

Delegated Report		Analysis sheet		Expiry Date:		09/10/2006	
				Consultation Expiry Date:		15/09/2006	
Officer				Application Number(s)			
Jenny Fisher				2006/3371/P			
Application Address				Drawing Numbers			
24 Cambridge Circus London WC2H 8AA							
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		Date:		
Proposal(s)							
Installation of new timber framed folding doors in existing window openings, installation of zinc clad planters at front elevation to enclose forecourt, installation of a retractable awnings and erection of new disabled access ramp at main entrance to restaurant (Class A3).							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	05	No. of responses	00	No. of objections	00
Summary of consultation responses:		<u>City of Westminster</u> Does not wish to comment on the proposal.					
CAAC/Local groups* comments: <small>*Please Specify</small>		<u>Covent Garden CAAC</u> Object to change from original? Plate glass windows of Cambridge Circus elevation to opening framed windows. Details poorly shown but in any case not necessary to have opening windows when so much outdoor seating available. <u>Covent Garden Community Assoc.</u> Objection to proposal because 1. encroaching onto Cambridge Circus by 750 sq.ft. 2. enclosing extra area by permanent planters and 50% covered awnings. 3. should not exceed one row of tables and chairs. 4. pedestrian movement restricted by kiosk and tree.					

Site Description

Premises located to the north east corner of Cambridge Circus; the front elevation faces the Circus, Shaftesbury Avenue runs along the east side of the site and Charing Cross Road to the west. The basement and ground floor are in A3 use.

Located within the Seven Dials (Covent Garden) Conservation Area. No. 24 Cambridge Circus is identified as a building that makes a positive contribution to the conservation area.

The major part of Cambridge Circus is situated within the City of Westminster. There is a wide area of pavement in front of the site, a retail kiosk has been installed towards the Shaftesbury Road edge of the pavement and there is a bus shelter along the Charing Cross Road section of pavement. This is an area characterised by commercial and entertainment uses with heavy pedestrian and vehicular traffic.

Relevant History

20/05/1996 (reg No 95/01717/R2)

Planning permission was refused for the change of use at ground and basement floor levels for a new A3 (restaurant) use. The decision was appealed (T/APP/X5210/A/95/267628/P7) and the Planning Inspectorate allowed the A3 use subject to strict noise conditions and hours of operation.

03/07/1998 (reg No. 9804205)

Planning permission was granted for the variation to condition 2 (restricting the use of the premises to restaurant only) so the premise can be used as a café bar. The hours of operation were restricted to 0900 – 23.30.

17/12/2001 (reg. No.PSX0105065)

Works to the forecourt involving alterations to the disabled ramp, the installation of electric heaters mounted to the underside of awnings, plant troughs either side of the entrance and relocation of a CCTV camera

01/02/2006 (reg No.2005/5259)

Alterations to the existing shop front involving the installation of bi-fold windows with timber frames to the pane of glass east of the main entrance on the Cambridge Circus frontage.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Replacement UDP S1; S2; SD1; B1; B3; B7

SPG 3.1 Access; shop fronts

Consultation Draft Planning Guidance: Access for all; pedestrian movement; safer environments

Streetscape Design Manual

Seven Dials (Covent Garden) Conservation Area Statement

Assessment

The unit is currently undergoing major refurbishment. A ramp was installed to one side of the entrance when the premises were in use as All Bar One. Portable barrier posts were installed to enclose an external seating area approximately 3 m. (depth) x 5.5m. (width) to one side of the entrance and 3m. (depth) x 4m. (width) to the other. Halogen lamps were fixed to the wall (approved PSX0105065). Drawings approved include 3 awnings extending out 3m. from the front of the premises.

Bi- fold windows were approved later (2005/5259). The new folding window system was contained within the reveals of one of the existing window openings. Timber frames matched the existing material and colour. The new window introduced four vertical glazing bars extending from the top to the bottom of the window. Although different in appearance to the existing glazing pattern of the ground floor unit as a whole, it was considered that the new window would not significantly detract from the character or appearance of the building or the conservation area and were therefore recommended for approval.

Proposed

Three retractable canvas awnings would be installed as existing. Inward opening timber framed full height windows would be installed with a concertina style mechanism. Quartzheat heaters would be installed beneath the awning box.

A new ramp would be installed with a forward approach to the entrance, replacing the approved ramp to one side of the entrance running parallel with the ground floor window. The ramp would extend out 3.3 m. from a platform that extends out 1.7m. from the entrance into the premises.

Either side of the ramp external seating (tables and chairs) would be enclosed by zinc clad planter boxes. External seating areas would be approximately twice the size of existing. This would leave approximately 1.8m. of pedestrian pavement between the outer edged of planter boxes and the bus shelter.

Tables and chairs placed outside a restaurant do not require planning permission, however the applicant would need to apply for a licence from the Council's Highways Dept.

