

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	<b>The Eagle, 15 Clifton Road, London, W9 1SY</b>		
<b>Proposal</b>	Use of an area of the public highway measuring 11.35m x 2.29m for placing of four tables and 16 chairs, planters and a menu lectern in association with the public house.		
<b>Agent</b>	Mr Stephen Talbot		
<b>On behalf of</b>	Mr Stephen Talbot		
<b>Registered Number</b>	18/03807/TCH	<b>Date amended/ completed</b>	10 May 2018
<b>Date Application Received</b>	9 May 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is the Eagle public house that is located on the junction of Clifton Road and Lanark Place, which is within the Maida Vale Conservation Area.

Permission is sought for the use of an area of the public highway measuring 11.35m x 2.29m for the placing of four tables, eight chairs, planters and one menu lectern.

Two objections have been received concerning the noise impact of the proposal on the amenity of the occupiers of neighbouring and adjoining properties and also the restriction of pedestrian movement on the public highway.

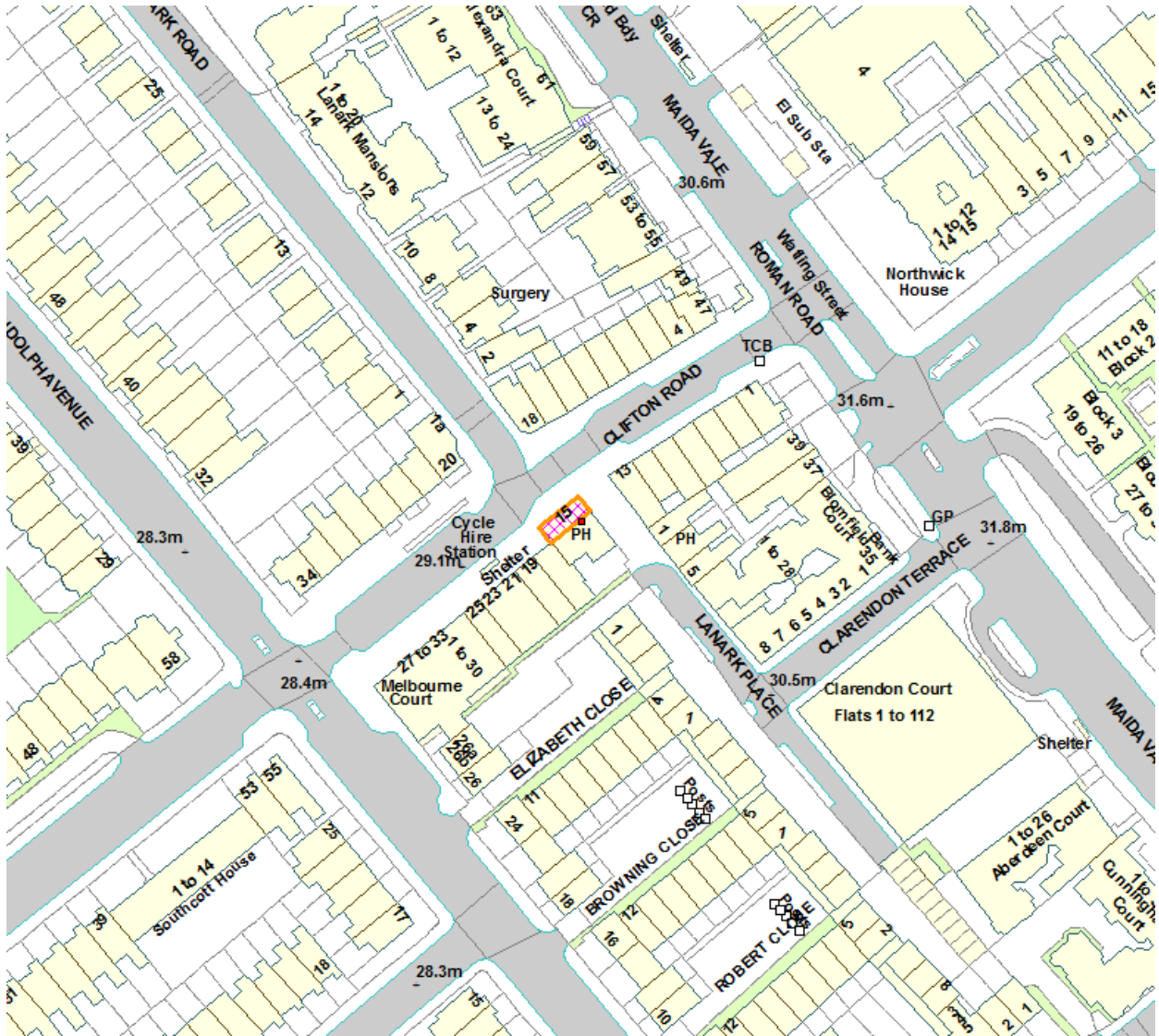
The key issue in the consideration of this application are:

- \* The impact on the amenity of occupiers of neighbouring and adjoining properties;
- \* The impact on pedestrian movement on the public highway;
- \* The acceptability of the proposals in land use terms.

The proposals are considered to accord with City Council's adopted policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design,

amenity and highways terms. The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

**LOCATION PLAN**



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3. PHOTOGRAPH



#### 4. CONSULTATIONS

**PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:**

No objection. It is requested that neighbours' views are taken into consideration.

**HIGHWAYS PLANNING MANAGER:**

Comment as follows:

- It has not been demonstrated that the planters are mobile and removed from the highway overnight.
- The proposals may obstruct a delivery hatch.
- A bench is proposed very close to the corner with Lanark Place, which could obstruct pedestrian flows.

Despite these comments, they note that as permission has been granted for this layout in the past, so therefore no objection is raised.

**WASTE OFFICER:**

No objection.

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

No. Consulted: 35

Total No. of replies: 2

No. of objections: 2

Objections have been received on the following grounds:

**Amenity:**

- Noise from the use of the outside space.
- Noise from staff locking up furniture.

**Highways:**

- Street furniture significantly reduces the area of the pavement available for pedestrian use.
- Street can be very busy after events at Lords Cricket ground.

**Other:**

- Alcohol outside should be restricted to 9pm.
- A doorman should be employed to control antisocial behaviour.
- The outdoor furniture should be removed half an hour before 9pm to encourage people to drink their drinks.

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

#### 5. BACKGROUND INFORMATION

##### 5.1 The Application Site

The application site is an unlisted pub located on the junction of Clifton Road and Lanark Place within the Maida Vale Conservation Area. The premises forms part of the core frontage within the Clifton Road local shopping centre.

## 5.2 Recent Relevant History

### 18/68094/H

Enforcement case concerning breach of condition 3 (restricted hours) attached to planning permission 17/04232/TCH  
Pending Consideration

### 18/03808/ADV

Display of a non-illuminated menu lecturn measuring 1.40m x 0.40m. Linked to 18/03807/TCH  
Application Withdrawn 15 May 2018

### 17/04232/TCH

Use of two areas of the public highway measuring 11.3m x 2.3m for the placing of 4 tables and 8 chairs and 4 benches, 4 planters and 1no menu stand in connection with the existing ground floor use.  
Application Permitted 5 July 2017

### 86/05135/FULL

ALTERATIONS TO ALL ELEVATIONS ESCAPE STAIR TO THE REAR AND THE DEMOLITION OF EXISTING REAR EXTENSION  
Grant PP with Conditns HIST 30 January 1987

### 86/02026/ADV

ILLUMINATED SIGN  
Consent to display advert-Conditnl HIST 16 September 1986

### 86/02027/FULL

CHANGE OF USE TO EXTEND LICENCED PREMISES TO 1ST FLOOR AND PROVIDE STAFF ROOMS AND KITCHEN TO PUB AT 2ND FLR WITH ERECTION OF CONSERVATORY AT REAR OF FIRST FLOOR  
Refuse Planning Permission HIST 29 October 1986

## 6. THE PROPOSAL

Permission is sought for the use of an area of the public highway measuring 11.35m x 2.29m for placing of four tables, eight chairs, planters and one menu lectern.

