

<b>Application No:</b>	<b>Consultees Name:</b>	<b>Received:</b>	<b>Comment:</b>	<b>Response:</b>
2023/1020/PVL	John Wallace	16/03/2023 09:25:42	OBJ	<p>On behalf of Soho Housing Association, I would like to raise strong objection to the planning application, application ref is 2023/1020/PVL, proposed for on the corner of Denmark Street and Flitcroft Street (Thirteen Bar), particularly in relation to the hours of operation. The scale of outdoor seating is also of concern. As the owner of a number of residential occupied properties in the immediate vicinity, it would be unacceptable to allow the consumption of outdoor drinking past 9pm, in accordance with the councils guidelines. We accept that it's a mixed economy in the area with a variety of commercial and residential uses, however extended outdoor licensing is unacceptable to local residents. We would ask that Camden council and the licensing authority refuse any application for extended trading hours.</p>

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2023/1020/PVL	Covent Garden Community Association (Elizabeth Bax, Chair of Planning Subcommittee)	16/03/2023 23:30:31	OBJNOT	<p>As the local amenity society for the area, Covent Garden Community Association (CGCA) objects to this application.</p> <p>If the application were modified in 3 aspects, we would be able to withdraw this objection.</p> <p>It is a shame that the applicant did not engage with us before making an application. Given the impossibly short timescale attached to pavement licence consultations once applied for, we have been unable to liaise with the applicant as we would have wished. But we see no reason why the applicant would not accede to our suggested modifications, given the conditions already pertaining to his alcohol licence and the specific demands of the location.</p> <p>The issues behind our objection are set out below, together with the 3 aspects that we ask to be modified.</p> <p>-----</p> <p>1. Insufficient free width for pedestrians.</p> <p>Firstly, the applicant's plan does not show the parking bays to the North of the main tables &amp; chairs section on Flitcroft Street. We estimate that this section of tables needs pulling back by about 1 metre in order to allow a good 2 metres of free width for pedestrians, and possibly more given the hugely increased pedestrian flow since the opening of the new station which includes the Elizabeth Line at Tottenham Court Road. We ask that the area proposed for tables &amp; chairs on the Flitcroft Street side be modified accordingly.</p> <p>It may also be necessary to modify the arrangement on the East side of the main tables &amp; chairs section on Flitcroft Street. The wall/railing/ancient gateway of St. Giles is not shown on the plan and there risks being a narrow pinch-point for pedestrians here. It should be noted that this is a notorious location for drug-related crime and antisocial behaviour, so people need adequate safe space to be able to walk past whatever is taking place, giving it a wide berth.</p> <p>Thirdly, the applicant's plan shows a secondary section of tables &amp; chairs on Denmark Street which we ask to be removed from the application entirely. The tables are shown very tightly tucked against the building line and only allowing 1.8m of free width for pedestrians on the plan. This free width is not possible to maintain once customers move their chairs around, and given that waiters need to stand on the pavement taking up additional width to serve customers. It should be noted that 2 metres of free width are required by current legislation and TfL policy *.</p> <p>We show the applicant's plan below, marked up by us with the position of walls, railings and parking bays that should have been included in the application in order to determine the free width available. Please check the site and determine what should be allowed here.</p> <p>-----</p> <p>2. Terminal hours too late.</p> <p>The applicant suggests a very late end time of 11pm which is entirely unsuited to this location.</p>

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The area is highly residential, with flats overlooking the bar next door on Flitcroft Street, and nearby along in Denmark Street. Many family homes are situated opposite, in Centrepoint House and on Earnshaw Street, as well as along Stacey Street.

The area quietens down well before 11pm on many evenings of the week. After that, sound peaks echo in the narrow streets and passageways. People drinking outside cause sound peaks, and make even more noise as they leave.

For these reasons Camden council attached a condition to the applicant's alcohol licence, limiting service outside to no later than 9pm. Please see licence PREM-LIC\3607. We ask that any pavement licence be restricted to the same hours for the same reasons.

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In summary, we object to this licence but would withdraw our objections if the application were modified to:

1. Remove tables & chairs from the narrow pavement on Denmark Street.
2. Pull back the section of tables & chairs on Flitcroft Street to allow generous free width when the parking bays are taken into account and the wall/railing/ancient gateway of St. Giles church are taken into account.
3. Revise the hours at which tables & chairs are put out of use to 9pm each night.

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\* Reference note for current legislation and TfL policy:

There should be at least 2m between any area licensed under the Pavement Licensing legislation and the kerb or obstruction, unless it is not feasible to achieve this. If the application seeks to remove space so that there is less than 2m left then it must be feasible to leave at least 2m by refusing the application or reducing the space taken.

The Business & Planning Act 2020 includes a "no obstruction" condition in Section 5 (4-5). This states that:

"5 (4) To the extent that a pavement licence which is granted or deemed to be granted would not by virtue of the preceding provisions of this section be subject to a no-obstruction condition or a smoke-free seating condition, it is deemed to be granted subject to such a condition.

5 (5) A "no-obstruction condition" is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6)."

The effects specified in section 3 (6) include "preventing traffic passing along the relevant highway"(3 (6)(a) (ii). This is clearly intended to include foot traffic (pedestrians). 3 (7) then says that:

"3 (7) Where a local authority is considering for any purpose of this group of sections whether furniture put

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on a relevant highway by a licence-holder pursuant to a pavement licence has or would have the effect referred to in subsection (6)(a), the authority must have regard in particular to—  
(a) the needs of disabled people, and  
(b) the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.”

This means that the key document which defines the amount of pavement required is the guidance issued by the Secretary of State. The guidance document is Inclusive Mobility, published by the Department for Transport and available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf)

This guidance states (in 4.2) that:

“Footways and footpaths should be made as wide as is practicable, but under normal circumstances, a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. If this is not feasible due to physical constraints, then a minimum width of 1500mm could be regarded as the minimum acceptable under most circumstances, as this should enable a wheelchair user and a walker to pass each other. Where there is an obstacle, such as lamp columns, signposts or electric vehicle charging points, the absolute minimum width should be 1000mm, but the maximum length of such a restricted space should be 6 metres.”

This means that 2m is the minimum width that should be provided. This is consistent with the minimum clear width guidance in TfL’s Manual for Streets.

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**Total: 8**