

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 11 July 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>35 The Market, Covent Garden, London, WC2E 8RF</b>		
<b>Proposal</b>	Use of an area of public highway measuring 6.5m x 10.5m for the placing of 26 tables, 52 chairs, 10 stools, 13 planters, 2 parasols, external bar area, service station and associated works in connection with Sushi Samba for a temporary period until 24 March 2024.		
<b>Agent</b>	Mrs Giuditta Martello		
<b>On behalf of</b>	Mr G Martello		
<b>Registered Number</b>	22/07788/FULL	<b>Date amended/ completed</b>	16 November 2022
<b>Date Application Received</b>	16 November 2022		
<b>Historic Building Grade</b>	The Market Building is Grade II*		
<b>Conservation Area</b>	Covent Garden		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY & KEY CONSIDERATIONS

This application seeks permission to continue placing tables, chairs, planters, two parasols, an external bar and a service station in the north east corner of the Covent Garden Piazza, in connection with Sushi Samba restaurant which is located within the Grade II\* Market Building. Outside of trading hours the bar is to be covered and the parasols closed and kept on the piazza.

Planning permission was originally granted for this outdoor dining area in December 2020. The report associated with that permission explained that the items are harmful to heritage assets and the functioning of the highway, but because of the economic challenges created by the COVID-19 pandemic, the assistance the proposal provided to economic recovery outweighed those harms and permission was granted on a temporary basis until December 2022.

The key issues in this case are:

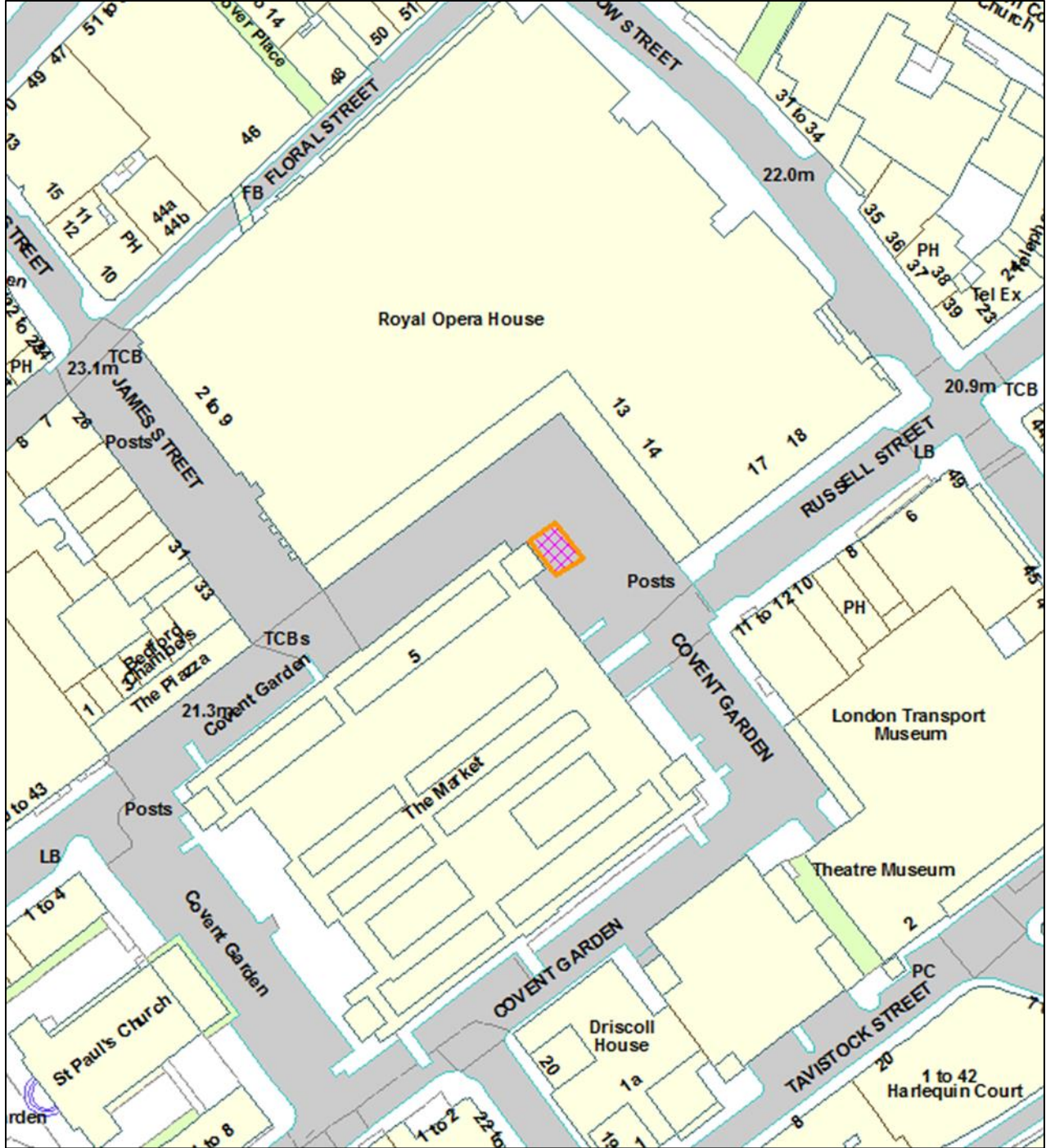
- The impact of the proposal on the setting of the Grade II\* listed Market Building, and on the

