

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 August 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	3 Park Close, London, SW1X 7PQ,		
Proposal	Use of an area of the public highway measuring 1.20m x 7.35m for the placing of 3 tables and 6 chairs in connection with the existing ground floor use.		
Agent			
On behalf of	Mr Francesco Amati		
Registered Number	20/02403/TCH	Date amended/ completed	16 April 2020
Date Application Received	8 April 2020		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge Green		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to part of the public highway outside 3 Park Close, which is a restaurant named 'Osteria Romana'. The restaurant comprises the ground and basement floors and is part of an unlisted building. Park Close is a pedestrian passageway between Knightsbridge and South Carriage Drive. The site lies within the Knightsbridge Green Conservation Area. The applicant seeks planning permission for the use of part of public highway for the placing of three tables and six chairs on the highway in connection with the restaurant.

The key issues are:

- * the impact on neighbouring residential amenity; and
- * the impact on pedestrian safety.

On 27 September 2018 committee approved an application for 3 tables and 6 chairs under reference 18/04256/TCH. This followed two refusals in November 2017 and May 2018 for six tables and 12 chairs on the grounds the use would result in unacceptable noise disturbance to nearby residents. These applications sought permission to use the area between 09:00 and 22:00 hours each day.

The current application has the same layout and as proposed under the 2018 permission and the same operating hours, namely between 12:00 and 17:00 hours each day.

Nine objections have been received from neighbouring residents, and those who represent them, primarily on the grounds the proposal would harm residential amenity and would obstruct the footway.

A number of objections state the application is inconsistent with Westminster's Supplementary Planning Guidance (tables and chairs on the Highway) as it fails to maintain the 1/3 gap as a clear path for pedestrians. The Westminster Way Public Realm Strategy (2011) stipulates that proposals for outdoor seating should maintain a minimum clearance of 2 metres from the edge of the seating area to the limit of the pavement, and in pedestrianised streets half of the footway width should remain clear of any items (a maximum of 25% is allowed on each side). In this case, the footway is 6m wide outside 3 Park Close and the proposed tables and chairs area would be 1.2m deep, taking up 20% of the footway and reducing the clearway to 4.8m. This complies with the Westminster Way and allows sufficient space for a two-way flow of pedestrians. The Highway Planning Manager raises no objection.

The nearest residents live above the existing restaurant within Albert Gate Court and opposite within Wellington Court. The continued concerns raised by neighbours regarding noise disturbance is understood, particularly given the passageway is narrow. Two of the objections received refer to the restaurant premises "serving alcohol way past licensing hours resulting in rowdy noisy drunken behaviour" and "they do have people outside smoking and drinking until very late, past the permitted hours." Our records also indicate that four complaints were received by our Noise Team in November and December 2018 and again in October 2019 about noise from the alleyway and restaurant. These complaints give cause for concern however they appear to relate to the management of the restaurant premises rather than the use of the tables and chairs which are restricted by condition to between 12:00 -17:00 each day. There do not appear to be complaints about the restricted hours of operation of the tables and chairs being breached. On balance, given only six patrons would be able to dine outside at any one time and given the limited hours they would there, it is not considered that the proposal could be refused on grounds of an increase in noise disturbance that would justify refusal. As with the previous permission, a condition is recommended to ensure the use be limited to a temporary one year period. This would allow the circumstances to be reviewed again in future. The hours of use are also to be ensured by condition.

Objectors have raised concern that items would be left out in the passageway and therefore obstruct it, including in the event of an emergency. A condition is recommended to ensure the applicant puts the tables and chairs inside when not in use which would prevent this. A condition is also attached to ensure that the tables and chairs are placed as shown on the approved plan, any variation of this may lead to enforcement issues.

Concern is also raised regarding smoking and cooking/food smells from people dining outside. Whilst diners may be able to smoke, it is unlikely to create such a nuisance or impact on air quality to be sufficient to justify refusing permission. Likewise, is not considered that given the limited numbers of tables and chairs it is unlikely that there will be a smell nuisance for food being served outside. Further concern is raised regarding waste storage, that outdoor dining will attract more vermin and pigeons and cleansing. The proposal would not alter the refuse arrangements of the restaurant and the external tables and tables would be serviced in the same manner as the internal covers. The Cleansing Manager has raised no objection to the proposal.

