

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 th July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	55 Shirland Road, London, W9 2JD		
Proposal	Use of the public highway measuring 9.1m x 1.9m outside public house for the placing of 4 tables and 14 chairs.		
Agent	Karen Calkin		
On behalf of	James McCulloch		
Registered Number	18/03070/TCH	Date amended/ completed	16 April 2018
Date Application Received	16 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

55 Shirland Road is a public house that is listed as an asset of community value, located on the corner of Shirland Road and Elnathan Mews. The building is unlisted but is located within the Maida Vale Conservation Area. Planning Permission is sought for the placing of 4 tables and 14 chairs on area of public highway measuring 9.1m x 1.9m.

Permission has been granted on numerous occasions for tables and chairs outside the public house, however was last granted 30 April 2013 for a slightly different arrangement.

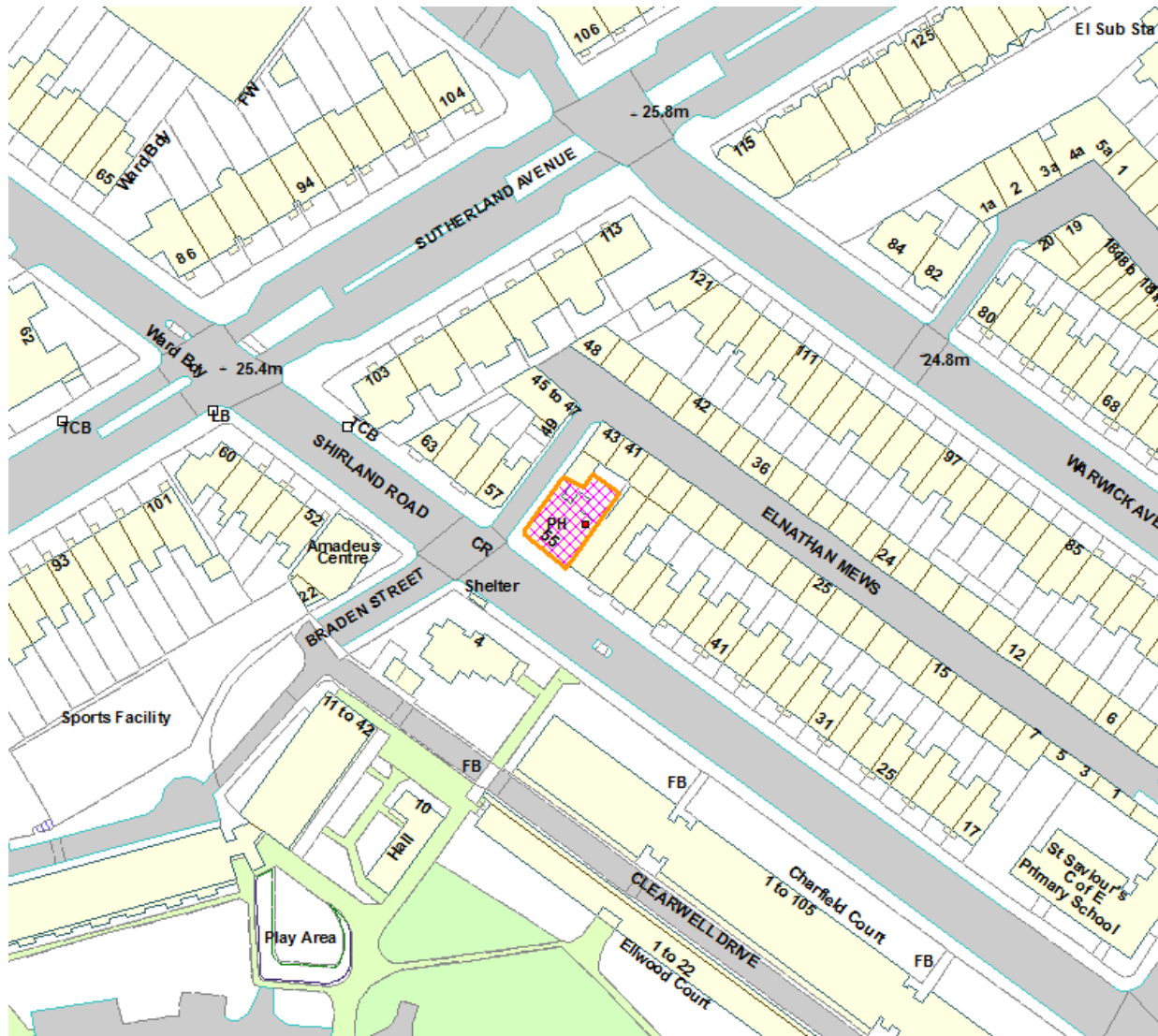
During the course of the application, the number of tables and chairs was reduced from 7 to 4 and the previously proposed barrier has also been removed. Four objections and one neutral comment were received in relation to the original proposals on amenity and highways matters. Following re-consultation 1 objection was received from a neighbour on various grounds including highways and amenity concerns.

