

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	396 Strand, London, WC2R 0LT,		
Proposal	Use of an area of the public highway measuring 1.71m x 1.85m for the placing of 2 tables and 4 chairs in connection with the existing ground floor restaurant.		
Agent	Keystone Law Ltd		
On behalf of	Good Life (The Strand) Limited		
Registered Number	17/03486/TCH	Date amended/ completed	21 April 2017
Date Application Received	21 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 1 year.

2. SUMMARY

396 Strand is an unlisted building within the Covent Garden Conservation Area. The ground floor unit is currently in use as A3 restaurant use. Permission is sought for the use of an area of the public highway in an area measuring 1.71m x 1.85m for the placing of 2 tables and 4 chairs in connection with the existing ground floor restaurant 'The Diner'. It is proposed that the tables and chairs would be on the public highway from 09.00 to 23.00 daily in line with the restaurant opening hours.

The key issues in this case are:

- * Whether the tables and chairs will obstruct pedestrians using the public highway;
- * The impact of the outdoor seating on the amenities of neighbouring residents.

The plan shows the pavement proposed for tables and chairs to be approximately 6.6m wide from the building line to the kerb edge. The area proposed for placing tables and chairs is 1.71m wide which would leave an overall unobstructed pedestrian clearway of approximately 4.89m.

The Highways Planning Manager raised concerns as the City Council's GIS mapping system shows an existing bus stop and litter bin within this stretch of footway. However following a site visit it is evident that the bus stop and litter bin are located a sufficient distance from the application site and as such

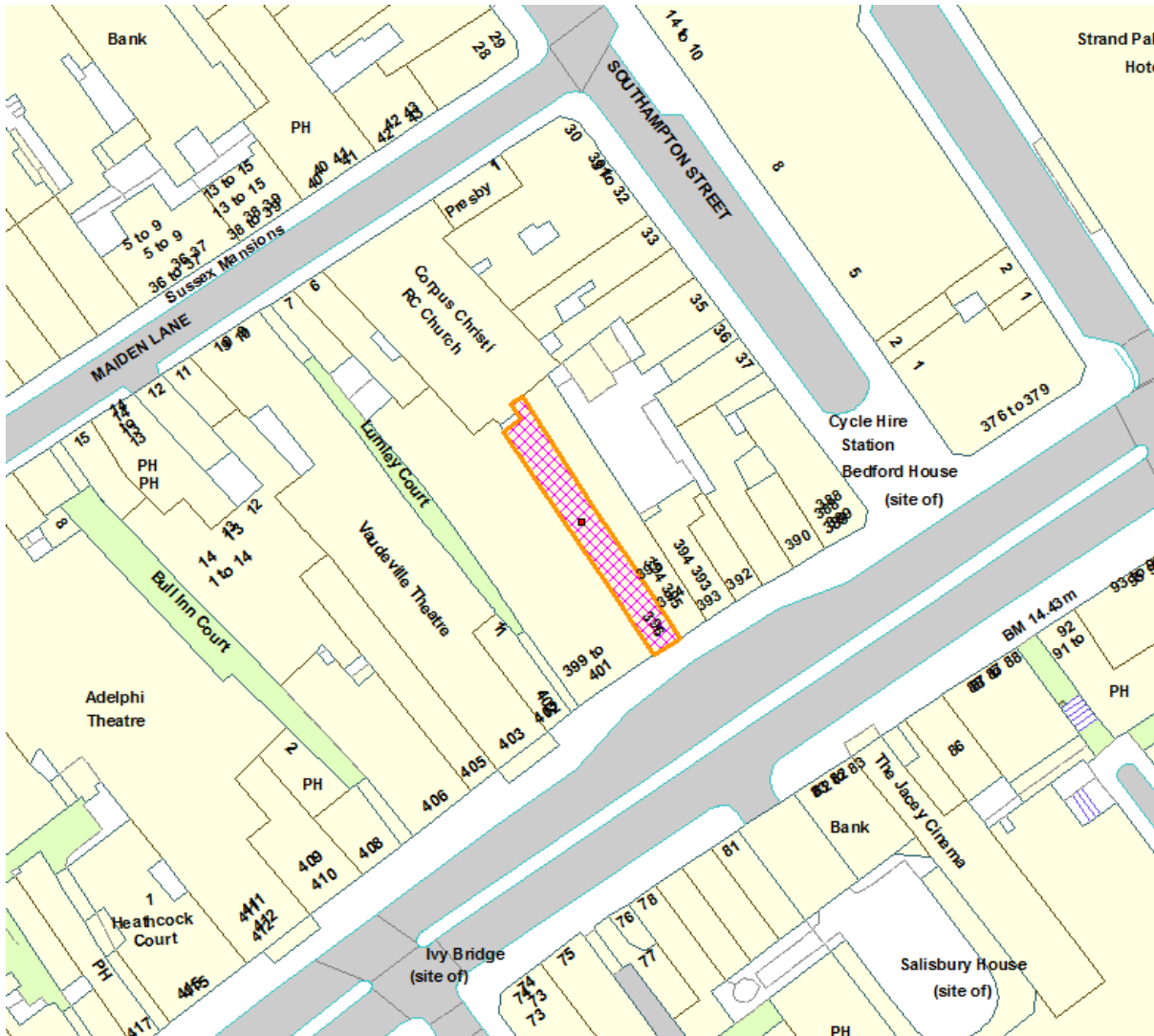
would not create any pinch points in the pedestrian clearway.

