

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>23/05/2022</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	01/05/2022
<b>Officer</b>		<b>Application Number(s)</b>		
Sofie Fieldsend		i. 2021/1337/P ii. 2022/1310/A		
<b>Application Address</b>		<b>Drawing Numbers</b>		
130 Boundary Road London NW8 0RH		See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
i. Erection of single storey front structure with removable front/side awnings on pavement. ii. Display of externally illuminated projecting and fascia signs plus lettering on front awning				
<b>Recommendation:</b>	i. Refuse planning permission ii. Refuse advertisement consent			
<b>Application Type:</b>	i. <b>Full Planning Permission</b> ii. <b>Advertisement consent</b>			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:			No. of responses	<b>01</b>	No. of objections	<b>01</b>
Summary of consultation responses:	<p>A site notice was displayed on the 30/03/2022 and the consultation period expired on the 23/04/2022. A press notice was advertised on 07/04/2022 and expired on 01/05/2022.</p> <p>1 objection was received during public consultation from a neighbour in Boundary Road. Their objections can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Concern about narrow pavement left and creating a pinch point of less than a 1m;</li> <li>• Obstructs pedestrian flow;</li> <li>• Plans do not show concrete planters or account for their movable A-board and menu lectern. Planters being dragged are scratching the footway;</li> <li>• Covid is being used as an excuse to increase the restaurant's customer capacity by extending onto the footpath.</li> </ul>					
Community groups/CAAC	N/A					

## Site Description

The site is a three storey mid terrace located on Boundary Road. The ground floor is in use as a restaurant (Class E) with residential on the upper level.

The site is not listed but is located within the St Johns Wood Conservation Area and it is recognised as making a positive contribution.

## Relevant History

### Application site

**2018/1952/A** - Display of 1x externally illuminated fascia sign and 1x non-illuminated projecting sign.  
**Granted 05/07/2018**

**2021/1049/PVL** - 4 Tables, 8 Chairs, 3 Barriers and 1 Umbrella (Tuesday to Friday 16:30 - 23:00, Saturday 11:30 - 23:00, Sunday 11:30 - 22:00) - **Granted tables and chairs licence 22/03/2021**

**2022/1499/PVL** - 4 Tables, 8 Chairs, 3 Barriers and 1 Umbrella (Tuesday to Friday 17:00 - 23:00, Saturday 11:30 - 23:00, Sunday 11:30 - 22:00) - **Granted tables and chairs licence 19/04/2022**

## Relevant policies

### **National Planning Policy Framework (2021)**

#### **London Plan (2021)**

#### **Camden's Local Plan (2017)**

A1 Managing the impact of development

C6 Access for All

D1 Design

D2 Heritage

D3 Shopfronts

D4 Advertisements

T1 Prioritising walking, cycling and public transport

T4 Promoting the sustainable movement of goods and materials

#### **Supplementary Guidance**

CPG Design (2021)

CPG Amenity (2021)

CPG Transport (2021)

CPG Adverts (2018)

#### **The St John's Wood Conservation Area appraisal and management strategy (2009)**

#### **TfL's Pedestrian Comfort Guidance for London (2010)**

## **Assessment**

### **1.0 Proposals**

- 1.1 Planning permission is sought for: Erection of single storey front structure with removable front/side awning to enclose footpath. This would provide cover from the elements and increase the usage of the outdoor seating for dining. The area covered is part of the public highway, not private forecourt.
- 1.2 Advertisement consent is sought for: Display of externally illuminated projecting and fascia sign and lettering on the front awning

### **2.0 Assessment**

- 2.1 The main considerations in relation to this proposal are:
- Design and Heritage
  - Impact on neighbouring amenity
  - Transport impacts

