

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Bank, 4 Berkeley Square, London, W1J 6EB,		
Proposal	Use of an area of public highway on the Berkeley Square frontage measuring 0.92m x 19m for 20 banquette seating spaces, 10 tables, 6 moveable planters and a waiter station in association with the ground floor use.		
Agent	Bidwells		
On behalf of	Caprice Holdings Ltd		
Registered Number	17/06261/TCH	Date amended/ completed	14 July 2017
Date Application Received	14 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application property is situated on the south east corner of Berkeley Square within the Mayfair Conservation Area. The basement and ground floors are occupied as a restaurant (Class A3) known as 'Sexy Fish'. In February 2015 and in June 2016 permission was granted for tables and chairs on the highway in an area measuring 0.92m in depth and 19m in length. The current application again seeks permission to use an area measuring 0.92m x 19m for external dining for the restaurant, however the furniture and its layout differs from the previous permissions.

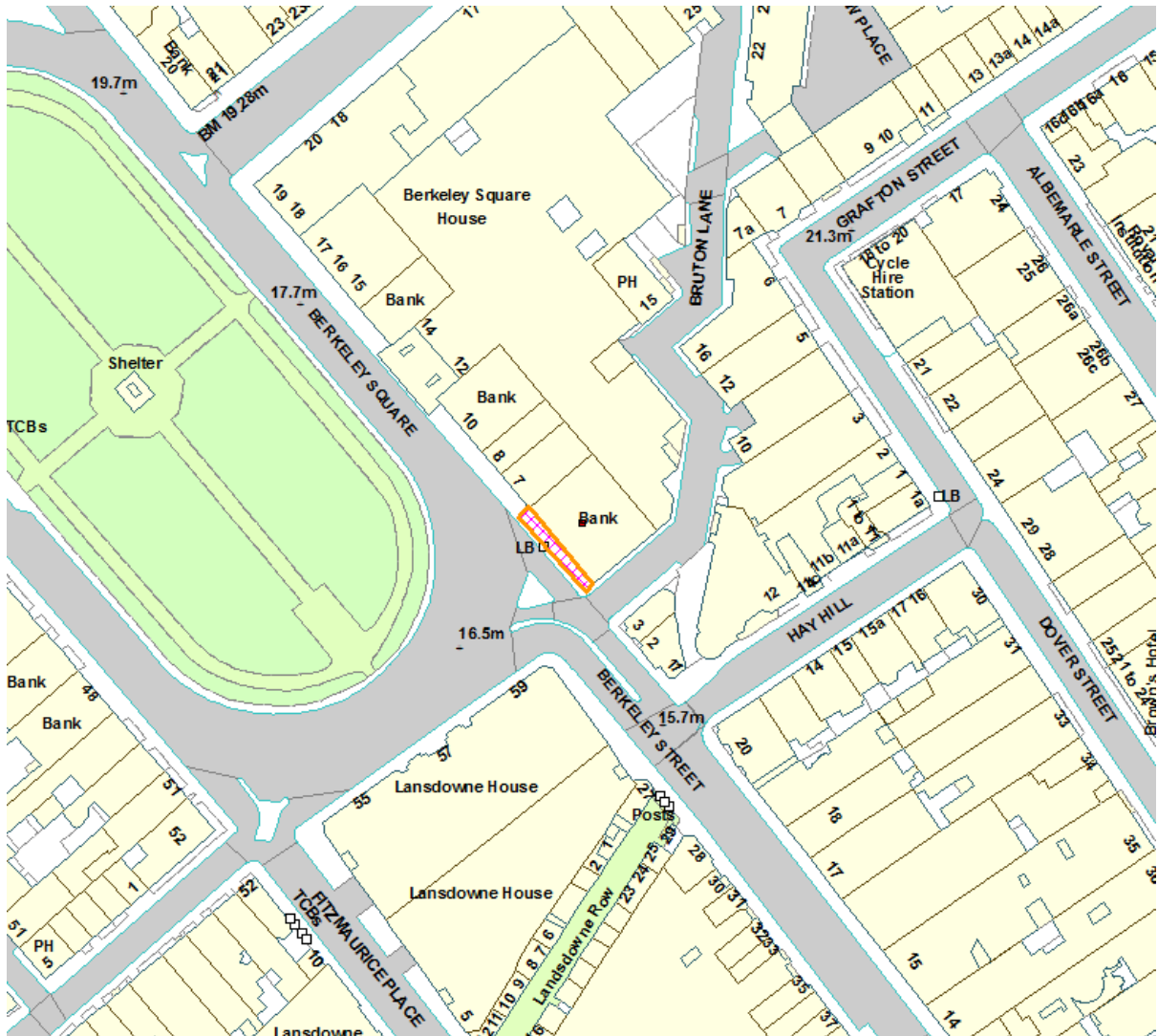
The 2015 and 2016 consents permitted tables and chairs at right angles to the building line. Each table would provide two covers, with the chairs facing each other. As part of the current application the chairs would be replaced by benches and diners will face onto the highway rather than at right angles as previously permitted. In addition the number of planters have been reduced and repositioned. These changes enable the provision of an additional table and two seating places to be provided. The current application will provide 10 tables and 20 seats.

