

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 June 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	47 Villiers Street, London, WC2		
Proposal	<p>Application 1: The temporary use of five areas of Watergate Walk for the placing of 42 tables, 168 chairs, 23 umbrellas, 8 awnings and two serveries in connection with Gordon's Wine Bar, 47 Villiers Street (Area 1: 36.3m x 2.0m, Area 2: 29.4m x 2.0m, Area 3: 19.6m x 2.6m, Area 4: 19.6m x 2.6m and Area 5: 6.6m x 2.6m).</p> <p>Application 2: The temporary use of two areas along Watergate Walk each measuring 2.7m x 19.6m for the placing of 20 tables and 80 chairs in connection with the Gordon's Wine Bar, 47 Villiers Street.</p>		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Court Pie Catering Ltd		
Registered Numbers	Application 1: 19/02440/TCH Application 2: 19/02443/TCH	Date amended/ completed	2 April 2019
Date Applications Received	2 April 2019		
Historic Building Grade	<p>47 Villiers Street is unlisted.</p> <p>On the boundary of Watergate Walk are:</p> <p>Grade I listed York Water Gate, grade I listed 14 Buckingham Street, grade II listed gateway and railings at the junction with Buckingham Street and the Registered Park and Garden: Victoria Embankment Gardens.</p>		
Conservation Area	Adelphi and Savoy Conservation Areas.		

1. RECOMMENDATION

Application 1:

Refuse permission - harm to residential amenity, pedestrian environment and heritage assets.

Application 2:

Grant conditional permission.

2. SUMMARY

The application relates to Watergate Walk, a private pedestrian passageway (sui generis) linking Villiers Street with Buckingham Street and York Buildings, and it relates to 47 Villiers Street, a wine bar (Use Class A4).

On 27 June 2018, the City Council opened a planning enforcement investigation following reports that tables, chairs and cooking facilities were located on Watergate Walk without the requisite permission. The applicant subsequently applied to regularise this unauthorised use of Watergate Walk, seeking permission to place 28 barrels, 204 chairs and 23 tables and numerous other items in the area. These proposals represented the all most complete occupation of Watergate Walk by Gordon's Wine Bar, changing it from being a pedestrian passageway to an outdoor bar. On 2 October 2018, the City Council refused permission for this proposal for the following summarised reasons:

1. the use results in noise, disturbance and nuisance to nearby residential occupiers;
2. the plans did not show suitable arrangements for ventilation and getting rid of cooking smells;
3. the tables, chairs and other furniture blocked the flow of pedestrians along the passageway;
4. the proposals harmed the setting of adjacent listed buildings/ structures and the character and appearance of the conservation areas; and
5. the submission included insufficient details for the City Council to fully assess the application.

On 8 November 2018, the City Council issued an enforcement notice requiring the applicant cease the unauthorised use and remove all items in the area. On 25 February 2019, the Planning Inspectorate informed the City Council that the applicant had made an appeal against the City Council's decisions to refuse permission and to issue an enforcement notice. A hearing date has been set for 2 July 2019.

Compared to the refused proposals, the two current applications propose a lesser number of chairs and other items, remove the cooking facilities and propose altered the management of the area. Application 1 reduces the principal items to 42 tables, 168 chairs and two serveries whereas application 2 reduces the principal items further still to 20 tables and 80 chairs. Application 2 would match the number of tables and chairs that the City Council previously approved in 2007 (this is the most recent permission for tables and chairs, and it expired on 30 November 2008).

