

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	7 Garrick Street, London, WC2E 9AR		
Proposal	Use of an area of public highway measuring 3.2m x 0.9m for the placing of two tables and four chairs in connection with the existing ice cream parlour (A1) at 7 Garrick Street.		
Agent	Mr Hubert Attali		
On behalf of	H2C Gelati Ltd		
Registered Number	17/04966/TCH	Date amended/ completed	6 July 2017
Date Application Received	6 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 1 year.

2. SUMMARY

7 Garrick Street is an unlisted building located within the Covent Garden Conservation Area and the Central Activities Zone (CAZ). The ground floor unit is currently in use as an ice cream parlour 'Amorino' (Class A1).

Permission is sought for the use of an area of public highway measuring 3.2m x 0.9m for the placing of two tables and four chairs in connection with the ice cream parlour.

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 2.9m wide from the building line to the kerb edge. The area proposed for placing tables and chairs is 0.9m wide which would leave an overall unobstructed pedestrian clearway of 2m.

An objection has been received from the Covent Garden Community Association (CGCA) on the

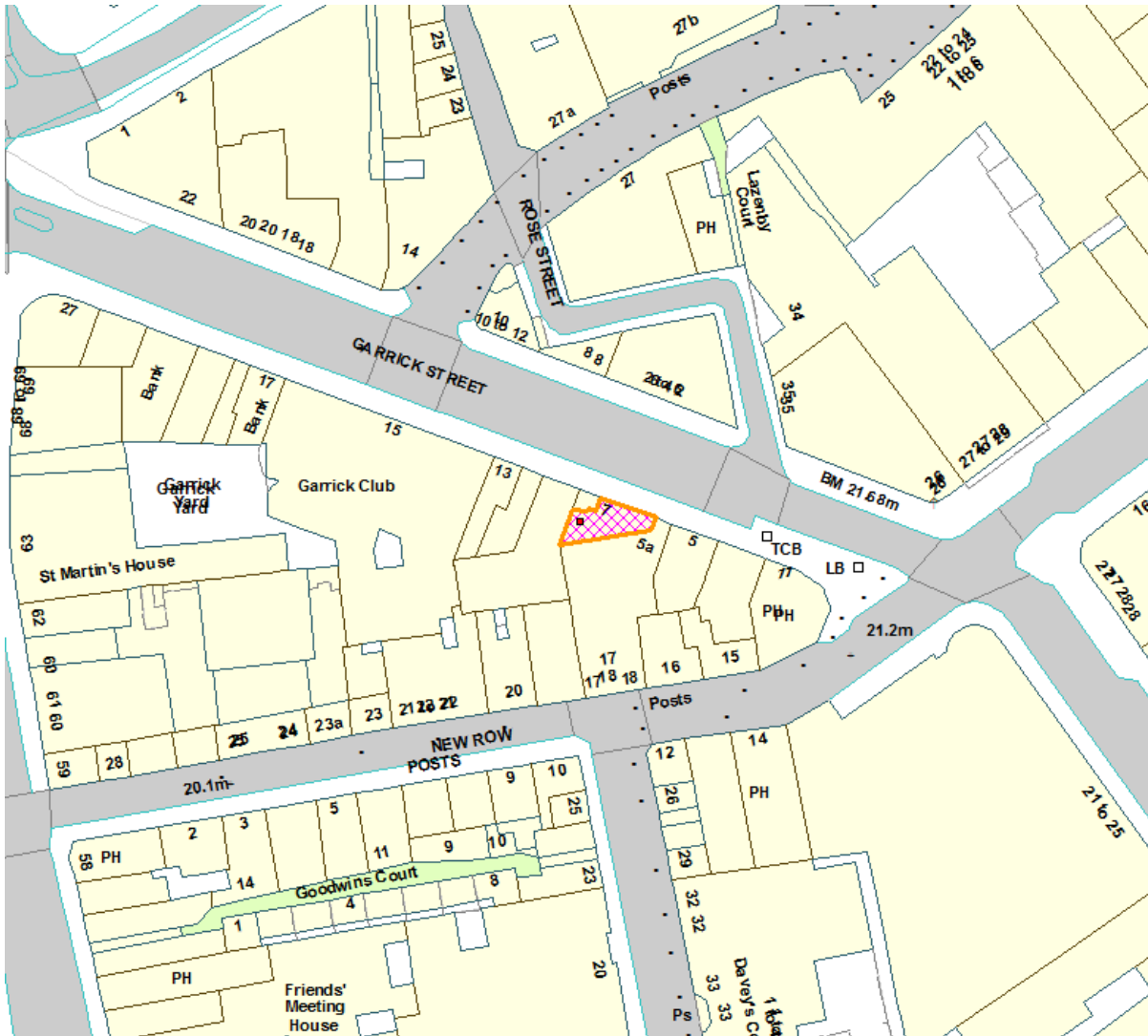
grounds that this pavement has a particularly high footfall and therefore a wider pedestrian clearway exceeding 2m is warranted. The CGCA also object on grounds that the tables and chairs have been placed outside in a different layout and customers also move the tables and chairs into other positions which can obstruct pedestrians. If the tables and chairs are placed on the left hand side of the entrance this will create a pinch point with an adjacent parking sign.

