

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1608.21

WARD : Harold Wood **Date Received:** 13th August 2021

ADDRESS: KING HAROLD
51 STATION ROAD
HAROLD WOOD ROMFORD

PROPOSAL: Retrospective application for an outbuilding to form a bar
Supporting statement received 09.12.21

DRAWING NO(S): 01 Revision A
02 Revision A

RECOMMENDATION : It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site comprises of a public house entitled the King Harold at No. 51 Station Road, Harold Wood. The detached building contains a bar and restaurant operation with staff accommodation on the upper floors. The site has an amenity space to the side and rear of the building, which is ancillary to the operation of the public house to provide an outdoor environment for patrons. The site is located in Station Road, Harold Wood Local Centre. There are two storey dwellings in the vicinity of the site.

Prior Approval was granted for a change of use from A2/B1 use to residential creating 8 units at Arundel Business Centre, 49 Station Road on 28th August 2018 and this permission appears to have been implemented, as there are numerous suites that have been registered on the Council's mapping system at the Arundel Business Centre.

DESCRIPTION OF PROPOSAL

Retrospective planning permission is sought for an outbuilding to form a bar.

The plans and photographs show an outdoor serving area, covered seating area and pizza oven. The supporting statement states that the bar and dining facilities operate during the following hours:

Monday to Saturday - 11:00am to 11:00pm

Sundays - 12 noon to 10.30pm

The outbuilding measures approximately 3.1m wide, 14.3m deep with a flat roof with a height of 2.7m and a pitched roof with a height of 3 metres.

The materials are rendered masonry and flat/pitched felted roof.

There is an enforcement case at the King Harold Public House, 51 Station Road, reference ENF/195/21 regarding the construction of an outbuilding without planning permission.

The supporting statement states that the outbuilding adjacent to the western boundary of the site remains at present and has been since at least 2013. It may be that the roof form of the outbuilding has changed but it is self-evident that the structure has existed for some time. The outbuilding facilitates customer service in the amenity space for patrons when weather and temperature permits.

It is noted that revised plans were received on 30th November and a supporting statement was received on 9th December. It was not deemed necessary to re-consult neighbouring properties, as the application is retrospective and the changes to the roof form of the outbuilding were not deemed to be significant.

RELEVANT HISTORY

- P0877.21 - Retrospective application for outbuilding
Withdrawn - Invalid 07-05-2021
- P1132.18 - Two storey side and rear extension, internal alterations and an external staircase.
Withdrawn 31-03-2020
- P1845.15 - Proposed Conservatory
Apprv with cons 18-03-2016
- P1062.15 - Raised roof extension to provide 4 additional flats
Refuse 25-04-2016
- P0700.15 - Proposed erection of front porch and replacement of windows to front elevation.
Apprv with cons 30-07-2015
- P1106.14 - Proposed new porch & new doors to replace windows.
Withdrawn - Invalid 10-12-2014
- P1128.09 - Retention of conversion of first floor flat into 2 flats and smoking shelter.
Apprv with cons 30-11-2009

CONSULTATIONS/REPRESENTATIONS

29 neighbouring properties were consulted and one letter of objection was received with detailed comments that have been summarised as follows:

- Concerns that the application is retrospective and the building not been built following the proper guidelines and regulations.

Comments that the application is retrospective are not material planning considerations. The supporting statement states that the outbuilding adjacent to the western boundary of the site remains at present and has been since at least 2013.

Public Protection - No objection subject to conditions. The full consultation response will be provided elsewhere in this report.

RELEVANT POLICIES

Policies 7 (Residential design and amenity), 14 (Eating and drinking) and 26 (Urban Design) of the Havering Local Plan (2016-2031) as well as the Havering Community Infrastructure Levy Charging Schedule is relevant.

Policies D4 (Delivering good design), HC7 (Protecting public houses) and T9 (Funding transport infrastructure through planning) of the London Plan 2021 are relevant.