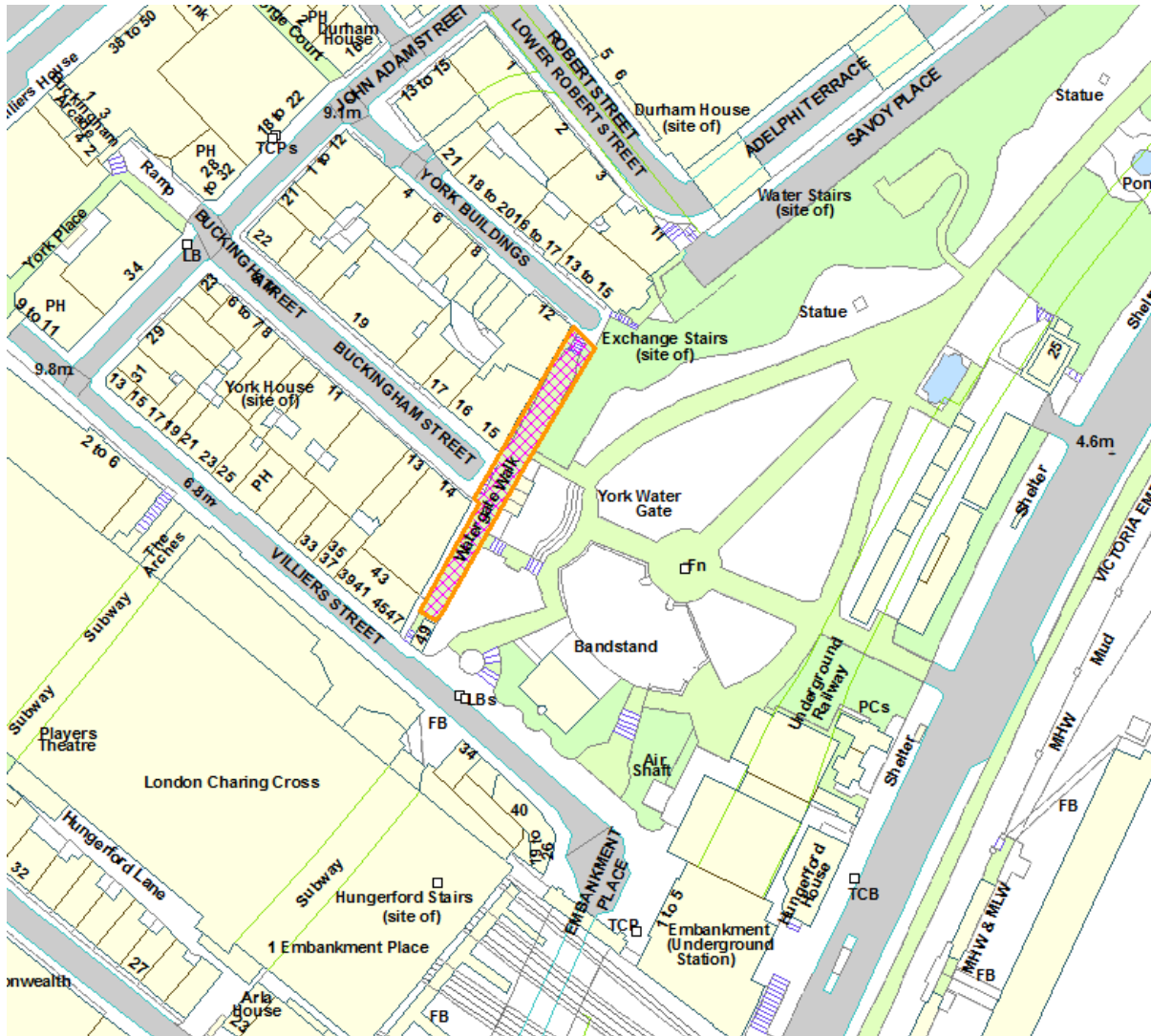
The key issues in this case are:

- the impact of the proposals on residential amenity and local environmental quality;
- the impact of the proposals on pedestrian movements; and
- the impact of the proposals on designated heritage assets.

As set out in this report, the proposed development in application 1 would result in harm to residential amenity, pedestrian convenience and the setting of heritage assets and therefore fails to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, application 1 is recommended for refusal for the reasons set out in the first draft decision letter.

As also set out in this report, the proposed development in application 2 would accord with the relevant policies in the UDP and the City Plan and is therefore acceptable in land use, highway, design and amenity terms. As such, the application is recommended for approval subject to the conditions as set out in the second draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Above, lunchtime 26 March 2019
Below, evening 1 March 2019





Layout in 2007

5. CONSULTATIONS

APPLICATION 1:

COUNCILLOR SHEARER:

The application should be reported to planning sub-committee for consideration.

Observes there is overwhelming support for the larger scheme (application 1), reflecting the output of resident meetings attended; Watergate Walk is unique in nature which should be debated/ considered; welcomes one year permissions to allow greater control.

WESTMINSTER SOCIETY:

Any response to be reported verbally.

HIGHWAY PLANNING MANAGER:

Not supported. The layout excessively restricts the footway, harming the pedestrian environment.

PROJECT OFFICER (WASTE):

No objection.