- character and appearance of the Covent Garden Conservation Area; and
- It's impact on the pedestrian environment.

The Covent Garden Area Trust have raised a strong objection to the proposal on heritage grounds and fear that granting the external trading area for another temporary period will de facto make the arrangement, and its harmful impacts, permanent.

The proposal is considered harmful in heritage and townscape terms and the keeping of some items on the Piazza out of hours has a harmful impact on the highway. However, the proposal is recommended for approval for a further temporary period until March 2024 so that its authorisation will expire at the same time as other similar external trading areas on the piazza that have been authorised over the previous two years, during the pandemic, and which cause a similar degree of harm as this proposal (notably 27B The Market in the south east corner, which has been authorised until 24 March 2024). This approach is considered appropriate and reasonable to allow a strategic approach to be taken in respect of commerce in the public realm on this side of the Covent Garden Piazza.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### COVENT GARDEN AREA TRUST

Raise an objection. The previous permission was granted for a temporary period of two years only to help businesses during the COVID-19 pandemic. The Committee report for the previous application set out that the arrangement would be unacceptable as a long-term installation, due to its impact on the setting of the Grade II\* listed market building. The renewal of the permission will render the installation permanent in all but name.

The existing set up, for which renewal is requested, is an extension of the business internal space as opposed to a traditional alfresco dining area. The large, heavy, intrusive barriers, when combined with the parasols above, create an indoor-like space which is reinforced by the presence of the large external bar. The sheer size and dominance of the furniture and structures are wildly inappropriate and heavily impact upon the setting of the Grade II\* listed market building and the character and appearance of the piazza and Covent Garden Conservation Area, contrary to Policy 39 of Westminster's City Plan, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 192 of the NPPF.

#### COVENT GARDEN COMMUNITY ASSOCIATION

Any response to be reported verbally.

#### HIGHWAYS PLANNING MANAGER

Objection. The proposed development does not secure an improved highway environment for pedestrians.

#### WASTE PROJECT OFFICER

No objection.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 89

Total No. of replies: 0

#### PRESS NOTICE/ SITE NOTICE:

Yes

### 5.2 Applicant's Pre-Application Community Engagement

The Council expects that new and emerging development proposals will be shared with local communities through open, transparent, inclusive, and responsive community engagement that occurs at the earliest possible stage. We published our Early Community Engagement guidance in February 2022 to support applicants and developers to deliver best practice community engagement in Westminster on emerging development proposals.