The Highways Planning Manager and Cleansing Manager object to proposal on the basis that proposal is unlikely to be contained within the proposed area and that any overspill would result in an obstruction to pedestrian movements and hinder street cleaning.

UDP policy TRANS 3 requires a minimum of 2m highway to be left free and unobstructed. In this instance furniture a depth of 0.92m would leave 2.85m free except at a pinch point where a post box reduces the highway to 1.7m.

As already stated the area proposed has been previously permitted and is again considered acceptable. The key issue is therefore whether the layout could contain the proposal to adequately provide 20 external dining spaces. Whilst the concerns of the Highways and Planning Manager are understood it is recommended that permission is granted for a temporary period of 1 year which will enable the position to be monitored.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S:

Any response to be reported verbally

CLEANSING:

Objection - the layout does not comply with the requirement of a 2.0m minimum freeway.

HIGHWAYS:

Objection – unlikely to be able to contain the proposal within the proposed area and will cause obstruction to the highway.

ADJOINING OWNERS AND OCCUPIERS

No Consulted: 7

No Replied: 0

SITE AND PRESS NOTICE: Yes

6. Recent Relevant History

Planning permission was granted on 16 June 2016 (RN: 16/03821/TCH) allowing the use of an area of public highway on the Berkeley Square frontage measuring 0.92m x 19.0m for the placing of 11 tables, 11 benches, 4 planters and a waiter station in association with the ground floor use.

Planning permission was granted on 09 February 2015 (RN: 14/12414/TCH) allowing the use of an area of the public highway on the Berkeley Square frontage measuring 0.92m x 19.0m for the placing of a waiter station, 9 tables and 18 chairs in association with the approved restaurant on the basement and ground floor at 4-6 Berkeley Square.

Planning permission was granted on 21 November 2011 (RN: 14/08193/FULL) for the use of ground and basement floors as restaurant (Class A3) and associated works.