ENVIRONMENTAL HEALTH:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 144

Total No. of replies: 14

No. of objections: 1

No. in support: 13

In summary, neighbouring residents/ interested parties support the application for the following reasons:

- these proposals have been modified in ways that can command local support and maintain the viability of the business;
- Gordon's Wine Bar is a good neighbour and valuable local facility;
- Gordon's Wine Bar is responsive in dealing with concerns and has liaised with residents; and
- it would be negative if the proposals were refused as the use prevents other, more harmful (criminal/ anti-social) activities.

In summary, a neighbour residents objects to the application for the following reason:

- the noise associated with the above has increased over the years and it too loud.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

APPLICATION 2:

COUNCILLOR SHEARER:

The application should be reported to planning sub-committee for consideration.

Observes there is overwhelming support for the larger scheme (application 1), reflecting

the output of resident meetings attended; Watergate Walk is unique in nature which should be debated/ considered; welcomes one year permissions to allow greater control.

WESTMINSTER SOCIETY:

Any response to be reported verbally.

HIGHWAY PLANNING MANAGER:

No objection.

PROJECT OFFICER (WASTE):

Objection to a permanent use, no objection to a temporary use.

ENVIRONMENTAL HEALTH:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 144

Total No. of replies: 4

No. of objections: 1

No. in support: 3

In summary, neighbouring residents / interested parties support the application for the following reasons:

- Gordon's Wine Bar is good neighbour and has liaised with residents to address their concerns; and
- it would be negative if the proposals were refused as the use prevents other, more harmful (criminal/ anti-social) activities.

In summary, a neighbour residents objects to the application for the following reason:

- the noise associated with the above has increased over the years and it too loud.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to Watergate Walk, a private pedestrian passageway (sui generis) linking Villiers Street with Buckingham Street and York Buildings, and it relates to 47 Villiers Street, a Wine Bar (Use Class A4). The site is within the Core Central Activities Zone (Core CAZ).

47 Villiers Street is an unlisted building located within the Adelphi Conservation Area. Watergate Walk is within both the Adelphi and Savoy Conservation Areas and contains on its boundaries the grade I listed York Water Gate, grade I listed 14 Buckingham Street, the grade II listed gateway and railings at the junction with Buckingham Street and the Registered Park and Garden: Victoria Embankment Gardens.

6.2 Recent Relevant History

On 2 October 2018, the City Council refused permission Use of Watergate Walk for the placing of 23 tables 204 chairs, 28 barrels, umbrellas, grill servery, wine servery and other furniture in five separate areas in connection with Gordon's Wine Bar for the following summarised reasons:

1. the use results in noise, disturbance and nuisance to nearby residential occupiers;
2. the plans did not show suitable arrangements for ventilation and getting rid of cooking smells;
3. the tables, chairs and other furniture blocked the flow of pedestrians along the passageway;
4. the proposals harmed the setting of adjacent listed buildings/ structures and the character and appearance of the conservation areas; and
5. the submission included insufficient details for the City Council to fully assess the application.

On 8 November 2018, the City Council issued an enforcement notice requiring the applicant cease the unauthorised use and remove all items in the area. On 25 February 2019, the Planning Inspectorate informed the City Council that the applicant had made an appeal against the City Council's decision to refuse planning permission and issue an enforcement notice. A hearing date has been set for 2 July 2019.

On 3 October 2007, the City Council granted a temporary planning permission for the use of the land for the placing of 20 tables and 80 chairs. This permission expired on 30 November 2008. Prior to this, the City Council granted other one year temporary permissions for the placing of tables and chairs in 2007, 2006, 2005, 2004, 2002, 2001 and 2000. There are also historic records of earlier permissions in the 1980s and 90s.

On 22 January 2010 and 7 April 2008, the City Council granted temporary planning permissions for the installation of awnings and heater within Watergate Walk. These permissions expired 22 January 2013 and 7 April 2011.

7. THE PROPOSAL

Application 1

In application 1, the applicant proposes the temporary use of five areas of Watergate Walk for the placing of 42 tables, 168 chairs, 23 umbrellas, 8 awnings and two serveries in connection with the wine bar (Area 1: 36.3m x 2.0m, Area 2: 29.4m x 2.0m, Area 3: 19.6m x 2.6m, Area 4: 19.6m x 2.6m and Area 5: 6.6m x 2.6m).

This application is supported by an operational management plan which sets out the operational policies and procedures the applicant has drawn up following consultation with local residents and businesses.