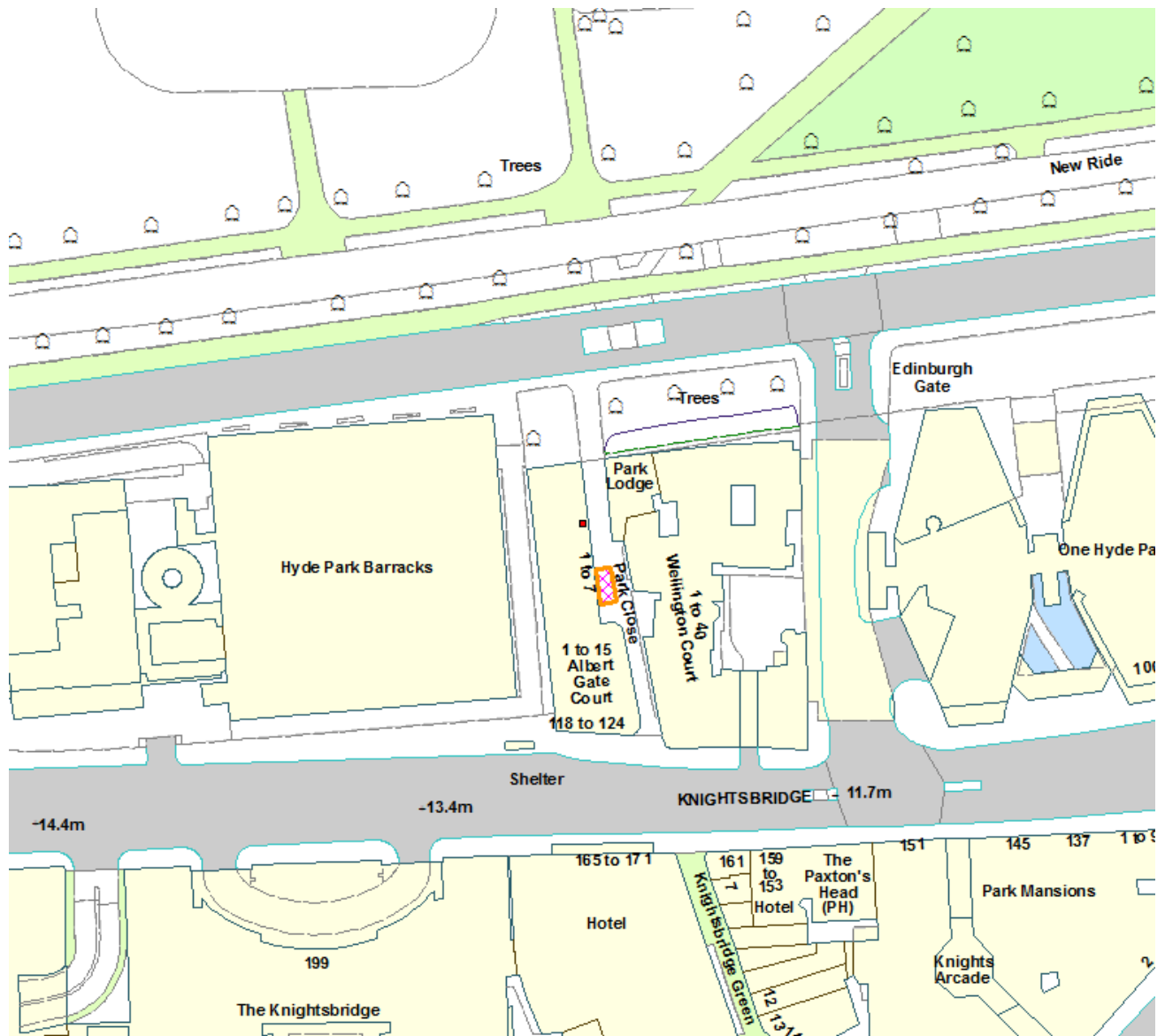
In design terms, the proposed furniture is considered acceptable in appearance and will not harm the character and appearance of the Albert Gate Conservation Area.

