

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 5 July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>25 Villiers Street, London, WC2N 6ND,</b>		
<b>Proposal</b>	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.		
<b>Agent</b>	Planning Potential		
<b>On behalf of</b>	Pret A Manger		
<b>Registered Number</b>	16/03929/TCH	<b>Date amended/ completed</b>	3 May 2016
<b>Date Application Received</b>	28 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Adelphi		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

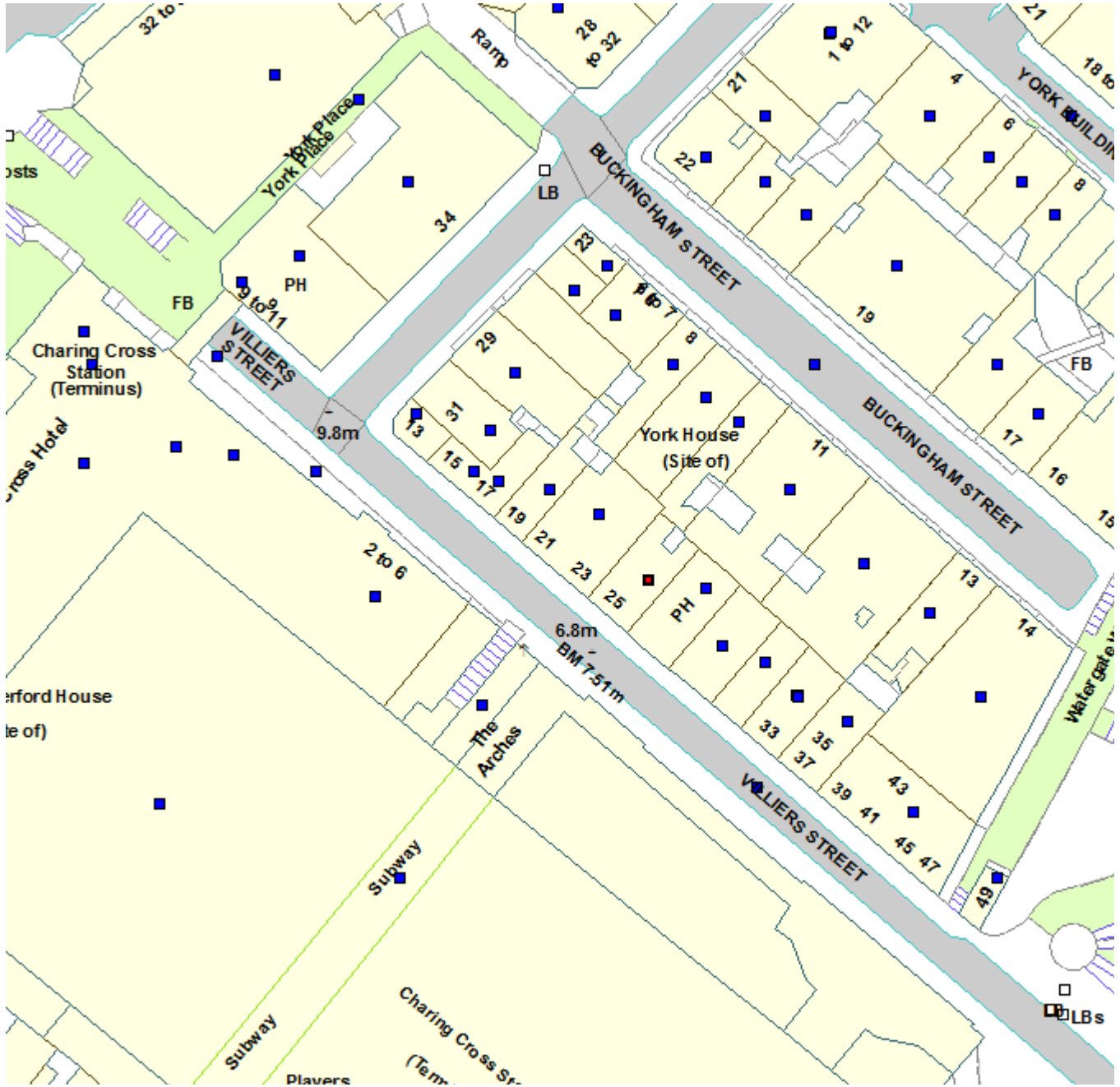
25 Villiers Street comprises of basement, ground and four upper floors. The basement and ground floor are occupied by Pret A Manger as a sandwich shop. The upper floors are in residential use with the entrance to the flats at 23A Villiers Street.

