

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 18 April 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>21 Weighhouse Street, London, W1K 5LU,</b>		
<b>Proposal</b>	Use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6025mm x 1150mm in association with the adjacent restaurant at 21-22 Weighhouse Street.		
<b>Agent</b>	Monmouth Planning Ltd		
<b>On behalf of</b>	Contoir WS Ltd		
<b>Registered Number</b>	16/11871/TCH	<b>Date amended/ completed</b>	18 January 2017
<b>Date Application Received</b>	14 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.

## 2. SUMMARY

The application relates to a newly converted restaurant unit on the south side of Weighhouse Street, just south of Oxford Street, in the Core Central Activities Zone and Mayfair Conservation Area. Permission was granted in September 2014 to convert the three small shops and one café along this frontage into one larger retail unit and a restaurant. At that time there was no specific occupier. There is now a prospective operator, Café Comptoir, which will offer 'high quality' all day dining and artisan coffee, seasonal food and a small ancillary retail element, with an emphasis on fine wines. There is a condition on the original permission preventing any primary cooking (as there was no provision for kitchen extractor equipment).

Permission was granted on 31<sup>st</sup> January this year to increase the number of customers in the restaurant from 20 to 40, and to extend the opening hours from 07.00 to 22.00 hours each day to between 07.00 and 23.00 hours on Thursdays to Saturdays, retaining the hours of 07.00 to 22.00 hours on Sundays to Wednesdays. However, the increase in capacity and extended opening hours were granted for one year only (from the date that the restaurant use commences), so that the impact of the changes can be assessed. The premises are expected to open in April.

Another condition on the original permission specified that "No tables and chairs shall be placed outside any of the premises (unless granted separate planning permission)." There is photographic

evidence that the former café had tables and chairs outside but no record that planning permission was granted for this. In part this may be due to uncertainty about the highways status immediately in front of the premises, which may have been treated as private forecourt. Permission is now sought for a small amount of outside seating.

The current application has been amended to remove two tables and four chairs that were initially proposed on Gilbert Street, to ameliorate the potential impact on the amenity of the flats above. Gilbert Street is marginally quieter than Weighhouse Street and this reduction in the amount of external seating is welcome. A further revision has reduced the number of tables on the Weighhouse Street frontage from six to four, and reduced the number of chairs from 12 to eight: this has partly been done to address officer concerns about too much furniture being stored within the small premises but the overall reduction is also welcomed in amenity terms.

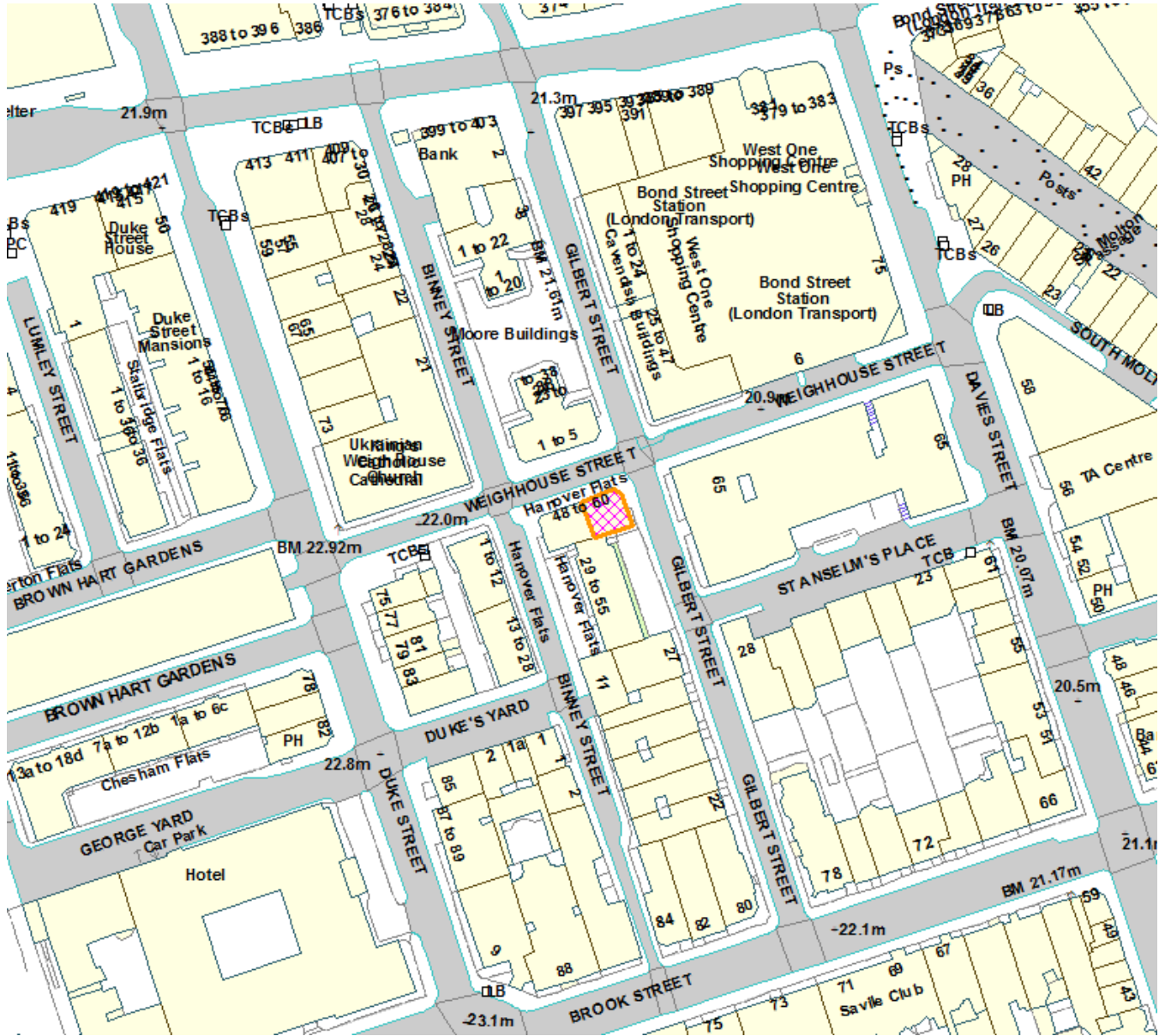
Tables and chairs on the footway are controlled by policy TACE 11 of the City of Westminster Unitary Development Plan (UDP) 2007. This states that permission will only be granted when such proposals fulfil a number of criteria, including that they will not cause an obstruction, unacceptably intensify the existing use nor cause a nuisance to residents.

