

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P2108.21

WARD : Pettits

Date Received: 3rd November 2021

ADDRESS: 4 MORAY WAY
ROMFORD

PROPOSAL: Variation of condition No. 5 (Opening hours) of planning permission ref: P1190.19 dated 20/07/2020 to change opening times (Change of use to (A3) coffee shop with replacement shop front and rear seating area).

DRAWING NO(S): SLP

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 is located at No. 4 Moray Way and is in use as a Coffee shop (formally A3 use, now replaced by E(b). Property comprises of a mid terrace unit forming part of a larger parade characterised by other commercial uses with residential over.

The site is neither listed nor within a Conservation Area,

DESCRIPTION OF PROPOSAL

Hours of operation (condition 5 of P1190.20) varied from

08:00 to 18:00 Monday to Saturday

09:00 to 17:00 Sundays and any Bank or Public holidays

to

07:00 to 22:00 Monday to Friday

07:00 to 22:00 Saturday

08:00 to 22:00 Sunday and Bank/Public Holidays

RELEVANT HISTORY

Q0147.20 - Discharge of condition 3 (waste management) of application P1190.19 [Change of use to (A3) coffee shop with replacement shop front and rear seating area.]

ALL DECISIONS 21-07-2020
ISSUED

P1190.19 - Change of use to (A3) coffee shop with replacement shop front and rear seating area.

Apprv with cons 15-04-2020

CONSULTATIONS/REPRESENTATIONS

PUBLIC CONSULTATION

Letters were sent to surrounding neighbouring occupiers with one letter of representation received citing the following concerns:

- High volume of traffic
- Increased trip movement
- Noise and disturbance

Material planning considerations will be discussed in the following sections of this report.

In addition to this the following comments were received from other stakeholders:

Environmental Health - No comments
 Highway Authority - No comments
 DOCO - Condition recommended.

Having regard to the type of permission sought and policy support, it is not considered that an SBD condition would meet the tests set out within the NPPF. Consideration will be given to imposing an informative requiring the applicant consider SBD principles.

RELEVANT POLICIES

Havering Local Plan 2016-2031 - Policies 13, 14, 23, 26 and 34.
 London Plan 2021
 NPPF

MAYORAL CIL IMPLICATIONS

There is no requirement for a contribution under CIL regulations.

PRINCIPLE OF DEVELOPMENT

The site is located within central Romford in an area typified by a mixture of commercial and residential uses.

The use of the premises is established now, minded that the use has commenced and presently operates within the operating hours established through condition 3 of application ref: P1532.19.

IMPACT ON AMENITY

Whilst the existing use of the premises is considered acceptable in principle having regard to the mixed use environment, the proposal for extended operating hours require further consideration in terms of neighbouring amenity given the location of the site relative to surrounding residents including those above the parade. This had been a key consideration, along with the proposed use of the site, when determining the earlier application for the COU to A3.

The Havering Local Plan 2016-2031 (HLP) at Policy 13 (Town Centre development) states that development will be permitted where it would have no significant adverse impact on surrounding amenity (including cumulative impact) in terms of anti-social behaviour, noise, odour, waste management, highways and parking. These considerations are reinforced by Policy 14 (Eating and Drinking establishments) and Policy 34 of the HLP.

Within the parade there are no directly comparable uses to the subject site as it operates currently. There are however noted to be other late night/evening uses within the parade, including a hot-food takeaway at the western end and a cooperative retail unit separated from the subject site by another service use. Each of the two examples cease trading at 22:00PM respectively, however in the case of the takeaway use this does not operate at all on Sundays, Bank or Public Holidays and operates Monday to Saturday from 11:00 to 22:00 following a variation of an historic condition under ref: P1803.19.

The proposed hours would not appear to be excessive in the opinion of officers when considered in the context of the nearby takeaway use and a 22:00 closing time would be considered appropriate on that basis. However extending hours on Sundays and Bank/Public Holidays over that originally imposed would in the opinion of officers be detrimental to the amenity of surrounding occupiers as there would be little respite from the business operations taking place, including associated comings and goings and general operating noise. There is no evidence before officers that an opposing view should be formed on operating hours on Sundays, Bank and Public Holidays having regard to the uses within the parade and mindful of the existing arrangements. The following are regarded as being acceptable in this setting and a condition will be imposed to that effect:

Monday to Saturday 08:00 to 22:00
Sundays, Bank/Public holidays 09:00 to 17:00

Residents have expressed concern over the use of the premises, with the varied hours coinciding with an application for a premises license for the sale of alcohol. The License granted earlier in 2021 permits the sale of alcohol Mon-Sat 07:00 - 22:00 and Sun 08:00 - 22:00. To some extent the success of an application for a license for the sale/consumption of alcohol considers the impacts on surrounding neighbouring amenity and is a consideration for the LPA. Whilst as indicated by the applicant the NPPF has since been revised it is reasonable to assert that similar considerations would have been held by those determining the outcome of the licensing application including neighbouring amenity. That aside, officers would contend that any extension of operating hours on Sundays, Bank and Public Holidays would be detrimental to neighbouring amenity through the use of the premises at a time where no other comparable uses are in operation. The use of the premises would not be comparable to that of any unit within the parade both in terms of operations and the type of activity generated which may extend to groups attending/leaving the premises, waiting for transport out front of the parade beneath windows and moving to vehicles within surrounding roads where there might otherwise be no demand particularly in the evening on Sundays/Bank and Public Holidays where there would be little other activity associated with the parade.

To address the matter of the premises becoming a drinking establishment which is inferred within objections made to the Council, the lawful use of the premises was A3 at the time of determination in 2019 and with recent changes to the Use Classes Order 1987 (UCO) the site would fall within the "E" grouping. Within the former A3 use and current E groupings this extends to restaurants which may incorporate some element of alcohol sale or consumption reasonably. Nevertheless a drinking establishment in the literal sense or takeaway would form a sui generis use and would require planning permission. There is nothing inherent within the current submission, to suggest that a material change of use would be taking place and the act of being granted a license for the sale of alcohol is not of itself suggestive of this either.

There are not considered to be any grounds for withhold permission.

HIGHWAY/PARKING

It is not considered that the proposed increase in opening hours would result in any unacceptable impact on the functioning of the highway, parking or pedestrian movement/comfort or that any grounds exist to which planning permission could be withheld.

No objection has been recorded from the Highway Authority which reinforces the above.

KEY ISSUES/CONCLUSIONS

Having regard to the above and in doing so all relevant planning policy and material

considerations APPROVAL is recommended accordingly.

RECOMMENDATION

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

1. SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00PM to 22:00PM Monday to Saturday and 09:00AM and 17:00PM Sundays and any Bank or Public holidays, without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords Havering Local Plan 2016-2031 Policies 13, 14 and 34.

INFORMATIVES

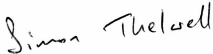
1 Approval - No negotiation required

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework.

2 Secure by Design Informative

INFORMATIVE

In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

Authorising Officer:	Simon Thelwell		24-12-2021
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