

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	Horse and Dolphin Yard, London, W1		
Proposal	Use of central canopy area measuring 15.75m x 3.75m for placing of 15 tables 60 chairs and a waiter's station as additional restaurant seating in connection with the restaurant at 9 Horse and Dolphin Yard.		
Agent	Rolfe Judd		
On behalf of	Shaftesbury Chinatown Plc		
Registered Number	18/10415/FULL	Date amended/ completed	13 December 2018
Date Application Received	10 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Chinatown		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is Horse and Dolphin Yard, a cul-de-sac forming a courtyard bounded by the rear of properties on Shaftesbury Avenue, Gerard Place, Gerard Street, and Macclesfield Street (to which it is linked by a narrow passage way). The courtyard is located in the Chinatown Conservation Area, the Core Central Activities Zone (CAZ) and the West End Stress Area. There are a number of residential properties whose windows face out onto the courtyard. A Stopping Up Order was secured on the Yard in 2011 and at present it is owned and managed by Shaftesbury PLC. Horse and Dolphin Yard is used primarily for servicing purposes, with access limited by gates, which are conditioned (as per planning consent granted on 1st December 2011) to remain open between 06:00 hours and 00:00 midnight daily.

Previously an unattractive area subject to anti-social activities, it has been physically transformed but despite attempts by the applicants to provide more acceptable alternative functions (see history below), it has remained underutilised. Planning permission is now sought for the use of the central canopy area (previously approved as part of a retail market), measuring 15.75m x 3.75m, for the placing of 15 tables, 60 chairs, and a waiters' station in connection with the restaurant (Class A3) use at 9 Horse and Dolphin Yard (which originally formed a part of a larger restaurant occupying the

whole of 1 Gerrard Place). The proposed hours of operation for the tables and chairs are 08:00 hours to 22:00 hours daily.

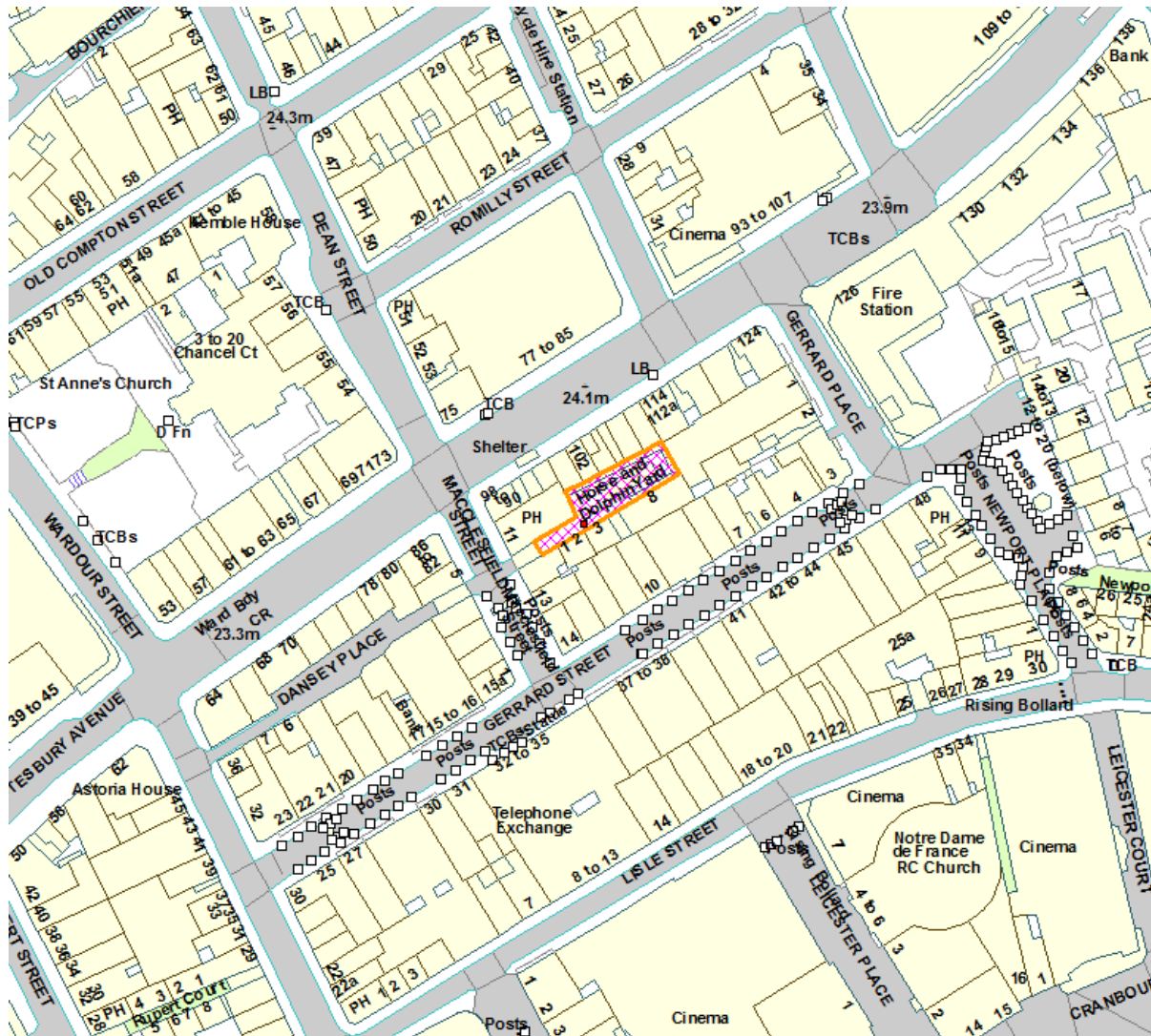
An objection has been received from a resident regarding the potential for noise nuisance associated with the use of the Yard as an outdoor restaurant seating area, as well as ongoing issues with crime and antisocial behaviour in the courtyard. A neutral comment has also been received; they stated that they welcome improvements to the courtyard but raised concerns about noise levels in the evening, as well as issues associated with rubbish collection of both residents and the restaurants that use the Yard for servicing.