Application 2

In application 2, the applicant proposes the temporary use of two areas along Watergate Walk for the placing of 20 tables and 80 chairs in connection the wine bar (Area 1 and 2 measure 2.7m x 19.6m)

8. DETAILED CONSIDERATIONS

8.1 Land Use

The use of the highway for tables and chairs in connection with eating and drinking establishments is considered under Policy TACE 11 of the UDP and Policy S41 of the City Plan. Policy TACE 11 recognises that al fresco eating and drinking is popular and can provide opportunities for visitors, residents and workers to experience and contribute to the vibrancy and character of an area. Therefore, these policies permit tables and chairs where they are safe, where a convenient pedestrian environment is maintained and where no unreasonable harm to local residential amenity and environmental quality occurs.

Application 1

As explained in the sections below, application 1 would result in an excessive number of items within Watergate Walk thereby allowing a high number of patrons to eat, drink and socialise near neighbouring residential occupiers. This would have three principal affects: it would harm the amenity enjoyed by these neighbouring residents; it would unduly restrict pedestrian movement along the passageway; and it would create excessive visual clutter harmful to designated heritage assets. This would not accord with the aim of policy TACE 11 which is to ensure the benefits of external seating are realised without adversely affecting residents or an area. Application 1 would be unacceptable in land use terms therefore.

Application 2

As explained in the sections below, application 2 proposes a more restrained external seating area which would support the continued vitality and vibrancy of this wine bar, and the area more widely, without being at the expense of residential amenity, pedestrian convenience and heritage assets. Application 2 would be acceptable in land use terms therefore.

8.2 Townscape and Design

The site is located within both the Adelphi and Savoy Conservation Areas, and on the boundaries of Watergate Water is the grade I listed York Water Gate, grade II listed gate and railing at the end of Buckingham Street, the grade I listed 14 Buckingham Street and the Registered Park and Garden: Victoria Embankment Gardens.

When determining applications for development within a conservation area, or affecting a listed building or its setting, Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. These require special regard be had to the desirability of preserving the special interest of the listed building and preserving or enhancing the character and appearance of the conservation area. The National Planning Policy Framework (NPPF) sets out the government's policies for making planning decisions and how they should be applied. It states that any harm to a listed building requires clear and convincing justification (para.194). Any harm caused by a scheme should be weighed against any public benefits, including any heritage benefits (para.195), with great weight given to the asset's conservation whatever the degree of harm, and even greater weight given to highly graded assets (para.193). Conflict between an asset's conservation and any aspect of a proposal should be avoided or minimised (para.190),

including through more sensitive design (NPPG, 'Conserving and enhancing the historic environment' para.018).

Policy DES 9 of the UDP states that development within Conservation Areas should either preserve or enhance the Conservation Area within which they are found. Policy DES 10 aims protect and enhance listed buildings and their settings. Policy DES 1 sets out the Council's general design principles, and highlights the importance of the historic pattern of streets and walkways. Furthermore, specific regard should be given to the relevant Conservation Area Audit when coming to the decision over whether development does in fact preserve or enhance. Watergate Walk itself is of importance to the wider conservation area, and tells an important story to the history of the area from a period when the River Thames banks were far wider than they are today before the embankment was constructed. The Watergate Walk passageway provides a more intimate street scene, being much narrower and pedestrian only, as well as allowing movement around several key historic sites of importance within the conservation area – including the several listed buildings found around its edges. This importance is specified in the Adelphi Conservation Area audit, which mentions specifically Watergate Walk.

Application 1

The unauthorised use has led to a proliferation of tables, chairs, umbrellas, awnings, structures and other items associated with the wine bar along the passageway. These items serve to clutter the street scene and harm the character and appearance of the passageway and the setting of the listed buildings and structures found on its boundaries. Consequently, when the applicant recently applied to retain the use and the paraphernalia associated with it, one of the reasons the City Council refused permission was because of this harm to heritage assets.

Application 1 does little to reduce this harm, the applicant still proposes a very high number of items. The applicant has supported this application with a heritage report which argues the items have “no harmful effect” on the character and appearance of the area or the setting of listed building and structures, but officers have already concluded differently previously and maintain this position regarding application 1.

The high number of items within the passageway would have the effect of cluttering, obscuring and depreciating the setting of nationally important heritage assets, including the grade I listed York Water Gate and the grade II listed Gateway and Railings at the end of Buckingham Street. Evidently, if the surrounding of a listed building is altered in a manner that reduces the ability to appreciate its significance, harm is caused to its setting, and this would occur under application 1.