The key issues are:

- The impact of the proposals on the amenity of surrounding residents.
- The impact of the proposals on the highway.
- The acceptability of the proposals in land use terms.

Subject to conditions, the proposals are considered to comply with the Council's policies in relation to land use, amenity and highways as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation as viewed from Shirland Road



5. CONSULTATIONS

ORIGINAL CONSULTATION:

Original description of development '*Use of the public highway measuring 9.1m x 2.2m outside public house for the placing of 7 tables and 14 chairs and associated removable barriers*'.

COUNCILLOR CAPLAN:

Notes that there has been a history of issues with the mews to the rear, so the hours and number of tables and chairs will need to be looked at. Notes that the application will need to be determined at a planning committee.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

- Understand the objections of the local residents to the noise disturbance of the pub.
- Note the previous consent given and the comments of the officer's report and on this basis support the application providing that the use of tables is between 10am and 10pm Monday to Saturday as per the previous consent
- Request for neighbours' views to be taken into consideration

DESIGNING OUT CRIME

Any response to be reported verbally.

HIGHWAYS PLANNING

Raise objection on the following grounds: Proposals do not accord with the Westminster Way of 2m clear pavement width; The proposals place tables and chairs over a delivery hatch.

CLEANSING

Raise an objection as 2m of clear pavement width is not left clear as required by the Westminster Way. The City Council's street cleansing contractor require a clearway of 2m to operate efficiently.

ADJOINING OWNERS / OCCUPIERS:

- No. of total consultees: 24
- No. of objections: 4
- No. of neutral comments: 1

The four objections raise some or all of the following points:

Amenity:

- Noise previously when only 4 tables and chairs.
- Tables should be removed at 11:00pm at the latest.
- Disturbance from vertical drinkers.

Highways:

- Previously had 4 tables and were not able restrict customers the authorised area.
- Previously customers have been known to stand on both sides of the footway on Elnathan Mews.

- Pub staff need space to move around customers .

Other:

- Previously were unable to clear tables by 10pm.
- Previously antisocial behaviour in area.
- Recommend that tables and chairs are only allowed for a temporary period of 3 months to see if patrons can be better controlled.
- Previously seen litter in the street the next morning.
- The council should consider previous experience and complaints and should make any consent subject to review.

Neutral comment:-

Amenity:

- Concern over such a large number of tables could result in noise, rubbish and anti-social behaviour spilling into Elnathan Mews

Other:

- The pub is very welcome addition to the neighbourhood and neighbours should be grateful to the new owners of the pub who prevented it from being flats
- The pub has been done to a very high standard
- Could a smaller number of tables be agreed, a review after a period of time

RE-CONSULTATION

Re-consultation upon amended description of development '*use of the public highway measuring 9.1m x 2.1m outside public house for the placing of 4 tables and 14 chairs and associated removable barriers*'

HIGHWAYS PLANNING MANAGER:

Revised layout remains undesirable as no service corridor between tables and barrier. Recommend amendments to allow for this.