The key issues for consideration are:

- The impact the proposed tables and chairs could have on residential amenity for those living in properties facing onto the courtyard.
- Refuse collection and servicing arrangements.

For the reasons set out in the main report the proposal is considered to be acceptable, subject to a number of safeguarding conditions, including one that allows the proposal to operate for a temporary period of one year, so that the potential impact on amenity can be assessed.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection; the courtyard is privately owned and not public highway.

WASTE PROJECT OFFICER:

No objection; the courtyard is privately owned.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34; Total no. of replies: 2

One objection received on the following grounds:

- Noise nuisance associated with proposals would be damaging to residential amenity.
- Objector states that area is associated with crime and raises concerns that the proposals would not address this issue.

Neutral comment received on the following grounds:

- The comment states that they are generally supportive of using the space in a more positive way, but they are concerned about the levels of noise the proposals would generate in the evenings, particularly as several bedroom windows face out onto the Yard. They also raise a concern regarding the lack of servicing proposals in the application as many residents and restaurants use the rubbish facilities currently located in the courtyard.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is Horse and Dolphin Yard, which is a courtyard bounded by the rear of properties on Shaftesbury Avenue, Gerard Place, Gerard Street, and Macclesfield Street. The courtyard is located in the Chinatown Conservation Area, the Core CAZ and the West End Stress Area. The courtyard measures 25 metres in length, 9 metres at the western end closest to Gerard Place, and 10 metres at the eastern end, with a narrow access passage onto Macclesfield Street. There are a number of residential properties whose windows face out onto the courtyard.

A Stopping Up Order was secured on the courtyard in 2011 and at present it is owned and managed by Shaftesbury PLC. Horse and Dolphin Yard is used for servicing purposes, with access being limited by gates, which are conditioned (as per planning consent granted on 1st December 2011) to remain open between 06:00 hours and 00:00 midnight daily. Historically the site was used as a servicing area, although more recent consents have attempted to diversify the use of the area in order to encourage more pedestrian traffic and revitalise the space.

6.2 Recent Relevant History

Planning consent was granted in 2005 for two separate applications relating to Horse and Dolphin Yard:

6th January 2005: Use of part of the ground floor of 1-3 Horse and Dolphin Yard as a refuse storage, management and collection facility and use of the remainder of the ground floor for Class A1, A2, A3, B1, or B8 purposes.

20th May 2005: Alterations to the rear of 100-112 Shaftesbury Avenue (fronting Horse and Dolphin Yard) to create five retail kiosks at rear ground and basement floors; erection of canopy and relocation of two existing residents' parking bays.