As this application is for the renewal of a previously approved temporary development, there is no obligation for the developer to carry out pre-application community

engagement in this instance, nor has any been carried out to the knowledge of officers.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The application site is a paved (cobble) area directly to the east of the Covent Garden Market Building, which is a Grade II\* listed building. The area is outside a commercial premises (Use Class E) used as a restaurant. It is currently operating as Sushi Samba. The site is located in the Covent Garden Conservation Area and lies within the West End Retail and Leisure Special Policy Area.

### **7.2 Recent Relevant History**

*At subject site*

On 2 December 2020, the Council granted permission for use of an area of public highway measuring 6.5m x 10.5m for the placing of 26 tables, 52 chairs, 10 stools, 13 planters, 2 parasols, external bar area, service station and associated works including

installation of new services below existing cobbles and pavement cover in connection with Sushi Samba (RN: 20/03408/FULL). The permission was temporary for a two-year period that expired in December 2022.

*At 27B The Market*

On 24 March 2022, the Council granted permission for use of 3 areas of public highway measuring 7.1m x 7.1m, 7.3m x 8.8m and 6.3m x 8.8m for the placing of 108 chairs, 24 tables, planters, windscreens, 5 parasol bases and new services below existing cobbles, installation of external service station, placement of waiter stations, external alterations to existing window in south elevation, and associated works (RN: 21/03975/FULL). The permission is temporary for a two-year period that expires 24 March 2024.

## **8. THE PROPOSAL**

The applicant proposes to place 26 tables, 52 chairs, 10 stools, 13 planters, 2 parasols, an external bar area and a service station on the paved/cobbled area in front of the north-east corner lodge of the Covent Garden Market Building. This is a renewal of the previous, now expired, planning permission dated 2 December 2020 (RN 20/03408/FULL).

The waiter station and tables and chairs will be stored within the external bar outside of opening hours (fully covered and locked), with the planters and any excess tables chairs stored within the restaurant premises in the Market Building. The two parasols will be retracted but kept in place outside out of hours.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

Policy 1 of the City Plan sets out Westminster's spatial strategy. This involves (at Part A6) supporting town centres and high streets, including centres of international importance such as the West End, to evolve as multifunctional commercial areas to shop, work, and socialise and, (at Part A7) protecting and enhancing the city's unrivalled heritage assets (including their settings), and townscape value.

Policy 2 of the City Plan sets out the spatial development priorities for the West End Retail and Leisure Special Policy Area (WERLSPA) including: (Part B) an improved retail and leisure experience that responds to innovation and change in the sector; (Part E) an enhanced pedestrian environment, public realm, and network of public transport infrastructure; and, (Part F) protection of the unique character of central London's distinct and iconic places and heritage assets.

Policy 14 of the City Plan sets out the approach to be taken for development in town centres and high streets. At Part A, Policy 14 requires proposals in existing town centres and high streets to enhance and diversify their offer as places to shop, work and spend leisure time. At Part C, it requires development within the town centre hierarchy to be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed. In the WERLSPA this means a wide mix of commercial uses

that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy.

Policy 43 of the City Plan requires development to contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design. It also sets out that proposals for trading from premises extending into the street (including provision of tables and chairs on the highway) will be supported where they would not: 1. harm local amenity; 2. compromise pedestrian movement or traffic conditions; and, 3. impede refuse storage and street cleansing arrangements.

Considering the above policies, the proposed tables and chairs should be supported in land use terms unless they are considered to have unacceptable impacts on Westminster's heritage assets (including their settings) and townscape value, pedestrian environment, or local amenities.

## 9.2 Environment & Sustainability

Not applicable.

## 9.3 Townscape, Design & Heritage Impact

### Legislative & Policy Context

The key legislative requirements in respect of considering this proposal's effects on designated heritage assets are as follows:

Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Policy 34 of the City Plan protects the quality, heritage and ecological value, tranquillity and amenity of open spaces in Westminster. Paragraph 34.5 sets out that this means



that development on open space must be essential and clearly ancillary to maintaining or enhancing the values of the open space.

Policy 38 of the City Plan requires development to positively contribute to Westminster's townscape and streetscape, having regard to the character and appearance of the existing area, adjacent buildings, heritage assets, the spaces around and between them and the pattern and grain of existing streets, squares, mews and passageways.

