

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 March 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	190 Strand, London, WC2R 1AB		
Proposal	Use of an area of the public highway measuring 9.9m x 1m for the placing of two tables and four chairs in connection with the ground floor coffee shop.		
Agent	CAPS Group		
On behalf of	Roasting Plant (UK) Ltd		
Registered Number	19/09789/TCH	Date amended/ completed	30 January 2020
Date Application Received	16 December 2019		
Historic Building Grade	Unlisted		
Conservation Area	Strand		

1. RECOMMENDATION

1. Grant conditional permission.

2. SUMMARY

190 Strand comprises of residential blocks, Clement House, Wren House, Gladstone House, Milford House and Savoy House, fronting Strand, Arundel Street, Maltravers Street and Milford Lane, one restaurant fronting Arundel Street, two retail units fronting Strand, a leisure centre and a business centre. The building is unlisted but within the Strand Conservation Area and the Core Central Activities Zone.

The application proposal relates to one of the ground floor retail units fronting the Strand.

Planning permission is sought for the use of the public highway for the placing of two tables and four chairs in an area measuring 9.9m x 1m.

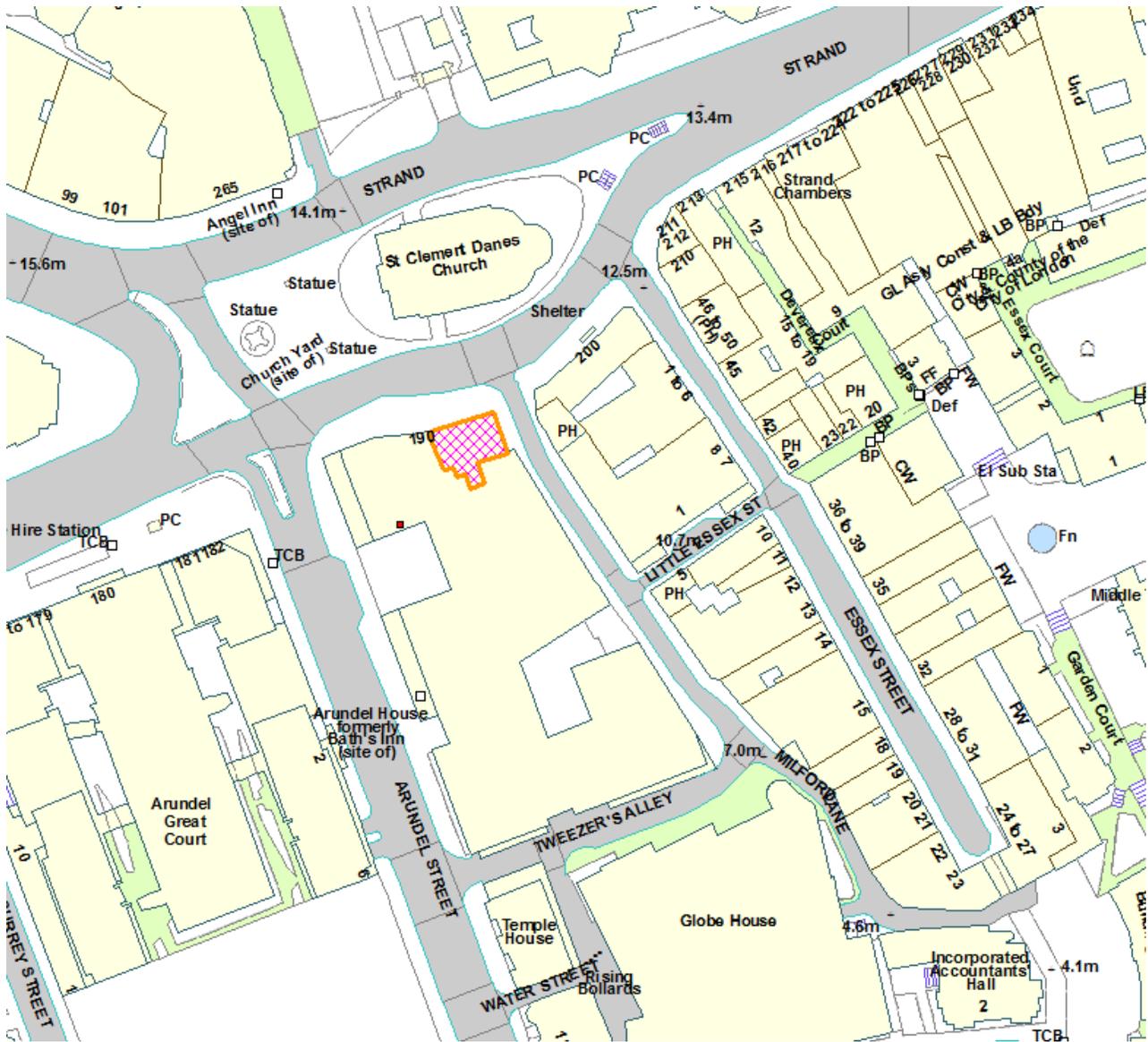
The key issues for consideration are:

- The impact on the amenity of surrounding residents;
- The impact on the surrounding public highway; and
- The impact on the character and appearance of the building and Strand Conservation Area.

Objections have been received from the occupiers of the residential flats on the upper floors of the building, principally on noise, disturbance, littering and security grounds. However, it is considered that the issues raised can be suitably mitigated by the recommended conditions, which are discussed in the report and set out in the draft decision letter appended to this report.

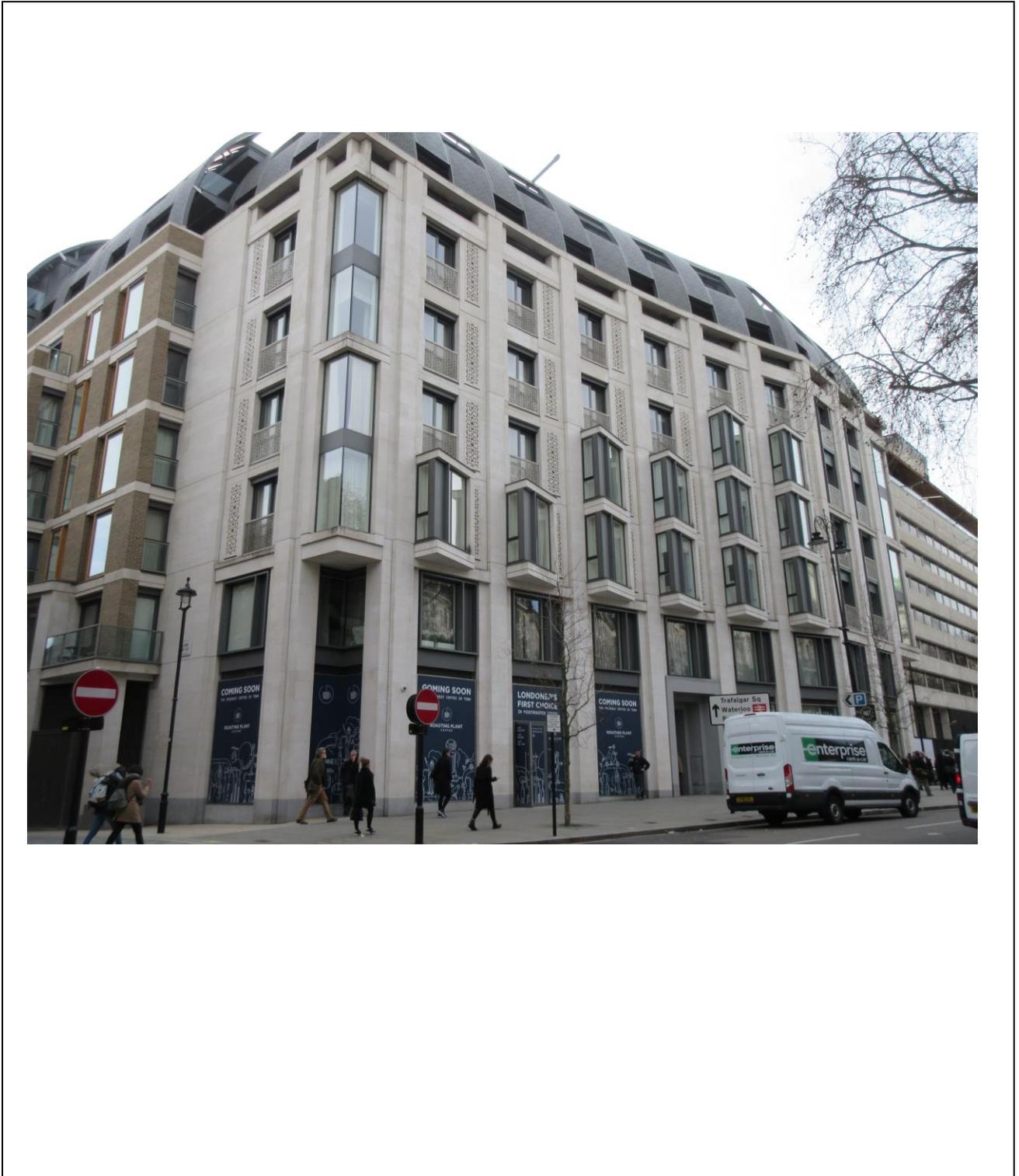
Subject to these conditions, the proposed use of the pavement area for the placing of tables and chairs is considered acceptable in amenity, highways and design and conservation area terms and in accordance with the Westminster City Plan and Unitary Development Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL APPLICATION

