

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	25 Villiers Street, London, WC2N 6ND		
Proposal	Use of an area of the public highway measuring 3.3m x 0.67m for the placing of one table and two chairs in connection with the existing ground floor use.		
Agent	Mr Tom Davies		
On behalf of	Pret A Manger		
Registered Number	17/04060/TCH	Date amended/ completed	10 May 2017
Date Application Received	10 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Adelphi		

1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.

2. SUMMARY

25 Villiers Street is a five storey building including basement. The basement and ground floor levels are occupied as a sandwich shop by Pret a Manger. The upper floors, known as 23A Villiers Street, are in use as residential flats.

The building is not listed but is within the Adelphi Conservation Area. Villiers Street is an extremely busy thoroughfare linking the Strand and Embankment and is characterised by a mix of commercial uses at ground floor level and residential on upper floors. It is also located adjacent to Charing Cross station.

The application as originally submitted sought permission for two tables and four chairs in an area of the public highway measuring 3.3m x 0.67m. The application has been revised and permission is now sought for one table and two chairs in an area of the public highway measuring 3.3m x 0.67m.

Objections have been received from the residents of the flats on the upper floors on the grounds that the tables and chairs obstruct the entrance to their flats and cause litter to accumulate at the front of

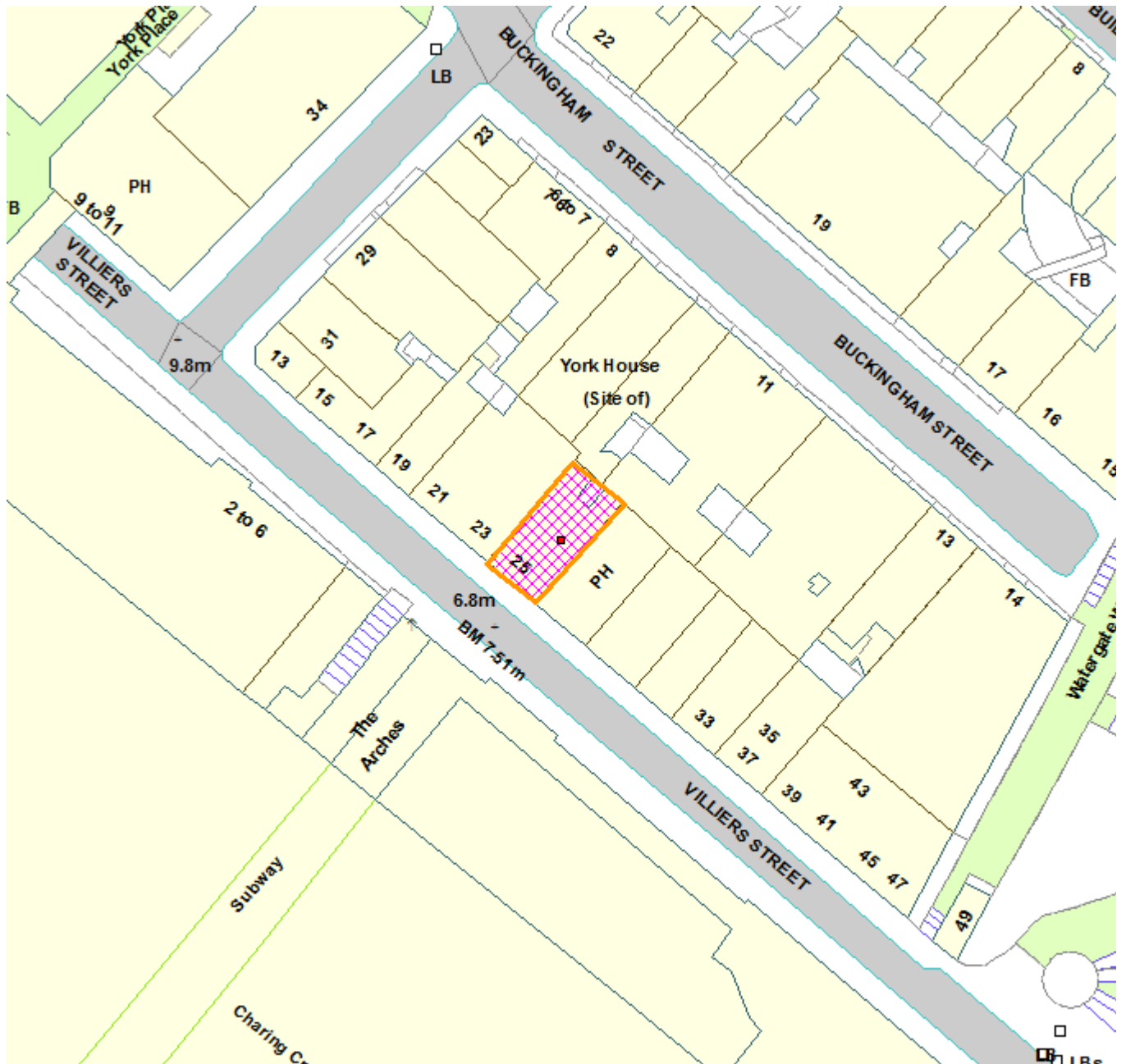
the building.