Policy 39 of the City Plan requires development to ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance, with development in the settings or affecting views of listed buildings being required to take opportunities to enhance or better reveal their significance. It also requires development in or affecting the setting of conservation areas to preserve or enhance the character and appearance of those conservation areas.

Policy 40 of the City Plan sets out that spaces and features that form an important element in Westminster's local townscape or contribute to the significance of a heritage asset will be conserved, enhanced and including important architectural details, boundary walls and railings, historic roof forms or structures, open lightwells, historic or characteristic shopfronts and street furniture, as well as squares, parks and gardens.

Policy 43 of the City Plan requires development to contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning. Additionally, this policy resists additional kiosks or other structures for the display and sale of goods outside of a market.

The Covent Garden public realm framework (February 2022), while not forming a part of the development plan itself, has been produced with current planning policies in mind and presents a vision and design principles to improve the public realm in Covent Garden.

### **Impact on Heritage Assets and Townscape**

The Covent Garden Area Trust have raised an objection on the grounds that renewing this permission would effectively begin a biennial renewal process that would make the placement of these items in the setting of the grade II\* Covent Garden Market Building permanent in all but name. Their objection also raises that the Council found the existing scheme harmful in heritage terms and only approved it for a limited period in order to help business in the aftermath of the COVID-19 pandemic.

As explained in the committee report relating to the original December 2020 permission that allowed the layout of items, although they have no physical impact on any historic fabric, the siting and design of the external bar and waiter stations, tables and chairs, and parasols on the Piazza in such close proximity to the Market building causes less than substantial harm to the setting of the grade II\* listed Market building and the character and appearance of the Covent Garden Conservation Area.

The harmful impact upon the setting of the Market building principally arises in views when approaching it from Russell Street and from vantage points at the eastern end of the Piazza. The two large parasols covering tables and chairs, when up, limit

appreciation of the upper storey of the building. Restricting the visual openness of the Piazza and the appreciation of the listed building at its centre also harms the character and appearance of the Covent Garden Conservation Area.

Street clutter is defined (in Policy 28 of the City Plan) as unnecessary structures such as signs, railings, street lighting, road markings and advertising hoardings. The tables and chairs, when in use, do not count as clutter as they would contribute beneficially to the vibrancy of the area. However, any unnecessary structures provided in connection to the tables in chairs or any structures left in the public realm at times where the tables and chairs are not in use would constitute street clutter.

The bar and serving station would not be removed at night, but rather would be consolidated externally which would involve the waiter station and tables and chairs being stored inside the bar, with the remainder of the tables and chairs and planters stored inside at ground floor level. The two large parasols would also not be taken down outside of trading hours. Hence much of the proposal is street clutter and therefore harmful in townscape terms.

The Covent Garden Piazza is more than a strategic retail destination, it is one of the most iconic, historic and visited open spaces in London. The proposals are neither essential nor ancillary to the maintenance or enhancement of the Piazza as an open space and, indeed, would undoubtedly serve to detract from these values.

The external and unmoving presence of this bar would make it appear permanent even if it is not permanently affixed to the Piazza. Policy 43 of the City Plan resists all additional kiosks in the public realm. The bar structure would appear as a kiosk during operating hours and street clutter outside of these times.

As a long-term installation in the Piazza, the proposals are unjustifiable and would have an unacceptable impact on the setting of this important building, the townscape qualities of the Piazza and the Covent Garden Conservation Area. They would be contrary to Policies 34, 38, 39, 40 and 43 of the City Plan and their ongoing presence would increase the harm. It would also be inconsistent with the vision set out in the Covent Garden Public Realm Framework which in part seeks improvements to all fresco dining by ensuring a seasonal approach and ensuring obstructions and clutter is minimised.

However, there are similar temporarily consented structures on the same side of the Piazza as the subject site, notably at 27B The Market (approved under planning permission dated 24 March 2022). Much like the previous permission at the subject site, the structures on the Piazza outside 27B The Market were permitted in the context of post-pandemic economic recovery. That permission expires on 24 March 2024. Limiting the period this installation is put up reduces the degree of less than substantial harm to heritage assets, and considering the public benefit the installation has in economic terms during the post-pandemic recovery period, the public benefits in the 27B The Market case were considered to outweigh the harm.

