

JT/TB/P21-0577

10 June 2021

Planning Service  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 9SD

Dear Planning Services,

**Town and Country Planning Act 1990 (as amended)**  
**Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)**  
**319 Regent Street, Marylebone, London, W1B 2HU**

Pegasus Group are instructed on behalf of Farmer J's ('the Applicant') to submit a full planning application for the following development at 319 Regent Street, Marylebone, London, W1B 2HU:

*"Use of an area of the public highway measuring 9.785m x 1.96m and 6.07m x 1.96m for the placing of 12 tables and 24 chairs in connection with the proposed ground floor use."*

Accordingly, the following documentation has been submitted via the Planning Portal (PP-09928628):

1. Planning Application Form, including relevant Ownership Certificates;
2. CIL Form;
3. Architectural Drawings (prepared by Holland Harvey):
  - a. Site Location Plan (drawing no. 0000 rev. 00);
  - b. Site Block Plan (drawing no. 0001 rev. 00);
  - c. Existing Ground Floor Plans (drawing no. 0100 rev. 00);
  - d. Existing Elevations (drawing no. 0300 rev. 00);
  - e. Proposed Ground Floor (drawing no. 2100 rev. 00);
  - f. Proposed Elevations (drawing no. 2300 rev. 00);
4. Planning Assessment (included within this letter);
5. Heritage Assessment (prepared by Pegasus Group).

The requisite application fee will be submitted to the Council under separate cover.

## Pegasus Group

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 **DESIGN** **ENVIRONMENT** **PLANNING** **ECONOMICS** **HERITAGE**

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## Site Description

The application site comprises a ground floor and basement commercial unit, known as 319 Regent Street which is located on the western side of Regent Street, on the southern corner with Cavendish Place. The ground floor and basement of the unit are currently vacant, previously occupied by 'Eat', who operated the unit as a sandwich shop (Class E).



**Figure 1: Image of the front elevations of the Site**

The host building is four storeys in height, with two tiers of dormers. The elevations fronting Regent Street and Cavendish Place are of stone with slate roof in a classical style, with window bays on both elevations. The site also benefits from a basement elevation along Cavendish Place, which is accessed via an existing external staircase.

According to the Westminster City Plan Policies Map (2016), the site is located within the Core Central Activities Zone (Core CAZ), and the Regent Street Conservation Area.

The site is recognised as a Grade II Listed Building, forming part of a listing covering 313-319 Regent Street, 3 Cavendish Place, and 289-305 Regent Street.

The site is in Flood Zone 1, therefore is considered to have a 'low' probability of flooding.

The surrounding area is predominantly commercial in nature, comprising a mix of uses with retail units at ground floor level, and associated ancillary space and offices at upper levels. Directly to the south of the site is the University of Westminster (formerly Regent Street Polytechnic), which is another Grade II Listed Building.

## Planning History

The site has been subjected to a suite of previous planning applications. The relevant planning history is outlined below:

**84/00600/FULL and 84/00601/LBC** – *Form two larger shops at existing entrance from*

*Regent Street and re-site entrance in Cavendish Place. Granted 12 June 1984.*

**99/11407/FULL** – *Installation of new shopfront to Regent Street and Cavendish Place facades. Granted 14 April 2000.*

**99/11408/ADV** – *Installation of externally illuminated fascia and projecting signs, using bronze letters, to Regent Street and Cavendish facades. Granted 14 April 2000.*

**99/11426/LBC** – *Internal and external alterations to basement and ground floor levels, including a new shopfront and signage on the Regent Street and Cavendish Place elevations and basement air-conditioning equipment. Granted 14 April 2000.*

**03/03320/ADV** – *Display of two non-illuminated advertising banners to the façade and flank elevation. Refused 27 May 2003.*

**06/05867/TCH** – *Use of the public highway for the placing of three tables and twelve chairs on the Regent Street frontage and four tables and sixteen chairs on the Cavendish Place frontage in connection with existing premises. Granted 18 June 2007.*

**09/00159/TCH** – *Use of the public highway for the placing of seven tables, 28 chairs and four banner barriers in two areas fronting Cavendish Place measuring 3.5m x 1.85m and 4.2m x 1.85m and one area fronting Regent Street measuring 4.1m x 1.6m in connection with existing ground floor premises. Granted 16 March 2009.*

