

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	12 Upper St Martin's Lane, London, WC2H 9FB		
Proposal	Variation of condition 4 of planning permission 23 April 2014 (RN14/02794) for use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant namely; to allow the use to continue until 18 April 2018.		
Agent	Harrison Clark Rickerbys Ltd		
On behalf of	Dishoom Ltd		
Registered Number	16/06996/FULL	Date amended/ completed	3 April 2017
Date Application Received	22 July 2016		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

12 Upper St. Martin's Lane is a ground floor restaurant unit (Unit 34) within the Longmartin St Martin's Courtyard/Slingsby Place development. Unit 34 is occupied by Dishoom and is located on the Upper St Martins Lane frontage.

The current S73 application seeks permission for a variation of Condition 4 of planning permission dated 23 April 2014 (RN14/02794/TCH) for the use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant to allow the tables and chairs to be placed on the public highway until 30 April 2018.

Objections and comments have been received from the Covent Garden Community Association, the Ching Court (residents) Association and a local resident on highways and amenity grounds.

The key issues in this case are:

- * The impact on pedestrian safety
- * The impact on neighbouring residential amenity

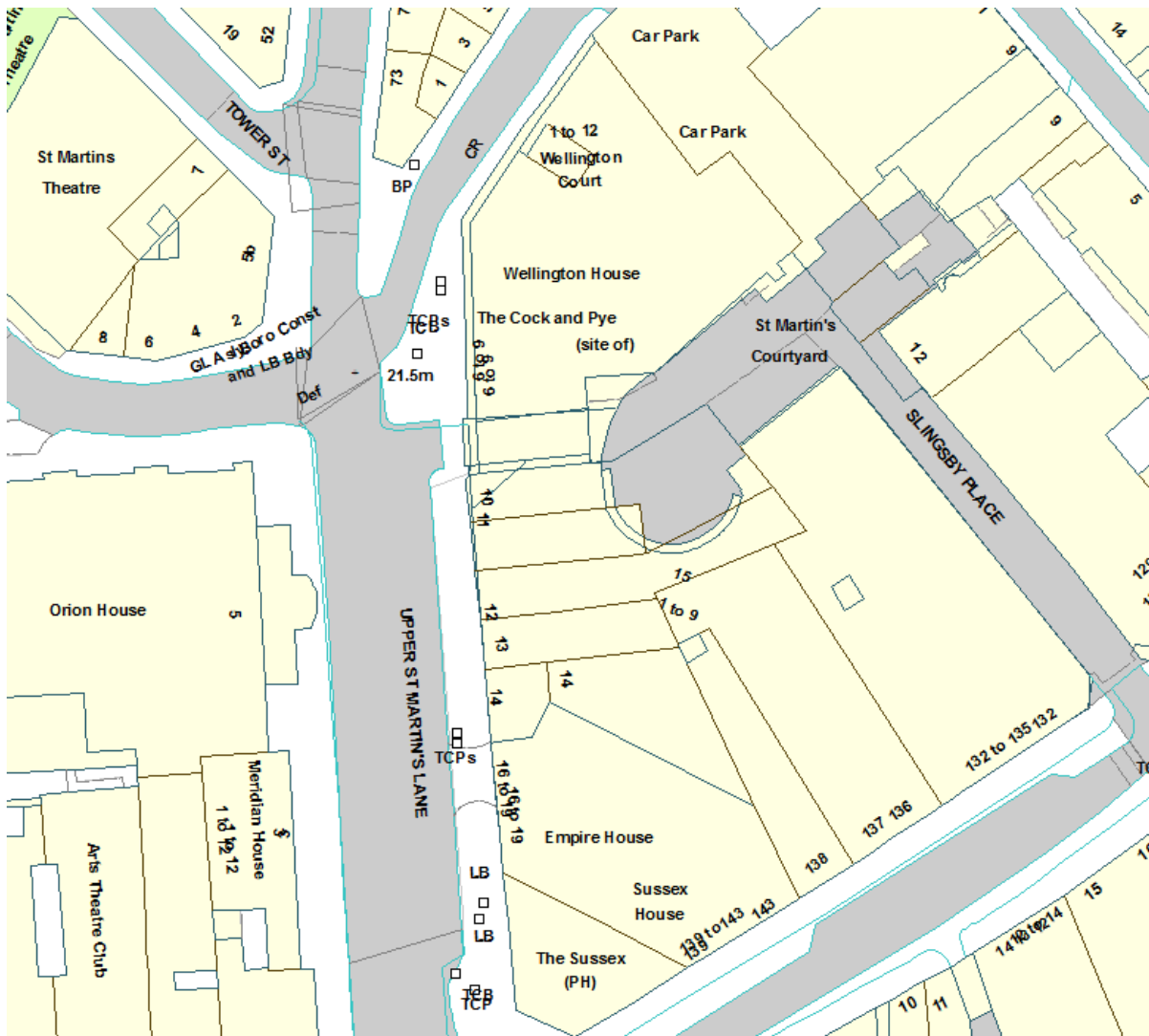
Dishoom (Unit 34) and the adjoining restaurant unit (Unit 33) occupied by Jamie's Italian have had a series of planning permissions for tables and chairs on the public highway on Upper St Martin's Lane since 2009 and 2010 respectively. Planning permission has recently been renewed for the tables and chairs outside Jamie's Italian for a further year until 30 April 2018.

