

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10th October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	81 Dean Street, London, W1D 3SW		
Proposal	Use of an area of the public highway measuring 632mm x 11915mm for the placing of 5 tables and 10 chairs in connection with the existing restaurant premises.		
Agent	Popleston Allen Solicitors		
On behalf of	Wagamama Limited		
Registered Number	17/05560/TCH	Date amended/ completed	4 July 2017
Date Application Received	22 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application site is an unlisted building located in the Soho conservation area on the west side of Dean Street and on the corner with Richmond Buildings. This is a recently completed building which is in restaurant (Class A3) use at part basement and ground floor levels, occupied by 'Wagamama'.

Planning permission is sought to allow the use of an area of the public highway measuring 632mm x 11915mm for the placing of 5 tables and 10 chairs in connection with the existing restaurant premises. There is no history of planning permission being granted for tables and chairs at this site.

The key issues for consideration are:

- The impact on residential amenity, and the character and function of the area; and
- The impact on pedestrian movement and highways safety.

The initial application proposed 6 tables and 12 chairs on Dean Street as well as an additional 6 tables and 12 chairs on the Richmond Buildings frontage. This has since been revised due to highways concerns. The Soho Society and two local residents have raised concerns regarding the use of the footway for tables and chairs and how this would block or obstruct the highway. However, as the application has since been revised it now leaves 2m of clear footway for safe pedestrian movement

which meets the Westminster Way. The proposal is acceptable in highways terms as pedestrian flow and directness of movement will not be affected. A condition is proposed limiting permission to a one year time period to enable the Council to monitor the impact it has on pedestrian flow.

UDP Policy TACE11 states that planning permission for tables and chairs on the highway will only be granted when such developments will not cause a nuisance to residents or harm the amenity of the area. Policy S29 of the City Plan seeks to resist proposals that result in an unacceptable loss of residential amenity.

The closest residential properties are on the upper floors of the site itself and also on the upper floors of the buildings opposite (21 Dean Street). However, no objections have been received from residents of these properties. Two objections have been received regarding noise impacts from outdoor drinking and dining. Both of these are from Clarion House, St Anne's Court which is located to the rear (west) of the application.

The applicants are seeking to have the tables and chairs outside from 08:00 to 23:00 (seven days a week). Outside of these hours and during the time the restaurant is open (midnight Monday to Saturdays and 23:00 on Sundays) 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 area. It is recommended that permission is only granted for one year, so the potential impact can be assessed.

Two objections have also been received on the grounds that the existing restaurant is in breach of its licence that prevents the selling of take-away food, however, permission has been granted to enable Wagamama to operate a take-away service. One of the objectors also raises concerns on the grounds that the current operation causes noise, rubbish, that rickshaws block the street and that enough seating is already provided in the existing restaurant. An informative is proposed to remind the applicant of their approved management and servicing plans that require diners to leave quietly, for pedal bikes not to obstruct the highway, to prevent music from being audible outside the restaurant, and for rubbish to be collected and stored within the premises. The concerns have also been forwarded to the Planning Enforcement Team for further investigation. However, this application could not reasonably be refused on these grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Objection on the grounds that there is insufficient space on these streets due to the heavy footfall

HIGHWAYS PLANNING

No objection subject to conditions

CLEANSING

Objection on the grounds of insufficient space left for highway cleansing equipment

ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 85; No. responded: 2

Two objections have been received on some or all of the following grounds:

- impact on amenity
- customers queuing on the highway and tables blocking the pavement
- amenity impacts of the operation of the current occupier in the premises
- the amount of furniture proposed
- enough seating already provided in the existing restaurant
- the operator is in breach of its licence that prevents a take-away service

SITE AND PRESS NOTICE: Yes

6. HISTORY

Planning permission was granted in October 2014 (RN: 13/09933/FULL) for the substantial demolition of the existing building, erection of a single storey roof extension, full recladding of the Dean Street and Richmond Buildings elevations in connection with the use of the basement and ground floor as retail (Class A1) or restaurant (Class A3) purposes, use of the part ground and first to sixth floors as 18 residential units (Class C3), and associated works.

A number of conditions on this permission have been varied or removed allowing alterations including a new internal layout, larger restaurant capacity, allowing a takeaway service for the restaurant and various design alterations.

Detailed operational and servicing management plans were approved for the site in March 2017 (RN: 17/00212/ADFULL).