7. BACKGROUND PAPERS

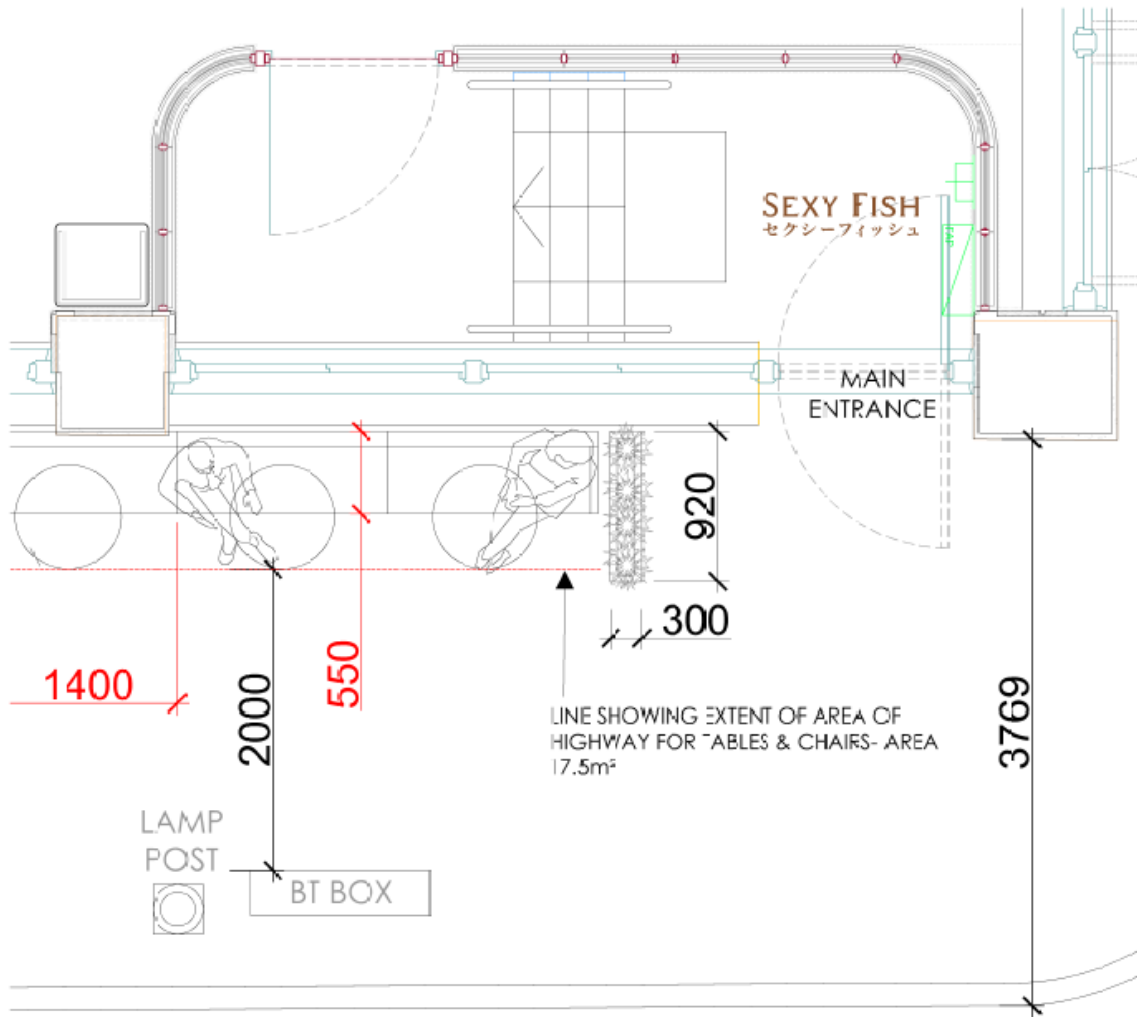
1. Application form
2. Response from Cleansing - dated 01 August 2017
3. Response from Highways Planning – dated 04 September 2017

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

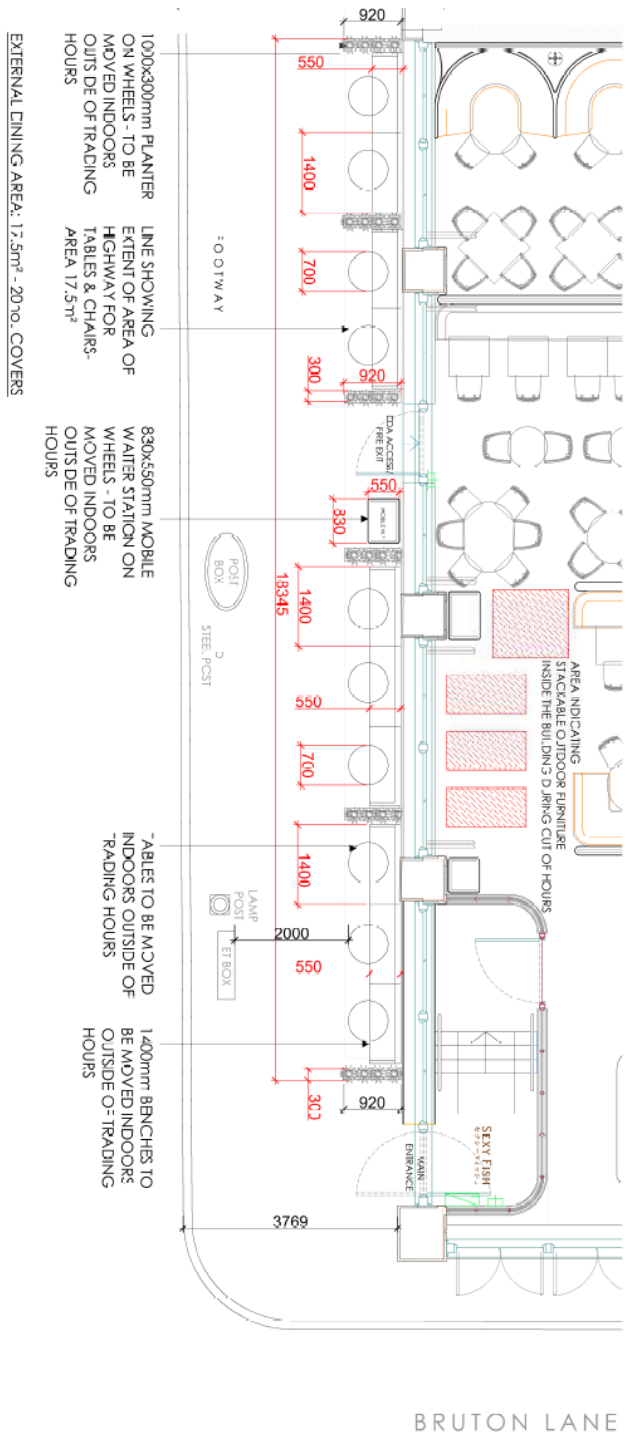
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

