

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	Ground Floor, 5 Station Approach, Marylebone Road, London, NW1 5LD,		
Proposal	Use of the public highway (area measuring 0.68m x 6.6m) for the placing of two tables and four chairs in connection with Pret-A-Manger.		
Agent	Mr Rhys Govier		
On behalf of	Pret-A-Manger (Europe) Limited		
Registered Number	17/02723/TCH	Date amended/ completed	12 April 2017
Date Application Received	28 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Grant conditional approval.

2. SUMMARY

Permission is sought for use of the public highway area measuring 0.68m x 6.6m for the placing of two tables and four chairs in connection with Pret-A-Manager.

Comments have been received from the St. Marylebone Society, four individual local residents and from the chairman of Chiltern Court (Baker Street) Residents Limited. The objections have been made on grounds including increase of congestion and obstruction of safe pedestrian movement.

The main issues in this case are:

- The impact on the neighbouring amenity
- The impact upon pedestrian movement

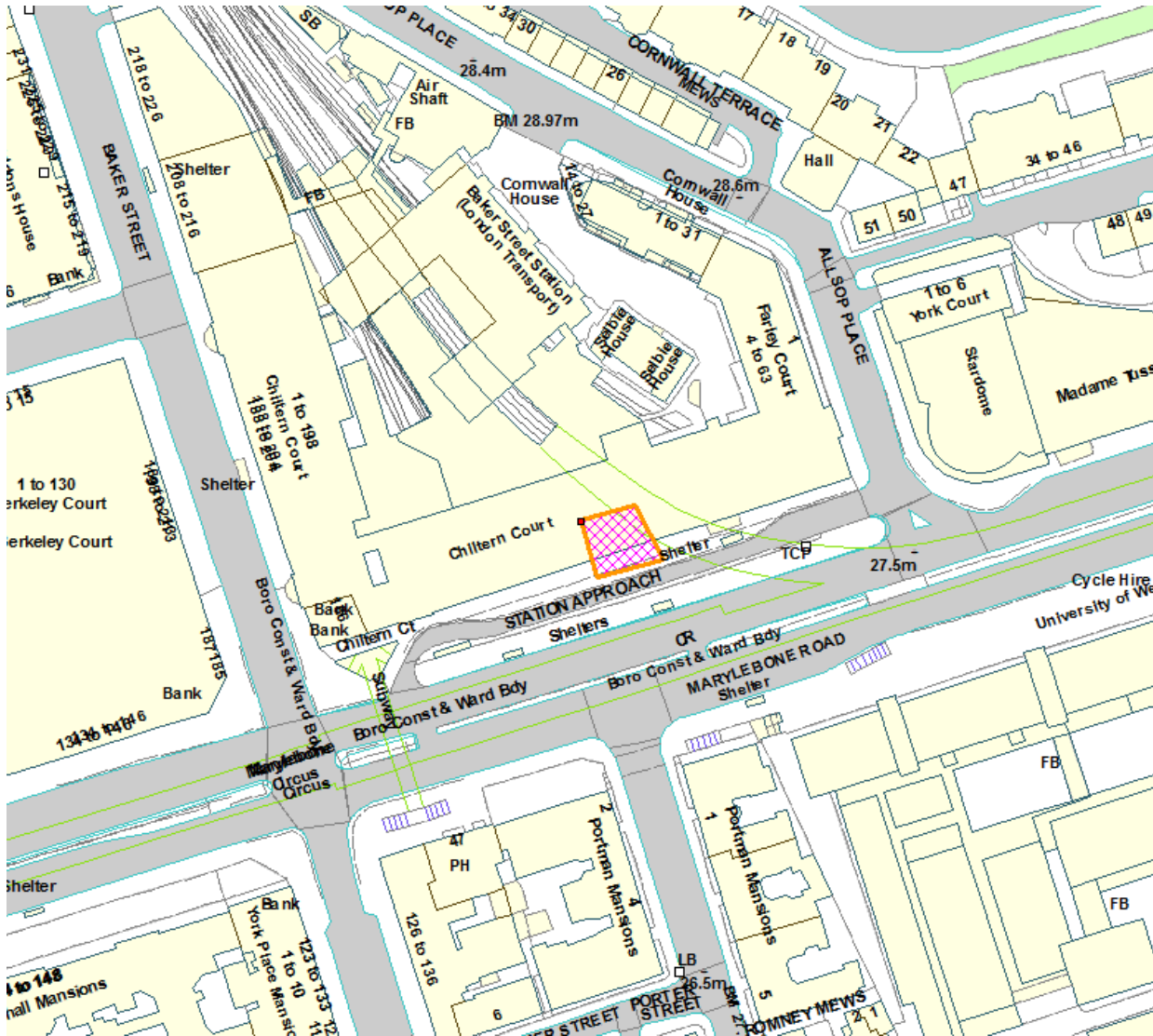
Following comments received from Transport for London, the number of tables and chairs were reduced from 5 tables and 10 chairs to the current proposal. No further objections were received following re-consultation on the revised scheme. Following this revision, it is considered that the proposed development accords with relevant policies in the Unitary Development Plan (UDP) and