Given this context, and to allow a strategic approach to be made in respect of protecting the relevant heritage assets and the open townscape of this side of the Piazza, it is recommended that this application be granted for a limited period that aligns with the extant permission at 27B The Market (24 March 2024). This will reduce the degree of

less than substantial harm such that it is outweighed by public benefits that arise from helping this business to operate in the manner they propose in these challenging economic times (see section 9.5) and by allowing customers to use the installation. In March 2024, the operators at both sites will have the opportunity to coordinate with each other and the Council to revise their exterior furniture arrangements in such a way that will minimise harm to the relevant heritage assets, while also allowing for al fresco dining to continue in this location which contributes to the vitality and vibrancy of the area – this will also ensure the installation and can better accord with the published Covent Garden Public Realm Framework.

#### **9.4 Residential Amenity**

Policy 7 of the City Plan requires development to be neighbourly by protecting and where appropriate enhancing amenity and local environmental quality.

Policy 43 of the City Plan sets out that proposals for trading from premises extending into the street will be supported where they do not harm local amenity.

The Council's records show that the nearest residential property is located on the upper floors of 10 Russell Street (approx. 50m away). The proposed hours of operation are 10:00 - 23:00 Monday to Saturday and 12:00 -22:30 on Sundays. This is recommended to be secured by condition. A recommended condition also ensures that no amplified music will be played in the outdoor seating area to ensure residential amenities are protected and the general noise environment of the area is not unacceptably worsened.

Given the site is located in a busy central London location and the use of this external area will be limited by these conditions, the proposals are considered to be acceptable in amenity terms.

#### **9.5 Highway and Pedestrian Impact**

Policy 25 of the City Plan sets out that development must prioritise and improve the pedestrian environment and contribute towards achieving a first-class public realm.

Policy 28 of the City Plan sets out that, given the increasing demands on existing highway space, the council will resist loss of highway land, particularly footways.

As mentioned previously, Policy 43 of the City Plan resists development for trading from premises into the street where they compromise pedestrian movement or impede refuse storage and street cleansing arrangements.

The Westminster Way is a Supplementary Planning Document that is a material consideration in planning decisions relating to development in the highway or public realm in the City. It sets out guidance for all development in the public realm.

The Council's Highways Planning Manager reiterates their objection to the layout, raising the same concerns they set out in relation to the previous application in 2020. They object to the proposal due to its impacts on the pedestrian environment.

While parts of Covent Garden Piazza are highway maintained at public expense, the area that the tables, chairs and other items seeking planning permission here are placed on is not. This area is a part of the Piazza is owned and maintained by Shaftesbury Capital, owners of the Market Building and other surrounding buildings. The area it is still nonetheless highway.

The Highways Planning Manager notes highway is often in the ownership of adjoining landowners and that if pedestrians have passed over an area for 20 years without restriction, then that land will be part of the public highway under the Highways Act 1980.

The primary function of the highway is the free and unobstructed movement of the highway users. This includes pedestrians, motorists' and cyclists. Secondary functions can be considered those that relate to the primary function (e.g. parking of vehicles, provision of cycle parking, and bus stop facilities). Tertiary functions of the highway are those that need not occur on the highway and include table and chairs and queuing space for premises. Therefore, the priority is given to pedestrian movements.

The waiter station and tables and chairs will be stored within the external bar outside of opening hours (fully covered and locked), with the planters and any excess tables and chairs stored internally at ground floor level.

The Highways Planning Manager has raised no objection in principle to the proposed tables and chairs as they are temporary furniture that can be removed from the highway outside of operational hours. However, objection is raised to the items that will remain on the highway outside of operational hours. Although the bar is on wheels, it will be a permanent fixture on the street and will obstruct pedestrian movements without providing the vibrancy and vitality that justifies the presence of these structures' on the highway during operational hours.