The National Planning Policy Framework is relevant.

MAYORAL CIL IMPLICATIONS

The outbuilding does not have a floor area of over 100 square metres and therefore, is not liable for Mayoral or Havering CIL.

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. Site photos were provided by the agent in support of the application. In determining this application, photos, Google Street View, aerial view images and submitted drawings were used to assess the site constraints.

The main issues to be considered in this case are the impact on the street scene, residential amenity and highways/parking matters.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The outbuilding is not directly visible in the streetscene, as it's located to the rear of the public house and is partly screened by a boundary wall in excess of 2m in height on the western boundary of the site. The outbuilding is single storey and is set back approximately 17 metres from the front boundary of the site, which helps to mitigate its impact. Taking the above factors in account, it is considered that the outbuilding is not materially harmful to the character and appearance of the streetscene.

Drawing No. 01 Revision refers to a translucent flat roof cover to the west of the public house, which appears to be an unauthorised and relatively new structure and is not shown on Google Streetview images and an informative will be placed stating that this requires separate planning consent.

IMPACT ON AMENITY

Policy 7 of the Havering Local Plan states that "Residential development should be of a high design quality that is inclusive and provides an attractive, safe and accessible living environment for new residents whilst ensuring that the amenity and quality of life of existing and future residents is not adversely impacted. To protect the amenity of existing and future residents the Council will support developments that do not result in:

- i. Unacceptable overlooking or loss of privacy or outlook;
- ii. Unacceptable loss of daylight and sunlight; and
- iii. Unacceptable levels of noise, vibration and disturbance".

It is considered that the outbuilding itself is not materially harmful to residential amenity, as its single storey, its partly screened by a brick wall in excess of 2m in height on the western boundary of the site and it is reasonably low in height at 3 metres. The outbuilding is set in approximately 4 metres from the rear boundary of the site, which helps to mitigate its impact. It is considered that the outbuilding does not result in any additional overlooking or loss of privacy over and above existing conditions.

The site has an amenity space to the side and rear of the building, which is ancillary to the operation of the public house to provide an outdoor environment for the users.

Retrospective planning permission is sought for an outbuilding to form a bar. The plans and photographs show an outdoor serving area, covered seating area and pizza oven. The supporting statement states that the bar and dining facilities operate during the following hours:

Monday to Saturday - 11:00am to 11:00pm

Sundays - 12 noon to 10.30pm

The Council's Public Protection Department was consulted and provided the following comments: Last summer, the Public Protection Department had approximately 10 noise

complaints regarding activities in the beer garden of the King Harold Pub, primarily from live music/karaoke in the beer garden (Our ref SRU128625). Whilst not directly linked to the use of the outside bar, it does demonstrate that the outside bar area may facilitate or encourage such events in the future.

In isolation, the bar/pizza oven should not cause any greater loss of amenity when compared to the normal use of the beer garden, and as such, there is no objection to the use, providing the following conditions are added to ensure that there is no significant loss of amenity to the area by its use. If the conditions are not applied, then the Public Protection Department would recommend refusal.

The current licence for the pub permits alcohol to be served and regulated entertainment to occur until midnight on Sunday - Thursday, and until 01.00 hours on Friday and Saturday night (with opening hours until 00.30/01.30 respectively). It is considered that the use of the outside bar should not be this late, as it will give rise to customers remaining in the beer garden longer in the evening, and may also give rise to noise from clearing away bottles/glasses/moving stock around. Similarly, there is a concern that outside speakers will be used at the bar/pizza oven area will cause a loss of amenity to the local residents. It is suggested that the following conditions are applied:

The hereby permitted outbuilding shall not be open to customers outside of the following times: 10.00 hours -23.00 hours, Monday-Sunday

Reason: In order to prevent a loss of amenity to local residents from customer noise

No music or amplified sound shall be played and no sound reproduction equipment or speakers shall be used in the hereby permitted outbuilding.

