

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	30 Shepherd Market, London, W1J 7QN,		
Proposal	Use of the public highway for the placing of four tables and eight chairs in an area measuring 3.8m x 1.5m in connection with the ground floor unit.		
Agent	Mr Alex Hardy		
On behalf of	Mr Pierre Peyrou		
Registered Number	17/00029/TCH	Date amended/ completed	28 December 2017
Date Application Received	28 December 2017		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary one year period.

2. SUMMARY

The site has a history of table and chairs dating back to 2004. Permission was most recently granted on 6 November 2015, this permission expired at the end of November 2017. Permission is again sought for four tables and eight chairs in the same area as previously approved.

The key issues for consideration are :

- * The impact of the proposal on pedestrian movement and highways safety and
- * The impact of the use on residential amenity.

The site is in a pedestrianised area of Shepherd Market. The proposal will comply with the Westminster Way (adopted November 2011) and is acceptable in highway terms.

Two residents have objected to late night noise nuisance outside the restaurant from staff and customers beyond 23.00 until the early hours. One of the objectors requests that if permission is granted, the hours of use should be restricted to 22.30.

Further to enforcement investigations, a response on behalf of the applicant advises that tables and chairs will be removed from the highway at 23.00 and stored internally.

Allowing permission for tables and chairs on the highway until 23.00 would be consistent with other permissions granted within Shepherd Market. The exception being a restaurant at 7 Shephrd Market which is retracted to 22.30 (at the request of the applicant). It is therefore considered reasonable to allow external tables and chairs to remain in place until 23.00. However, in the light of the objections received it is considered appropriate to recommend that permission is granted for 1 year only (rather than the normal practice of 2 years) to enable the position to be monitored.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY Of MAYFAIR & St.JAMES'S :

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER:

No objection

CLEANSING :

No objection

ADJOINING OWNERS / OCCUPIERS

No consulted 24

Total no of replies 4

4 objections have been received on behalf of 2 respondents on the following grounds:

Loss of Amenity

- Noise and disturbance from customers and staff outside the premises until the early hours
- Vehicles parking/collecting customers in the early hours
- Use of tables and chairs should cease at 22:30
- Shepherd Market is saturated with tables and chairs
-

SITE & PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to an area of public highway in a pedestrianised area, outside No. 30 Shepherd Market, which is a grade II listed building. The site lies within the Core Central Activities Zone.

6.2 Recent Relevant History

The site has a history of table and chairs dating back to 2004. Permission was most recently granted for tables and chairs on 6 November 2015. This permission expired on 30 November 2017 (RN 15/08764/TCH).

7. THE PROPOSAL

Permission is sought to renew the use of the public highway for the placing of four tables and eight chairs in an area measuring 3.8m x 1.5m in connection with the ground floor restaurant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The use of the highway for tables and chairs in connection with eating and drinking establishments is considered under Unitary Development Plan (UDP) Policy TACE 11 and Policy S41 of the City Plan. These policies permit tables and chairs where there would be no adverse obstruction on the highway and no unreasonable harm to the local residential amenity. Each of these matters is discussed in the sections of this report below.

8.2 Residential Amenity

Shepherd Market is a distinctive area situated within the Mayfair Conservation Area, which comprises primarily retail and restaurant uses on the ground floor with residential flats and commercial offices above. The site is on the northern side of Shepherd Market in a pedestrianised area. A number of restaurants in the area on Shepherd Market, Trebeck Street, and Shepherd Street have external tables and chairs on the highway. This external dining forms part of the character of the area.

There are a number of flats in close proximity to the site, including on the upper floors of the application premises and directly opposite. As set out in the history section of this report there is a long history of tables and chairs outside the premises. Objections have been received from two residential flats on the upper floors of No 5 Shepherd Market directly opposite that staff and customers congregate outside the premises after 23.00 resulting in significant late night noise disturbance. The objections also refer to noise nuisance emanating from vehicles arriving and departing the restaurant in the early hours of the morning. They request that if permission is to be granted the use should be restricted to 22.30 in line with a restaurant (Misto) at 7 Shepherd Market.