The refuse storage was implemented and the space is in use as a refuse collection area for various restaurants and residential units that surround the courtyard. A separate planning application for the relocation of the bin storage to Dansey Place has been submitted and is currently under consideration by the Council. The latter permission was granted conditional permission subject to a legal agreement which secured the relocation of the residential parking bays and up to £150,000 provided for the resurfacing of roads and pavements around Macclesfield Street and Gerrard Street. The planning permission was implemented, although the kiosks are currently vacant and remain associated with properties on Shaftesbury Avenue. The applicant states that the proposals would not impact the use of the kiosks should tenants seek to use them in the future.

Consent was granted on 9th February 2006 for an amendment to condition 7 of the previous consent (20th May 2005) in order to lower the height of the canopy to 2.6m from the previously consented 3.3m minimum. Bollards were proposed to be installed in order to protect the canopy from taller vehicles entering the courtyard for servicing purposes. The canopy has been installed but the bollards have not been installed adjacent to the canopy.

Planning consent was granted on 23rd January 2007 for the installation of an oriental style openable shopfront and glazed tile finish canopy at 8 Horse and Dolphin Yard. The permission included a condition limiting the hours of the openable shopfront from 09:00 hours to 22:00 hours daily. The permission was implemented and the canopy remains in place, although the openable shopfront is no longer in place on site.

On 1st December 2011, consent was granted for the installation of a fixed canopy within Horse and Dolphin Yard to provide a covered stall area, and for the installation of entrance gates. Permission for the gates was granted on the basis that the physical characteristics of the courtyard facilitate antisocial behaviour. The consent includes a condition that states that the gates must remain open between 06:00 hours and 00:00 midnight, daily. The use of the courtyard as a market was conditioned to only operate from 08:00 hours to 22:00 hours daily. Concerns were raised regarding servicing in the courtyard; further investigation showed only two vehicles entering the Yard in a twenty-four hour period and it was concluded that they could be accommodated elsewhere. The canopy was installed in the courtyard, and it is under the canopy that the proposed tables and chairs are to be located.

As part of the 2011 consent, an order was secured pursuant to S247 of the Town and Country Planning Act (1990) for the stopping up of Horse and Dolphin Yard in order to allow the developments to take place. This effectively placed the responsibility for the maintenance and upkeep of the Yard into the hands of Shaftesbury PLC. Since the order was secured, the land is no longer considered to be public highway.

Planning consent was granted on 20th August 2014 for the reconfiguration and refurbishment of 1-3 Horse and Dolphin Yard in order to provide three residential units on the first to third storeys of the property, thereby introducing more residential units which look out onto Horse and Dolphin Yard. These units have been provided.

Planning consent was granted on 17th December 2015 for the dual/alternative use of the second and third floors for either continued restaurant (Class A3) use or residential (Class C3) use to form 2 x two-bedroom flats at 1-3 Horse and Dolphin Yard/12 Macclesfield Street. External alterations to the buildings, including the installation of new doors and Juliette balconies at first to third floor level to the rear of 12 Macclesfield Street, alterations to the existing windows to the front and rear of 12 Macclesfield Street and installation of new windows to the rear flank of 12 Macclesfield Street facing Horse and Dolphin Yard. The Juliette balconies have been installed on site, and Council Tax records show that there are currently two residential units at 12 Macclesfield Street.

Also of some relevance in this case is the restaurant of which the tables and chairs will be part of, namely 1 Gerrard Place/9 Horse and Dolphin Yard. In September 2017 planning permission was granted for use of the second - fourth floors of the existing building as Class C3 (residential) use to form 9 residential units [with four facing Horse and Dolphin Yard], with various alterations and extensions. Restaurant use is retained at basement, ground and first floor level. This incorporated an openable shopfront (with bi-folding doors) on the Horse and Dolphin Yard frontage: permission had been granted for this in 6th October 2016. There is no condition limiting the hours of the shopfront being open.

These permissions are currently being implemented and will introduce further residential units which look out onto the Yard. However, the applicant has advised that the works include the subdivision of the large restaurant premises occupying 1 Gerrard Place into two. One restaurant is to continue to trade from Gerrard Place and the other solely accessible from Horse and Dolphin Yard. No other details have been provided about the restaurant use, which is not subject to any planning controls.

