

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 May 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	3 Norris Street, London, SW1Y 4RJ		
Proposal	Use of an area of public highway measuring 10.6m x 2.95m for the placing of 20 tables, 44 chairs, 4 planters, 2 fabric barriers, a menu board and a space-heater in connection with the operation of the unit at basement, ground and mezzanine floors of 3 Norris Street.		
Agent	Mr Jake Geczy, Gerald Eve.		
On behalf of	The Crown Estate		
Registered Number	19/01794/TCH	Date amended/ completed	18 March 2019
Date Application Received	8 March 2019		
Historic Building Grade	Unlisted		
Conservation Area	Haymarket		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

3 Norris Street is an unlisted building located in the Haymarket Conservation Area, the Core Central Activities Zone and the West End Stress Area. The site is part of the redevelopment site of St James's Market. The basement and ground floor of 3 Norris Street is operating as a restaurant and there is a current application to change the use of the unit to a composite pub/restaurant (also on this sub-committee agenda). Norris Street is pedestrianised.

Planning permission is sought for the placing of 20 tables, 44 chairs, 12 planters, 6 fabric barriers, one menu board and one space-heater. The site has a history of temporary planning permission for varying amounts of outdoor furniture dating back to 2015.

The key issues in this case are:

- the impact of the proposals on pedestrian movement and cleansing operations
- the impact of the proposals on the amenity of the area generally.
- The most recent temporary consent was granted on 26 November 2018 for the placing of 12 tables, 24 chairs, 4 planters and 1 barrier in an area of the public highway measuring 2.80m x 9.98m.

The new scheme will increase the area to 2.95m x 21.23m and the quantity of outdoor furniture to 44 chairs, 20 tables, 12 planters, 6 fabric barriers, one menu-board and one heater.

In land use terms, the principle of the temporary use of the public highway for outdoor seating in connection with the existing restaurant (or the pub/restaurant if granted planning permission) is acceptable.

The outdoor furniture would be stored inside the unit outside the hours of 08.00 to Midnight except for four planters, which would be secured adjacent to the shopfront and immovable between the hours of Midnight and 08.00.

The proposed tables, chairs and other associated furniture are considered to be acceptable in design terms due to their low height, and they will have a minimal impact on the appearance of the surrounding area.

Policies S41 of the Westminster City Plan (2016), TACE 11 and TRANS 3 of the Council's Unitary Development Plan (adopted in 2007) and the Westminster Way do not permit development where it would not maintain the free and safe passage of pedestrians or would obstruct or endanger pedestrians. The Highways Planning Manager is concerned that the extra tables and chairs on the corner where St Albans Street meets Norris Street, could potentially obstruct pedestrian desire lines.

The junction of Norris Street with St Alban's Street forms a large fully pedestrianised place. The proposed scheme will leave more than several metres of clearway for pedestrians exceeding the 2m requirement set out in the supplementary planning guidance Westminster Way adopted in September 2011 and is not considered to create an unacceptable level of obstruction to movement. In addition, the property directly opposite does not have a similar type of use. Therefore, in this instance the extension of the area for outdoor furniture at the corner is considered appropriate and the use of this corner will contribute to enlivening the public realm.

UDP policy TACE 11 recognises that al fresco eating and drinking is popular and provides opportunities for visitors, residents and workers to experience and contribute to the vibrancy and character of an area. The area is mainly in office use with restaurants and retail at ground floor levels. The extended external seating area providing up to 44 covers would support the attractiveness of this newly redeveloped area by making it more lively. There are no residential properties in the neighbouring buildings and subject to the external seating only being used in the hours set out in the conditions, the application is acceptable in amenity terms.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan and is therefore acceptable in land use, design and amenity 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



3 Norris Street

5. CONSULTATIONS

WESTMINSTER SOCIETY
Any response to be reported verbally.

WASTE PROJECT OFFICER:
No objection.

