

Committee:	Date:	Item no.
Planning and Transportation	27 July 2010	
<p>Subject:</p> <p>Sir John Lyon House 8 High Timber Street London EC4</p> <p>Use of adjacent terrace area for restaurant and cafe use (use class A3) and for the setting out of five tables and 16 chairs in association with the adjoining restaurant (20sq.m).</p>		
Ward: Queenhithe	Public	For Decision
Registered No: 10/00264/FULL	Registered on: 17 May 2010	
Conservation Area: No	Listed Building: No	
UDP Policies: TRAN7 RIV6 RIV3 RIV1 ENV27 ENV33 HOUS9		
<p><u>Summary</u></p> <p>Sir John Lyon House is a recently permitted residential block incorporating a ground floor restaurant. The building extends above a publicly accessible walkway which is designated as undeclared City Walkway. Planning permission is sought for the siting of five tables and 16 chairs on the walkway in connection with the ground floor restaurant.</p> <p>An objection has been received from an occupier of Sir John Lyon House on the same grounds as presented at the Licensing hearing in respect of the use of the area for serving alcohol;</p> <ul style="list-style-type: none"> - the use of the terrace area would cause an increase in noise and disturbance to the detriment of residential amenity particularly in the summer months; and - the area is to be part of the riverside walkway and it should not be obstructed. <p>The nearest residential units are those immediately above at first floor level and those in Globe View. The proposed tables and chairs would be set back within the arcade therefore any noise or fumes created by the outside dining area would be contained within the arcade.</p> <p>The premises and the outside area has been granted an alcohol licence. The Licensing Committee concluded that the proposal would not cause disturbance to nearby residents. The licence is subject to a condition limiting the hours that alcohol can be consumed in the outside area to 2100hrs. A condition would be attached to the planning permission not allowing the use of the outside area</p>		

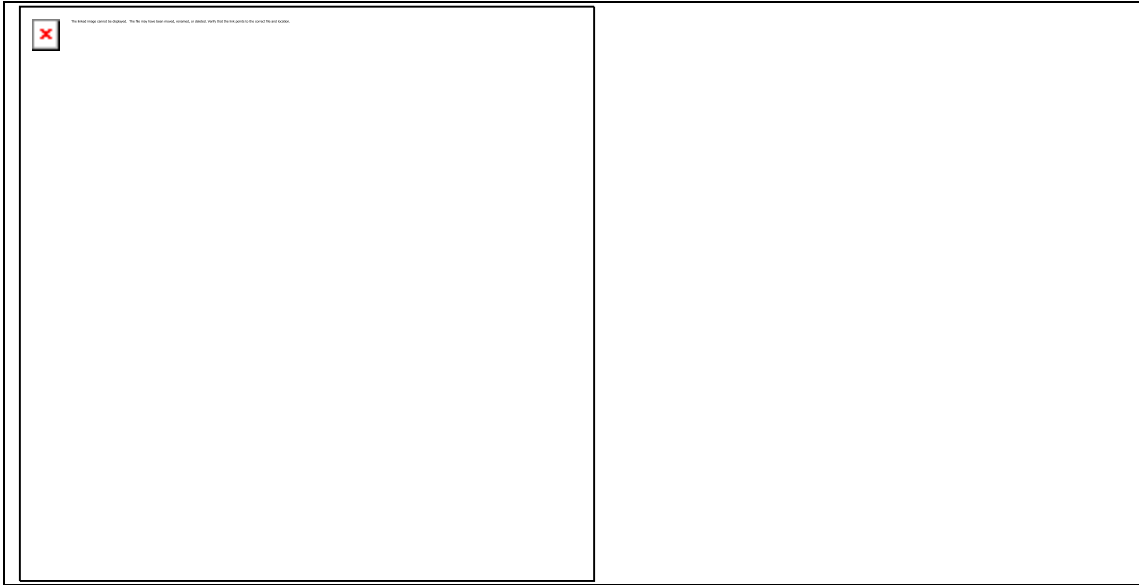
after 2100hrs Monday to Sunday to accord with the alcohol licence.