There have been objections from a local amenity society and two residents to the proposals, on amenity grounds. However, the applicants are only seeking to have the tables outside from 10.00 to 22.00 hours (seven days a week). Outside of these hours and during the time the restaurant is open until 23.00 hours on Thursday to Saturdays the chairs would be removed and stored inside the premises. The amount of seating is also considered to be modest. Whilst acknowledging that the neighbouring buildings are in residential use, there is a considerable amount of entertainment and commercial activity in the wider vicinity. Objectors requests that the furniture should be removed after 19.00 or 20.00 hours, and not be put out at all on Sundays, is not considered to be reasonable. It is recommended that permission is only granted for an initial period, so the potential impact can be assessed.

The proposals are considered to be acceptable in highways terms, leaving a clear 2m area between the tables and chairs and existing street furniture. The design of the furniture itself is also considered to be acceptable.

The application does not trigger any CIL requirements nor planning obligations.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



#### 5. CONSULTATIONS

##### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

##### MAYFAIR RESIDENTS GROUP

Object on the grounds that the area is primarily residential and that there have never been licensed premises in the street and that local people are very concerned that this new 'bar/restaurant' will produce late night noise and anti-social behaviour. Consider that if there are outside tables they should be removed by 7pm, and the licence for serving drinks should only be until 11pm.

##### HIGHWAYS PLANNING MANAGER

No objection, subject to standard conditions

##### CLEANSING

No objection

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 74; No. of objections: 2, on some or all of the following grounds:

- this is a residential area and the proposal will have an adverse impact on residential amenity from increased noise and disturbance, including when the tables and chairs are put away;
- if approved the hours should be restricted to between 10am and 8pm on weekdays and Saturdays and not on Sundays;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 Recent Relevant History**

September 2014 – conditional permission granted for ‘Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels.’

31 January 2017 – conditional permission granted for Variation of Conditions 4 and 5 of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for ‘Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels. NAMELY, to vary the wording of conditions 4 and 5 to enable a maximum capacity of 40 people in the A3 restaurant and to enable the A3 restaurant to remain open until 23:00 Mondays to Saturdays’.

**7. BACKGROUND PAPERS**

1. Application form from Monmouth Planning Ltd dated 13 December 2016
2. Memorandum from the Highways Planning Manager dated 16 February 2017
3. Memorandum from the Projects Officer (Cleansing) dated 15 February 2017
4. Representation from the Mayfair Residents Group, dated 13 March 2017
5. Representation from occupier of 19 Balderton Flats, Brown Hart Gardens, dated 24 February 2017
6. Letter from occupier of 26 Moore Buildings, Gilbert Street, received 7 February 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: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)





**DRAFT DECISION LETTER**

**Address:** 21 Weighhouse Street, London, W1K 5LY,

**Proposal:** Use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6025mm x 1150mm in association with the adjacent restaurant at 21-22 Weighhouse Street.

**Reference:** 16/11871/TCH

**Plan Nos:** 1118-150\_LIC Rev B [showing four tables and eight chairs]

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**Recommended Condition(s) and Reason(s)**

- 1 You must not put the tables and chairs in any other position than that shown on drawing 1118-150\_LIC Rev B. (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) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 2 You can only put the tables and chairs on the pavement between 10.00 and 22.00 hours each day. Outside these hours the furniture must be stored within the premises. After 22.00 hours, on days that the restaurant is open until 23.00 hours, you must remove the chairs and store them inside the restaurant, with the tables to be taken inside at 23.00 hours when the restaurant closes. (C25BA)

**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.

- 3 The tables and chairs must only be used by customers of the restaurant in 21-22 Weighhouse Street.

**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.

- 4 This use of the pavement may continue until 30<sup>th</sup> April 2018. You must then remove the tables and chairs, unless further planning permission has been granted. (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.

- 5 You can only put out on the pavement the tables and chairs shown on drawing 1118-150\_LIC Rev B. 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.

### **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.
- 2 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)
- 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)
- 4 You are reminded that condition 5 of the planning permission dated 31st January 2017 states that customers shall not be permitted within the Class A3 premises before 07.00 hours or after 23.00 hours on Thursdays to Saturdays and not before 07.00 hours or after 22.00 hours on Sundays to Wednesdays.

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.