**10/04469/TCH** – *Use of the public highway for the placing of 7 tables, 28 chairs and 4 banner barriers in two areas fronting Cavendish Place measuring 3.5m x 1.85m and 4.2m x 1.85m and one area fronting Regent Street measuring 4.1m x 1.6m in connection with existing ground floor premises. Granted 21 July 2010.*

**11/05987/TCH** – *Use of the public highway for the placing of seven tables, 28 chairs and four banner barriers in two areas fronting Cavendish Place measuring 3.15m x 1.85m and 4.2m x 1.85m and one area fronting Regent Street measuring 4.1m x 1.6m in connection with existing ground floor premises. Granted 23 August 2011.*

**12/10908/TCH** – *Use of the public highway 07:00 to 22:00 daily for the placing of seven tables, 28 chairs and four banner barriers in two areas fronting Cavendish Place measuring 3.5m x 1.85m and 4.2m x 1.85m and one area fronting Regent Street measuring 4.1m x 1.6m in connection with existing ground floor premises. Granted 21 December 2012.*

**14/01783/TCH** - *Use of the public highway for the placing of seven tables, 28 chairs and four banner barriers in two areas fronting Cavendish Place measuring 3.15m x 1.85m and 4.2m x 1.85m and one area fronting Regent Street measuring 4.1m x 1.6m in connection with existing ground floor premises. Granted 25 April 2014.*

**16/04250/TCH** - *Use of the public highway for the placing of seven tables, 28 chairs and four banner barriers in two areas fronting Cavendish Place measuring 3.15m x 1.85m and 4.2m x 1.85m and one area fronting Regent Street measuring 4.1m x 1.6m in connection with existing ground floor premises. Granted 16 June 2016.*

**18/02636/TCH** - *Use of the public highway for the placing of seven tables, 28 chairs and*

*four banner barriers in two areas fronting Cavendish Place measuring 3.15m x 1.85m and 4.2m x 1.85m and one area fronting Regent Street measuring 4.1m x 1.6m in connection with existing ground floor premises. Granted 15 May 2018.*

**20/00924/LBC** – *Internal alterations including removal of existing partitions, fixtures and fittings, erection of new partitions, boxing out, lining walls, formation of new WC, refuse cupboard and office, replacement wall finishes, floor finishes and handrails and external works including signage, three awnings and six canvas seat barriers. Withdrawn 14 May 2020.*

**20/00923/ADV** – *Display of two externally illuminated projecting sign measuring 0.75m x 0.75m, three awning signs measuring 1.397m x 5.853m. Granted 10 March 2020.*

### **Proposed Development**

This application seeks planning permission for the use of the public highway for the placement of tables and chairs to form an outdoor seating area in association with the commercial unit at 319 Regent Street.

Specifically, the proposal seeks permission to use an area of the public highway to the front and side of the unit along Regent Street and Cavendish Place in order to accommodate 12 tables and 24 chairs.

This application seeks no further works to the application site other than the placement of tables and chairs.

### **Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In regard to this application, the Development Plan for Westminster City Council comprises the Westminster City Plan 2019-2040 (2021), and the London Plan (2021).

Other material considerations that are relevant to the application proposal include the National Planning Policy Framework (NPPF) (February 2019), and relevant supplementary planning guidance including the Advertisement Design Guidelines SPD (1992) and Shopfronts, Blinds and Signs SPD (1990).

The Council's Policies Map (November 2021) identifies the site as falling within the Core Central Activities Zone (CAZ), West End Retail and Leisure Special Policy Area, and the Regent Street Conservation Area.

[Westminster City Plan 2019-2040 \(2021\)](#)

**Policy 2 (Spatial Development Priorities: West End Retail and Leisure Special Policy Area and Tottenham Court Road Opportunity Area)** states that intensification of the West End Retail and Leisure Special Policy Area will deliver an improved retail and leisure experience that responds to innovation and change in the sector, and protect the unique character of central London's distinct and iconic places and heritage assets.