### **3.0 Design and Heritage**

#### Policy background

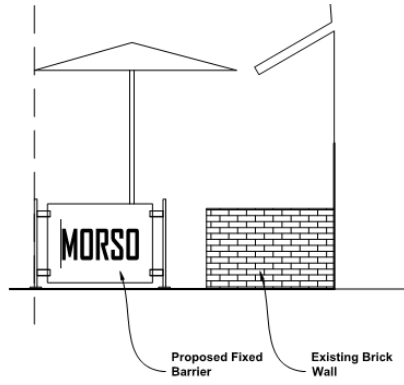
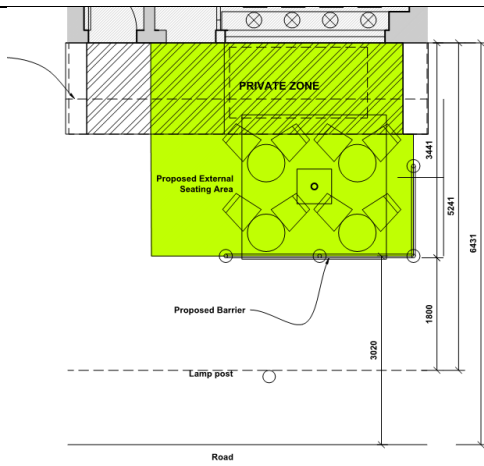
3.1 Policy D1 (Design) of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition, it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 (Heritage) states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area.

3.2 Policy D3 expects a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features.

3.3 Policy D4 requires advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.

#### Assessment

3.4 It is noted that a Tables and Chairs Licence ref. 2022/1499/PVL granted consent for 4 Tables, 8 Chairs, 3 Barriers and 1 Umbrella between Tuesday to Friday 17:00 - 23:00, Saturday 11:30 - 23:00, Sunday 11:30 - 22:00. This is valid until 30/9/22. The approved plan showing the barriers are shown below:



3.5 It is also noted that the business appears to have put moveable concrete planters on the pavement alongside a moveable lectern and freestanding menu board (image 1). These do not form part of this planning application but may require a separate advertisement consent.



Image 1: Existing streetscene showing street furniture



Image 2: Proposed structure

3.6 The proposal will erect a single storey front structure, comprising a timber and polycarbonate awning projecting out by 3.4m out across the pavement, under which are 2 fixed timber/poly sides above the existing brick walls projecting out by 1.2m, and then beyond this removable awnings at sides and front. The awning encloses the footpath and provide shelter for additional seating outside the existing restaurant. See sketch of proposed in image 2 above.

3.7 It is noted that there is a distinct and uniform front building line along this row of commercial units and there are no precedents for this type of development within the street. It is considered that the permanent shelter would add clutter, appear as an incongruous/dominant structure on the front of a row of shop with a consistent building line, and obscure the existing shopfront of a building that it recognised as a positive contributor within the conservation area. It also does not respect the form or appear proportionate on the front elevation. In addition it is considered that the chosen materials, in particular the use of plastic to cover the structure, would appear alien and out of character within the area as well as having a harmful aesthetic impact. Also it will have an inability to biodegrade and therefore this material strongly discouraged. It is considered that the structure would harm the character and appearance of the host property, streetscene and wider St Johns Conservation Area.

3.8 The projecting sign and fascia sign were previously granted under ref. 2018/1952/A which expired July 2021. These elements are identical to the previous advert consent and would be acceptable in themselves. The additional awning now proposed will also have lettering on its front removable panel - this is considered to create more visual clutter in a prominent position that would detract from the character and appearance of the host property, terrace and St Johns Wood conservation area.

#### **4.0 Amenity**

4.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

4.2 The forecourt is intended for outdoor seating for the existing restaurant. It is noted that the outside of the premises is already being used for tables and chairs and has a licence until September 2022.

4.3 Given the siting and scale of the proposal and the significant separation distance to neighbouring properties, it is considered that the proposal would not lead to a detrimental impact upon neighbouring properties by virtue of loss of light, outlook and privacy.

#### **5.0 Transport impacts**

5.1 Policy D8 (Public Realm) of the London Plan states that 'Applications which seek to introduce unnecessary street furniture should normally be refused'.