7. THE PROPOSAL

Planning permission is sought for the use of the central canopy area, measuring 15.75m x 3.75m, for the placing of 15 tables, 60 chairs, and a waiters' station in association with the restaurant at 9 Horse and Dolphin Yard. The applicant has proposed hours of operation for the seating between 08:00 hours to 22:00 hours daily.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The courtyard is maintained by Shaftesbury PLC and is currently used as a servicing area for restaurants and residential units that back onto the courtyard, although the land itself has no designated lawful use and is therefore classified as a nil use.

The proposals include the use of the area under the existing canopy for outdoor seating. Although this area is a private courtyard, and not a public highway, its use for seating, as an extension to the restaurant, requires planning permission. TACE 11 of the Unitary Development Plan states that planning permission for the provision of tables and chairs will only be granted when such developments will not:

- Unacceptably intensify an existing use.
- Cause obstruction.
- Endanger pedestrians and wheelchair users.
- Cause or exacerbate a problem with refuse storage or street cleansing.
- Have a detrimental effect on the character and appearance of the area.
- Cause a nuisance to residents.
- Harm the amenity of the area.
- Create opportunities for crime.

The proposals are for a 60sq.m outdoor dining area in association with a 332sq.m restaurant at 9 Horse and Dolphin Yard. Policy TACE 9 of the Unitary Development Plan applies to restaurants and café uses of between 150sq.m and 500sq.m in Stress Areas (in which the application site is located). TACE 9 seeks to control the location and size of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of various parts of the City. Permission will only be granted for proposals where the Council is satisfied that the proposed development has no adverse effect (nor taking into account the number of entertainment uses in the vicinity, any cumulative effect) on residential amenity or local environmental quality as a result of:

- Noise.
- Vibration.
- Smells.
- Increased late night activity.
- Increased parking and traffic.
- An adverse effect on the character or function of its area.

The application for outdoor seating in Horse and Dolphin Yard would not unacceptably intensify an existing use as the space is currently underutilised and it is considered that the area is sufficiently spacious to accommodate the proposed number of tables and chairs, whilst ensuring that adequate space is provided for pedestrians and wheelchair uses.

8.2 Residential Amenity

There are a number of residential properties which face out onto Horse and Dolphin Yard. The nearest residential properties are located at: 1 Horse and Dolphin Yard; 12 Macclesfield Street; and 106 Shaftesbury Avenue. Planning consent for a further four residential flats is currently being implemented at 10 Horse and Dolphin Yard, which is located above the consented openable shopfront at 9 Horse and Dolphin Yard.

One local resident objected to the application on the basis of potential noise disturbance, whilst another raised a neutral comment, stating that they were concerned that the proposals could lead to increased levels of noise at night, thereby harming residential amenity. It is considered that the proposals for tables and chairs in the courtyard could increase levels of ambient noise, especially as the tables and chairs are to be used in conjunction with the restaurant at 9 Horse and Dolphin Yard, which will feature a fully openable shopfront.

It should be noted that the restaurant use at 1 Gerrard Place (which previously incorporated what is now 9 Horse and Dolphin Yard) is long established and lawful but not subject to any planning restrictions. Although currently vacant, the last Premises Licence, as granted for 1 Gerrard Place in 2014, restricted the opening hours from 10:00-01:00 Monday to Saturday, and 12:00 to 01:00 on Sundays. The licence stipulated a maximum capacity of 480 persons. The restaurant which will operate from 9 Horse and Dolphin Yard will be smaller as a result of the space being separated off from 1 Gerrard Place. Furthermore, the restaurant will be accessed only through the access passage on Macclesfield Street, and therefore it will not be able to operate until 01:00 because the gates are conditioned to be closed from midnight until 06:00.

It is noted that in the locality there are high levels of background noise and late night activity. However, Horse and Dolphin Yard is a relatively quiet courtyard, onto which several residential properties face. As such, it is considered that the proposals could harm residential amenity, which would be contrary to both TACE 9 and TACE 11 of the UDP, as well as ENV 6 of the City Plan, which seeks to protect residential properties from noise disturbance.

In order to mitigate potential harm to residential amenity, the hours of operation should be conditioned to 08:00 hours to 22:00 hours daily, and the playing of amplified or live music should also be restricted by condition. The restaurant to which the courtyard will be associated does not have a condition limiting its hours of operation and the previous license granted for the property was until 01:00. Owing to this, it will be necessary to implement an operational management plan in order to ensure that the tables and chairs do not remain in place on the courtyard later than 22:00, in order to protect the amenity of residents facing out onto the courtyard. The permission should also be granted for a limited one year period, in order to assess the effect of the proposals on residential amenity.