## 7. DETAILED CONSIDERATIONS

### 7.1 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 7.3 and 7.4 of this report.

## 7.2 Townscape and Design

The relevant policies for consideration of this case are DES 1, DES 5, DES 7 and TACE 11 of the adopted UDP 2007, and S28 of the adopted City Plan 2016.

The proposals have been changed from the original submission, changing the design of some of the tables so that they can be removed from the pavement when not in use. The proposed furniture is considered acceptable and given its temporary nature will not have a negative impact on the Maida Vale Conservation Area.

For this reason the proposal is compliant with policies DES 1, DES 5, DES 7 and TACE 11 of the adopted UDP 2007, and S28 of the adopted City Plan 2016.

## 7.3 Residential Amenity

Policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our UDP (January 2007) concern the impact on the amenities of the occupiers of neighbouring and adjoining properties.

Permission was granted for the use of this area of the public highway for tables and chairs on 04 July 2017 under application referenced 17/04232/TCH. This permission was granted for one year so that the City Council could assess the proposal's impact.

Two objections have been received on the grounds of the impact of noise from the use of the outside space on the occupiers of neighbouring and adjoining properties. One of the objections states that the issues with noise only began after the recent change of ownership. The agent for the application has clarified that the pub has not had a change of ownership; rather it has had a recent change of management. The objector says that recently the pub has become noisy and the continued use of the outside space would be to the detriment of their amenity. In addition to these objections, noise complaints have been raised with Environmental Health concerning the use of this section of the public highway since the approval of 17/04232/TCH on 04 July 2017. Although the applicant applied for the land to be used by customers until 23:00 Monday to Saturday 22:30 on Sunday and Bank Holidays, it is considered necessary to restrict the hours of use to 21:00 to address the impact of noise on the amenity of the occupiers of neighbouring and adjoining properties. The applicant has agreed to these revised hours.

It is also recommended that permission be granted for a limited period of one year to monitor the proposal's amenity impact of the furniture. If after 12 months the amenity impact of the current proposal is considered to be acceptable and if a future planning application for the use of this section of the public highway is submitted, then hours of use beyond 21:00 can be reassessed subject to a fresh round of consultation. In addition the proposals have been amended so that none of the furniture is left on the pavement, which addresses objections in relation to noise from chaining up the furniture.

For the reasons stated above, and subject to the proposed conditions, it is considered that the proposal is in accordance with policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our UDP (January 2007).

#### **7.4 Transportation/Parking**

The City Council's UDP policies TRANS 3 (A) and TACE 11 and the SPG Westminster Way (adopted November 2011) relate to tables chairs and other objects placed on the public highway.

The Highways Planning Manager has commented in relation to the planters being immobile, obstruction of a delivery hatch and the placement of a table. The applicant has confirmed that the planters will be amended to include rollers, so that they can be moved from the public highway overnight, a condition is recommended to ensure that this alteration is made. In relation to the delivery hatch, any furniture can be moved temporarily when access to the hatch is required. In relation to the location of the furniture, the proposed external seating area extends 2.3m from the front building line, and would leave a distance of 2.7m of unobstructed pavement for pedestrian use on Clifton Road. The Westminster Way states that the minimum requirement for a pedestrian clearway is 2 metres, so the proposal satisfies this requirement. The proposal is considered not to result in an obstruction to pedestrian movement.

The tables and benches that were approved to be placed on the public highway under application 17/04232/TCH were in fact too cumbersome to be removed from the public highway each night. For this reason, the current proposal has been amended so that the cumbersome tables and benches have been replaced with tables and chairs that are lightweight and stackable. The proposed plans indicate that an area at the rear of the property has been allocated for the storage of pavement furniture overnight. This shall allow the pavement to be cleaned at night time.

For these reasons, the proposal is considered to be in accordance with policies TRANS 3 (A) and TACE 11 of our UDP (January 2007).

#### **7.5 Economic Considerations**

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

#### **7.6 Access**

Access to the pub will remain as existing.

#### **7.7 Other UDP/Westminster Policy Considerations**

None.

#### **7.8 London Plan**

This application raises no strategic issues.