Permission is sought to use 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 sandwich shop. Permission has previously been granted for these tables and chairs in 2010, 2011, 2012, 2013 and 2014.

The key issue in this case is the impact on neighbouring residential amenity.

The proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

### 3. LOCATION PLAN



4. PHOTOGRAPHS



25 Villiers Street

## 5. CONSULTATIONS

WESTMINSTER SOCIETY  
No objection

HIGHWAYS PLANNING  
No Objection

CLEANSING  
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS  
RECEIVED

No. Consulted: 24  
Total No. of replies: 1  
No. of objections: 1  
No. in support: 0

One letter of objection received from a neighbouring resident in 23a Villiers Street on the grounds that the proposal will add to the congestion on the street, will obstruct the entrance to 23a (residential property) and will set a precedent for other outdoor seating on Villiers Street which is already extremely busy.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application property comprises basement, ground and four floors. The basement and ground floor are occupied by the sandwich shop Pret A Manger. The upper floors are in residential use with the entrance to the flats at 23A Villiers Street. Villiers Street is a busy thoroughfare linking Strand and Embankment and is characterised by a mix of commercial uses at ground floor level.

### 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

#### 13/03492/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                      12 June 2013

12/02114/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 16 May 2012

## 7. THE PROPOSAL

Permission is sought to renew previous identical permissions for the 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 sandwich shop. Permission has previously been granted for these tables and chairs in 2010, 2011, 2012, 2013 and 2014.

## 8. DETAILED CONSIDERATIONS

### 8.1 Residential Amenity

The upper floors of the application site are in residential use. The entrance to these flats is located at 23A Villiers Street which is located adjacent to the shop entrance for Pret a Manager. A letter of objection has been received from an occupier of one of the flats at 23A Villiers Street principally on the grounds that the retention of the external seating obstructs the residential entrance doorway. The concerns of the neighbour are noted however the plans show that there is sufficient room for the tables and chairs in this location. Given the small number of tables and chairs in this location it is considered unreasonable to refuse the application on amenity grounds. However it is recommended that an informative is added to the decision notice reminding the applicant to keep the tables and chairs within the defined area to avoid conflict with the residential entrance.

The hours of opening of the premises are between 07.00 to 19.00 Monday to Friday, 09.00 to 18.00 Saturday and 09.00 to 18.00 Sunday. It is proposed to place the tables and chairs on the highway during these times. Given the busy nature of this section of Villiers Street it is not considered that the proposed tables and chairs would have neither an adverse effect on residential amenity nor the surrounding properties, given the commercial nature of the properties at ground floor level and the close proximity to Charing Cross Station. It is recommended that the hours are secured by condition and that permission is granted for a further one year period to monitor the situation.

### 8.2 Highways planning

The proposed tables and chairs will occupy an area with a depth of 0.7m. The area of footway from the building line to the bollards is 2.5m. This area accommodating the tables and chairs would therefore leave a clear passage of 1.9m. Despite the adoption of the SPG entitled 'The Westminster Way', which normally requires 2 metres of clearance, it is considered that given the previous permission granted in this location and the semi pedestrian character of Villiers Street the proposal is acceptable in highway terms. The objection that the proposal will add to congestion in Villiers Street is therefore not supported.

The objector is concerned that allowing a tables and chairs in this location will set a precedent. However as each future application for tables and chairs on Villiers Street would be assessed on its own merits it is not considered that an objection on these grounds could be supported.

### **8.3 Economic Considerations**

The external seating is likely to generate additional trade for the shop unit.