The Westminster Way public realm strategy requires a minimum of 2m for pedestrian movement but can require a greater distance in areas with high footfall. The Highways Planning Manager raises no objection and considers that a 2m pedestrian clearway is sufficient in this location. The applicant has been made aware that the tables and chairs are only acceptable when positioned in the layout shown on the submitted plan (on the right hand side of the entrance). The applicant advises that staff have been instructed to ensure the tables and chairs are laid out in accordance with the plan.

It is proposed that the tables and chairs would be on the public highway from 12.00 to 23.00 daily in line with the shop opening hours. The nearest residential units are located in the upper floors of 7 Garrick Street. No objections have been received from the residents with regards to the proposal.

Given that the proposal would leave a pedestrian clearway of 2m and that other premises in Garrick Street have outdoor furniture, it is considered that a refusal would not be sustainable. The proposals are considered acceptable and in accordance with the relevant Unitary Development Plan (UDP) (January 2007), Westminster's City Plan (November 2016) policies and the Westminster Way. 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



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4. PHOTOGRAPHS



7 Garrick Street

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection, this area has a particularly high footfall and therefore a wider clearance is required. The tables and chairs are placed outside in different locations not in accordance with the plan, and customers move the tables and chairs into other positions which obstruct pedestrians.

COVENT GARDEN AREA TRUST:

Any response received to be verbally reported

HIGHWAYS PLANNING MANAGER:

No objection

CLEANSING OFFICER:

No objection

NEIGHBOURS:

No. consulted: 16

No. of responses: 0

ADVERTISEMENT / SITE NOTICE: Yes

6. Recent Relevant History

13/02613/TCH

Use of one area of public highway measuring 0.9m x 3.2m for the placing of two tables and four chairs in connection with the existing ice cream parlour (A1) at 7 Garrick Street.
Application Permitted 23 August 2013

12/01548/FULL

Use of part ground, first, second, third and fourth floors as three residential flats (Class C3) (2 x 1 bed and 1 x 2 bed).
Application Permitted 8 May 2012

7. BACKGROUND PAPERS

1. Application form
2. Memo from Covent Garden Community Association dated 24 July 2017
3. Memo from Highways Planning Manager dated 14 August 2017
4. Memo from Cleansing Manager dated 30 July 2017

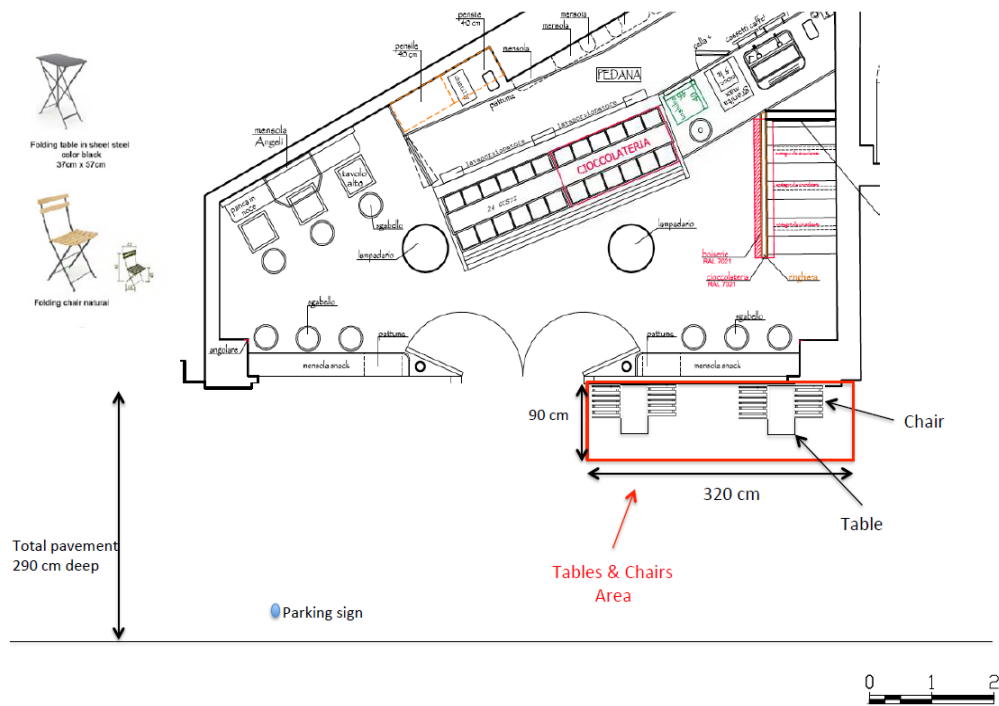
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

8. KEY DRAWINGS

AMORINO - 7 Garrick Street – WC2E 9AR
 Proposed outdoor seating plan. Drwg no. 1
 Sent on the 22/08/2013

Scale 1:50



Proposed tables and chairs

DRAFT DECISION LETTER

Address: 7 Garrick Street, London, WC2E 9AR

Proposal: Use of an area of public highway measuring 3.2m x 0.9m for the placing of two tables and four chairs in connection with the existing ice cream parlour (A1) at 7 Garrick Street.

Reference: 17/04966/TCH

Plan Nos: Site location plan; proposed outdoor seating plan (drwg no.1 dated 22.08.13).

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 no. 1 dated 22.08.13. (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 12.00 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 7 Garrick Street (Amorino). (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 August 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 no. 1 dated 22.08.13. 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 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)

- 3 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)

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.