The layout of the tables and chairs would ensure that there would be adequate space for pedestrians to pass.

Recommendation

I recommend that planning permission be **GRANTED** in accordance with the attached schedule.

SITE LOCATION APPLICATION PLAN



Site

1. Sir John Lyon House is bounded by the river Thames to the south, High Timber Street to the north and Gardeners Lane to the east. It abuts Broken Wharf House on its western side. The riverside block adjoins Globe View at first to fifth floor levels.
2. Sir John Lyon House is a seven storey building with a restaurant (use class A3) on the ground floor and 67 self contained residential flats on the upperfloors. On the south elevation at ground floor level Sir John Lyon House projects over a walkway and creates a double height arcade between the restaurant and the River Thames. This area is publically accessible but at present a locked gate at the eastern end prevents public access through to the walkway beneath Globe View.
3. The area of land is currently undeclared City Walkway, but the City of London intends to declare it as City Walkway in the foreseeable future to continue the walkway along this part of the River Thames.

Proposal

4. Planning permission is sought for the siting of five tables and 16 chairs in connection with the ground floor restaurant. The restaurant is open Monday-Friday 12.00-15.00hrs and 18.30-22.30hrs and has private functions on Saturday and Sundays.
5. The tables and chairs would be located in the area between the shopfront and the columns within the double height arcade. They would cover 20sqm and would accommodate up to 16 people at any one time.
6. The proposed tables and chairs would be made from recycled teak to match the restaurant furniture.
7. The applicant was granted a licence to serve alcohol in this area on 30 March 2010 but as the area has not yet been declared as City Walkway, planning permission is required to use the area in connection with the restaurant.

Planning History

8. On the 20 October 2005 planning permission (reference 05/00269/FULL) was granted for the change of use of river block from offices to 67 residential units on 1st-5th floors with extensions at 6th and 7th floors and the change of use of ground floor and basement to provide a unit for any use within A1, A3, A4, A5, D1 or D2. This was an amendment to an earlier permission granted on the 26 January 2005 Registered Plan No 03-5192H).
9. There has been a number of planning applications and appeals relating to the roof terrace at sixth floor level.

Consultations

10. The proposal has been advertised in the local press and a notice displayed on site. The residents of Sir John Lyon House and The Globe View Residents Association were consulted. As a result one letter of objection has been received. The grounds for objection are:

- the use of the terrace area would cause an increase in noise and disturbance to the detriment of residential amenity particularly in the summer months; and
 - the area is to be part of the riverside walkway and it should not be obstructed.
11. The Access Officer is satisfied with the proposal but recommends that the table and chairs be suitable for use by disabled and elderly people.

Policies

12. The development plan consists of the London Plan and the City of London Unitary Development Plan. The relevant London Plan policies are set out in Appendix A1. The UDP policies that are most relevant to the consideration of this case are set out in Appendix A.

Considerations

13. The main issues raised by this proposal are the effects on residential amenity and on highway safety.

Residential amenity

14. The nearest residential units are those immediately above the space at first floor level. The properties on the south elevation have balconies which face south and wrap around onto the west elevation and there are also windows on the west elevation.
15. The premises, including the outside area, obtained an alcohol licence on the 30 March 2010. Objections on similar grounds to those referred to above were made against the licensing application but that Committee considered that the proposal would not cause disturbance to nearby residents. The licence was granted subject to conditions restricting the hours of consumption of alcohol on the outside area to between 12.00hrs to 21.00hrs.
16. The proposed tables and chairs would be set back within the arcade therefore the nearest windows and balconies are not sited directly above the proposed tables and chairs. The soffit to the double height space would act as a barrier and any noise or smoking fumes created by the outside dining area would be contained within the arcade.
17. Given the relationship between the residential properties and the proposed tables and chairs it is considered that the siting of tables and chairs in this location would not be to the detriment of residential amenity. It is recommended that a condition be attached to limit the hours of use of the terrace area that would accord with the alcohol licence.

