

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	55 Long Acre, London, WC2E 9JL		
Proposal	Use of an area of the public highway on the Hanover Place frontage for the placing of four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use		
Agent	Mr Adam Beamish		
On behalf of	Mr H Attali		
Registered Number	17/03147/TCH	Date amended/ completed	28 July 2017
Date Application Received	10 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application property, on basement, ground and four upper floors, is located on the corner of Long Acre and Hanover Place. The lower floors are in use as an ice cream parlour (Class A1). The upper floors were previously in commercial use although there is extant permission for their conversion to provide two residential units. Records do not conform whether this permission has been implemented. Permission is sought for the use of an area of the public highway on the Hanover Place frontage, measuring 7m x 1, for the placing of four tables and eight chairs in an area measuring in connection with the existing ground floor use. The key issues in this case are:

- * The impact of the proposals upon the amenity of neighbouring residents.
- * The impact of the proposals on pedestrian movement.

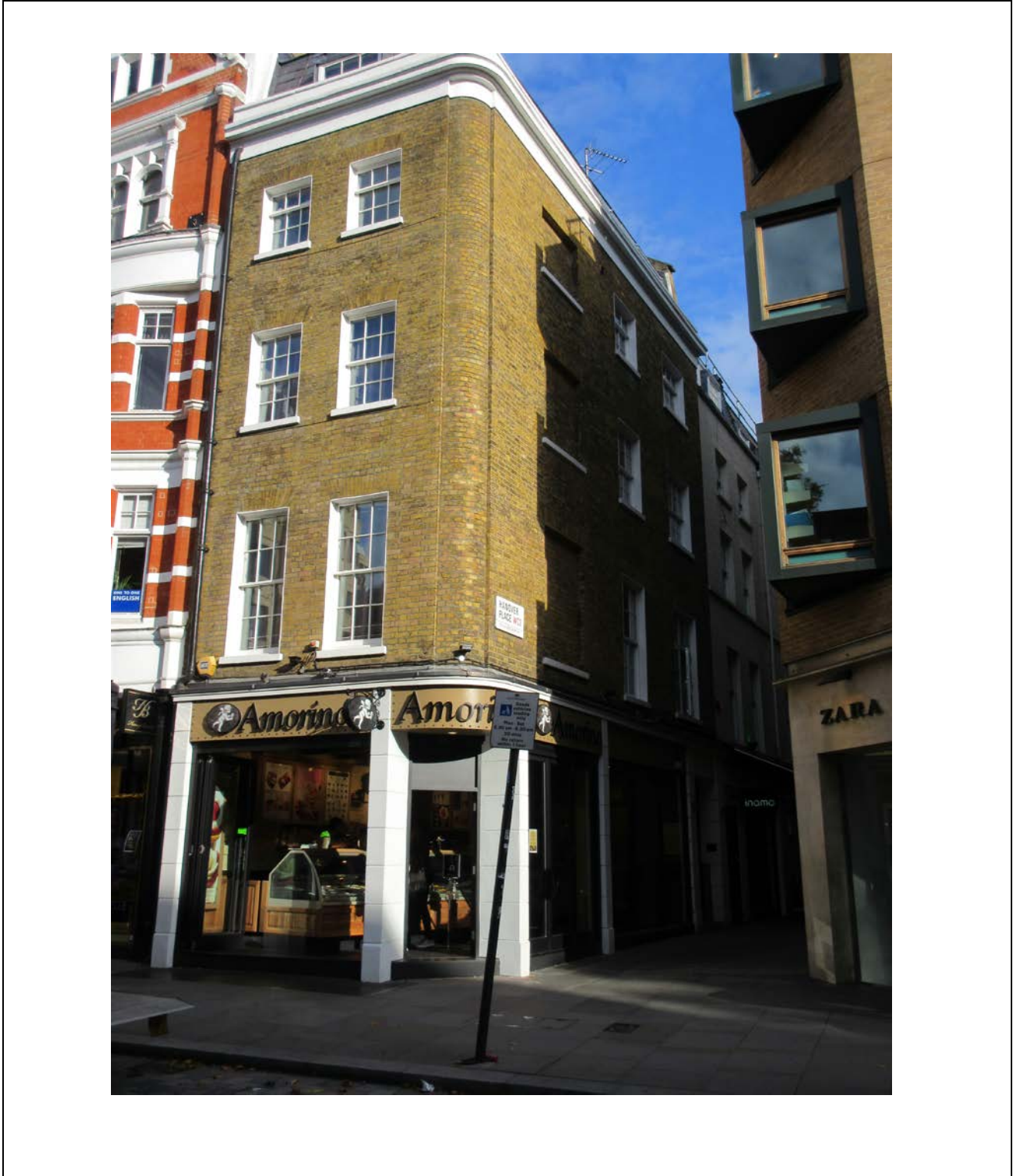
Following revisions, to reduce the size of the seating area and the number of tables and chairs, the proposals are considered acceptable in design, amenity and highways terms and comply with relevant policies in the Unitary Development Plan and City Plan. The application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL SUBMISSION