Accordingly, the keeping of furniture and equipment on the highway outside of operational hours is contrary to Policy 25 and our Westminster Way SPD.

However, as discussed above, it is considered reasonable to grant permission for this arrangement for a temporary period (up to the point that the authorised similar arrangement at 27B The Market that expires in March 2024). This will ensure the negative impact on the highway is temporary, while allowing the benefits of the scheme. This will also allow the council to re-assess the proposals for the placing items on the highway on this side of the Market Building in a holistically and improved manner in the future.

### **Waste and cleansing**

The Council's Waste Project Officer has raised no objection to the proposals as the area is not maintained or cleaned by the Council.

## **9.6 Economy**

Businesses in the West End are continuing their post-pandemic recovery, and while the

situation is much improved since pandemic restrictions were in place, continued support for businesses will help them thrive and help the West End continue to attract visitors from around the world in a period when new economic challenges have arisen. The extending of trading from the restaurant premises into the highway adds to the diversity, vitality and vibrancy of the area, thereby improving the area's economic offer. The restaurant provides employment, and expanding into the public realm allows businesses to attract more customers and thereby allow them to continue to provide this employment.

#### **9.7 Other Considerations**

None.

#### **9.8 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

#### **9.9 Planning Obligations & Pre-Commencement Conditions**

Planning obligations are not relevant in the determination of this application and no pre-commencement conditions are recommended.

#### **10. Conclusion**

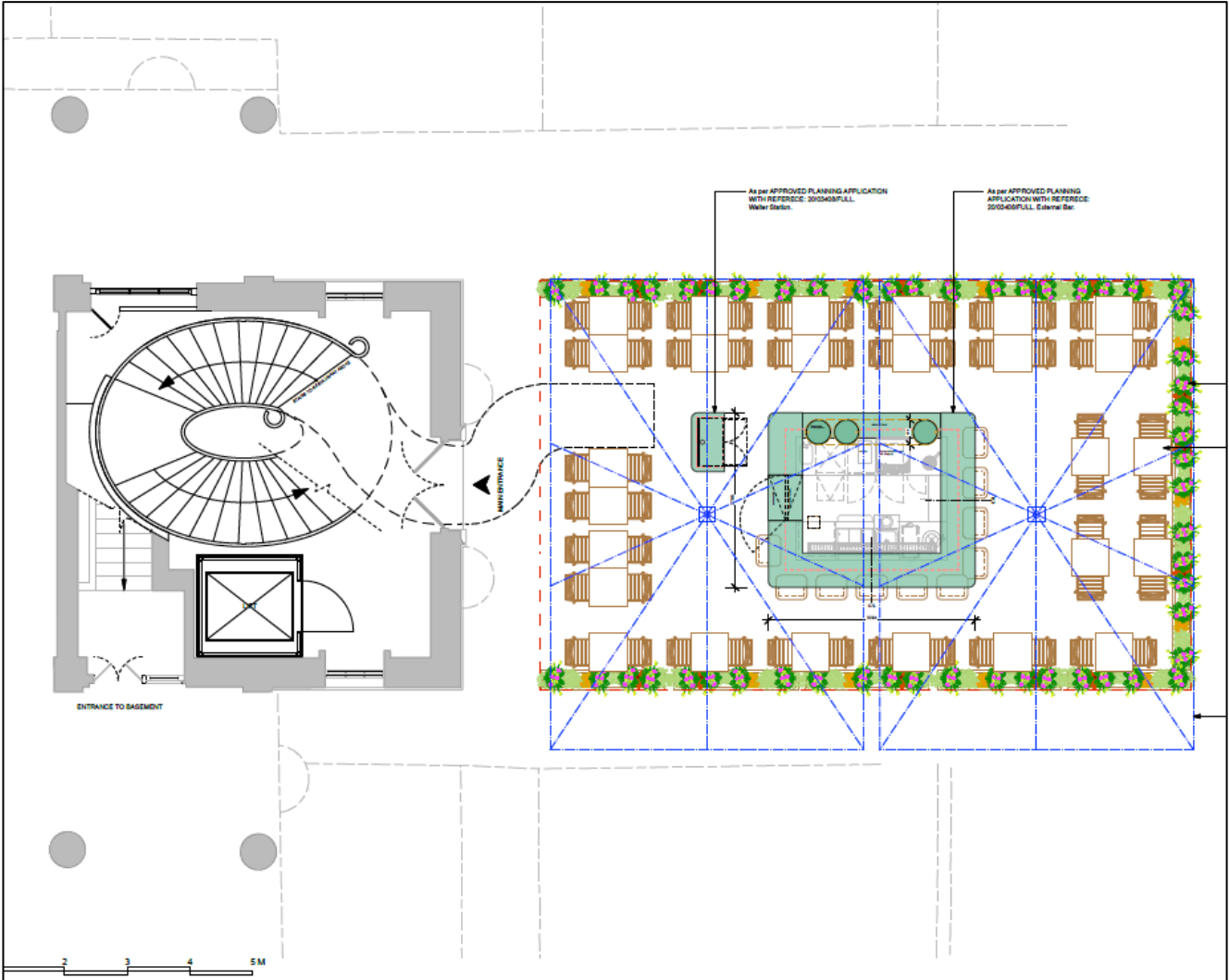
While being mindful of the proposals' harmful impacts on heritage assets and the pedestrian environment, subject to a condition to ensure that the installation is temporary until 24 March 2024, to align with the installation of tables, chairs and other items on the Piazza outside 27B The Market, and given the likely benefits to the vitality and vibrancy of the area, thereby improving the area's economic offer, it is recommended that conditional permission is granted.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