In addition, as the use proposed in application 1 would occupy almost the entirety of Watergate Walk, the character of the passageway would change from a pedestrian route to a commercial outdoor bar. This would fail to preserve or enhance the heritage assets because the passageway as a pedestrian route is significant to the setting of the listed buildings and the character of the conservation area. To protect the character of the passageway, external seating should be the subordinate purpose of the passageway, not the main purpose as proposed in application 1.

While officers acknowledge that there are some benefits to application 1, these are primarily private to the applicant's business and the public benefits are limited. Moreover,

the public benefits that do arise, such as providing management of Watergate Walk, could be achieved without the excessive number of items proposed in application 1. As such, the benefits of the scheme would not outweigh the harm identified. In these circumstances, application 1 would not meet S25 and S28 of the City Plan and DES 1, DES 5, DES 9, DES 10 of the UDP.

Application 2

Application 2 proposes significantly less items, and these are limited to tables and chairs in two areas which occupy a much-reduced area of the passageway as compared to the previously refused proposal. The character of the passageway would be maintained as a pedestrian route and the external seating area would be understood as ancillary to this purpose. The reduction in items, including the structures and the excessive numbers of umbrellas, means that passers by would be able to appreciate the setting of the listed buildings and structures and the character and appearance of the conservation area would not be harmed. In these circumstances, application 2 would accord with S25 and S28 of the City Plan and DES 1, DES 5, DES 9, DES 10 of the UDP.

8.3 Residential Amenity

While historically the City Council granted temporary permissions for the applicant to use parts of this passageway for the placing of tables and chairs in connection with the wine bar, the last permission expired in 2008. Yet, the placing of tables and chairs in the passageway continued to present. Moreover, in recent years, the use of Watergate Walk for the placing of tables and chairs has been expanding with increasing numbers of tables and chairs put out, without the requisite permission. In addition, the applicant altered the passageway by paving over areas that were formerly grass to enlarge the area so more tables and chairs could be put out, again without the requisite permission.

By the time the applicant applied for permission in 2018, the use had expanded to include hundreds of unauthorised tables and chairs, as well as many barrels to facilitate vertical drinking and outdoor cooking facilities. These changes allowed hundreds of patrons to drink, eat and socialise outside – and the City Council received complaints about the use. The City Council refused the 2018 application which sought to retain this use in part because these activities caused detriment to the enjoyment of neighbouring residential properties and the local environment. The residential occupiers live near the site including within Kipling House on Villiers Street, which is above the wine bar and includes flats positioned adjacent to Watergate Walk. Other residents live on Buckingham Street and York Buildings, which are off Watergate Walk.

Policy TACE 9 of the UDP relates to entertainment uses (such as bars) that may be permissible and policy TACE 11 relates to tables and chairs on footways. Policy TACE 9 states that entertainment uses will only be granted where there is no adverse effect upon residential amenity or local environmental quality and no adverse effect on the character or function of its area. Policy TACE 11 states that the provision of tables and chairs on footways will only be granted when they do not unacceptably intensify an existing use; cause obstruction; endanger pedestrians and wheelchair users; cause refuse problems; have a detrimental effect on the character and appearance of the area, or setting of a listed building; cause a nuisance to residents; harm the amenity of the area; or create opportunities for crime. Further policies; S29 of the City Plan, and ENV 6 and ENV 13, seek to protect residential amenity.

Application 1

In 2018, objectors reported that noise, disturbance and nuisance from the use of Watergate Walk had a detrimental impact on their quality of life. Application 1 reduces the number of items, removes outdoor cooking and proposes an altered management of the area in order to reduce the noise disturbance associated with the use. In terms of the management plan, the applicant drew this up in consultation with neighbouring residents, and the key aspects of control would be:

- limiting the capacity of the area to 168;
- prevent vertical drinking;
- display signage to help manage patrons and create designated smoking areas;
- strategies to relating to waste and cleansing operations;
- prevention of music;
- strategies for closing and dispersal, including ensuring all patrons and staff clear the area by 23:00;
- arrangements for deliveries; and
- arrangements for staff and security, including requirements for a security operative to be present to ensure patrons adhere to the policies in the plan.

The refused scheme attracted 15 objections and 12 supporting comments, whereas application 1 has attracted 1 objection and 12 supporting comments.