Dishoom are seeking permission for the same number of tables and chairs in the same size area as previously approved in April 2014 but instead of the canvas barriers previously approved, the tables and chairs would be surrounded by rope barriers (these are already in place on site). The pavement along Upper St Martin's Lane has recently been widened and the street trees replanted. These are now all accurately shown on the submitted plans. The tables and chairs would leave 3m of clear footway for safe pedestrian movement which exceeds the Westminster Way recommended 2m clearway.

It is proposed that the tables and chairs would be on the public highway from 08.00 to 23.00 daily as previously approved. Jamie's Italian in the adjoining restaurant unit have recently (March 2017) been granted permission for tables and chairs on Upper St Martin's Lane from 09.00 to 23.00 for a further one year period. The Sussex PH at 20 Upper St Martin's Lane also has permission for tables and chairs on the highway until 23.00. The request from Ching Court residents (that Dishoom should only be allowed to have tables and chairs outside until 10pm Monday to Saturday and 9pm on Sunday) is noted but it is considered unreasonable to reduce the permitted hours in this way given the existing very recent permission granted for the tables and chairs at Jamie's Italian immediately next door.

For the reasons set out in the report, the proposals are considered acceptable and in accordance with the relevant Unitary Development Plan (UDP) (January 2007) and Westminster's City Plan (November 2016) policies. The application is accordingly recommended for approval on a further temporary one year basis so that the impact of the tables and chairs can be re-assessed in a year's time.

3. LOCATION PLAN



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4. PHOTOGRAPHS



12 Upper St Martin's Lane

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Object to the number of tables and chairs proposed. This should be reduced to 8 tables and 16 chairs.

N.B. With reference to the CGCAs other comments about ornamental bicycles and canvas barriers; a revised plan shows the ornamental bicycles removed and ropes slung between poles around the tables and chairs instead of canvas barriers.

HIGHWAYS PLANNING-

The area proposed for tables and chairs is 2.7m deep leaving a clear pavement width of 3m for pedestrian movement. This satisfies the City Council's minimum requirement of 2m. However the service corridor within the area for tables and chairs (0.5m) is below the 0.9m which could cause an overspill onto the adjacent pedestrian footway.