The key issues in this case are:

* The impact of the proposals upon the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to amenity, design and highways as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL APPLICATION FOR TWO TABLES AND FOUR CHAIRS

WESTMINSTER SOCIETY:

No objection.

CLEANSING:

No objection.

HIGHWAYS PLANNING:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

Total No. of replies: 14

No. of objections: 14.

No. in support: 0

AMENITY

- Customers, bikes, pushchairs, etc encroach across residential entrance.
- Tables are often left uncleared with food packaging littering the street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED SUBMISSION FOR ONE TABLE AND TWO CHAIRS

WESTMINSTER SOCIETY:

No objection.

HIGHWAYS PLANNING:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15.

Total No. of replies: 4

No. of objections: 4.

No. in support: 0

AMENITY

- Reduced number of tables and chairs would continue to cause obstruction.
- Street is too busy to have chairs outside.
- Pigeon ledge above shop with droppings covering wall and floor in front of Pret a Manger.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application property comprises basement, ground and four upper floors. The basement and ground floor are occupied as a sandwich shop by Pret A Manger. The upper floors, known as 23A Villiers Street, are in residential use. Villiers Street is a busy thoroughfare linking the Strand and Embankment and is characterised by a mix of commercial and residential uses and is located opposite Charing Cross Station. The application property is not listed but is within the Adelphi Conservation Area.

6.2 Recent Relevant History

14/03619/TCH

Use of an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with the existing sandwich shop.

Application Permitted 11 June 2014

16/03929/TCH

Use of an area of the public highway measuring for the placing of two tables and four chairs in connection with the existing sandwich shop.

Application Permitted 20 July 2016

Planning permission was granted by the Planning Applications Committee on 5 July 2016 for a temporary one year permission (expiring on 31 July 2017) with, in response to objections from residents on the upper floors of the application building, an informative (No. 4 on the decision notice) advising the applicant that if the Council received complaints regarding the entrance being blocked, future applications may only be granted for one table and two chairs.

7. THE PROPOSAL

The application, as originally submitted, sought permission for two tables and four chairs in an area of public highway measuring 3.3m x 0.67m. Following the receipt of objections from the residents on the upper floors of the building, the application has been revised to reduce the proposed furniture to one table and two chairs

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed placing of the tables and chairs is in connection with the existing ground floor sandwich shop (Class A1) use of the premises. Given the number of tables and chairs proposed this does not result in a material change of use.

8.2 Townscape and Design

The proposed tables and chairs are considered acceptable in design terms and do not have an adverse impact on the street scene and surrounding conservation area. A condition is recommended to ensure no other items of street furniture except for the table and chairs are placed on the pavement area.

8.3 Highways

The depth of area of footway from the building line to the bollards is 2.5m. The proposed tables and chairs will occupy an area with a depth of 0.67m. This would therefore leave a clear passage of approximately 1.9m for pedestrians. The Council's SPG entitled 'The Westminster Way' which was adopted in 2011, normally requires 2 metres of clearance; however, paragraph 245 of the SPG states that there are a number of instances where the principle of maintaining a 2m clear space is compromised by historic permissions. This is one of those instances with tables and chairs first granted permission outside these premises in 2011. Consequently, the demised area is not considered to compromise pedestrian movement to an unacceptable level and the 1.9m width of clear footway is acceptable in this instance.

The 2016 permission for tables and chairs was subject to a condition requiring the submission of a drawing clearly showing the demarcated area for the tables and chairs. This was formally discharged in 2016 (16/07117/ADFULL). This drawing forms part of the current application and shows the previously approved demised area and is considered acceptable.

8.4 Residential Amenity

The upper floors of the application site are in residential use. There is a separate residential entrance which serves the upper floors of the building, known as 23A Villiers Street.

The application site has previously had permission for the placing of two tables and four chairs on the public highway since 2011. However following the receipt of objections from the residents of the upper floors, the current application has been revised to reduce the furniture to one table and two chairs.