The concerns raised about Covid-19 and pedestrians being unable to safely use the alleyway are noted. The remaining area of footway left as a result of this proposal is 4.8m which is considered sufficient to maintain a 1m plus social distancing requirement.

For the above reasons, the proposal is considered to comply with Westminster Way requirements and is in accordance with Policy S41 of Westminster's City Plan, TRANS 3, ENV 6, ENV 13, DES 7, DES 9, TACE 11 of the Unitary Development Plan and the Tables and Chairs SPG.

In terms of the Knightsbridge Neighbourhood Plan the proposal is considered to comply with Policy KBR7. The proposal will not have a significant impact on pedestrian movement along Park Close and whilst the proposal will not improve pedestrian movement, it will not compromise its wider function.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of passageway, with resturant to the left side of photograph

5. CONSULTATIONS

KNIGHTSBRIGE ASSOCIATION:

Any response to be reported verbally.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

CLEANSING MANGER:

No objection. A condition should be attached to ensure the tables and chairs are stored within the premises.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 8 (objections)

9 letters of representation have been received raising the following concerns:

Amenity:

- Harm to residential amenity by way of noise disturbance, smoke and smells in a residential area;

Design:

- Harm to the character and appearance of the area;

Highway and Cleansing:

- Obstruction of footpath harming pedestrians and emergency services;
- Would result in litter and vermin;

Other:

- Patrons would smoke and drink outside and would congregate further along Park Close extending the restaurant area;
- Due to Covid-19, there is a genuine concern about people being forced closer to each other as they walk round the tables and chairs.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5.1 Recent Relevant History

On 7 November 2017, the City Council started a planning enforcement investigation into a report that tables and chairs were being put out in breach of planning control. The case was subsequently closed as the use had ceased.

On 30 November 2017, the City Council refused permission for the use of an area of the public highway measuring 2000mm x 7357mm for the placing of six tables and 12 chairs, four planters in connection with ground floor restaurant use, on the grounds the use would

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result in unacceptable noise disturbance to nearby residents. (RN: 17/07485/TCH)