WESTMINSTER SOCIETY:

Any comment received to be reported verbally to committee by officers.

HIGHWAYS PLANNING:

No objection subject to conditions.

WASTE PROJECT OFFICER:

No objection, subject to condition to ensure that all furniture is removed at the close of business each day.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 47

Total No. of replies: 11

No. of objections: 11

No. in support: 0

Amenity

- increase in litter
- increase in noise and disturbance.
- smoke and smells.
- raised security issues.
- side entrance would be obstructed by people using the tables and chairs.
- Milford Lane is a very quiet area.
- loss of privacy.
- no other outdoor seating in the immediate area.

Design

- outdoor seating would have a negative on the design of the building and immediate neighbourhood.

Other

- proposal devalues image of the building and is inappropriate for the building or residents.

REVISED SUBMISSION – AREA OF HIGHWAY AND NUMBER OF TABLES AND CHAIRS REDUCED

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 47

Total No. of replies: 7

No. of objections: 7

No. in support: 0

Amenity

- object to principle of placing tables and chairs outside the building.
- litter
- smoking, noise and rubbish.
- reducing the seating area does not remove previous objection.
- security issues as possible tailgating will occur to access entry into the flats.

Highway

- reduced pavement width.

Other

- the adjacent pub does not have tables and chairs.
- will set a precedent for other eateries and bars along the busy part of the Strand and Milford Lane to have tables and chairs.
- building designed not to have outdoor seating.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

190 Strand is predominately a residential block comprising of Clement House, Wren House, Gladstone House, Milford House and Savoy House with frontages on the Strand, Arundel Street, Maltravers Street and Milford Lane. At ground floor level there is one restaurant fronting Arundel Street, two retail units fronting Strand, a leisure centre and a business centre.

The building is unlisted but within the Strand Conservation Area and the Core Central Activities Zone.

The application proposal relates to the ground floor commercial unit fronting the Strand and nearest to Milford Lane. There are residential flats immediately above the unit. Located to the east of the Strand this area is quieter in terms of commercial activity when compared to the western part of the Strand.

6.2 Recent Relevant History

10/01280/FULL

Demolition of all existing buildings (fronting Strand, Arundel Street, Maltravers Street and Milford Lane) and redevelopment to provide one new building comprising basement

levels, ground and part 7/ part 8/ part 9 storeys and one new building comprising basement levels, ground and 8 storeys to provide 206 residential dwellings (Class C3), two retail units (Class A1) fronting Strand, one restaurant (Class A3) fronting Arundel Street, a leisure centre, a business centre, car parking for 200 cars, servicing area, new access, public courtyard, landscaping, highways alterations and other associated works.