7. BACKGROUND PAPERS

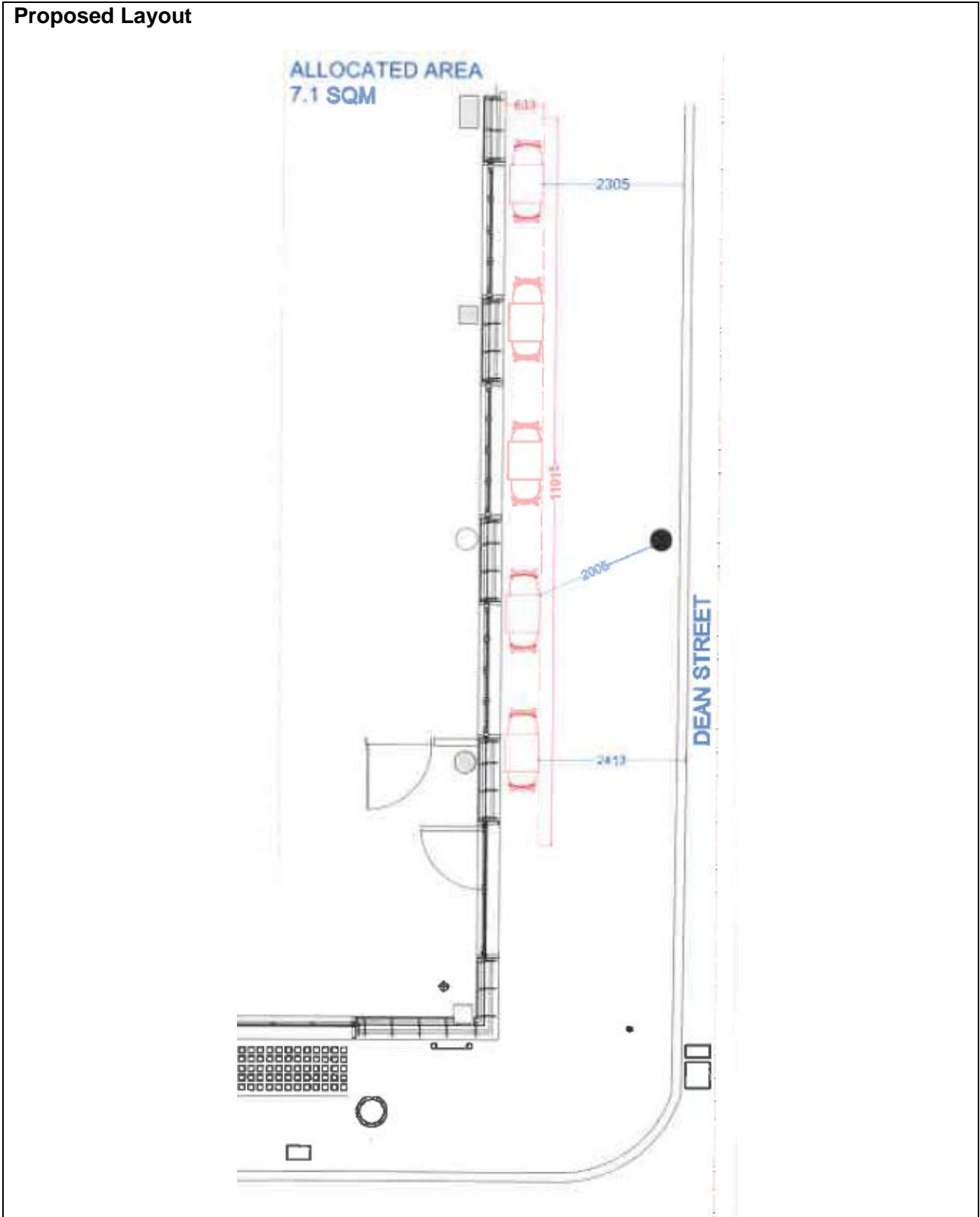
1. Application form
2. Response from Soho Society, dated 10 August 2017
3. Response from Highways Planning, dated 13 September 2017
4. Response from Cleansing, dated 25 July 2017
5. Letter from occupier of 6 Clarion House, St Anne's Court, dated 21 July 2017
6. Letter from occupier of flat 14 Clarion House 4 St. Anne's court, Dean Street, dated 23 July 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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

8. KEY DRAWINGS

Proposed Layout



Proposed Furniture Specification

BE INSPIRED

MILL PLAZA COFFEE TABLE



Mill top embered slats in a steel frame, powdercoated finish
Dimensions: (W) 70cm x (H) 72cm x (D) 70cm

BE INSPIRED

MINNESOTA SIDE CHAIR



METAL CHAIRS

Minnesota Side Chair
Seating - Outdoor - Aluminium chairs
Dimensions: (W) 50cm x (H) 77.5cm x (D) 57cm



DRAFT DECISION LETTER

Address: 81 Dean Street, London, W1D 3SW,

Proposal: Use of an area of the public highway measuring 632mm x 11915mm for the placing of 5 tables and 10 chairs in connection with the existing restaurant premises.

Reference: 17/05560/TCH

Plan Nos: 1/1 Rev. B dated 12 Sept 17

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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 can only put the tables and chairs on the pavement between 08:00-23:00 daily

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 The tables and chairs must only be used by customers of the ground floor unit at 81 Dean Street. (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)

- 4 This use of the pavement may continue until 31 October 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 as 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 1/1 Rev. B dated 12 Sept 17. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

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)

- 6 You must not put the tables and chairs in any other position than that shown on drawing 1/1 Rev. B dated 12 Sept 17.

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)
- 4 You are reminded to comply with your approved Operational Management and Servicing Plans that require diners to leave quietly, for pedal bikes not to obstruct the highway, to prevent music from being audible outside the restaurant and for rubbish to be collected and stored within the

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premises.

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.