ADJOINING OWNERS / OCCUPIERS:

No. of total consultees: 24

No. of objection: 1 raising the following points:

Amenity:

- Noise level already very loud in evenings and at closing time
- The previous publicans were unable to clear the tables and move customers on from outside by the cut-off time.

Other:

- Unreasonable when the pub already has a restaurant on its first floor and a beer garden to the rear and is located in a residential area
- The tables and chairs are to be placed in the location where customers currently stand drinking, smoking they will be subsequently displaced.
- Everyday a resident has collected debris that rolls down Elnathan Mews and having tables and chairs will likely exacerbate this
- Planners should consider previous experience and complaints and should make any consent subject to review

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

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

55 Shirland Road is a public house (class A4) currently known as The Hero of Maida and formerly known as The Truscott Arms, which is listed as an asset of community value. The building is unlisted, but is located within the Maida Vale Conservation Area, located on the corner of Shirland Road and Elnathan Mews.

6.2 Recent Relevant History01/09877/TCH

Use of the public highway (11m x 2m) for the placing of 3 picnic benches in connection with The Truscott Arms

Application Permitted 6 June 2002

03/04939/TCH

Location of tables and chairs in an area measuring 2m x 11m on the Shirland Road frontage in connection with The Truscott Arms Pub.

Application Permitted 7 August 2003

04/06684/TCH

Renewal of permission dated 07 August 2003 (RN: 03/04939) for the placing of 3 tables and 12 chairs in connection with The Truscott Arms Pub in an area measuring 11m x 2m.

Application Permitted 24 November 2004

05/09560/TCH

Use of the public highway for the placing of 3 tables and 12 chairs in an area measuring 1200mm x 200mm in connection with the Truscott Arms Public House.

Application Permitted 18 May 2006

13/00933/TCH

Use of the public highway for the placing of four tables and 16 chairs in an area measuring 2m x 12.3m (Shirland Road frontage) in connection with The Truscott Arms Public House.

Application Permitted 30 April 2013

14/04103/TCH

Use of the public highway measuring 2m x 10.5m along Shirland Road for the placing of four tables, 16 chairs and five planters and five removable barriers in connection with The Truscott Arms Public House.

Application Permitted 9 September 2014

7. THE PROPOSAL

The proposals have been amended during the course of the application, to reduce the number of tables and chairs from 7 to 4 and to remove the barriers/screens. Planning permission is now sought for the placing of 4 tables and 14 chairs on the public highway in connection with the public house. The area of the highway that is to be used measures 9.1m by 1.9m.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Proposals for the use of the public highway for the provision of tables and chairs for use in association with eating and drinking establishments is considered under Unitary Development Plan (UDP) Policy TACE 11 and Policy S41 of the City Plan. These policies permit tables and chairs to be sited on the highway where they would not result in highway obstruction and where there would be no material loss of amenity to neighbouring occupiers. The impact of the proposals in these terms is discussed in sections 8.3 and 8.4 of this report.

8.2 Townscape and Design

The furniture is to have timber tops and metal frames, which is considered to be appropriate and will not have a negative impact on the character of the area. The removal of the barriers is an welcome amendment removing additional street clutter.

8.3 Residential Amenity

It was originally proposed that 7 tables and 14 chairs were to be placed on the highway. Three objections and one neutral comment were received in relation to this original proposal, each raising concern over harm of the tables and chairs to residential amenity. The objections specifically state that the noise produced by customers of 55 Shirland Road in the past has been unacceptably loud. The neutral comment added that the tables should be removed at 23.00 at the latest. The applicant was notified of the nature of these objections, and subsequently reduced the number of tables and chairs and provided written statements of the public house's management. The statements claim that 'guests acting unreasonably, such as shouting, singing or swearing excessively, or not moving on request will be reminded that as a courtesy to neighbours and other guests that noise must be kept to a reasonable level'.