Application Permitted 15 March 2012

7. THE PROPOSAL

Planning permission is sought for the use of the public highway for the placing of two tables and four chairs in an area measuring 9.9m x 1m.

The application initially sought permission for four tables, eight chairs and eight canvas barriers and a waste bin in an area measuring 12.56m x 1.74m. However, during the course of the application and in response to objections, the proposal was amended to provide two tables and four chairs and omit the canvas barriers and bin in a reduced area of public highway.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of the unit is for Class A1 purposes. The proposed tenant is 'Roasting Plant (UK) Limited'. The tables and chairs are to be set against the face of the building, either side of the entrance to the unit in a configuration of one table and two chairs. The proposed hours of opening of the unit is from 0700 to 1900 hours, although the 2012 scheme approved opening hours for the Class A1 units from 0700 to 2200 hours (Condition 17). The applicant had sought to place the tables and chairs on the pavement area from 0700 to 1900 hours daily, but this has now been amended and the hours proposed are from 0900 and 1700 hours, Monday to Friday only which will be secured by condition.

When not in use the tables and chairs will be stored within the premises.

Objections have been received from the residential occupiers of the upper floor flats on the grounds that the proposed tables and chairs are not suitable for the area or for the building. The principle of placing of tables and chairs on the pavement area in connection with the existing retail unit is considered acceptable. The merits of the proposal are considered on a case by case basis, and in this instance the proposal has been amended to reduce the number of tables and chairs, the area of public highway to be used and the hours sought.

The unit adjacent to the application site is to be occupied by 'Pret a Manger'. One of the objectors has commented that there are no tables and chairs outside this unit, or outside the Public House opposite the site on Milford Lane. There have been no applications for tables and chairs for the unit adjacent to the application site nor for the Public House on Milford Lane but if one were to be received, they would be assessed on their own planning merits.

8.2 Townscape and Design

Details of the type of tables and chairs to be used have been submitted with the application. The furniture will comprise of charcoal grey powder coated steel and cast aluminium round tables and graphite grey chairs. The proposed tables and chairs are not considered to have an adverse impact on the character and appearance of the building or on the character and appearance of the wider conservation area.

8.3 Residential Amenity

There are two retail units on the Strand frontage. Either side of the retail units is a residential entrance into the flats immediately above. There is also a main entrance to the flats on Arundel Street.

Objections have been raised by residential occupiers that the tables and chairs are not suited to this location due to the consequential noise, disturbance, litter and smells that would be caused through the use of the outdoor seating.

This section of the Strand has a lower level of commercial activity when compared to the western end of the Strand. However, commercial uses have been integrated within the ground floor of the site as part of the overall 190 Strand development. Although there are no other tables and chairs in the immediate vicinity of the application site at present, the adjacent ground floor retail unit could at a future date apply for permission for tables and chairs, as could the pub opposite. The applicant has responded to the resident's objections by reducing the number of tables and chairs and hours of use sought which will help mitigate any potential disturbance and noise to the flats above. In addition, the applicant has submitted an Operational Management Plan, which details how the operator will manage the tables and chairs when in use. This includes clearing the outside seating of any rubbish, ensuring the tables and chairs are maintained in the areas shown on the submitted plan and that the outdoor seating is only used by customers. On this basis the proposal is recommended for a one-year temporary period so that the impact of the tables and chairs can be assessed and reviewed in twelve months' time.