Highways

18. The area is on an undeclared area of city walkway and is proposed to form part of the riverside walkway and will, in the foreseeable future, be adopted as City Walkway. At present there is a locked gate at the eastern end of the walkway and it prevents the public gaining access through to the walkway which passes beneath the adjacent building, Globe View.
19. There would be 2.1m between the tables and chairs and the retaining wall to the river which is adequate space for pedestrians to pass. Accordingly there is no objection to the siting of tables and chairs in this location and it is

appropriate that planning permission is granted while the process for declaring the land as City Walkway is ongoing.

Conclusion

20. It is considered that the use of part of the area adjacent to the restaurant for the siting of tables and chairs would not cause a material increase in noise and disturbance to nearby residents and it would not harm pedestrian safety.

Background Papers

Internal

2.6.2010 Letter Department of Community and Children's Services

External

18.6.2010 E-mail Brenda Alleyne, Segens Solicitors

31.5.2010 Letter Lord and Lady Stern, Sir John Lyon House

Appendix A

A1. London Plan Policies

4B.2 Seeking to promote world-class, high quality design and integrated designs for the built environment.

4B.17 Thames Policy Area – buildings or uses that relate to the Thames.

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SCHEDULE

APPLICATION: **10/00264/FULL**

Sir John Lyon House 8 High Timber Street London

Use of adjacent terrace area for restaurant and cafe use (use class A3) and for the setting out of five tables and 16 chairs in association with the adjoining restaurant (20sqm).

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 No furniture may be placed outside the designated area which must be identified by a series of brass studs before the use is commenced.
REASON: To ensure that the pedestrian routes are maintained and to ensure a satisfactory external appearance in accordance with the following policies of the Unitary Development Plan 2002: TRANS 7, ENV 2, ENV 27.
- 3 The furniture must be removed and stored inside the premises outside the hours of opening of the premises.
REASON: In the interest of visual amenity in accordance with the following policy of the City of London Unitary Development Plan 2002: ENV 2.
- 4 The furniture shall be maintained in a safe, clean and well decorated condition to the satisfaction of the Local Planning Authority.
REASON: In the interest of visual amenity in accordance with the following policies of the Unitary Development Plan 2002: ENV 2.
- 5 The use of the terrace for the hereby permitted shall not be carried out between the hours of 21.00 hrs and 12.00 hrs on the following day.
REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Unitary Development Plan 2002: HOUS 9, ENV 33.
- 6 The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission: 201-2154-02 Rev J, site location plan.
REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

INFORMATIVES

The decision to grant this planning permission has been taken having regard to the policies in the City of London Unitary Development Plan 2002 set out below, the London Plan, relevant government guidance and supplementary planning guidance, representations received and all other relevant material considerations.

Objections were made to the application. These were taken into account by the Local Planning Authority but were not considered to outweigh the reasons for granting planning permission.

The use of part of the area adjacent to the restaurant for the siting of tables and chairs would not cause a material increase in noise and disturbance to nearby residents and it would not harm pedestrian safety.

Unitary Development Plan 2002 Policies

TRAN7	To support the retention and improvement of pedestrian routes and crossings, public rights of way and the City Walkway network.
RIV6	To ensure completion of the riverside walk; to protect, and to enhance where appropriate, those sections which have been completed.
RIV3	Normally to require within riverside developments the provision of public facilities, such as retail and recreational accommodation, and other uses which would enhance the vitality of the riverside area.
RIV1	To ensure that development which affects the River Thames pays due regard to the riverside's distinctive character, enhances the special visual and environmental character of the Thames and maintains or improves important views of and along the River.
ENV27	To require access to the built environment for everybody including the provision of facilities and amenities for disabled people.
ENV33	To protect the amenity in and around buildings by resisting development likely to produce offensive noise, air pollution, surface and underground water pollution or other adverse environmental conditions.

HOUS9	To seek the improvement of the general residential environment and to safeguard residential amenity, as far as possible.
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