CLEANSING-

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections have been received from the Ching Court Association (on behalf of residents of 19-25 Mercer Street, and 1-19 Shelton Street, and 45-75 Monmouth Street, and 2-5 Ching Court in Seven Dials) and an individual resident of 21 Mercer Street on the following grounds:

Highways

- The number of tables and chairs should be reduced to leave a greater amount of footway clear for pedestrians

Amenity

- The tables and chairs should be taken in no later than 10pm on Monday to Saturdays and no later than 9pm on Sundays to reduce noise nuisance to residents

Other

- The restaurant operates a customer queuing system (outside of the premises) which causes obstruction of the footway and noise nuisance to residents
- The plan originally submitted does not show the tree, tree pit and parking sign pole

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

12 Upper St Martin's Lane (Dishoom)

09/01153/TCH

Use of an area of the public highway measuring 3.164m (narrowing to 1.914m to the northern end) x 11m for the placing of 11 tables and 30 chairs in connection with the bar proposed at 12 (formerly 10-14) Upper Saint Martin's Lane.

Application Permitted 4 September 2009

11/08022/TCH

Use of an area of the public highway measuring 3.164m (narrowing to 1.914m to the northern end) x 11m for the placing of 11 tables, 30 chairs, four heaters and nine barriers in connection the restaurant at 12 Upper St Martin's Lane (Unit 34).

Application Permitted 5 August 2013

14/02794/TCH

Use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom).

Application Permitted 23 April 2015 (Temporary one year permission – expired 30 April 2016)

Tables and chairs allowed on the public highway from 08.00 to 23.00 daily.

14/08589/FULL

Installation of two wall mounted heaters at ground floor level on Upper St Martin's Lane frontage

Application Permitted 26 November 2014

11 Upper St Martin's Lane (Jamie's Italian)

17/01114/TCH

Use of two areas of the highway measuring 1500mm x 7500mm for the placing of four tables, 16 chairs and seven barriers on the Upper St Martin's Lane frontage and 1500mm x 1055mm x 3500mm for the placing of 16 tables, 30 chairs, 4 benches, one waiter station, 14 planters and 3 umbrellas on the St Martin's Courtyard (rear frontage) in connection with Jamie's Italian Restaurant.

Application Permitted 22 March 2017 (Temporary one year permission until 30 April 2018)

Tables and chairs allowed on the public highway from 09.00 to 23.00 daily.

7. BACKGROUND PAPERS

1. Application form
2. Response from Covent Garden Community Association, dated 18 September 2016
3. Letter from occupier of 21 Mercer Street, London, dated 19 September 2016
4. Letter from occupier of Ching Court Association, 21 Mercer Street, dated 19 September 2016
5. Highways Planning memoranda dated 26 September 2016 and 26 April 2017
6. Cleansing memorandum dated 26 April 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:
AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk

8. KEY DRAWINGS

GENERAL NOTES:

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST BUILDING REGULATIONS AND STANDARDS.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME, AS STATED IN THE CONTRACT DOCUMENTS.
- 5. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO USE.

REV. DATE. REASON:

A	2024-01-15	Issued for Information
B	2024-01-20	Revised to include structural details
C	2024-01-25	Finalized for construction

AS BUILT

Maguay Sinclair

PROJECT: Restaurant Concept (Site No. 23/24/25)
TITLE: Restaurant Concept
SCALE: 1:50 (A3)
DATE: 2024-01-25
DRAWN BY: [Name]
CHECKED BY: [Name]

444 BELLA STRAITS 3 #03-04/05 TEL: 6733 1111 FAX: 6733 1112
 WWW.MAGUAY.COM

Proposed layout

DRAFT DECISION LETTER

Address: 12 Upper St Martin's Lane, London, WC2H 9FB,

Proposal: Variation of condition 4 of planning permission 23 April 2014 (RN14/02794) for use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom). Namely the use of the pavement may continue until 30 April 2018

Reference: 16/06996/FULL

Plan Nos: Site Plan; 03(04)D.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

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 in the interests of proper planning.

- 2 You must not put the tables and chairs in any other position than that shown on drawing 03(04)D. (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 This use of the pavement may continue until 30 April 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 and chairs shown on drawing 03(04)D. 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 tables and chairs must only be used by customers of Unit 34, 12 Upper St. Martin's Lane. (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)

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 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)

- 3 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)

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.