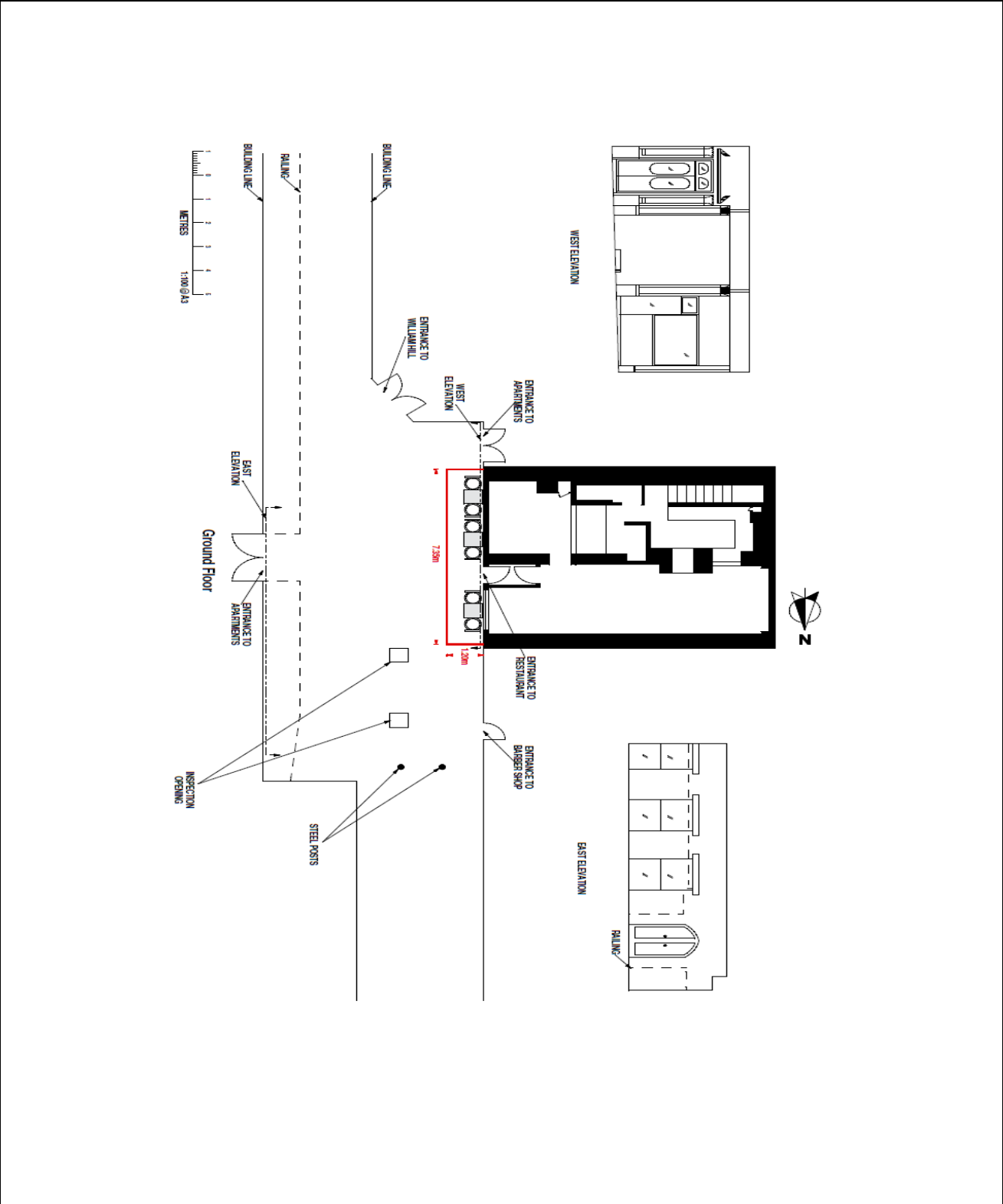
On 15 May 2018, the City Council refused permission for the use of an area of the public highway measuring 2.0m x 7.35m for the placing of six tables and 12 chairs, four planters in connection with ground floor restaurant use (hours of use from 12.00 to 20.00 daily), on the grounds the use would result in unacceptable noise disturbance to nearby residents. (RN: 18/02281/TCH)

On 18 September 2018, the City Council approved permission for the use of an area of the public highway measuring 1.2m x 7.35m for the placing of 3 tables and 6 chairs in connection with ground floor restaurant use. (RN: 18/04256/TCH)

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk</p>
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6. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 3 Park Close, London, SW1X 7PQ,

Proposal: Use of an area of the public highway measuring 1.20m x 7.35m for the placing of 3 tables and 6 chairs in connection with the existing ground floor use.

Reference: 20/02403/TCH

Plan Nos: Location Plan; Osteria Romana Tables and Chairs Layout; 125-PL-B-00 rev: B; Photographs of Tables and Chairs.

Case Officer: Seana McCaffrey

Direct Tel. No. 07866037773

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 must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing 'Osteria Romana Tables and Chairs Layout'. (C25AA)

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), TACE 11 of our Unitary Development Plan that we adopted in January 2007 and KBR7 of the Knightsbridge Neighbourhood Plan 2018-2037 adopted in December 2018. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 12.00 and 17.00 each day.

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. (R25BD)

- 4 The tables and chairs must only be used by customers of the restaurant at 3 Park Close SW1X 7PQ. (C25CA)

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 This use of the pavement may continue until 31 August 2021. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (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.

- 6 You can only put out on the pavement the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved shown on drawing 'Osteria Romana Tables and Chairs Layout'. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

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. (R25EA)

- 7 The area of footway shall be maintained in a clean and tidy condition at all times, litter receptacles should be provided and the footway should be thoroughly washed down each day after trading has ceased.

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)

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, neighbourhood plan (where relevant), 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, which can be applied for at the following link: www.westminster.gov.uk/tables-and-chairs-licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service by email to streettradinglicensing@westminster.gov.uk. 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.
- 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)

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.