Permission has previously been granted for tables and chairs outside the application premises until 23.00. This accords with the terminal hour of other tables and chairs permitted in the Shepherd Market area. The permission granted at No 7 Shepherd Market which restricts the use of the tables and chairs until 22.30 is an exception. A condition requiring the tables and chairs to be removed from the highway at 22.30 was imposed at the applicants request.

Further to complaints regarding late night noise nuisance at the application premises, (that the hours of use condition is being breached) there is an ongoing enforcement investigation. In response to Council warning letters regarding a breach of hours condition a letter from solicitors (16 October 2017) acting on behalf of the applicant advises that the tables and chairs will be removed at 23.00 and stored in basement vaults. There have been no subsequent complaints since October 2017.

The principle of permitting tables and chairs until 23.00 in the area is firmly established. The normal practice is that where tables and chairs are considered acceptable, permission is granted for 1 year initially and subsequently any renewal is granted for a further 2 years. In this case, in the light of the objections received it is considered appropriate to grant consent for 1 year only to allow the position to be further monitored.

8.3 Transportation/Parking

The Westminster Way, requires a minimum 2m width of public highway beyond the proposed seating area to be maintained, free of physical obstructions to allow for safe pedestrian movement. The plan shows an unobstructed highway width of 3.2m. The Highways Planning Manager has confirmed he has no objection to the application.

8.4 Economic Considerations

Any economic benefits generated by the proposal are welcomed

8.5 Other UDP/Westminster Policy Considerations

Not applicable

8.6 London Plan

This application raises no strategic issues.

8.7 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.8 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.9 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

9. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing - Development Planning, dated 17 January 2018
3. Response from Highways Planning - Development Planning, dated 17 January 2018
4. Letter from occupier of 4 Shepherd Market, London, dated 6 February 2018
5. Letter from occupier of 5a Shepherd Market, Mayfair, dated 13 January 2018
6. Letter from Stephen Thomas Law dated 16 October 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

Notes
All dimensions are in mm

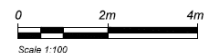
Table size = 550mm by 550mm
Chair size = 400mm by 430mm
Tables and chairs to be stored in basement vault. Vault size 25m2

Scale 1:100

PROJECT	DRAWING	DATE	SCALE AT A4	REVISION
FERDI 30 SHEPHERD MARKET	EXTERNAL TABLES PLAN	21/12/17	1:100	R3

Table size = 550mm by 550mm
Chair size = 400mm by 430mm

Tables and chairs to be stored in
basement vault. Vault size 25m2



Notes
All dimensions are in mm



TREND & FAYRE

PROJECT: *FERDI*
30 SHEPHERD MARKET

DRAWING: *EXTERNAL TABLES
PLAN*

DATE: 21/12/17

SCALE AT A4: 1:100

REVISION: *R3*

DRAFT DECISION LETTER

Address: 30 Shepherd Market, London, W1J 7QN,

Proposal: Use of the public highway for the placing of four tables and eight chairs in an area measuring 3.8m x 1.5m in connection with the ground floor unit.

Reference: 17/00029/TCH

Plan Nos: External tables plan REV R3

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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 to ensure the interests of proper planning.

- 2 You must not put the tables and chairs in any other position than that shown on drawing External tables plan REV R3. (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)

- 3 You can only put the tables and chairs on the pavement between 08.00 and 23.00. (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.

- 4 The tables and chairs must only be used by customers of the ground floor unit at No. 30 Shepherd Market. (C25CA)

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)

- 5 This use of the pavement may continue until 30 April 2019. 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.

- 6 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing External tables plan REV R3.

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

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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 advised that if the use of the approved seating area is not carried out in accordance with the approved drawings and permitted hours, any future application to renew the permission for outside seating is unlikely to be considered favourably.

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.