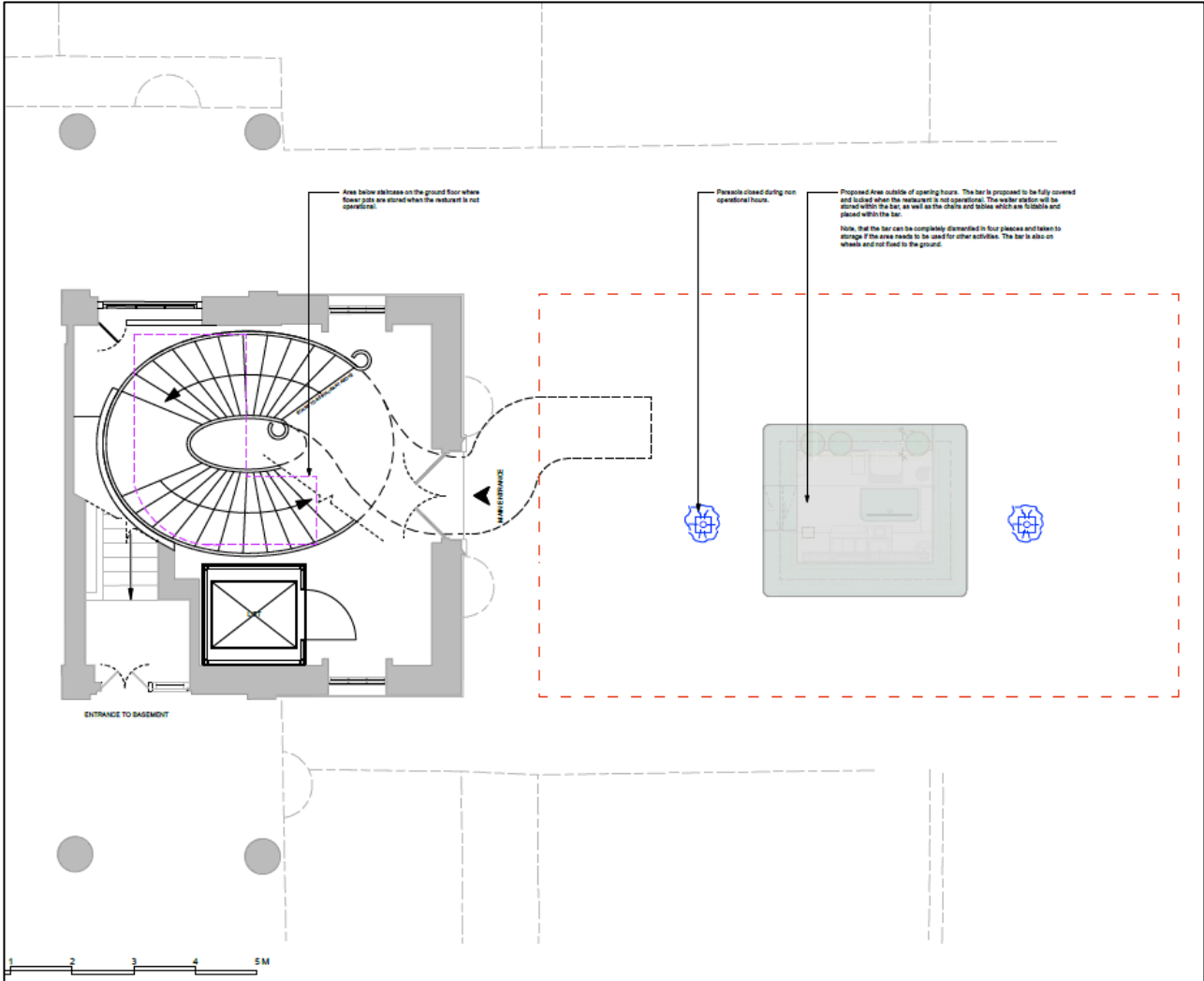
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