Other concerns raised by residents are loss of privacy and the smells/smoke which could result from customers using the tables and chairs. The tables and chairs are to be placed immediately in front of the retail unit, and as such would not have any direct views into the residential units. Regarding resident's concerns that smells and smoke from the tables and chairs below would harm their enjoyment of their homes and prevent them from opening their windows, the Strand is a main thoroughfare for vehicular traffic and even without tables and chairs this does not prevent people from standing outside smoking and eating. Even with people seated at the tables (which would be a maximum of four at any one time) it is not considered that any potential smells or smoke would be sufficient to cause a nuisance to residents. Accordingly it is considered that, subject to the Council's normal conditions controlling the use of tables and chairs on the public highway plus in this case an Operational Management Plan (OMP), the application is acceptable and conditional permission is recommended for a one-year temporary period so that the impact of the tables and chairs can be reviewed at the end of that time.

8.4 Highways

The pavement area in front of the application site measures approximately 7m from building line to kerb edge, and at its widest point measures approximately 8.3m. The proposed tables and chairs would occupy an area 1m deep by 9.9m wide. The depth of the area accommodating the seating would leave an unobstructed area of 6m, which satisfies the minimum requirement of a 2m clear area as specified in Westminster Way (2011). In addition, the Strand is a busy thoroughfare and, in this location, a clear area higher than 2m is normally required. In this instance the provision of a clear area of 6m more than satisfies the minimum standard.

Conditions are recommended to ensure that the tables and chairs are placed in accordance with the approved plan, and outside the approved hours they will be removed from site and stored within the unit.

8.5 Economic Considerations

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

8.6 Access

There is existing level access into the building.

8.7 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.8 Neighbourhood Plans

There are currently no neighbourhood plans applicable to the assessment of this application.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

Environmental Impact Assessment not required.

8.13 Other Issues

Crime and security

Residents are concerned that the use of the tables and chairs would cause a security risk, with people congregating near the residential entrance and possibly creating a distraction, which may enable people to enter the residential parts unlawfully.

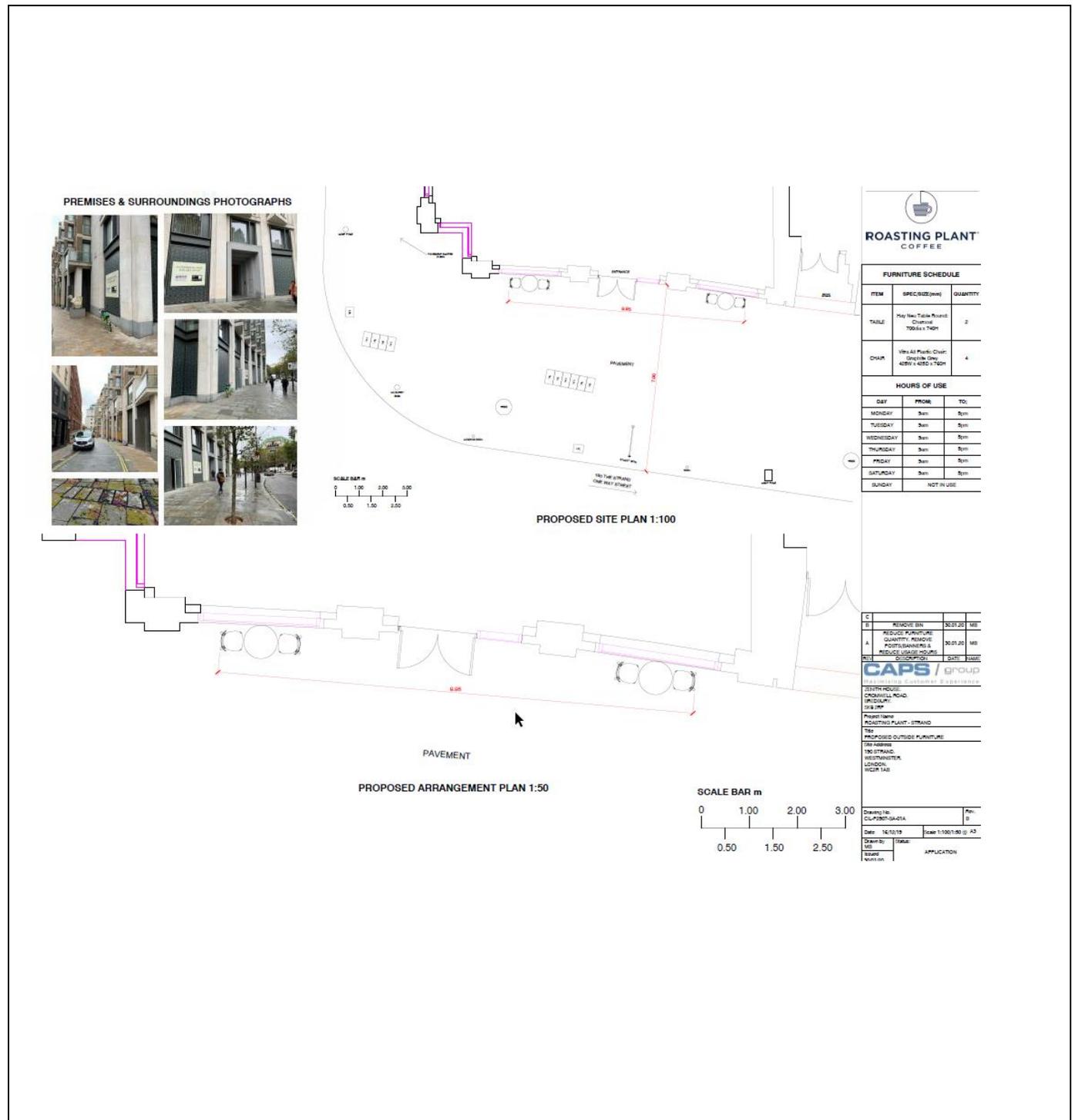
The residential entrance on the Strand is recessed and located in the middle of the two retail units. Whilst this is a concern for residents it is not considered that the use of the tables and chairs on their own would be a cause of a security breach into the flats.

