a limited period associated with sporting and film events 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 in relation to previous applications been received from residents within the residential block (Sheldon Square) located adjacent to the site. At the point of writing this report only one objection has been received on the ground that the screen causes general disturbance and the amphitheatre should not be used. Comments have been raised by The Paddington Waterways & Maida Vale Society that the cumulative impact of proposed screen and recently approved bar and restaurant 'The Pergola' at the western end of the site should be considered and that the hours should be no longer than the Pergola.

The principle concern is in relation to noise from both the screen and people in the public square. There would appear to be no record of noise nuisance complaints in relation to the screen being made in relation to the temporary screen last year. Indeed the objection states that the volume was mostly off 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 the 2015 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. In relation to the concerns from the Paddington Waterways & Maida Vale Society in with respect to the cumulative effect of the screen and the Pergola, it is not considered that the two uses will give rise to any safety issues, with the screen directed at the amphitheatre and therefore does not affect the routes through the site to the Pergola. It also has shorter opening hours, terminating at 9pm compared to 11pm for the Pergola.

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.

The proposals will not trigger the requirement for a Community Infrastructure Levy payment.

### **8.11 Environmental Impact Assessment**

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

### **8.12 Other Issues**

Objections have in relation to previous applications, been raised 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 advised 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 for residents, workers and visitors alike. In terms of the supermarket stock, this is not a planning consideration.

## **9. BACKGROUND PAPERS**

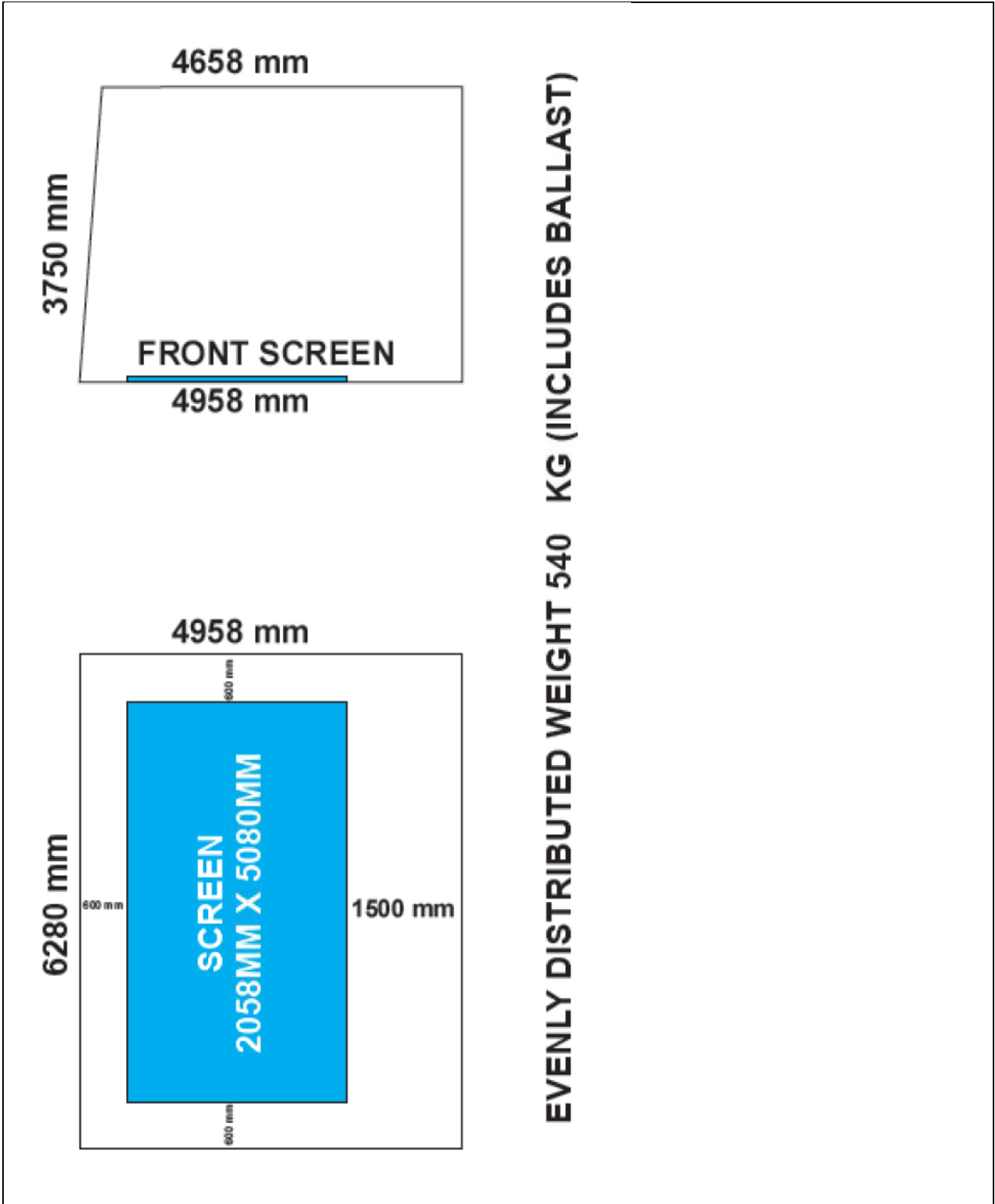
1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 10 April 2017
3. Response from South East Bayswater Residents Association, dated 13 April 2017
4. Response from Canal & River Trust, dated 12 April 2017
5. Response from Paddington Partnership, dated 24 March 2017
6. Response from Highways Planning, dated 5 April 2017
7. Response from Cleansing, dated 31 March 2017
8. Response from Flat 71, London, dated 28 April 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: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk).**



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 2017 and 5 September 2017

**Plan Nos:** Site location plan; 3D visual of front and rear of structure; LED screen hire ltd specifications; noise management plan; drawing showing dimensions of screen; letter dated 7 March 2017 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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The use of the amphitheatre for events screening and the associated screen use allowed by this permission can take place from 1 June 2017 until 5 August 2017, between 09.00-21.00 hours daily. 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 structures are removed at the end of the temporary period, and the land is restored to its former use. To protect the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 and DES 8 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

**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.

**DRAFT DECISION LETTER**

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

**Proposal:** Display of illuminated LED Screen Measuring 2058mm x 5080mm to be mounted onto a structure measuring 6280mm (W) x 4958 (H) x 3750 (D) for a temporary period between 1 June 2017 and 5 September 2017.

**Plan Nos:** Site location plan; 3D visual of front and rear of structure; LED screen hire ltd specifications; noise management plan; drawing showing dimensions of screen; letter dated 7 March 2017 from CBRE.

**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)

- 2 The screen shall only be used between 09.00-21.00 hours daily.

**Reason:**

To protect the environment of people in neighbouring properties and their visual amenity as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)