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection: excessive amount of street furniture proposed, noise and disturbance to residents on the upper floors.

COVENT GARDEN AREA TRUST:

Objection: the site is narrow and a maximum of three tables and six chairs should be provided

CLEANSING:

Unable to assess the proposals as no measurements provided for proposed layout.

HIGHWAYS PLANNING:

Objection: insufficient highway clearance, position of tables and chairs would cause a pedestrian obstruction.

ADJOINING OWNER/OCCUPIERS:

No. consulted: 18.

No. of responses: 0.

SITE NOTICE AND PRESS NOTICE:

Yes.

REVISED SUBMISSION

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection: excessive amount of street furniture proposed, three tables and six chairs, is the maximum that can safely be accommodated

noise and disturbance to residents in Hanover Place and Odhams Walk.

existing nuisance caused by poor management of extensive customers queues outside the premises and littering of the public highway;

After purchasing goods customers congregate in the area where the proposed seating would be located.

tables and chairs would impede pedestrian access and prevent a wheelchair from passing.

COVENT GARDEN AREA TRUST:

Any response to be reported verbally

CLEANSING:

No objection.

HIGHWAYS PLANNING:

No objection.

ADJOINING OWNER/OCCUPIERS:

No. consulted: 25.

No. of responses: 1. (Odhams Walk Residents Association representing 102 flats)

- company has already demonstrated it is not a good neighbour.
- an opening shopfront has been installed without permission
- noise disturbance from customers with up to 40 customers queuing outside the premises at busy times and congregating outside to consume their purchases.
- customers should not be permitted to sit outside

SITE NOTICE AND PRESS NOTICE:

Yes.

6. BACKGROUND INFORMATION**6.1 The Application Site**

The application property is a five storey building with basement located on the corner of Long Acre and Hanover Place. The proposals relate to the basement and ground floor commercial unit, which is currently operating as 'Amorino', an ice cream parlour. There are no planning restrictions controlling the hours of opening but the premises' advertising shows that it opens between 11.00 until midnight and until 01.00 hours on Thursday and Friday.

The upper floors were previously in commercial use. Permission was granted in 2015 for their conversion to provide a 1 x 1 bed flat and 1 x 2 bed maisonette. Records do not confirm whether this permission has been implemented.

The building is not listed but is within the Covent Garden Conservation Area

6.2 Recent Relevant History

2 December 2011 and 2 December 2007; Permission granted for use of an area of public highway for the placing of three tables and six chairs and two planter sets in an area measuring 1m x 8.1m on the Hanover Place frontage in connection with the existing coffee shop. (11/09507/TCH and 07/03633/TCH)

21 March 2014, 19 March 2013 and 5 March 2012; Permission granted for use of an area of the public highway measuring 1.5m x 7.6m for the placing of three tables, six chairs and six barriers on the Hanover Place frontage in connection with the coffee shop at 55-56 Long Acre. (14/00355/TCH, 13/00894/TCH and 12/00235/TCH)

17 March 2015: Permission granted for a change of use of the first floor restaurant (Class A3) and second to fourth floors offices (Class B1) to provide 1 x 1 bed and 1 x 2 bed maisonette (Class C3). (14/11357/FULL)

21 July 2017: Permission refused for the installation of an openable shopfront incorporating bi-folding doors, shopfront awnings and heaters (17/03705/FULL) - design

12 June 2017: Consent refused for the installation of new signage - quantity of signs and method of illumination of the signs.