Notwithstanding the reduced amount of furniture, residents are still concerned and have raised objections on the grounds that their residential entrance will be obstructed by customers who move the furniture and place other items such as suitcases, prams etc in front of the residential entrance. In addition, they strongly object to the food and packaging which is left on the tables and not cleared by Pret a Manger staff which in turn litters the street in front of their building.

Pret a Manger have submitted a generic management plan with the application which states that they will 'manage and monitor the seating area and ensure that litter does not accumulate and food is not left on the tables'. Given the particular concerns raised by the residents of 23A Villiers Street it is considered appropriate in this case to attach a condition requiring the submission and approval of a site specific management plan which mitigates against the particular problems identified by residents and in particular the need for Pret a Manger staff to regularly monitor the outdoor seating to ensure that the customers do not move the furniture or place other items in front of the residential

entrance and to ensure that the tables are cleared for food and litter. Subject to this condition and a condition restricting the hours of use to between 07.00 to 19.00 Monday to Friday, 09.00 to 18.00 Saturday and 09.00 to 18.00 Sunday it is recommended that permission is granted for a further temporary one year period only, so that the situation can be closely monitored.

8.5 Economic Considerations

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

8.6 London Plan

This application raises no strategic issues.

8.7 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.

8.8 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.9 Environmental Impact Assessment

Not applicable.

9. BACKGROUND PAPERS

1. Application form.
2. Email from Westminster Society received on the 25 May 2017 and 14 September 2017.
3. Memorandum from Cleansing Manager dated 24 May 2017.
4. Memorandum from Highways Planning Manager dated 2 June 2017 and 12 September 2017.
5. Email from the residential occupier of Flat 1, 23A Villiers Street received 30 May 2017 and 19 September 2017.
6. Email from the residential occupier of Flat 1, 23A Villiers Street received 30 May 2017.
7. Email from the residential occupier of Flat 3, 23A Villiers Street received 23 May 2017, 30 May 2017, 1 June 2017 and 12 September 2017.
8. Email from the residential occupier of Flat 5, 23A Villiers Street received 7 June 2017.
9. Email from the residential occupier of Flat 6, 23A Villiers Street received 3 June 2017 and 24 September 2017.
10. Email from the residential occupier of Flat 8, 23A Villiers Street received 1 June 2017 and 13 September 2017.
11. Email from the residential occupier of Flat 9, 23A Villiers Street received 30 May 2017.
12. Email from the residential occupier of Flat 10, 23A Villiers Street received 1 June 2017.
13. Email from the residential occupier of Flat 11, 23A Villiers Street received 3 June

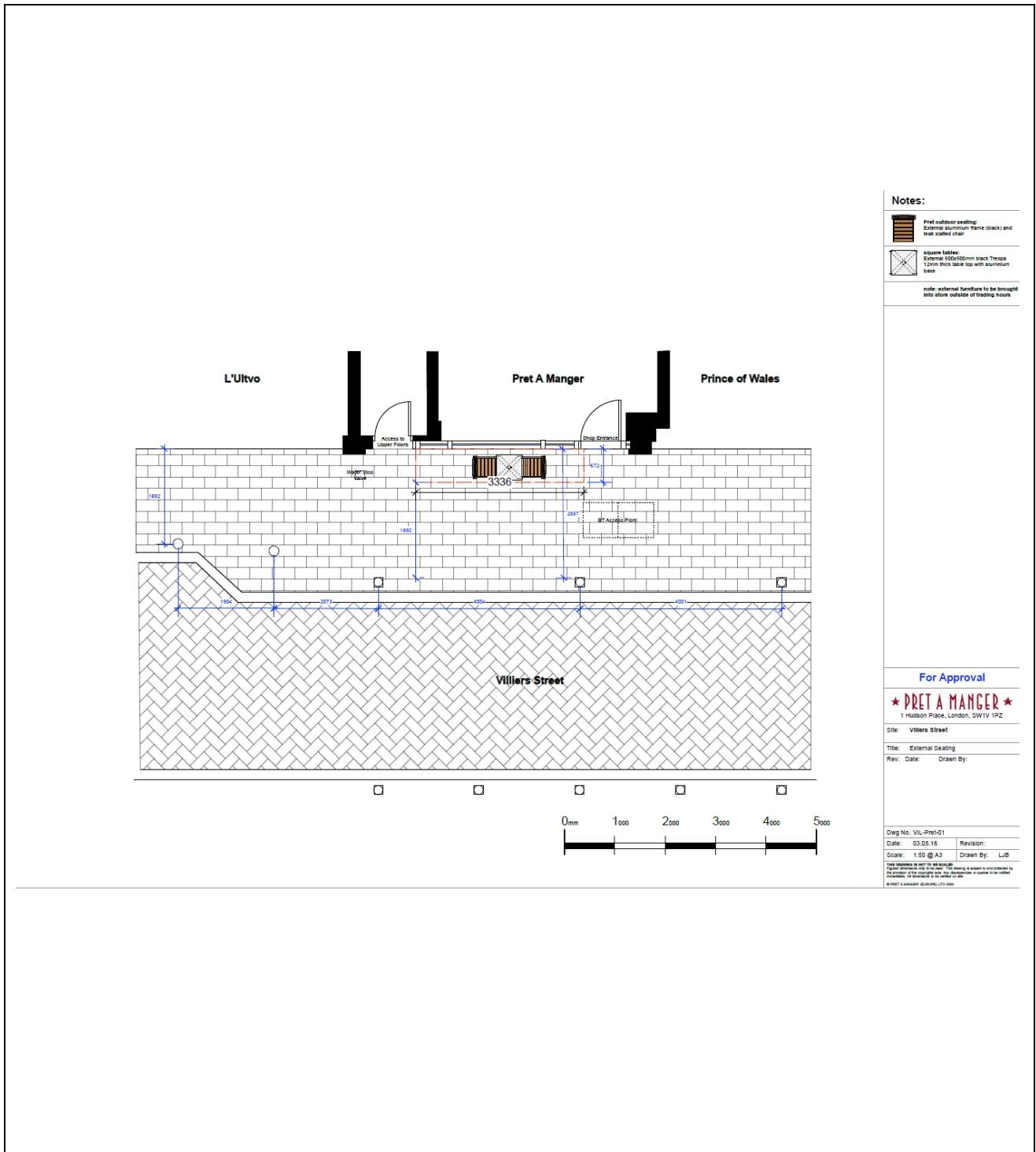
2017.