Impact on pedestrian movement

Policy T3 states that Council will only grant planning permission for development that it considers makes satisfactory provision for pedestrians and cyclists. Consideration of the needs of pedestrians with mobility difficulties is particularly important in areas of high pedestrian activity. Currently Cambridge Circus has a wide footway to the front of the site accommodating extremely high pedestrian flows. The creation of an enclosed forecourt area by the use of zinc clad planters and re-orientation of the access ramp would drastically reduce the area that could be used as a public thoroughfare. This will lead to increased congestion on the remainder of the footway, and create a bottleneck between the Shaftesbury Avenue bus shelter immediately in front of the premises. It would also lead to conflict between waiting bus passengers and pedestrians. Frequently people waiting for a bus congregate beyond the immediate area of the bus shelter due to lack of adequate shelter space. A reduction in the size of the footway increases the risk of pedestrians being forced onto road.

Both established and emerging planning guidance generally requires the improvement of existing routes and footways serving development for the purposes of maximising pedestrian accessibility. The pedestrian network must be maintained and extended where possible, and the risk of pedestrian routes being wholly or partly obstructed must be minimised. Para. 12 of emerging SPG (pedestrian Movement) refers to the issue of a licence for the placing of tables and chairs outside cafes, bars and restaurants. If a footway is to be considered for such a use, the area must be designated and must not interrupt the required clear width of the footway. As the proposed scheme interrupts the clear width of the footway, if permitted, the development would be contrary to planning guidance.

The 'Streetscape Design Manual' sets out the minimum requirement for footway widths and refers to the 'clear' footway rather than the distance between the kerb and boundary wall. It recommends the

minimum 'clear' width as being 3 metres for a busy pedestrian street, and in some cases wider. The scheme will narrow the clear footway to less than 2 metres between the planters and the bus shelter, at a point where the clear footway needs to be in excess of the recommended 3 metres width in order to accommodate typical pedestrian flows along with waiting bus passengers.

The potential hazard to pedestrian convenience and safety would be made worse by the inclusion of full height opening windows/doors as they would allow customers to spill out onto the highway. This could be prevented by a modification to the design to prevent customers using the windows as doors.

Access

The application has been considered in the light of Policy SD1C. The Council requires spaces for public use and alterations to existing public buildings to be fully accessible to disabled people. Such buildings and spaces include leisure and tourism facilities. The encroachment onto the public footpath as described above, would make the area less accessible for all users, particularly those with mobility difficulties. A ramp (approved 17/12/2001) was installed for the former user of the site (All Bar One); it ran parallel with one of the windows. The current proposal is for a ramp that would extend out 8m. at right angles to the restaurant entrance. The position of a ramp as approved is considered the most appropriate; the ramp proposed would encroach onto the public footpath to an unacceptable degree.

Design

It is considered that works proposed fail to comply with design principles according to policy B1. Particularly relevant to the current application, the development should be safe and accessible to all and seek to improve the attractiveness of an area and not harm its appearance or amenity. The Conservation Area Statement declares the council will make efforts to avoid any unnecessary visual clutter. It is considered that in addition to existing the existing sales kiosk and adjacent store kiosk, g.p.o. boxes and bus shelter, all placed on the paved area directly in front of the restaurant, the extent of the zinc boxes, size and position of the ramp and tables and chairs, proposed would lead to visual clutter to the detriment of the appearance of this attractive building in a highly prominent position, and character and appearance of the conservation area contrary to policy B7.

It is considered that the proposed development would harm the architectural quality and surrounding area of the existing building. Policy B3 states that the Council will not grant planning permission for alterations that fail to respect the character or setting of a building.

Recessed doorways can provide the opportunity for anti-social behaviour and can have an impact on crime and the perception of crime. A recessed doorway is proposed and whilst it would be preferable to remove this door it currently exists and so is not a new proposal. Inward opening full height windows are in the process of being installed within each window opening either side of the entrance. Whilst these windows are acceptable in design and amenity terms they are unacceptable for pedestrian safety reasons.

Conclusion

The application has been considered in the light of UDP policies, Supplementary Planning Guidance, the Streetscape Design Manual and the Conservation Area Statement. It is recommended that planning permission be refused due to the scheme's non-compliance with policies and design guidance.

- the scheme would cause congestion on a very busy pedestrian thoroughfare, and will cause conflict between pedestrians and waiting bus passengers;
- it would increase the potential for accidents involving vehicles and pedestrians;
- it would decrease accessibility for all users, particularly mobility impaired users;
- it would result in a decrease to below the minimum required width for busy footways (3m), as required by the Streetscape Design Guide and SPG;
- it would cause a loss of function of the public highway for pedestrian users;
- it is contrary to policies that require footways to be maintained and enhanced
- a recessed entrance would be contrary to council's aim to design out crime;
- visual clutter would harm the appearance of the building, a positive contributor to the conservation area, and character and appearance of the conservation area.

Separate application have been submitted for advertisement consent and for a variation of hours of

operation.

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