

06<sup>th</sup> June 2022  
Our Ref: 20.5101

24 Southwark Bridge Road  
London  
SE1 9HF

Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP

T 0203 268 2018

Dear Sir/Madam

**Re: 28 –29 Dover Street, Mayfair, London, W1S4NA**

We write on behalf of our client, IT London, seeking a permanent external seating area relating to 28-29 Dover Street, Mayfair, London, W1S 4LX. The application has been submitted online via the Planning Portal (ref: PP-11363747).

This application request seeks to gain full planning permission for permanent external seating area to follow from previous and extant pavement licenses that have been permitted by Westminster City Council. This letter provides an assessment of the merits of the scheme and demonstrates the acceptability of the proposals against adopted planning policy and guidance.

The proposals are discussed in detail in this letter and the following documents accompany the submission:

- Site Location Plan (DOV 001);
- Existing drawings (DOV 160);
- Pavement license drawings (DOV 170);
- Proposed Drawings (DOV 180);
- CIL Form;
- Management Procedures; and
- Retail Catering Policy

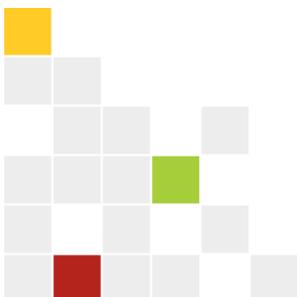
These documents complement and expand upon the planning assessment provided by this letter. The pre-application fee of £266.20 has been paid online.

## The Application Site and Surroundings

The site comprises the ground and first floor restaurant premises at 28-29 Dover Street. The building's upper floors are in office use.

The building is not listed; however, it is located within the Mayfair Conservation Area. The local area is characterised by its mix of retail shops, sandwich bars, restaurants at ground floor level with a mix of retail, offices, and residential uses on the upper floors.

An initial application was previously submitted on behalf of our client, IT Restaurant, for a Pavement Licence allowing for the use of 3 tables and 6 chairs on the highway. This was approved on the 8<sup>th</sup> of October 2020 (Licence Number: 20/08644/STTCPL). This move to outdoor seating came as a result of the COVID-19 pandemic, which had



significant impacts on the hospitality industry. Subsequently, there has been increased demand for outdoor dining throughout all seasons of the year. Since this application, there have been four further renewals which have continued to renew the previous pavement licences.

### Planning History

A review of Westminster City Council's online planning records has been undertaken to establish the planning history for the Site. Relevant planning applications are detailed in the table below.

Reference	Description of Development	Decision & Date
20/07572/FULL	Installation of four electric heaters along the front facade.	Permitted on 05/01/21
19/00678/FULL	Use of the ground and first floor as a restaurant (Class A3) and associated alterations including the installation of a full height extract duct to the rear lightwell elevation, installation of plant at first and fifth floor roof levels and installation of new fenestration at first floor level.	Permitted on 02/04/19
18/02331/FULL	Use of the ground floor premises as a restaurant (Class A3) and associated alterations including the installation of a full height extract duct to the rear lightwell elevation and installation of plant at first and fifth floor levels.	Permitted on 16/05/18
17/08811/FULL	Removal of condenser units to rear lightwell, and the erection of a single storey infill extension at basement level.	Permitted on 16/11/17
16/09774/FULL	Installation of new shopfronts.	Permitted on 23/11/16
16/04958/FULL	Subdivision of the existing retail unit at ground floor level into two units in connection with the use of the basement for retail (Class A1) purposes. Alterations to the shopfront.	Permitted on 13/07/16

The following table lists the previous pavement licenses relating to the Site:

Reference	Granted	Expiry
22/03016/STTCPF	1 April 2022	30 September 2022
21/09481/STTCPF	1 October 2021	31st March 2022
20/11640/STTCPL	23 December 2020	29 April 2021

20/08644/STTCPL	08 October 2020	07 January 2021
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### Development Plan for Westminster City Council

Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Statutory Development Plan for the City of Westminster comprises:

- The London Plan (March 2021); and
- Westminster's City Plan 2019-2040 (April 2021).

Westminster City Council's Development Plan is also supported by a range of Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs). Of relevance to this application is the following document:

- Guidelines for the Placing of Tables and Chairs on the Highway SPG (March 2005).

### Proposed Development

The proposed seating area is currently in place on Dover Street, permitted through the aforementioned permissions and most recently Pavement License (Ref - 22/03016/STTCPF). This proposal is seeking to make the seating area a permanent fixture at 28-29 Dover Street. As such, this proposed development will not affect the nature and character of the road, instead reinforcing the strong pedestrian and outside dining culture that was established through the pandemic.

The existing furniture is currently in place. The screens and furniture are currently in position between 09:00 to 23:00, after which they are removed. These areas are illustrated in the photographs provided alongside the application.

Details of the seating provision is provided in the table below:

	28-29 Dover Road
Tables	6
Chairs	3 benches

The outdoor seating areas are to be accompanied by the provision of new awning, screening, planters, as well as additional temporary outdoor weather screening.