Application 1 is clearly an improvement over the refused scheme, and the work the applicant has done with neighbouring residents in drawing up a management plan which seemingly addresses most of their concerns is a welcomed development – and the Environmental Health officer has not objected to the management plan. Further, the proposals now do not involve any outdoor cooking. Nevertheless, officers remain concerned that application 1 proposes an excessive number of items and would allow too many patrons to socialise close to neighbouring residents.

The size of the outdoor area in application 1 would still be larger than the indoor area of the bar and would allow 168 patrons to eat and drink within the passageway (more than within the wine bar itself). Two servery structures would still be placed within the passageway, allowing the outdoor area to practically operate independently of the bar itself, rather than an external seating area being ancillary to it.

Policy TACE 9 which relates to entertainment uses requires no adverse effect on residential amenity and TACE 11 requires no nuisance to residents, and therefore the policy application section of TACE 11 advises that tables and chairs located below residential flats (such as in this case) are not normally permitted. While officers accept that the circumstances in this case mean it reasonable to apply some flexibility, the proposed high number of patrons would exceed the bounds of that flexibility significantly. It is not plausible that 168 patrons socialising in a small area close to residential flats will not result in significant levels of noise disturbance. As officers advised in 2018, a more restrained use with a reduction in tables and chairs in less areas could be acceptable. But application 1 still proposes an excessive number of items, would allow too many people to socialise until late in the evening and this would create harmful noise disturbance. This would constitute an unneighbourly development that is also harmful to the local

environment. Therefore, this proposal would not meet S24, S29 and S31 of Westminster's City Plan and ENV 5, ENV 6, ENV 13, TACE 9 and TACE 11 of the UDP.

Application 2

In 2007, the City Council granted permission for a layout of tables and chairs that matches the number and layout proposed currently in application 2. It would allow 80 patrons to drink, eat and socialise in the passageway – less than half the number proposed in application 1.

Application 2 has attracted 1 objection and 3 supporting comments, and the 2007 application attracted no objections or support.

While 80 patrons would be a high number of people to socialise under residential properties, Villiers Street is a busy road with bars, restaurants and other entertainment venues along it and so more outdoor socialising than usual is to be expected – this is why officers accept that this is a location where we should apply greater flexibility. The external seating would also add to the vibrancy and vitality of the bar and area and the use prevents other anti-social behaviour occurring within the passageway, both of which are welcomed. In these circumstances, the principle of the use is acceptable.

Originally, the applicant applied for permanent permission. The applicant considers the City Council should make an exception to the practise of only granting temporary permissions for tables and chairs on the highway. Since submission, the applicant has agreed to a condition to ensure this permission would be temporary. The applicant notes national guidance indicates that Local Planning Authorities should not repeatedly grant permission for trail periods and that Watergate Walk is not part of the public highway (it is private highway, although still owned by the City Council), and that usual restrictions should not apply. Notwithstanding their objection to a temporary permission, the applicant has agreed to it in this instance.

Officers have explained to the applicant that the reasons for the permission to be temporary are not because it is a form of trail period. It is because Watergate Walk is a pedestrian passageway, and this should remain its use. Permanent permission would change the use of the land from pedestrian passageway to essentially the forecourt of the wine bar, and this would manifestly fail to protect the pedestrian environment (as required by the City Plan and UDP). It should be noted that dissimilar to the applicant's assertion, the City Council's planning policies do not make the distinction the applicant draws between public and private highways. The temporary permission also allows the City Council to regularly assess the impact of the use.

Further conditions are recommended to control the harmful aspects of the scheme, including a condition to ensure vertical drinking is prevented and that the area is closed and cleared by 23:00.

8.4 Transportation/Parking

Whilst this pedestrian passageway is not part of the public highway, it is open to pedestrian movement and therefore pedestrian safety and comfort must be considered. Policy S41 of the City Plan states all developments will prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment. This is also the aim

of policy TRANS 3 and TACE 11 of the UDP. The 'Westminster Way: Public Realm Strategy' SPD recommends that proposals for commercial activities on pedestrianised streets/ alleyways should maintain at least half of the footway width clear of any commercial activity – this should usually be 25% on each frontage. In other circumstances, the minimum allowable clearway for pedestrians is a 2 metre width. The national guidance in 'Manual for Streets' also expects that the minimum clearway should be 2 metres.

Application 1

In 2007, the passageway was narrower as the applicant had not implemented the unauthorised alterations to pave over the grass areas. The 2007 permission allowed a 1.83m clearway, and this meet the requirement for a pedestrian clearway that was used at that time; a minimum of 1.8 metres. Since the 2007 permission, the City Council has adopted the 'Westminster Way: Public Realm Strategy' SPD. This document goes into further detail on how the City Council will protect and improve the public realm, and it sets the new standards as outlined above.