The shopfront and signs have been installed and are the subject of enforcement investigations.

New applications have been submitted in relation to the shopfront, showing the openable elements to be locked shut (17/06770/FULL) and revised signage (17/06771/ADV). These applications are under consideration.

7. THE PROPOSAL

Permission is sought for the use of an area of the public highway on the Hanover Place frontage for the placing four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use.

The application originally proposed the placing of six tables, 12 chairs and three barriers in an area measuring 1.6m x 4.5m but was amended to reduce the number of tables and chairs, reduce the depth of the seating area and to omit proposed barriers, due to officers' concerns about highway obstruction

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed seating would be used in connection with the existing retail unit, which is trading as an ice cream parlour (Amorino).

8.2 Townscape and Design

The proposed tables and chairs are considered acceptable in design terms.

8.3 Residential Amenity

The nearest noise sensitive properties to the proposed tables and chairs are the residential properties on the upper floors of 11-14 Hanover Place and on the opposite site of Long Acre, in Odhams Walk. There is also extant permission for a residential use on the upper floors of the application premises. It is unclear whether this permission has been implemented.

Objections have been received from the Covent Garden Community Association and from the Odhams Walk Residents Association, which represents the occupants of 102 flats.

Objectors are concerned about the management of the application premises, which is popular and reportedly attracts large numbers of customers – objectors refer to queues of 40 customers and customers standing outside to consume their ice creams, in the area where proposed tables and chairs would be located. Objectors state that the number of customers visiting the premises results in disturbance to neighbouring residents and that this has continued despite complaints to the Council's Noise Team. Records show that a noise complaint was received in August 2016 but there have been no reported complaints since this time.

The site is located within a busy part of Covent Garden, albeit that the tables and chairs would be sited in a quieter pedestrian alleyway. There is a long history of permission s for the placing of three tables and six chairs in this part of Hanover Place and the current proposal is not significantly different, proposing four tables and eight chairs.

In amenity terms, objections relate principally to large number of customers of customers visiting the premises, and its general management, rather than to the principal of external seating. It appears that customers would queue outside of the premises even if no external seating was provided, as they do currently. Although it is acknowledged that the provision of external seating outside the premises could serve to displace these queues, it is considered that, on balance, it would be difficult to resist the provision of external seating on amenity grounds. However, conditions are recommended to limit the placing of tables and chairs outside the premises to between 11am to 11pm. It is also recommended that permission be granted for a minimum period of one year to enable the situation to be monitored.

An informative is also recommended reminding the applicant to ensure that customers are respectful of neighbours and that seating area is maintained in a clean and tidy manner.

Subject to conditions, on balance, it is not considered that the application could justifiably be recommended for refusal on amenity grounds.

8.4 Highways Assessment

Policy S41 of the City Plan states that 'all developments will prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment, with particular emphasis in areas of high pedestrian volumes or peaks. It further states that walking is the most efficient means of movement for short journeys...[and]...should therefore be prioritised above all others. Policy TRANS 3 of the Unitary Development Plan (2007) reinforces the aims of Policy S41 of the City Plan in that it aims to improve conditions for pedestrians and make walking safer, quicker, more direct and more attractive form of travel.

The pavement area between the application premises and the building on the opposite side of Hanover Place is 3.52m. The original proposal would have left an area of unobstructed highways of 1.92m, based on officers' site measurements), marginally below the minimum distance of 2m which is required to ensure unhindered pedestrian movement. The tables and chairs, when in use, would have encroached further upon the highway and was considered unacceptable. Following officers' advice, the application

was revised to show the provision of four tables and eight chairs in an area occupying a depth of 1m x 7m.