## **7.9 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.

## **7.10 Planning Obligations**

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

## **7.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment.

## **7.12 Other Issues**

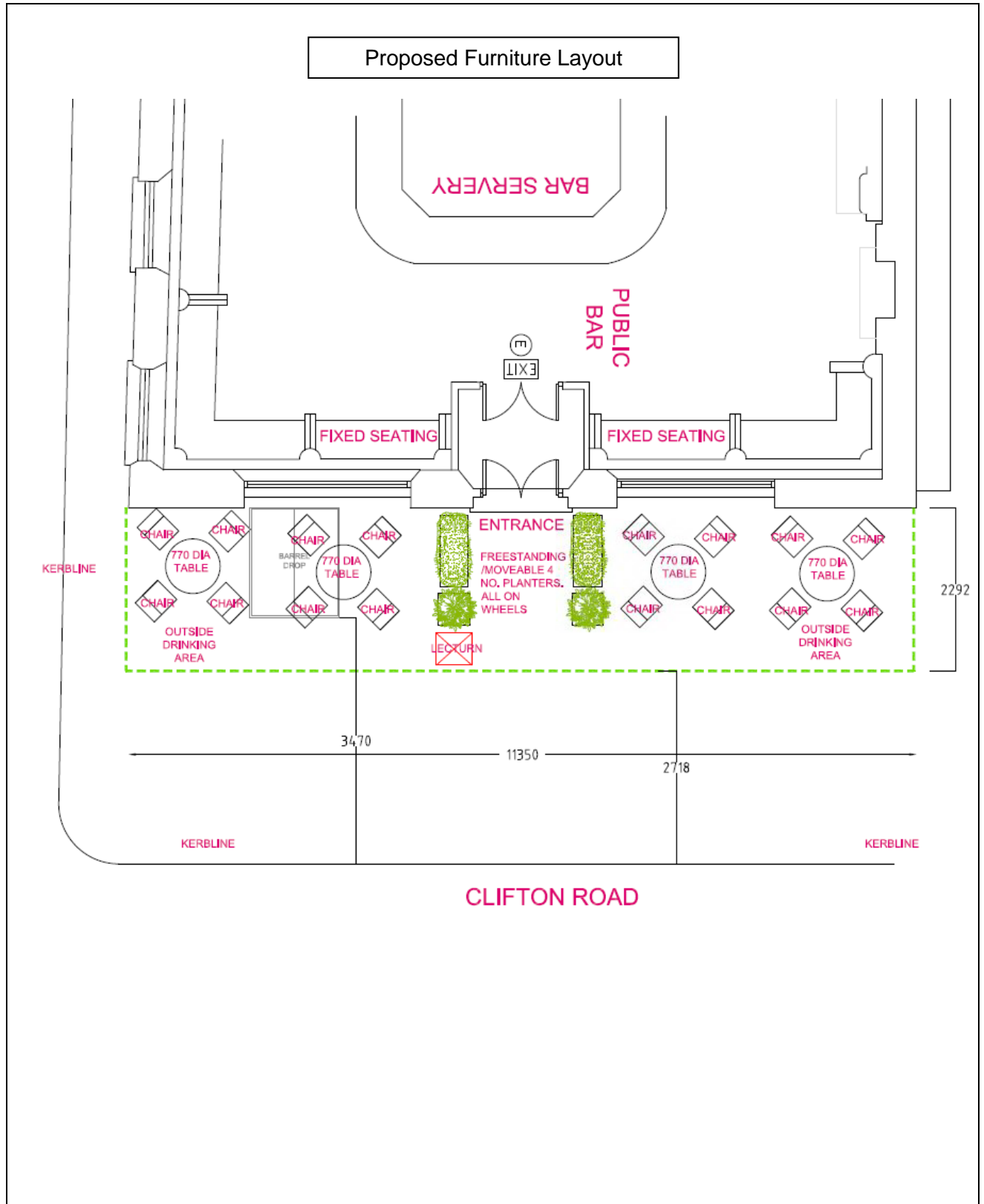
None.