### **8.4 Access**

Not applicable

### **8.5 Other UDP/Westminster Policy Considerations**

Not applicable

### **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

## **9. BACKGROUND PAPERS**

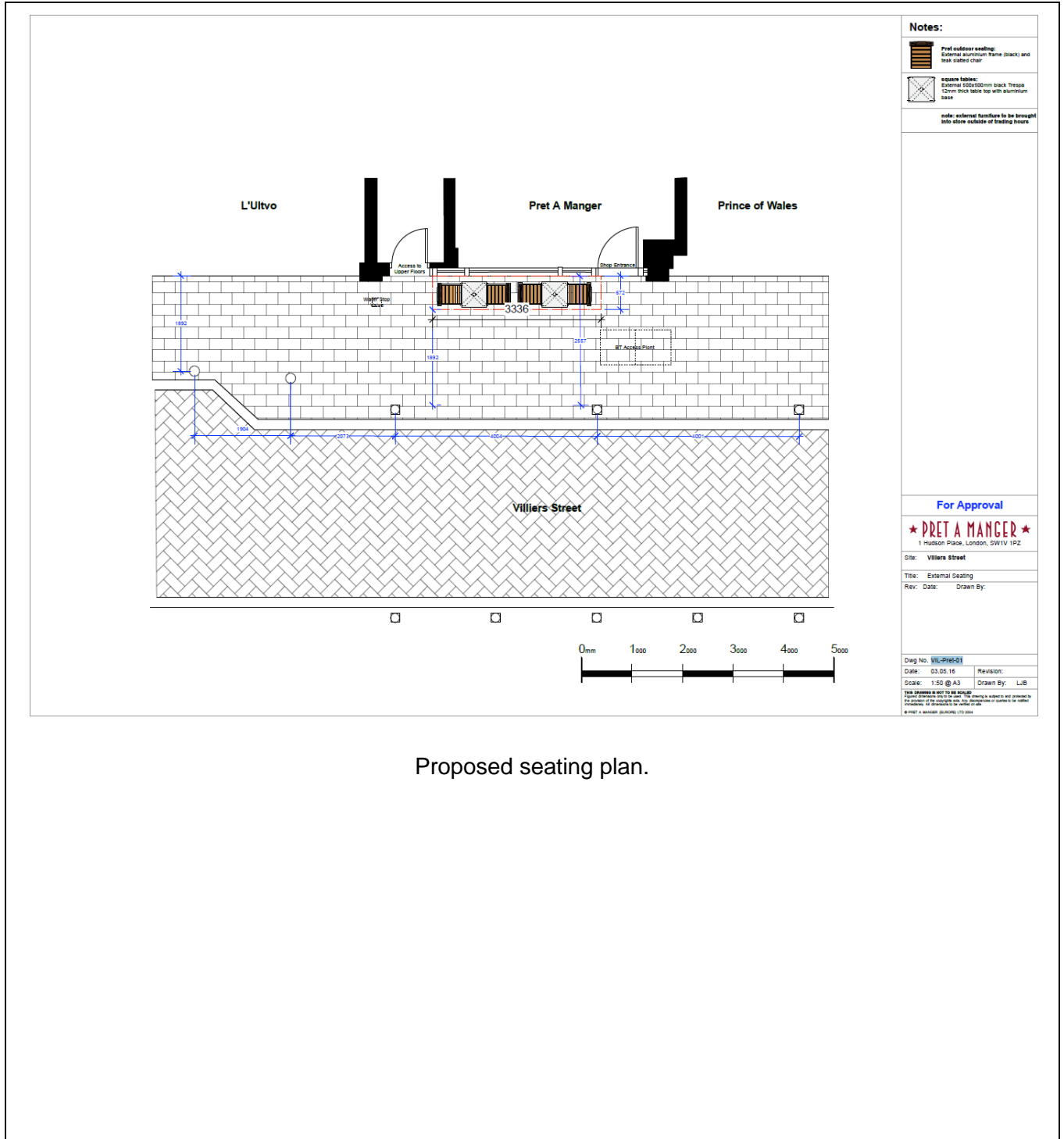
1. Application form
2. Letter from Westminster Society, dated 24 May 2016
3. Memorandum from Cleansing dated 15 June 2016
4. Memorandum from Highways Planning Manager dated 15 June 2016
5. Letter from occupier of Villiers Street Flat 8, 23A, dated 15 May 2016

### **Selected relevant drawings**

(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](mailto:mmason@westminster.gov.uk).

KEY DRAWINGS



Proposed seating plan.

**DRAFT DECISION LETTER**

**Address:** 25 Villiers Street, London, WC2N 6ND,

**Proposal:** 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.

**Plan Nos:** Site location plan, PAM-11-03-01; VIL-PRET-01 - , Furniture schedule, Design and Access Statement, Management plan for outdoor seating areas, Impact statement.

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 020 7641 1091

**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 in any other position than that shown on drawing PAM-11-03-01. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)



- 5 This use of the pavement may continue until 31 July 2017. 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: Strategic Policies adopted November 2013 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 PAM-11-03-01. 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.

**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: Strategic Policies adopted November 2013, 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 reminded that the tables and chairs hereby approved must not encroach in front of the residential entrance at 23A Villiers Street. You must manage the tables and chairs to ensure that the tables and chairs are used responsibly and do not cause a pedestrian obstruction.