All neighbours were subsequently re-consulted on the amended set of plans and the Dispersal Policy and Front Area Management Statement. In response to this re-consultation one response was received. The one response objected to the amended proposal still raising concerns over noise in particular in the evenings and closing time and added that despite the provides statements it the previous management of the 55 Shirland Road were unable to clear the tables by the specified time and failed to move customers on from outside the cut-off time.

In order to ensure that the amenity of neighbours is maintained as much as possible the hours which the tables and chairs can be placed on the highway is recommended to be limited to between the hours of 10:00 and 22:00 (in line with previous permissions). It is also recommended that permission is granted on a temporary basis for one year, to allow for the City Council to monitor and review the tables and chairs again in a years time.

Subject to these conditions, the proposal would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP, therefore a refusal of permission on this ground could not be sustained.

8.4 Transportation/Parking

The Highways Planning Manager has raised objection to the proposals, as with the barriers in place, 2m of clear pavement width is not left clear from the edge of the barriers (including bases) to the pavement edge. In addition due to the placement of the barriers, insufficient space is left to service the furniture, which would likely lead to it being moved out into the footway. The proposals are therefore considered to be contrary to the Westminster Way.

The proposals have been amended during the course of the application to reduce the number of tables and chairs and to remove the barriers. The revised proposals are considered to be acceptable with 2m of clear pavement left to the inside edge of the kerb or 2.2m to the edge of the kerb. The tables can also be readily serviced with the barrier removed.

The Highways Manager has also commented that some of the furniture covers a basement service hatch. While these comments are noted, it is considered that the furniture above the hatch could readily be moved temporarily during deliveries and then placed back in position.

Objections received from neighbours also raised concerns over highways matters. The submitted objections stated that the previous management of 55 Shirland Road were not able to restrict customers to the authorised area. Further to this, objections also stated that customers have previously been seen standing on both sides of the already narrow footway providing pedestrian access into Elnathan Mews. Issues in relation to vertical drinking are not a matter which can be controlled as part of an application for tables and chairs. Such matters are a managerial concern, however the applicant has provided a Front Area Management Statement that notes "guests will be supervised to ensure that they do not encroach on the road, public footway or Elnathan Mews. Anyone found there is to be asked firmly and politely to move back into the designated area". In order to ensure that the proposed area of the highway that is used for the placing of the tables and chairs is maintained as such, it is recommended that a condition is applied that restricts that tables and chairs to only be placed in the position as shown on the approved layout plan.

Subject to these conditions, the proposal would be consistent with the relevant policy of S41 of the City Plan and policies of TRANS 3 and TACE 11 of the UDP.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The access to the site will remain as existing from the corner of Shirland Road and Elnathan Mews.

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.

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.10 Environmental Impact Assessment

This application is of insufficient scale to require the submission of an EIA.