8. KEY DRAWINGS

Enlarged portion of Proposed Layout Plan



Proposed Layout Plan (Full)



Proposed Furniture



PLANTER IMAGE



EXTERNAL SERVICE STATION



DESIGNERS GUILD FABRIC -
ZARAGOZA- EMERALD

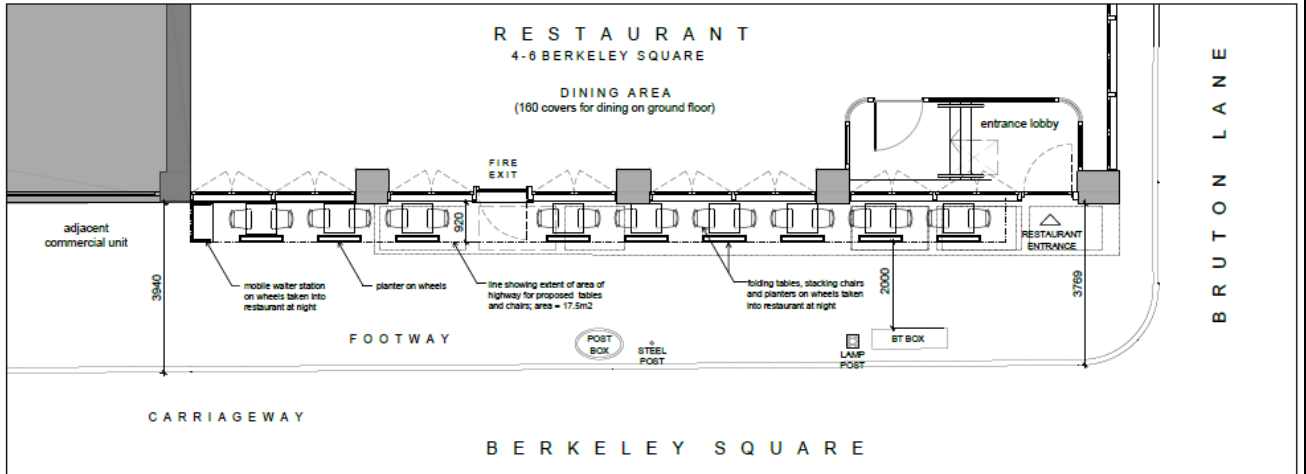


TABLE TOPS TO BE IN
CALACATTA ORO MARBLE

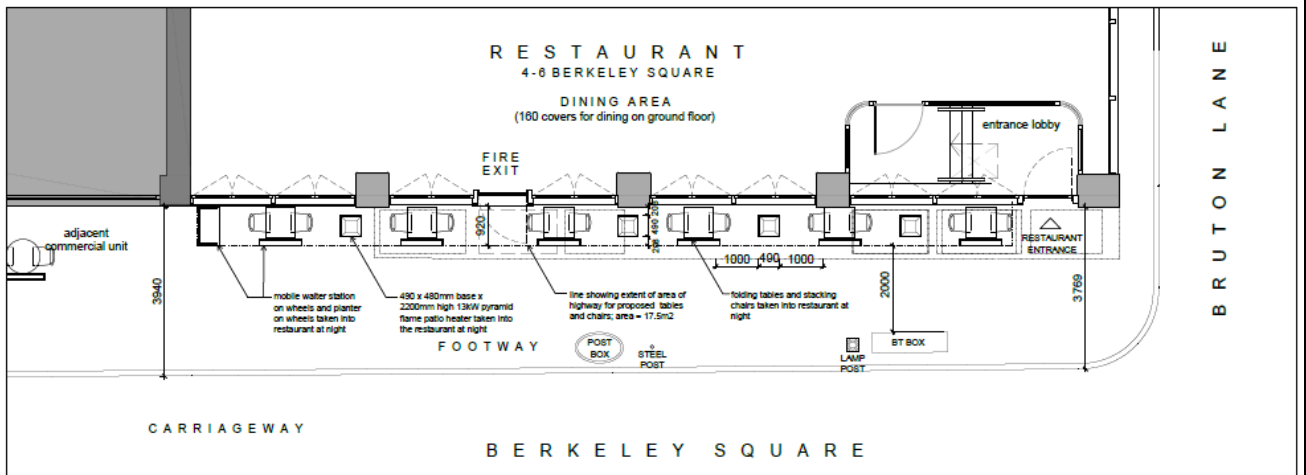


STACKABLE EXTERNAL BENCH SEATS
FINISHED IN A DARK STAIN WITH
EXTERIOR GRADE EMERALD VELVET
CUSHIONS

Previously Approved Layouts from 2016 (RN: 16/03821/TCH)

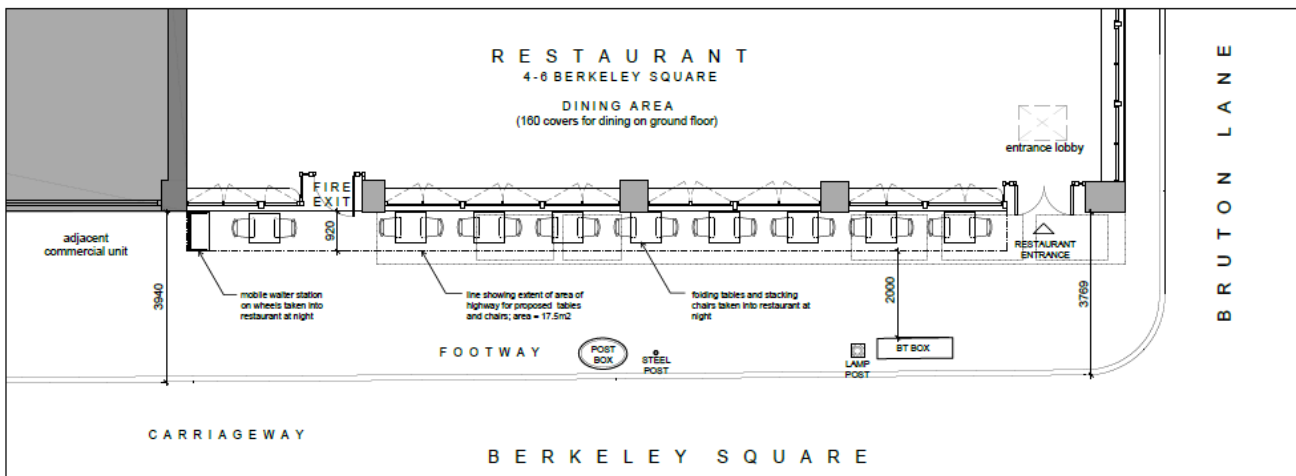


PROPOSED PLAN DURING SUMMER MONTHS - 1:100



PROPOSED PLAN DURING WINTER MONTHS - 1:100

Previously Approved Layout from 2015 (RN: 14/12414/TCH)



DRAFT DECISION LETTER

Address: Bank, 4 Berkeley Square, London, W1J 6EB,

Proposal: Use of an area of public highway on the Berkeley Square frontage measuring 0.92m x 19m for 20 banquette seating spaces, 10 tables, 6 moveable planters and a waiter station in association with the ground floor use.

Reference: 17/06261/TCH

Plan Nos: Drawing: 101 Rev F.

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s)

- 1 You must not put the tables, chairs, planters and mobile waiter station in any other position than that shown on drawing 101 Rev F.

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, chairs, planters, heaters and mobile waiter station on the pavement between 07.00 and 22.00 hours on Mondays to Saturdays and 08.00 and 22.00 hours on Sundays and Bank Holidays. At all other times they must be stacked, folded and stored within the approved area (when the restaurant is open) or stored within the premises when the restaurant is closed.

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 on the basement and ground floor of 4-6 Berkeley Square. (C25CA)

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 30th November 2018. You must then remove the tables and chairs. (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, chairs, planters and mobile waiter station shown on drawing 101 Rev F. 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.

- 6 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.

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.

Following an inspection of the site and the furniture currently in use, it would appear that smaller items of some furniture may be required to ensure that the proposal remains within its permitted area.

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.