11. KEY DRAWINGS

Operational Hours Plan



### Outside of Operational Hours Plan



### Section through site during operational hours





**DRAFT DECISION LETTER**

**Address:** 35 The Market, Covent Garden, London, WC2E 8RF

**Proposal:** Use of an area of public highway measuring 6.5m x 10.5m for the placing of 26 tables, 52 chairs, 10 stools, 13 planters, 2 parasols, external bar area, service station and associated works in connection with Sushi Samba.

**Reference:** 22/07788/FULL

**Plan Nos:** 2022(00)001; 2022(02)100 Rev A; 2022(02)101; 2022(02)200 Rev A.

**Case Officer:** Max Leonardo

**Direct Tel. No.** 07817095744

**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 Only the waiter station, bar, parasols, tables and chairs and other furniture shown on drawing numbers 2022(02)100 Rev A and 2022(02)101 shall be placed on the Piazza.

The waiter station, bar, parasols, tables and chairs and other furniture shall only be placed on the Piazza in accordance with the position shown on drawing no. 2022(02)100 Rev A between 10:00 hours and 23:00 hours Monday to Saturday and 12:00 hours and 22:30 hours on Sundays; and in the position shown on drawing number 2022(02)101 between 23:00 hours and 10:00 hours Monday to Saturday and 22:30 hours and 12:00 on Sundays.

Reason:

In the interests of public safety, to avoid blocking the road and to protect the setting of the Grade II\* Covent Garden Market Building and the character and appearance of the Covent Garden Conservation Area as set out in Policies 25, 39 and 43 of the City Plan 2019-2040 (April 2021).

- 3 This use of the piazza may continue until 24 March 2024. You must then remove the waiter station, bar, parasols, tables and chairs and other furniture hereby approved.

Reason:

Allowing the proposals on a permanent basis would cause harm to the setting of the Grade II\* Covent Garden Market Building and the character and appearance of the

Covent Garden Conservation Area, which would not meet Policy 39 of the City Plan 2019-2040 (April 2021). 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 Policies 25 and 43 of the City Plan 2019-2040 (April 2021). For the above reasons, we can therefore only grant a temporary permission.

- 4 The tables and chairs, bar and other furniture must only be used by customers of Sushi Samba (Unit 35, The Market, Covent Garden, WC2E 8RF). (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R25AD)

- 5 You must make good the works to the piazza and reinstate the cobbles in their existing arrangement on the removal of the waiter station, bar, parasols, tables and chairs and other furniture hereby approved.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 No amplified music shall be played in the outdoor seating area.

Reason:

To protect neighbouring residents from noise and disturbance as set out Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

#### **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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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](mailto: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.