

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 28 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	21 Weighhouse Street, London, W1K 5LU,		
Proposal	Variation of condition 4 of planning permission dated 18 April 2017 (RN: 16/11871/TCH) for the use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6780mm x 930mm in association with the adjacent restaurant at 21-22 Weighhouse Street, namely to allow the continued use of the highway for the placing of 4 tables and 8 chairs for a further year.		
Agent	Monmouth Planning Ltd		
On behalf of	Contoir WS Ltd		
Registered Number	18/01790/FULL	Date amended/ completed	17 April 2018
Date Application Received	02 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a restaurant 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. The restaurant operator, Café Comptoir, offers a '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 in January 2017 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. Permission was then granted in April 2018 to remove that one year restriction.

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. Permission was granted in April 2017 for tables and chairs outside the premises (this application was presented to Planning Sub-Committee No.4, but as that committee no longer exists, it is being presented to this Committee). That application had 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. A further revision had reduced the number of tables on the Weighhouse Street frontage from six to four, and reduced the number of chairs from 12 to eight. There had been objections from a local amenity society and two residents to the proposals, on amenity grounds: as is usual Council practice with new tables and chairs applications, the permission was granted for a one year trial period. Permission is now sought to allow a further one year permission.

Tables and chairs on the footway are controlled by policy TACE 11 of the 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 has been one objection from a local resident, stating that the tables and chairs cause noise and disturbance, referring in particular to ‘bicycle cabs’/pedicabs. 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. The applicant has only requested a further year for the tables and chairs, meaning that the situation can be continue to be monitored. The objector’s personal view that the general public and vagrants seem to think there is a public lavatory behind the premises is not relevant.

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

CROSSRAIL 1
No comment.

CROSSRAIL 2
No comment.

HIGHWAYS PLANNING MANAGER
No objection, subject to standard conditions

CLEANSING
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 88; No. of objections: 1:

The tables and chairs have an adverse impact on residential amenity from increased noise and disturbance

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.’

January 2017 – conditional permission granted for variation of Conditions 4 and 5 of the permission approved in September 2014, 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’.

April 2017 – temporary permission granted for 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. [NB The dimensions had not been updated to reflect the revised layout, and should have been 6780mm x 930mm.]

April 2018 – permission granted to remove the one year restriction imposed on the decision granted in January 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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

DRAFT DECISION LETTER

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

Proposal: Variation of condition 4 of planning permission dated 18 April 2017 (RN: 16/11871/TCH) for the use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6780mm x 930mm in association with the adjacent restaurant at 21-22 Weighhouse Street, namely to allow the continued use of the highway for the placing of 4 tables and 8 chairs for a further year.

Reference: 18/01790/FULL

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 31st August 2019. 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.

- 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. (I48AA)

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.