An objection has been received from the Covent Garden Community Association on the grounds that the proposed tables and chairs are located in a high-traffic area where footways are very crowded. As such, they consider that the presence of tables and chairs is inappropriate for this location and would create an obstruction on the public highway that would limit pedestrian flow. Given that the proposal would leave a pedestrian clearway of 4.89m and the fact that other premises in Strand have outdoor furniture, it is considered that a refusal on this basis would be unsustainable.

The nearest residential units are located in the upper floors of 396 Strand. No objections have been received from the residents with regards to the proposal.

The proposals are considered acceptable and in accordance with the relevant Unitary Development Plan (UDP) (January 2007) and Westminster's City Plan (November 2016) policies. The application is recommended for approval for a temporary one year basis so that the impact of the tables and chairs can be re-assessed in a year's time.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



396 Strand



396 Strand

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection, the proposed tables and chairs are located in a high-traffic area. As such, the presence of tables and chairs is inappropriate for this location and will create an obstruction on the public highway.

COVENT GARDEN AREA TRUST:

No comment

HIGHWAYS PLANNING MANAGER:

No objection. Concerns raised there is an existing bus stop and also a litter bin within this stretch of footway. The applicant will need to demonstrate that there are no pinch points in the pedestrian clearway from with these items of street furniture and the proposed tables and chairs.

CLEANSING MANAGER:

No objection.

ADJOINING OWNER/OCCUPIERS:

No. consulted: 15.

No. of responses: 0.

ADVERTISEMENT/ SITE NOTICE:

Yes.