It is not uncommon for tables and chairs, which are located on the pavement area in front of a ground floor retail unit, to also be located within close proximity of residential entrances serving upper floors. In this case the tables and chairs are set away from the entrance and in no way impede access to the residential entrance. The Operational Management Plan that has been submitted by the applicant (and secured by condition) will ensure that members of staff would be alerted to any issues that may arise but would nevertheless monitor the use of the tables and chairs.

(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: ZULEKHA HOSENALLY BY EMAIL AT zhosenally@westminster.gov.uk

9. KEY DRAWINGS



Item No.

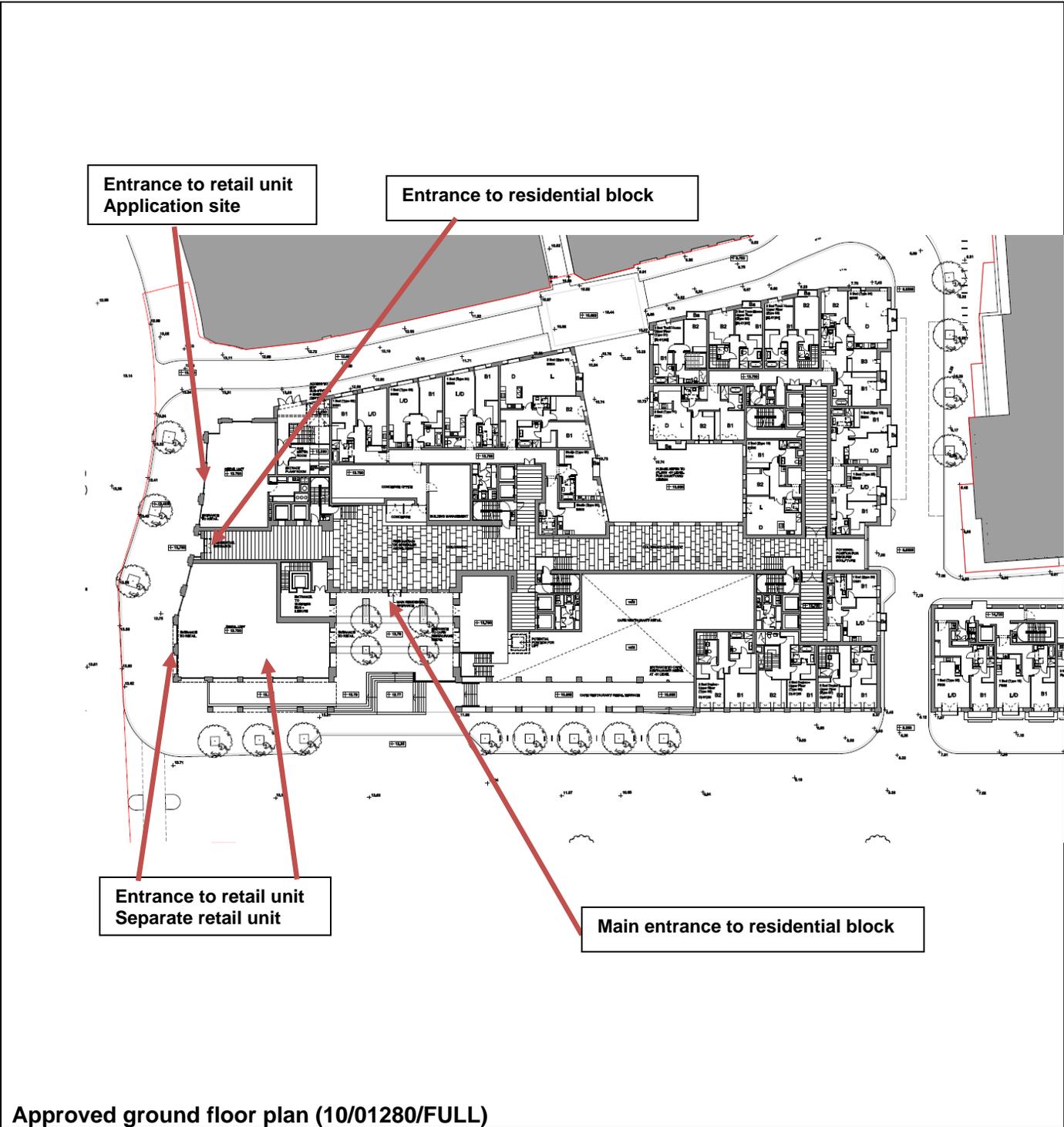
3



Chair Specification



Table Specification



Approved ground floor plan (10/01280/FULL)

DRAFT DECISION LETTER

Address: 190 Strand, London, WC2R 1AB

Proposal: Use of the public highway measuring 9.9m x 1m for the placing of two tables and four chairs in connection with the ground floor coffee shop.

Reference: 19/09789/TCH

Plan Nos: Site location plan, CIL-P2907-SA-01A Rev. B and specification of tables and chairs.

Case Officer: Zulekha Hosenally

Direct Tel. No. 07866037615

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 and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing CIL-P2907-SA-01A Rev. B. (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 and, where relevant, other furniture, equipment or screening hereby approved on the pavement between 0900 hours to 1700 hours on Monday to Friday only. (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. (R25BD)

- 4 The tables and chairs must only be used by customers of the ground floor retail unit (Class A1) occupied by 'Roasting Plant Coffee', 190 Strand, WC2R 1AB. (C25CA)

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 This use of the pavement may continue until 31 March 2021. 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 and chairs and, where relevant, other furniture, equipment or screening hereby approved shown on drawing CIL-P2907-SA-01A Rev. B. 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 You must manage the tables and chairs hereby approved at all times in accordance with the management plan titled 'Operational Management Plan - Outdoor Seating', including the supervision of the tables and chairs by a member of staff at all times during the hours of 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, 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, which can be applied for at the following link: [www.westminster.gov.uk/tables-and-chairs-licence.](http://www.westminster.gov.uk/tables-and-chairs-licence), , If you want to know about the progress of your application for a licence, you can contact our Licensing Service by email to streettradinglicensing@westminster.gov.uk. 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.
- 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.