Post widening, Watergate Walk has a width of 6 metres. To accord with the Westminster Way the applicant should keep 3 metres of the width clear any commercial activity. Strictly speaking, this should be limited to 25% (1.5 metres) on each side, but the Highway Planning Manager states that if only one side is used for activity, then 50% on one side would accord with the aims of the strategy. The Westminster Way also notes that: "Where footways and pedestrian areas have been enlarged to give more room for people, there is a presumption against allowing new obstructions that take the footway back to or near its former width".

In application 1, the applicant proposes to use 1.4 metres on the north side and 2.8 metres on the south side for a total width of 4.2 metres for tables and chairs (70% of the width), leaving just 1.8 metres clear, contrary to the City Council's guidance and national guidance. So, while the applicant widened the footway (in breach of planning control), because of the excessive numbers of tables, chairs and other items proposed, less space would be left for pedestrians than in 2007 when the City Council's applied its old, less generous, standard and also less than the 2 metres that would be required in other circumstances. This evidently is a worsening of the pedestrian environment, which policies TACE 11, TRANS 3 and S41 seek to prevent and is contrary to the relevant guidance.

Commercial activities in public places have to be regarded as a privilege and the City Council must ensure that they are of a scale that means they do not get in the way of the main purpose of the footway they are located on – application 1 fails in this regard.

Application 2

In application 2, the applicant proposes tables and chairs on the southern side of Watergate Walk only. This would occupy 2.8 metres of the width along the passageway (47%), and a 3.2 metre clearway would be kept. This would be in excess of the City Council and national guidance and consequently is acceptable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Unfortunately, Watergate Walk is not accessible to those who require level access.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Project Officer (Waste) raises no objection as the application does not affect the public highway for which street cleaning operates are responsible.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

None relevant.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

8.12 Planning Obligations

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

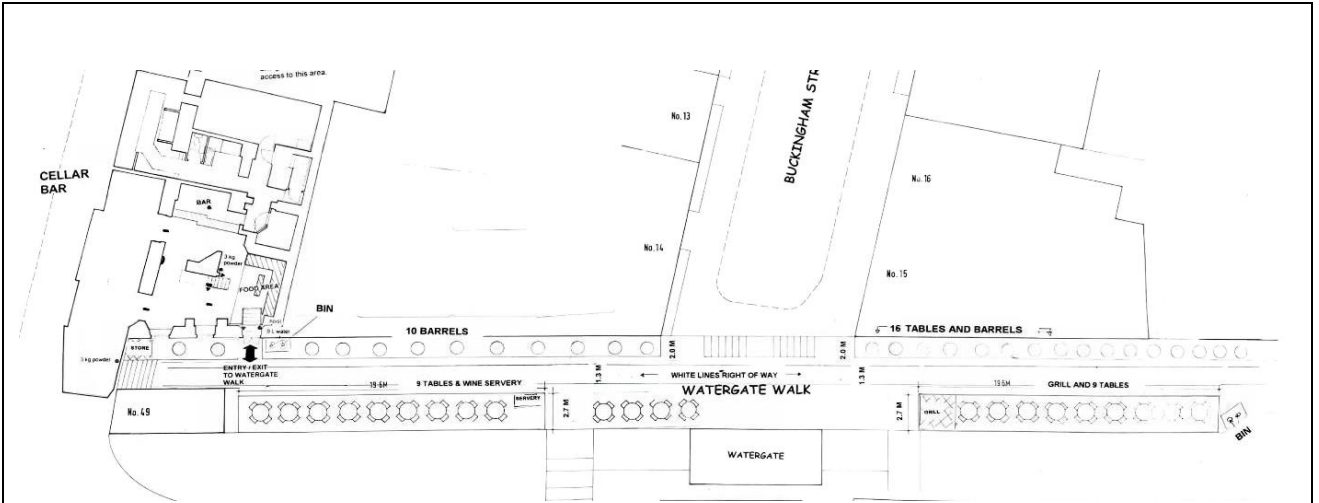
8.13 Environmental Impact Assessment

Not relevant to this application.