14. Email from the residential occupier of 23A Villiers Street received 30 May 2017.
15. Email from the residential occupier of 23A Villiers Street received 30 May 2017.
16. Email from the residential occupier of 23A Villiers Street received 14 June 2017.
17. Email from the residential occupier of Premier House, Borehamwood received 5 June 2017.
18. Extract from Planning Applications Committee minute dated 5 July 2016

(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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 25 Villiers Street, London, WC2N 6ND

Proposal: Use of an area of the public highway measuring 3.3m x 0.67m for the placing of 2 tables and 4 chairs in connection with the existing ground floor use.

Reference: 17/04060/FULL

Plan Nos: Site location plan, VIL-Pret-01, ALCR/M - Pret a Manger Pret Aluminium Chairs dated 22 March 2016, MHPL6SGY - Pret a Manger Pret Tilting HPL Tables dated 22 March 2016 and Management plan for outdoor seating areas dated April 2017.

For information only: Impact Statement and Design and Access Statement dated April 2017.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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:

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.

- 2 You must not put the tables and chairs in any other position than that shown on drawing VIL-Pret-01. (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 You can only put the tables and chairs on the pavement between 07.00 to 19.00 Monday to Friday, 09.00 to 18.00 Saturday and 09.00 to 18.00 Sunday.

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.

- 4 The tables and chairs must only be used by customers of the sandwich shop at 25 Villiers Street, WC2N 6ND. (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)

- 5 This use of the pavement may continue until 30 November 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 a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing VIL-Pret-01. 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.

7. You must apply to us for approval of a management plan to show how you will prevent customers who are using the table and chairs from obstructing the residential entrance to the upper floor flats of 23A Villiers Street and how Pret a Manger staff will ensure that the area is kept clear of litter and food waste. You must not use the table and chairs 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 table and chairs are in use.

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 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, 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 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)

3 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).

4. You are advised that the current application for the placing of tables and chairs submitted under application reference 17/04060/FULL has given rise to objections from residents of 23A Villiers Street with regards to how the tables and chairs are being used by customers. This includes customers blocking the entrance to flats on the upper floors of the application site by pushing the chairs across the entrance, and placing other items such as suitcases, pushchairs etc. in front of the residential entrance; because of this, you are advised that permission is granted for a temporary one year period only. In the event that further complaints are received, it is unlikely that the Council will grant permission for any further applications for tables and chairs outside these premises.

5. In relation to Condition 7 the management plan required by this condition must demonstrate how you will ensure that the chairs and other customer items do not cause an obstruction to the residential entrance and how Pret a Manger staff will ensure that the area is kept clear of litter and food waste.

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.