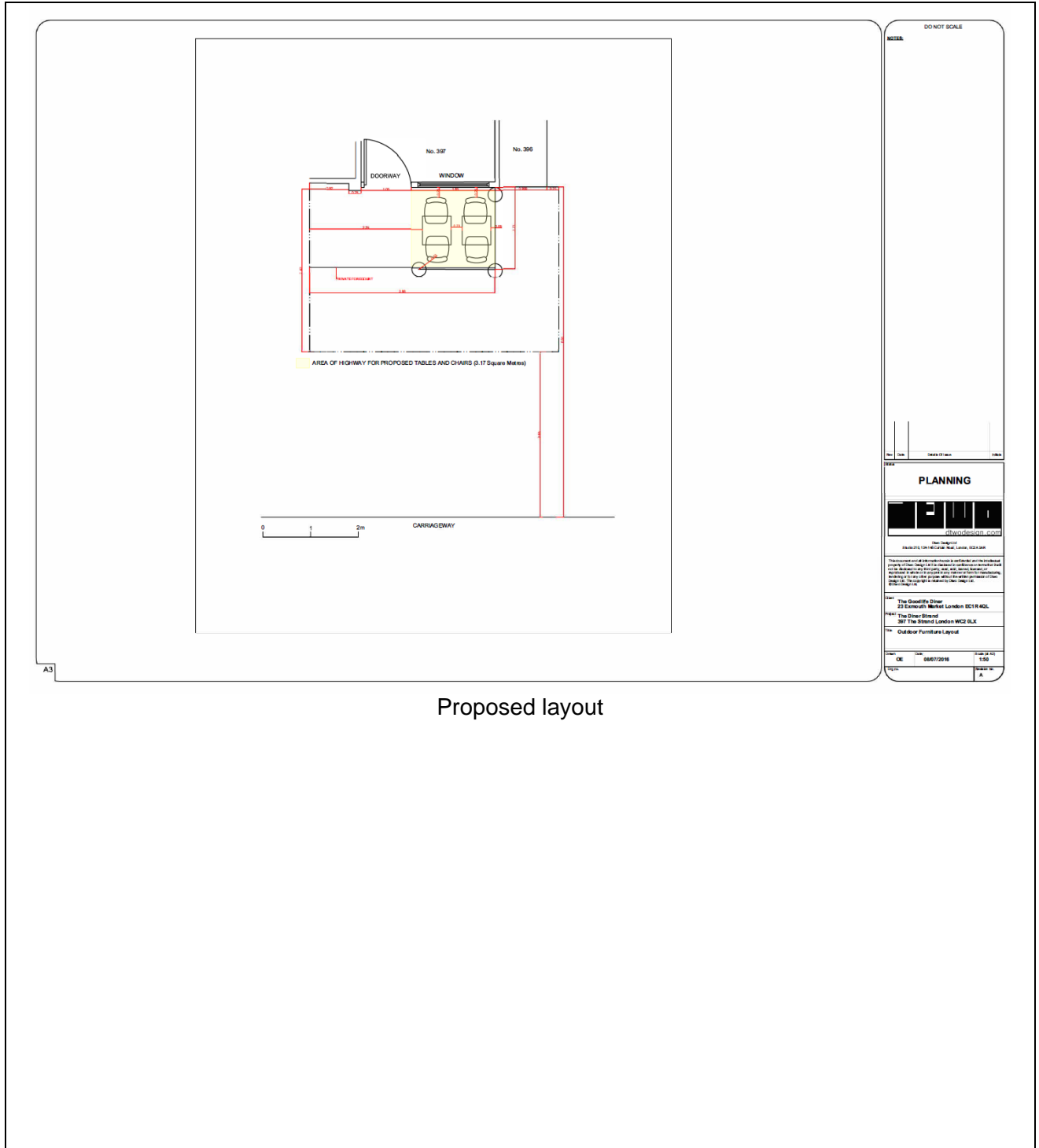
6. BACKGROUND PAPERS

1. Application form
2. Letter from Covent Garden Area Trust dated 15 May 2017
3. Letter from Covent Garden Community Association dated 16 May 2017
4. Memo from Highways Planning Manager dated 20 June 2017
5. Memo from Cleansing Manager dated 23 May 2017

(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: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk.

7. KEY DRAWINGS



Proposed layout

DRAFT DECISION LETTER

Address: 396 Strand, London, WC2R 0LT,

Proposal: Use of an area of the public highway measuring 1.71m x 1.85m for the placing of 2 tables and 4 chairs in connection with the existing ground floor restaurant.

Reference: 17/03486/FULL

Plan Nos: Outdoor Furniture layout Rev A; Site location plan.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

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 in any other position than that shown on drawing Outdoor Furniture layout Rev A. (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 on the pavement between 09.00 and 23.00. (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.

- 4 The tables and chairs must only be used by customers of the ground floor unit at 396 Strand (the diner). (C25CA)

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.

- 5 This use of the pavement may continue until 31 July 2018. 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 (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 shown on drawing Outdoor Furniture layout 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.

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, 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.