The limitation of hours of operation and the implementation of an operational management plan will serve to restrict any increase in late night activity, thereby ensuring that the proposals accord with TACE 9 of the Unitary Development Plan.

In conclusion, it can be seen that the proposals broadly accord with both TACE 9 and TACE 11 of the Unitary Development Plan. There are concerns about residential amenity given the number of residential units which face out onto the courtyard. However, it is considered that the implementation of an hours limitation (until 22:00), an operational management plan, and permission being granted for a limited one year period, will address concerns regarding the potential impact on residential amenity.

8.3 Environmental Quality

The Chinatown SPG (2009) states that Horse and Dolphin Yard is currently an underutilised space that suffers from issues associated with amenity and antisocial behaviour, partially as a result of low levels of foot traffic. These issues are compounded by the fact that a large portion of the courtyard is not viewable from the entrance to the Yard at Macclesfield Street. Previous consents for the use of the space as a marketplace were unsuccessful owing to a lack of footfall and demand from the market. As such, the courtyard remains an underutilised space located in the Core CAZ. It is considered that the proposals to use the space as an outdoor dining area in association with the restaurant at 9 Horse and Dolphin Yard would be likely to improve the character of the courtyard and contribute to reducing levels of crime and antisocial behaviour as a result of increased footfall and public surveillance.

The proposals are not considered to increase levels of vibration or smells within the courtyard. It is considered that the pending application to move the refuse storage at 1-3 Horse and Dolphin Yard to Dansey Place would, if implemented, reduce odours associated with the storage of refuse and thereby improve the environmental quality of the courtyard for patrons and local residents.

8.4 Transport and Parking

The majority of patrons to restaurants and entertainment uses in Chinatown arrive on foot or by public transport as there are high levels of traffic and limited parking availability in the locality. The courtyard is also served by various public transport modes as a result of its location in the Core CAZ. As such, the proposals would not be considered to increase levels of traffic or parking in the vicinity of the courtyard.

8.5 Refuse and Servicing

Planning consent was granted on 6th January 2005 for the use of part of the ground floor of 1-3 Horse and Dolphin Yard as a refuse storage, management and collection facility for restaurants and residential properties which face onto the courtyard. The Chinatown SPG (2009) states that applications concerning Horse and Dolphin Yard should pay particular regard to maintaining or improving servicing arrangements. The proposed layout of the tables and chairs would be unlikely to obstruct access to the refuse storage at 1-3 Horse and Dolphin Yard. It is noted that an application is currently under consideration that would involve the relocation of the refuse storage at 1-3 Horse and Dolphin Yard to Dansey Place; this may improve servicing arrangements in the context of the use of the courtyard as an outdoor dining area.

The proposed hours of the tables and chairs are 08:00 to 22:00 daily. The agent confirmed that servicing occurs in the courtyard from 07:00 to 12:00 midday. On two

separate site visits, it was noted that there were goods in the courtyard relating to the servicing of 9A Gerrard Street, or New Loon Moon Supermarket. There is a possibility that the proposals would lead to servicing occurring whilst the tables and chairs are placed in the courtyard. It is noted that the courtyard has been a private space since 2011, when it was stopped up. As such, the servicing arrangements within the courtyard are maintained and managed by Shaftesbury PLC. It is possible that current the servicing arrangements could be displaced onto the public highway on Macclesfield Street. It is therefore recommended to limit the consent to a temporary one year period in order to assess the impact of the proposals on the servicing of the restaurants and retail units that surround Horse and Dolphin Yard.

8.6 Design

The Yard is bounded to the south by two and three storey buildings, and to the west and north by buildings which are comprised of several storeys. The buildings are mostly comprised of late 19th and early 20th century buildings. Planning permission as granted on 18th September 2017 is currently being implemented on site and will incorporate a more modern building façade on the eastern elevation of Horse and Dolphin Yard. There have been attempts to make the area more attractive through the installation of Chinese inspired shopfronts and the central canopy. The proposals for the placement of tables and chairs under the existing central canopy will contribute to creating a more inviting ambiance, which will be used in association with the restaurant use at 9 Horse and Dolphin Yard. The courtyard itself is only visible in limited views from the public highway on Macclesfield Street, and from private views looking out from properties in the courtyard. The proposals are considered to be an improvement on what is an underutilised and somewhat neglected space at present. The details of the tables and chairs have not been provided and as such a condition has been included in order to ensure that the furniture is acceptable in design terms and in keeping with the character of the courtyard.