HIGHWAYS PLANNING MANAGER:
Undesirable but could be made acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43
Total No. of replies: Any replies to be reported verbally.
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

18/08733/TCH

Use of an area of the public highway measuring 2.80m x 9.98m for the placing of 12 tables, 24 chairs, 4 planters and 1 barrier in connection with the existing restaurant.
Application Permitted 26 November 2018

17/07986/TCH

Use of an area of the public highway measuring 2.8m x 10.53m for the placing of 24 chairs, 12 tables, 4 planters and 1 fabric barrier in association with the ground floor level A3 unit at 3 Norris Street.
Application Permitted 23 October 2017

16/08668/TCH

Use of the public highway measuring 2.8m x 10.53m for the placing of 12 tables and 24 chairs, four planters and one fabric barrier in connection with Veneta (3 Norris Street).
Application Permitted 14 November 2016

15/05345/TCH

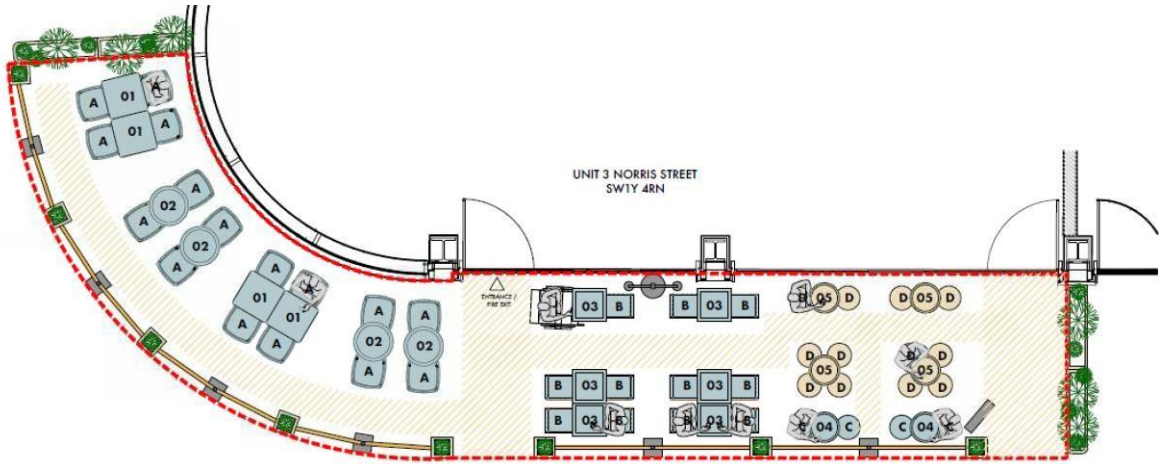
Use of an area of the public highway measuring 2.8m x 10.53m for the placing of 30 chairs, 10 tables, 4 planters and 1 fabric barrier in association with the ground floor level A3 unit at 3 Norris Street.
Application Permitted 21 September 2015

Item No.

4

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: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk
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Proposed outdoor seating plan



Proposed elevation

DRAFT DECISION LETTER

Address: 3 Norris Street, London, SW1Y 4RJ

Proposal: Use of an area of public highway measuring 10.6m x 2.95m for the placing of 20 tables, 44 chairs, 4 planters, 2 fabric barriers, a menu board and a space-heater in connection with the operation of the unit at basement, ground and mezzanine floors of 3 Norris Street.

Reference: 19/01794/TCH

Plan Nos: ID-PL-001 Rev. A; ID-PL-002 Rev. A; ID-PL-003 Rev. A; ID-PL-004 Rev. A; ID-PL-005 Rev. A; ID-PL-006 Rev. A; ID-PL-007 Rev. A; ID-PL-008 Rev. A; ID-PL-009 Rev. A; ID-PL-010 Rev. A; ID-PL-012 Rev. A; ID-PL-014 Rev. A; ID-105.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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, chairs and other associated street furniture in any other position than that shown on drawing ID-PL-004 Rev A.

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, chairs and barrier on the pavement between 8:00 and Midnight, except the four planters, which have been agreed to be kept secured and immovable between the hours of Midnight and 08.00 in the position shown on drawing number: ID-PL-014 Rev A.

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 the basement and ground floor unit at 3 Norris 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 (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 31 May 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, 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, chairs, barriers, menu board, heater and planters shown on drawing number ID-PL-014 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. (R25EA)

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.

- 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)

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.