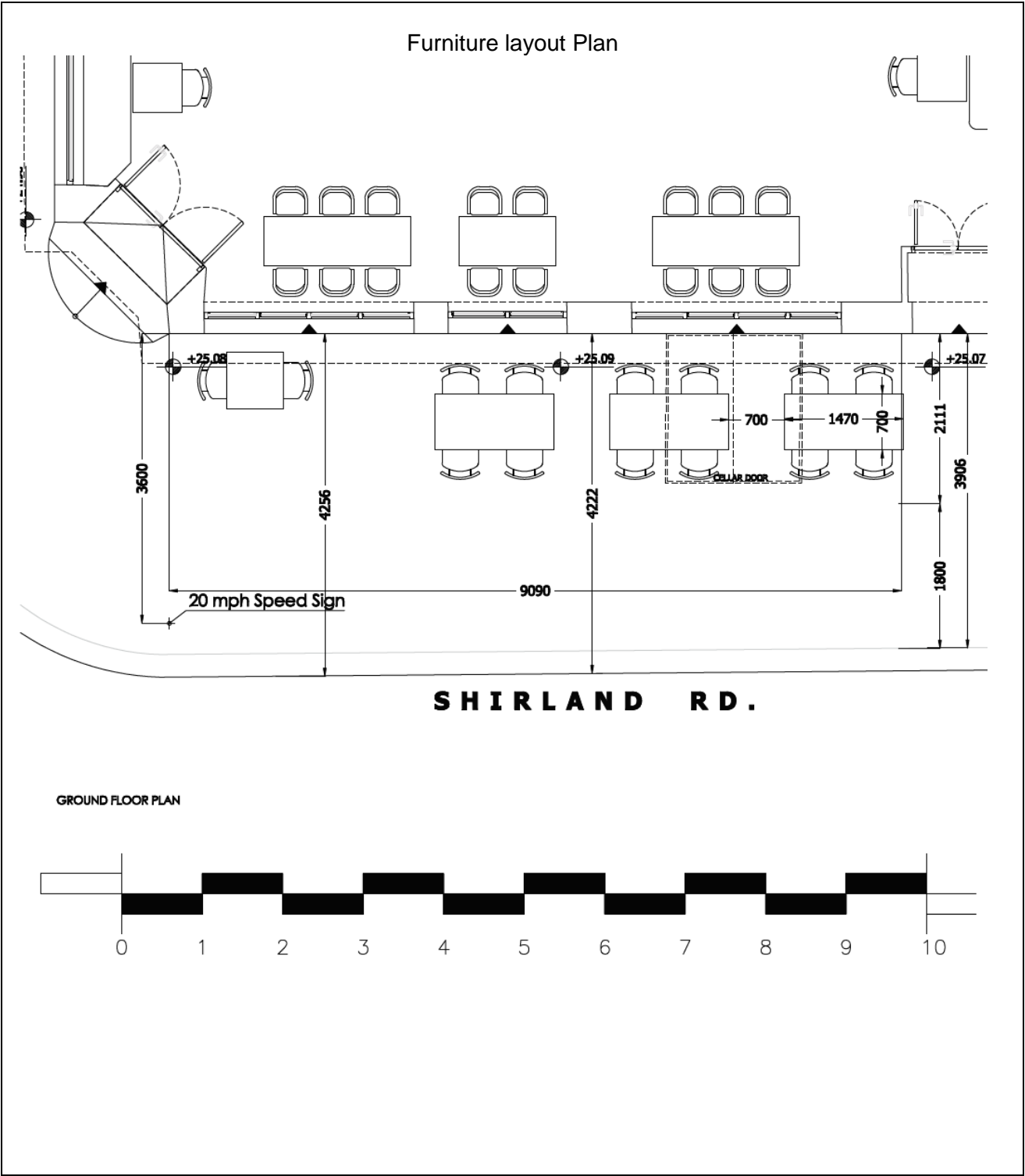
8.11 Other Issues

Objections have been received on the basis of disturbance, antisocial behaviour and the management of the previous pub and the tables and chairs. While these concerns are noted, the pub has changed hands and therefore in order to re-assess the impact of the proposed tables and chairs, permission is only recommended to be granted on a temporary basis of 1 year so that the impact can be reassessed in a years time.

(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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 55 Shirland Road, London, W9 2JD,

Proposal: Use of the public highway measuring 9.1m x 1.9m outside public house for the placing of 4 tables and 14 chairs and associated removable barriers.

Plan Nos: PL-15 Rev C, PL-16 Rev C, PL-01, Cover Letter, Front Area Management Statement, Dispersal Policy, Proposed Tables and Chairs for Hero Maida Vale.

Case Officer: Harry Berks

Direct Tel. No. 020 7641 3998

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 PL-15 C. (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 10:00 and 22:00. (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 Hero of Maida. (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 2019. 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 PL-15 C and details of table and chair. 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)

Item No.
8

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)

- 4 If you want to know about the progress of your application for a street trading licence, you can contact our Licensing Service on 020 7641 8549. (I49AB)