Reason: In order to prevent a loss of amenity to local residents from amplified sound

Bins shall not be emptied in the hereby permitted outbuilding nor stock replaced outside of the following times: 08.00-21.00 hours, Monday- Saturday; 09.00-20.00 hours, Sunday and Bank Holidays.

Reason: In order to prevent a loss of amenity to local residents from noise from servicing the outside bar area.

The Council's Public Protection Department had suggested that the following condition be imposed: "Details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the outbuilding. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details. Reason: To prevent noise nuisance to adjoining/adjacent properties". However, as the issues (and conditions) above deal with the main concerns that may arise and the outbuilding is an open structure, it is not considered appropriate or necessary to impose this condition. It is not deemed practical or enforceable to impose a condition regarding emptying bins or replacing stock.

It is considered that the use of the outbuilding as a bar and to provide pizzas to patrons would not generate significant levels of noise and disturbance over and above the use of the outside seating area of the public house subject to conditions. A condition will be placed to ensure that no music or amplified sound shall be played and no sound reproduction equipment or speakers shall be used in the outbuilding to protect neighbouring amenity. The hours of use of the external seating area will be secured by condition. It is noted that the Council's Public Protection Department has advised that the outbuilding should not be used outside of the following times 10:00-23:00 Monday to Sunday, but the supporting statement states that the outbuilding would be used from 11am-11pm Monday to Saturday and 12 noon to 10.30pm and latter hours (which

are shorter) will be secured by condition to protect neighbouring amenity. Subject to these conditions, it is considered that the outbuilding does not create significant levels of noise and disturbance from the site which results in material harm to the residential amenities of surrounding sites.

Taking into account that there have been previous noise complaints regarding activities in the beer garden of the King Harold Pub, it is considered that a temporary permission for one year would be reasonable and appropriate to enable the Local Planning Authority to monitor the impact of the use of the outbuilding on adjacent residential occupiers.

HIGHWAY/PARKING

It is considered that the outbuilding does not create any parking or highway issues.

KEY ISSUES/CONCLUSIONS

It is considered that the outbuilding is not materially harmful to the character and appearance of the streetscene. Taking into account that there have been previous noise complaints regarding activities in the beer garden of the King Harold Pub, it is considered that a temporary permission for one year would be reasonable and appropriate to enable the Local Planning Authority to monitor the impact of the use of the outbuilding on adjacent residential occupiers. It is considered that the outbuilding does not create any highway or parking issues. Accordingly, it is recommended that temporary planning permission be granted for one year.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the following conditions:

1. SC16 (Temporary permission)

This permission shall be for a limited period only expiring on 10th December 2022 on or before which date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to monitor the impact on adjacent residential occupiers, and to ensure that the development accords with Policy 7 of the Havering Local Plan.

2. Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:- The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the provisions of Policy 7 of the Havering Local Plan.

3. Hours of use

The outbuilding shall not be used for the purposes hereby permitted other than between the hours of 11:00am till 11:00pm on Monday to Saturday and 12:00pm till 10.30pm on Sundays.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Policy 7 of the Havering Local Plan.

4. Music Restriction

No music or amplified sound shall be played and no sound reproduction equipment or speakers shall be used in the outbuilding hereby permitted.

Reason:- To prevent noise nuisance to adjoining properties in accordance with Policy 7 of the Havering Local Plan.

INFORMATIVES

1 Approval following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework 2018, improvements required to make the proposal acceptable were negotiated with the agent via email on 18th October 2021. The revisions involved submitting revised plans to reflect the outbuilding on site and a supporting statement. The amendments were subsequently submitted on 30th November and 9th December 2021.

2 Non Standard Informative 1

Drawing No. 01 Revision refers to a translucent flat roof cover to the west of the public house, which appears to be an unauthorised structure and the applicant is advised that this requires separate planning consent.

Authorising Officer: Neil Goate
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10-12-2021