5.2 Policy A1 (Managing the impact of development) of the Camden Local Plan states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities, and that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 states that the Council will expect works affecting the highway network to consider highway safety, with a focus on vulnerable road users, including the provision of adequate sightlines for vehicles, and that development should address the needs of vulnerable or disabled users. Furthermore, Policy T1 (Prioritising walking, cycling and public transport) point e) states that the Council will seek to ensure that developments provide high quality footpaths and pavements that are wide enough for the number of people expected to use them, including features to assist vulnerable road users where appropriate. Similarly, paragraph 9.10 of CPG Transport highlights that footways should be wide enough for two people using wheelchairs, or prams, to pass each other. Policy C6 expects spaces, routes and facilities between buildings to be designed to be fully accessible.

5.3 Camden's Streetscape Design manual – section 3.01 footway width states: "'Clear footway' is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway. Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street'.

5.4 All development affecting footways in Camden is also expected to comply with Appendix B of Transport for London's (TfL's) Pedestrian Comfort Guidance, which notes that active flow locations must provide between a minimum of 2.2m (if there is no street furniture) and 4.2m (with street furniture) of 'clear footway width' (respectively) for the safe and comfortable movement of pedestrians.

5.5 Policy T1 of the Camden Local Plan states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 subsections a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment

including the provision of high quality safe road crossings where needed, seating, signage and landscaping.

5.6 Paragraph 9.7 of CPG Transport seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. Ensuring the following:

- Safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments and other disabilities;
- Maximising pedestrian accessibility and minimising journey times;
- Providing stretches of continuous public footways without public highway crossings;
- Linking to, maintaining, extending and improving the network pedestrian pathways;
- Providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas;
- Use of paving surfaces which enhance ease of movement for vulnerable road users; and,
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed e.g. by pavement parking or by street furniture.

5.7 While an objection has been raised about current moveable planters, these are not included on the current application so it is assumed that they would be removed from the site if the proposal was acceptable as it would serve the same purpose.

5.8 The application indicates that an effective footway width of approximately 3 metres would be maintained adjacent to the proposed structure on Boundary Road, and 1.8 metres at the pinch point by the lamp post which is adjacent to the site. This effective footway width could be further reduced or completely blocked by visitors queuing or viewing the menu lectern, as shown in a photo within a neighbour's objection (Image 3). The proposed structure would be on public highway and within the pedestrian desire line. This will leave an effective footway that is significantly less than 2.2m minimum (set out in TFL's guidance) which does not comply with pedestrian comfort guidance.



Image 3: Existing arrangement showing restriction of pedestrian flow with street furniture

5.9 The proposal of having a permanent shelter adjacent to the shop's private forecourt would create unnecessary hazards on the public highway and be detrimental to the pedestrian footway by creating an obstruction. The proposal would therefore be contrary to Policies A1, C6 and T1. Therefore the proposal is unacceptable on these grounds and would form a reason for refusal.

5.10 There is however no objection on highways grounds to the projecting or fascia sign as before.

## **6.0 Conclusions**

### 2021/1337/P

6.1 The proposed permanent shelter, by virtue of its siting, scale and detailed design, would appear as an incongruous and dominant feature that would detract from the character and appearance of the host property, streetscene and St Johns Wood conservation area, contrary to policies D1 (Design), D2 (Heritage) and D3 (Shopfronts) of the London Borough of Camden Local Plan 2017.

6.2 The proposed permanent shelter, by virtue of its location and size, would reduce the amount of useable and unobstructed public footway, which would cause harm to highway safety, hinder pedestrian movement and have a detrimental impact on the promotion of walking as a sustainable means of transport, contrary to policies A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

### 2022/1310/A

6.3 The proposed awning lettering, by virtue of its siting and scale, would create harmful visual clutter that would detract from the character and appearance of the host property, streetscene and St Johns Wood conservation area, contrary to policy D4 (Advertisements) of the London Borough of Camden Local Plan 2017.

## **7.0 Recommendations-**

7.1 Refuse planning permission - 2021/1337/P

7.2 Refuse Advertisement consent - 2022/1310/A