An objection has been received to the revised scheme on the grounds that more tables and chairs would be provided in association with the current use than were approved in conjunction with the previous use. However, the furniture is smaller than that previously used, which enables one additional table, and two additional chairs to be provided... The tables and chairs are to be sited against the building line and would only permit a maximum of two customers to be seated at each table.

The Highways Planning Manager has raised no objection to the amended scheme as a minimum 2m clear space would be maintained. The retail shop opposite the proposed seating area incorporates a blank wall on the Hanover Place frontage, meaning that pedestrian movement along this part of the frontage would not be hindered further by customer looking into shop windows.

In view of the above, and subject to conditions, the revised proposals are considered acceptable in highways terms. It is considered that given the size of the tables proposed and reduction in the number now proposed is considered acceptable for a temporary period of one year to allow monitoring of the site.

8.5 Economic Considerations

The proposals are to facilitate the existing retail use.

8.6 Access

There is no change to the existing access arrangements.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the Covent Garden Area Trust received 28 June 2017.
3. Emails from the Covent Garden Community Association dated 12 June 2017 and 14 August 2017.
4. Memoranda from Cleansing dated 05 June 2017 and 10 August 2017.
5. Memoranda from the Highways Planning Manager dated 11 July 2017 and 6 September 2017.
6. Email from Odhams Walk Residents' Association, 3 Odhams Walk received 2 August 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: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS

Proposed Layout

Proposed External Furniture

Proposed Front Elev

Proposed Side Elev

Client - AMORINO
 Project Location: 55 LONG ACRE LONDON WC2E 9JL

Drawing Title: Proposed External Table and Chairs

Scale: A3 (Sheet L88, A3 Sheet L198)
Scale Area:
Drawing No.: WDS007CH
Project No.:

Do not scale from this drawing. All dimensions to be verified on site by the contractor. This drawing is the property of the Client, and its reproduction is prohibited without the express consent of the owner.

Date: May 17
Client Signoff:

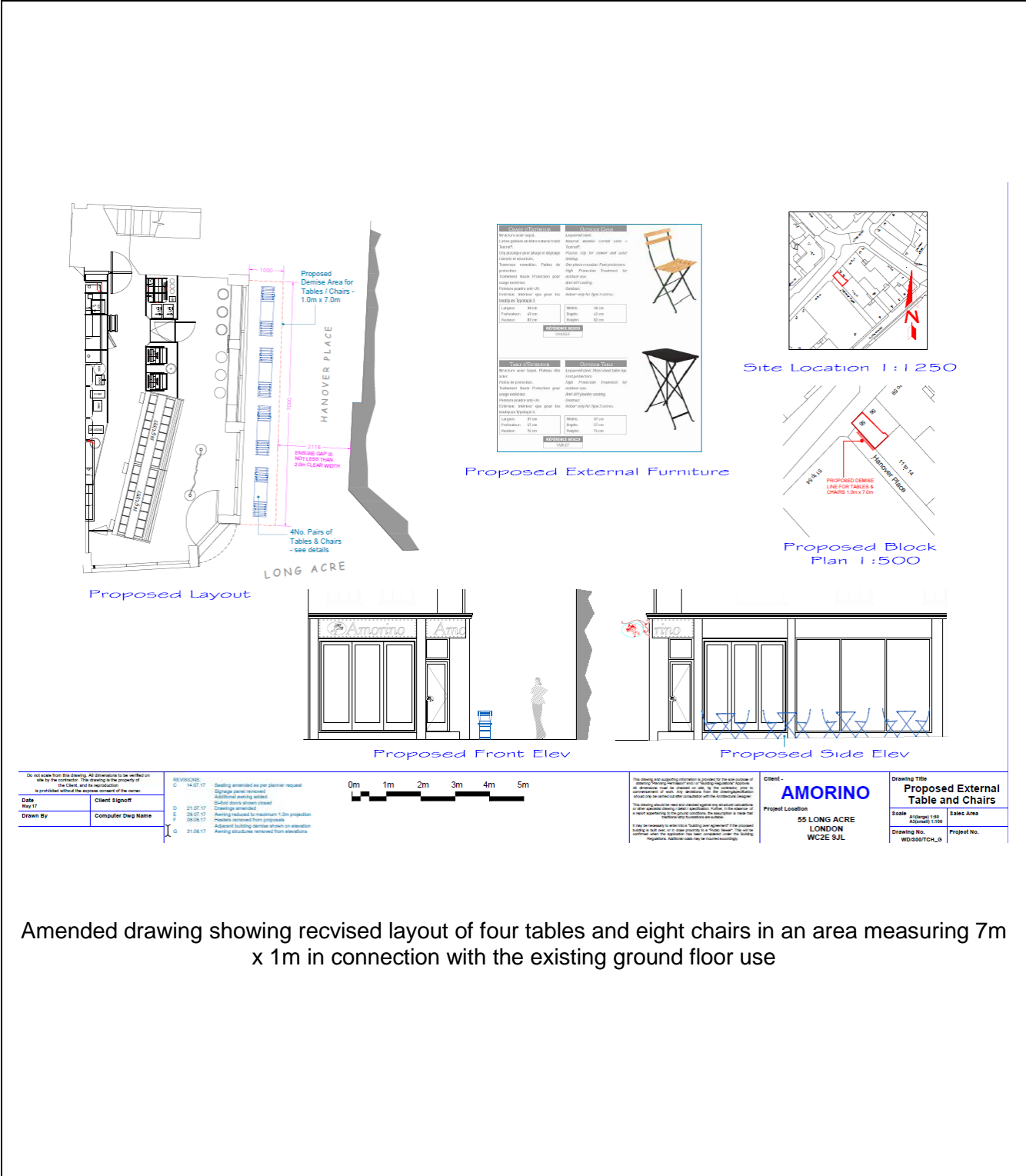
Drawn By: Computer Dwg Name

The client and supporting information is provided for the sole purpose of enabling the contractor to provide the external furniture. All dimensions are to be provided on site. The contractor shall be responsible for ensuring the dimensions are correct on site. The contractor shall be responsible for ensuring the dimensions are correct on site. The contractor shall be responsible for ensuring the dimensions are correct on site.

This drawing should be read and checked against the structural calculations or other detailed drawings, used in connection with the external furniture. In the event of a conflict between the drawings, the contractor shall be responsible for ensuring the dimensions are correct on site.

It shall be deemed to imply that a building consent application has been submitted and that the contractor shall be responsible for ensuring the dimensions are correct on site.

Drawing submitted prior to amendment showing six tables, 12 chairs and three barriers in an area measuring 1.6m x 4.5m in connection with the existing ground floor use



Amended drawing showing revised layout of four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use

DRAFT DECISION LETTER

Address: 55 Long Acre, London, WC2E 9JL

Proposal: Use of an area of the public highway for placing four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use on the Hanover Place elevation.

Reference: 17/03147/TCH

Plan Nos: Site location plan, WD/300/TCH_G, 17 5, Specification for table and chairs

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Conditions and Reasons

- 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 WD/300/TCH_G. (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 11.00 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 ground floor unit, 55 Long Acre, WC2E 9JL. (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 30 September 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 WD/300/TCH_G. 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)

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)

- 4 It has been reported that patrons visiting the premises cause noise and disturbance to local residents when queuing outside the premises and standing outside to consume their purchases, also dropping litter. It is your responsibility to ensure that patrons visiting your premises are respectful of the amenity of neighbouring residents in Hanover Place and Odhams Walk and that the area outside the premises is regularly monitored and cleaned. Should any complaints be received in the future which, are directly attributed to the use of the tables and chairs hereby approved, then the City Council may not approve any future applications for the placing of tables and chairs outside the premises.

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.