(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

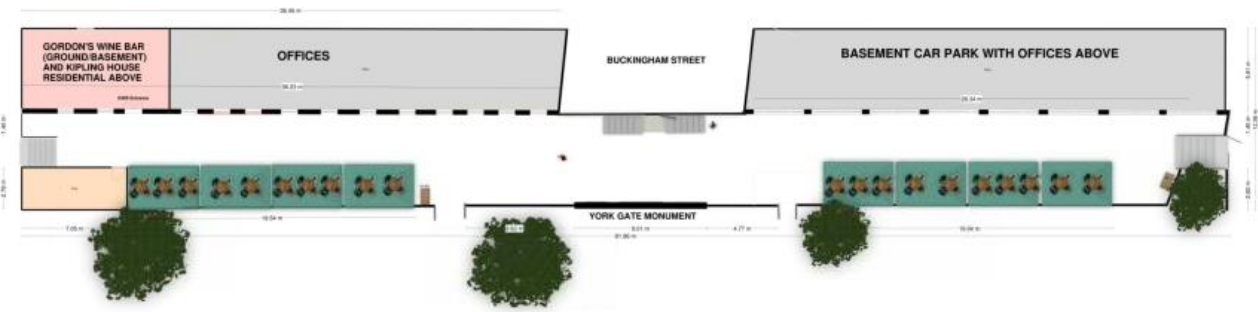
9. KEY DRAWINGS



Layout Refused in 2018 (not all items proposed are shown)



Application 1: Proposed Layout



Application 2: Proposed Layout

DRAFT DECISION LETTER: APPLICATION 1

Address: 47 Villiers Street, London, WC2N 6NE,

Proposal: The temporary use of five areas of Watergate Walk for the placing of 42 tables, 168 chairs and two serveries in connection with Gordon's Wine Bar, 47 Villiers Street (Area 1: 36.3m x 2.0m, Area 2: 29.4m x 2.0m, Area 3: 19.6m x 2.6m, Area 4: 19.6m x 2.6m and Area 5: 6.6m x 2.6m)

Plan Nos: Site Location Plan; Existing Plan; Proposed Plan; Proposed Plan showing Umbrellas and Awnings; Furniture and Awnings Specs; Operational Management Plan; Historic Report; Planning Statement.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**Reason:**

The use of Watergate Walk for outdoor drinking and eating, in connection with Gordon's Wine Bar at 47 Villiers Street, would result in noise, disturbance and nuisance to nearby residential occupiers, including those within Kipling House on Villiers Street and on Buckingham Street and York Buildings. This is harmful to residential amenity and is contrary to S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, TACE 9 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

Reason:

The tables, chairs and other furniture would block the flow of pedestrians along the passageway and so would not provide a convenient, attractive and safe pedestrian environment. This does not meet S41 of Westminster's City Plan (November 2016) and TRANS 3 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (X08AC)

Reason:

Because of the number of tables, chairs, umbrellas, and other items, the proposal harms the setting of the grade I listed building York Water Gate and the grade II listed Gateway and Railings at the end of Buckingham Street. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Adelphi and Savoy Conservation Areas. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 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 so far as practicable. 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered by the case officer to the applicant during the processing of the application. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- Reduction in the number of tables, chairs and other items and reduce the areas where tables and chairs are located.

DRAFT DECISION LETTER: APPLICATION 2

Address: 47 Villiers Street, London, WC2N 6NE,

Proposal: The temporary use of two areas along Watergate Walk each measuring 2.7m x 19.6m for the placing of 20 tables and 80 chairs in connection with the Gordon's Wine Bar, 47 Villiers Street.

Plan Nos: Site Location Plan; Proposed Plan; Furniture Specs.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on the approved drawing.
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 use the tables and chairs and, where relevant, other furniture, equipment or screening structures, hereby approved on Watergate Walk between 08.00 and 23.00.
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. (R25BD)
- 4 The tables and chairs must only be used by customers of Gordon's Wine Bar, 47 Villiers Street.
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. (R25BD)

- 5 This use of the pavement may continue until 30 June 2020. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (C25DA)
- Reason:
We cannot give you permanent permission as the area in question is, and is intended to remain, highway and we want to protect the rights of the public to the use and enjoy this area. 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 Watergate Walk the tables and chairs, and other furniture/ equipment and structures hereby approved. 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. (R25EA)
- 7 All customers using the external area the subject of this planning permission shall only be served drinks and/or food if they are seated, and shall only be served drinks and/or food by waiter service.
- Reason:
To prevent vertical drinking/eating by customers, in order 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.

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, neighbourhood plan (where relevant), 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.