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Westminster's City Plan (the City Plan) and is therefore acceptable in amenity and highway terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



20 Jun 2017, 15:37:28



Existing Highway Area

5. CONSULTATIONS

First Consultation Period – Expired 22 June 2017

THE ST MARYLEBONE SOCIETY:

No objection but highlights a private matter of scaffolding being erected for many months for the refurbishment of the above residential flats.

HIGHWAYS PLANNING MANAGER:

Objection - does not allow for disabled seating and does not offer a buffer area for service. This area demands a higher minimum standard as it is a busy thoroughfare.

CLEANSING MANAGER:

No objection.

TRANSPORT FOR LONDON:

No objection to the recessed area at front of shop being used for tables and chairs as a trial 1 year period.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 168

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Four responses received from neighbouring residents raising objection on all or some of the following grounds:

- obstruction will cause additional congestion
- lead to more people using the bus lane causing a safety issue

A letter from the Chairman of Chiltern Court (Baker Street) Residents Limited was also received who raised concerns over refurbishment works to the front elevation of Chiltern Court which results in scaffolding being erected and therefore raising problems for the proposed tables and chairs.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Second Consultation Period – Expired 19 July 2017

BAKER STREET QUARTER:

Any response to be reported verbally.

DESIGNING OUT CRIME:

No objection.

No. Consulted: 5

Total No. of Replies: 0

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to Pret-A-Manager which is located on the ground floor of an unlisted building on Marylebone Road adjacent to Baker Street underground station and within the Dorset Square Conservation Area. The building comprises a mix of commercial, retail and residential premises. The application site is also on a red route for which Transport of London are responsible for.

6.2 Recent Relevant History

16/07083/FULL

Installation of a new shopfront.

Application Permitted 21 December 2016

7. THE PROPOSAL

The application proposes the use of an area of the public highway measuring 0.63m x 6.6m for the placing of 2 tables and 4 chairs in connection with Pret-A-Manager. The application has been amended following discussion with Transport for London and now proposes two tables and four chairs set either side of the entrance to the unit. The scheme originally proposed an additional three tables and six chairs in a more prominent location to the shop frontage. There is no increase in internal space.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of placing tables and chairs outside of this retail use (Use Class A1) is acceptable providing this does not impede pedestrian movement and cleansing operations and does not detrimentally affect the amenity of neighbouring residents.

8.2 Townscape and Design

The types of tables and chairs proposed are detailed within the submitted documents, these are considered acceptable pursuant to TACE 11 and DES 7 of the UDP.

8.3 Residential Amenity

Following amendments the scheme only proposes two tables and four chairs. Given the busy environment where they are proposed and subject to the restriction on hours proposed (no later than 21.30 hours), the tables and chairs would not have an adverse impact on the amenity of neighbouring occupiers.

8.4 Highways

The entrance to the Pret A Manager is located between two entrance/exits to Baker Street Underground Station. City Council Supplementary Planning Document 'The Westminster Way' (2011), stipulates that in areas where traffic is very busy and pavements are very crowded the area of public highway clear of any obstruction must be larger than the standard 2.0m. Following amendments to the application, the tables and chairs would leave a gap of approximately 4.5m. Whilst this is a area heavily used by commuters and popular with tourists and consequently a location where the pavement tends to be heavily used by pedestrians both at day and night, given the tables and chairs proposed are limited in number and set adjacent to the projecting column at the entrance to the retail unit, it is not considered that they would significantly obstruct the flow of pedestrians. Accordingly the proposal addresses the concerns expressed by Transport for London, the Highways Planning Manager and neighbours. Should permission be granted, it is recommended that permission is granted for a temporary one year period so that the impact on the pedestrian flow and on the amenity of neighbours can be monitored.