The Applicant is seeking an arrangement in which the screens and furniture remain outside at all times, however the screens will be movable to create a semi-permanent structure. The seating areas will be utilised from 9am – 11pm along Dover Road in line with their existing Pavement Licence (Ref – 22/03016/STTCPF).

### Planning Assessment

### *Principle of Development*

Westminster City Plan Policy 16 (Food, Drink and Entertainment) states that proposals for food and drink uses should be of a type and size appropriate to their location. The over-concentration of this use will be further prevented where this could harm residential amenity, the vitality and character of the local area, or the diversity that defines the role and function of the town centre.

The proposals seek to maintain the existing high quality seating provision located along Dover Road. The seating area currently benefits from a Pavement Licence (Ref – 22/03016/STTCPF). This, in turn, demonstrates that the principle of outdoor seating is acceptable in this location.

The seating area will be used in the same way that is currently permitted under the pavement licence and the applicant will manage the cleaning of this area. The proposals also ensure that refuse storage will not be impeded, nor highways.

In accordance with Policy 16, the proposals will be of an appropriate size and commensurate to the size and operations of the Restaurant.

The proposals seek to provide outdoor seating for customers to dine throughout the day. The screens and furniture will remain in accordance with the previous pavement license in that they will be removed by 11pm. This moveable and demountable furniture establishes a semi-permanent structure. The seating areas will be utilised from 9am – 11pm along Dover Road in line with their existing Pavement Licence.

Overall, the proposals seek to make permanent the outdoor seating arrangement, and thus continuing the prosperous outdoor seating which has proved a valuable addition to the streetscene on Dover Road. The external seating area's will be the same size as the current provision at the Site, ensuring that the seating areas are commensurate to the property. The proposals will also allow for adequate space for pedestrians along Dover Road, in line with specific guidance set out within the SPG. Therefore, it is considered that the proposal should be considered acceptable.

### *Highways*

Westminster City Plan Policy 43 (Public Realm) sets out that, in reference to the provision of tables and chairs on the highway, proposals will be supported providing that the scheme would not harm local amenity, it wouldn't compromise pedestrian movement or traffic conditions, and it wouldn't impede refuse storage and street cleansing arrangements.

Westminster City Plan Policy 28 (Highways Access and Management) states that the council will resist the loss of highway land, particularly footways. However, the council recognise that there may be circumstances where a minor loss of highway land may be appropriate to deliver benefits.

In accordance with Policy 28 the provision of outdoor seating will benefit the Restaurant, as there is currently no outdoor seating, therefore the exterior seating area will be provide space for customers throughout the day and further activate the street frontage.

Further guidance is provided within the Guidelines for the Placing of Tables and Chairs on the Highway SPG, of most relevance is page 11 which states the following:

- Footways greater than 3.6 metres – Where the footway width is more than 3.6 metres, the tables and chairs area should not cover more than half of the total footway width.
- Footways with street furniture - Where Street furniture is located on the highway, a 1.8 metre clearance is required from the line of the street furniture as a free zone for pedestrian movement.

In accordance with the guidance outlined within the Tables and Chairs SPG, the tables and chairs will not occupy more than half of the total footway width and a 2 metres clearance area will be provided between the tables and chairs and edge of the footway width along Dover Road. Therefore, the proposals will not impede pedestrian movement nor traffic conditions.

### *Design and Heritage*

Westminster City Plan Policy 38 (Design) states that new development must incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Westminster City Plan Policy 39 (Heritage) sets out that proposals should conserve Westminster's extensive heritage assets, including its conservation areas.

Westminster City Plan Policy 43 (Public Realm) sets out that development should contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design.

The seating area and awning will be in keeping with the existing seating area, which is a high-quality structure and provides a traditional appearance that is in keeping with the local context. The seating area will not be changing from the approved meaning that its design has already been considered acceptable.

Overall, it is considered that the scheme will not cause harm to the character or appearance of the application property and will preserve the character of the surrounding area. The proposals will allow for the improvement of the public realm by establishing the permanency of the valuable and distinct external seating area which is separate from the pavement and will enhance the appearance of the site. As such the proposals are in accordance with the Council's design policies 38, 39, and 43.

### *Impact on Neighbouring Amenity*

Westminster City Plan Policy 7 (Managing Development for Westminster's People) states that development should not obstruct normal functioning of the highway.

The proposals will seek to retain an adequate clearance of 1.8 metres from the proposed furniture and the existing street furniture. Therefore, the movement of pedestrians and other users will not be impeded.

### **Summary**

In summary, the proposed scheme will optimise and consolidate the external seating area and further ensure that adequate space is provided for customers. The Applicant seeks to achieve this whilst ensuring that pedestrian movement is not compromised. The scheme has further been

designed to improve the visual appearance of the site whilst preserving the character of the area and will incorporate sustainable design methods in line with Westminster's policy requirements.

We would welcome a meeting to discuss the proposals in more detail with officers. We trust that you have sufficient information with which to validate this request and allocate to an officer. However, should you have any queries or further require information, please do not hesitate to contact myself or my colleague Arjun Lal (Tel: 07546406180).

Yours sincerely



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