**Policy 7 (Managing Development for Westminster's People)** states that development will be neighbourly by; protecting and where appropriate enhancing amenity, local environmental quality, local character, and the historic environment, not overburdening the capacity of local infrastructure, contributing to the greening of the city, improving sustainable transport infrastructure and highway conditions, and making appropriate and effective waste management arrangements.

**Policy 14 (Town Centres, High Street and the CAZ)** states that uses that provide active frontages and serve visiting members of the public will be required at the ground floor. All development within the town centre hierarchy will be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed.

**Policy 33 (Local Environmental Impacts)** seeks to ensure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment, including light, noise, vibration, odour, land contamination, and construction impacts.

**Policy 39 (Westminster's Heritage)** states that development must optimise the positive role of the historic environment in Westminster's townscape, economy, and sustainability, through conserving and enhancing heritage assets and their settings. Works to listed buildings will preserve their special interest, relating sensitively to the period and architecture detail of the building. In conservation areas, development will need to preserve or enhance the character and appearance of the conservation areas.

**Policy 43 (Public Realm)** states in relation to signs and advertisements that they will make a positive contribution to amenity or public safety by being sensitively designed in terms of their size, location and degree of illumination, their impact on the building on which they are displayed, local context, street-scene and wider townscape.

### **Planning Assessment**

This application seeks planning permission in relation to the use of part of the public highway to accommodate placement of tables and chairs forming an external seating area in association with the application site. The placement of the proposed tables and chairs has been carefully considered to ensure that there is sufficient space on the pavement in order to not cause an obstruction. It is shown on the plans that the external seating area and the existing street furniture will maintain a clearance of 2m from the edge of the outdoor seating area to the kerb (or street furniture, if closer) around the whole building, which is in line with the minimum pedestrian clear zone as required under the Westminster Way – Public Realm Strategy Design Principles and Practice (2011). It is therefore shown that the proposed placement of the tables and chairs will allow for sufficient clearance to not cause an obstruction.

By allowing for this clearance of at least 2.0m between the existing furniture and proposed tables and chairs, it will not endanger pedestrians or wheelchair users as sufficient space will be allowed for them to pass.

Based on the planning history of the site, it is clear that a precedent for external seating

at this site has been set, with the latest permission being granted in 2018 under ref. 18/02636/TCH. This also shows that a precedent for external seating has been set within the Regent Street Conservation Area and as such the proposal will be in keeping and contribute to the character of the wider area.

The surrounding area is characterised by commercial uses, with limited residential units in the nearby vicinity, the nearest being those at 6<sup>th</sup> floor of 15-19 Cavendish Place, approximately 40m to the west of the site. It is therefore considered that the use of this area for external seating will not further increase the detriment to the amenity of nearby uses. It should also be noted that the proposed tables and chairs will be removed from the public highway at close and placed securely within the unit.

It is clear from the above that the proposed development of placing table and chairs to the front and side of the unit in association with the proposed use will be in keeping with the character of the surrounding area, will not cause an obstruction for pedestrians or other passers-by, nor adversely impact the amenity of nearby residents. Therefore, the proposed development is in full accordance with Policies 33 and 48 of the City Plan 2019-2040 (2021). Consideration has also been taken in regard to other material considerations and is in accordance with the guidance of The Westminster Way: Public Realm Strategy (2011), and Tables and Chairs on the Highway SPG (2005).

### **Heritage Assessment**

The application site forms a Grade II Listed building and is located within the Regent Street Conservation Area. The proposed development has taken particular regard to ensure that it does not cause harm to the character or appearance of the wider conservation area, nor of the significance of the listed building. This application is supported by a Heritage Impact Assessment, which concludes that the proposed development will respect the character and appearance of the wider Conservation Area, and the setting and historic fabric of the host listed building.

### **Conclusion**

This application seeks planning permission for the use of the public highway for external seating.

The proposed development has carefully considered both planning policy and guidance to ensure that the development, including the placement of the tables and chairs, will not cause an obstruction to the public highway, amenity of local residents, nor harm the character of the local area.

Taking the above into consideration, it is clear that the proposed development is in accordance with national and local planning policy. I therefore trust that the above and enclosed is sufficient to allow the validation of this application and I look forward to receiving confirmation of this in due course. If you require any additional information, then please do not hesitate to contact me.

Yours faithfully,



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