8.5 Economic Considerations

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

8.6 Access

The proposal does not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

This application raises no strategic issues.

8.9 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.

8.10 Planning Obligations

Not applicable.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a development of this scale.

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

1. Application form
2. Response from the Highways Planning Manager, dated 31 May 2017
3. Response from the Waste Project Officer, dated 3 May 2017
4. Response form the Designing Our Crime Officer, dated 6 July 2017
5. Response from Transport for London
6. Response from The St Marylebone Society, dated 8 May 2017
7. Letter from occupier of 20 West Hampstead Mews, London, dated 3 May 2017
8. Letter from occupier of 29 Portman Gate, 41 Broadley Terrace, dated 3 May 2017
9. Letter from occupier of 122 Chiltern Court, London, dated 3 May 2017
10. Letter from occupier of 24 Aldershot Road, London, dated 3 May 2017
11. Letter from occupier of Residents Association, 188 Baker Street, dated 5 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 NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

10. KEY DRAWINGS

External Elevation

Existing Part Plan

FOR REFERENCE

Reference	Date	By	Description
1	21/11/16	BSK	Administrative information added

★ PRET A MANGER ★

Unit 5/5A
Baker Street Station
London, W1

Existing External Elevations

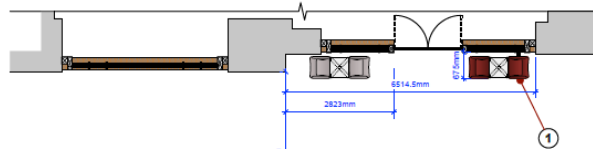
Client Ref	Contract	Scale	Drawn Date	Revised Date
BSK	BSK	1:50 (A1) 1:100 (A3)	28/01/16	21/11/16

Drawing No.	Sheet No.	Revised
1431-PRET-EX02	01	A

Existing Drawings



Proposed External Elevation



Proposed External Part Plan

Handrail separating pavement and bus-laneway area



EXTERNAL FURNITURE

	Pref Polypropylene Stacking Chairs & Hinged Top Tables All from AEL SOLUTIONS
	SMALL EXTERIOR TABLE - 2no. S200 750h Pref sun hinged top table RAL 7015 sand grey trim
	2no. CC426 Purple Red S300 570w 840h
	2no. CC427 Stone Grey S300 570w 840h

Note: external furniture to be brought into store outside of trading hours

FOR APPROVAL

Revision	Date	By	Description
A	04/07/17	PM	External furniture specified and quantities amended

★ PRET A MANGER ★			
Project: Unit 5/5A Baker Street station London, W1			
Title: Proposed External Furniture			
Client By:	Checked:	Scale:	Client Date:
PM		1:50 (A1) 1:100 (A3)	29/06/17
Client No.:	Drawing No.:	Sheet No.:	Revision:
1431-PRET-01.1		01	A

Proposed Drawings

DRAFT DECISION LETTER

Address: Ground Floor, 5 Station Approach, Marylebone Road, London, NW1 5LD,

Proposal: Use of the public highway (area measuring 0.68m x 6.6m) for the placing of two tables and four chairs in connection with Pret A Manger.

Reference: 17/02723/TCH

Plan Nos: Site Location Plan, 1431-PRET-01.1 Rev A and 1431-PRET-EX02 Rev A.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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 put the tables and chairs in any other position than that shown on drawing 1431-PRET-01.1 Rev A. (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)

- 3 The tables and chairs must only be used by customers of Pret A Manger. (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 12 months from the date of the decision letter. You must then remove the tables and chairs.

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 the tables and chairs on the pavement between 06.00 and 21.30. (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.

- 6 You can only put out on the pavement the tables and chairs shown on drawing 1431-PRET-01.1 Rev A. 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.

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)