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

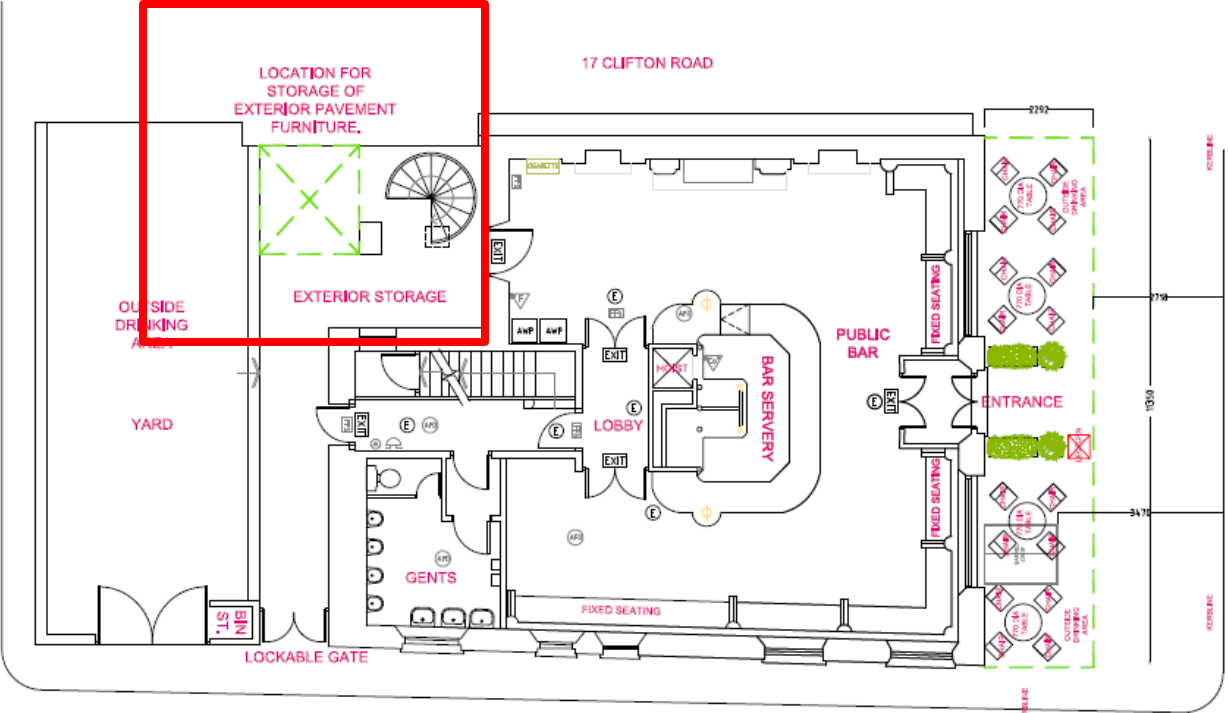
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk)



8. KEY DRAWINGS



Proposed Furniture Storage Location



**GROUND FLOOR PLAN**  
**1:100 @A1**

LANARK PLACE

Proposed Furniture Storage Location



**DRAFT DECISION LETTER**

**Address:** The Eagle , 15 Clifton Road, London, W9 1SY

**Proposal:** Use of an area of the public highway measuring 11.35m x 2.29m for placing of two tables and 8 chairs, planters and menu lecturn.

**Plan Nos:** P001 Rev B, P002

**Case Officer:** William Philips

**Direct Tel. No.** 020 7641 3993

**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 street furniture in any other position than that shown on drawing P001 Rev B.  
  
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 21:00. (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. (R25BD)
- 4 The tables and chairs must only be used by customers of The Eagle, 15 Clifton Road.  
  
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. (R25BD)
- 5 This use of the pavement may continue until 12 months from the date of the decision letter. You must then remove the tables, chairs, planters and menu lectern.

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 street furniture shown on drawing P001 Rev B. No other furniture, equipment or screening shall be placed on the pavement in association with the furniture 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. (R25EA)

- 7 Within 2 months of the date of this decision you must submit details to indicate that the planters have been amended so that they can be easily moved from the highway. The planters shall be retained as such thereafter.

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)

**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.

Item No.
<b>8</b>

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)

- 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)