8.7 Economic Considerations

No economic considerations are applicable for a development of this size.

8.8 Access

Level access is provided within the Yard.

8.9 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. No pre-commencement conditions are considered necessary in this case.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application. The case does not trigger any CIL payments.

(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: PAUL QUAYLE BY EMAIL AT PQUAYLE@WESTMINSTER.GOV.UK

The site plan shows a rectangular area labeled "HORSE & DOLPHIN YARD". The yard is divided into two sections by a dashed line. The northern section is labeled "No.9 HORSE AND DOLPHIN YARD: 60 SOM / 60 COVERS". The southern section is labeled "No.9 HORSE AND DOLPHIN YARD (USE CLASS A3)". The plan includes various features such as "EXTERNAL SEATING AREA", "CIRCULATION SPACE (AS EXISTING)", "AREA PROPOSED FOR EXTERNAL SEATING", "USE CLASS A3 UNIT DEMISE", "PEDESTRIAN FIRE PATH", "PROPOSED EXTERNAL SEATING AREA IS WITHIN DEMISE OF EXISTING PAVILION", "DASHED LINE INDICATES CANOPY TO SURROUNDING BUILDINGS", "WATERS STATION", "ENTRANCE", "A3 GOODS ENTRANCE & FIRE ESCAPE", "TO MACQUEFIELD STREET", "DASHED LINE INDICATES AREA COVERED BY CHINESE PAVILION", and "DASHED LINE INDICATES CANOPY TO SURROUNDING BUILDINGS". The plan also includes a key, scale bars (SCALE 1:100), and a north arrow.

DRAFT DECISION LETTER

Address: Horse and Dolphin Yard, London, W1

Proposal: Use of central canopy area measuring 15.75m x 3.75m for placing of 15 tables 60 chairs and a waiters' station as additional restaurant seating in connection with the restaurant at 9 Horse and Dolphin Yard.

Reference: 18/10415/FULL

Plan Nos: A101, dated 22nd July 2018

Case Officer: Matthew Hollins

Direct Tel. No. 020 7641 4033

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 play live or recorded music in the courtyard. (C13IA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 3 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing A101 dated 22/07/2018. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the existing servicing arrangements, and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 4 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in the courtyard between 08:00 hours and 22:00 hours. (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. (R25BD)

- 5 The tables and chairs must only be used by customers of the restaurant at 9 Horse and Dolphin Yard. (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. (R25BD)

- 6 You must notify us in writing 14 days before the use of the courtyard as outdoor dining commences. The use may continue for one year from the date of commencement. You must then remove the tables, chairs, and waiters' station hereby approved.

Reason:

We cannot give you permanent permission as there are a number of residential properties which face onto the courtyard. We therefore need to assess the effect of the use of the proposed activity regularly in order to ensure that it accords with TACE 9 and TACE 11 of the Unitary Development Plan (as adopted in January 2007) with regard to residential amenity. For the above reasons, we can therefore only grant a temporary permission.

- 6 You must apply to us for approval of details of the appearance/manufacturer's specifications for the tables, chairs and waiters' station, which will be used under the central canopy in the courtyard. You must then only use the approved furniture.

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 in the courtyard 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. (R25EA)

- 7 You must apply to us for approval of details of drawings, which clearly demarcate where the furniture will be stored when it is not in use. You must not place any furniture in the courtyard until we have approved what you have sent us. You must then ensure the furniture is stored in the location shown on the plans between 22:00 hours and 08:00 hours daily.

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. (R25BD)

- 8 You must apply to us for approval of a management plan to show how the tables and chairs will be managed in practice, including the arrangements ensuring that the tables and chairs are removed from

the courtyard and put into storage each night from 22:00 to 08:00. This should also include details to limit the provision of food and beverages before 22:00 in order to ensure customers do not remain in the courtyard after 22:00. You must not place furniture in the courtyard until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the tables and chairs are placed in Horse and Dolphin Yard.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9; TACE 11 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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, neighbourhood plan (where relevant), 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.

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.