

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0168.24

WARD: St Albans **Date Received:** 5th February 2024

ADDRESS: 165-167 South Street
Romford

PROPOSAL: Proposed powder coated aluminium canopy with retractable clear vinyl panels to form covered outside seating area

DRAWING NO(S): 001 Proposed Block and Location Plan
002 Existing, Proposed Plans and Elevations

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application site is occupied by a double fronted commercial unit located in the Secondary Frontage of the Romford Metropolitan Centre as designated by the Havering Local Plan 2016-2031. The site includes an area along the frontage which is part of the adopted highway and forms part of the footway.

The footway tapers in width from the Atlanta Boulevard and Victoria Road crossroads narrowing to the south (allowing for the bus layby). Between the site and the carriageway edge is a telephone box and telecommunication cabinets.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a framed structure to create an enclosed canopied seating area along the double fronted unit.

The canopy structure would measure 1.74 metres in depth and constructed with an anthracite-coloured aluminium frame. When required during inclement weather a retractable clear vinyl roof covering and side panels would infill the structure to be fully enclosed.

The existing shopfront would be replaced with new clear glazed bi-folding doors.

RELEVANT HISTORY

P1095.23 - Proposed glazed canopy / outside seating area. Refused 22 September 2023.

Q0246.21 - Discharge of conditions 2, 3 & 4 from J0006.19. Decision Issued 02-03-2022.

P1709.20 - Raising of roof to create third floor for creation of 2 x 1-bed flats. Refused 9 February 2021.

A0025.19 -3 x illuminated fascia signs and 1 x illuminated projection sign.

J0006.19 - Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafes (Class A3). Prior Approval Granted 2 May 2019.
P1760.18 -change of use from A2 to A4 wine bar. Refused 5 February 2019.

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were invited to comment through direct notification. One representation has been received from Romford Civic Society which is summarised as follows:
The proposal would constitute a front extension resulting in excessive pavement encroachment onto a narrow part of the pavement to the detriment of pedestrians and the streetscene.

RELEVANT POLICIES

The following planning policies are material considerations for the assessment of this application:

National Planning Policy Framework (2023)

The National Planning Policy Framework (NPPF) sets out Government planning policies for England and how these should be applied. Themes relevant to this proposal are:

Chapter 6 - Building a strong, competitive economy.

Chapter 12 - Achieving well-designed places.

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.

London Plan 2021

Policy D4 Delivering good design.

Policy D8 Public realm

Havering Local Plan 2016-2031

Policy 1 - Romford Strategic Development Area

Policy 7 - Residential Design and Amenity

Policy 12 - Healthy Communities

Policy 13 - Town Centre Development

Policy 14 - Eating and drinking.

Policy 23 - Transport connections

Policy 24 - Parking Provision and Design

Policy 26 - Urban Design

Policy 34 - Managing pollution.

MAYORAL CIL IMPLICATIONS

There are no requirements under CIL regulations for a contribution.

STAFF COMMENTS

This application is a resubmission of P1095.23 where planning permission was refused for a proposed glazed canopy / outside seating area on 22 September 2023 for the following reason:
The canopy and enclosed seating area would lack subservience to the host building and would form

a prominent feature in the street-scene, detrimental to the character of the subject building and parade whilst also setting a harmful precedent through its permanence. It is considered that the arrangement set out on submitted plans when deployed would appear excessive and overbearing in scale, thus detrimental to the aesthetic of the host premises, wider parade and consequently the wider street scene, contrary to Policies 13 and 26 of the Havering Local Plan 2016-2031 as well as Paragraph 130 of the NPPF which requires development add to the overall quality of the area and be sympathetic to local character and also setting a harmful precedent for other similar development.

The application seeks to overcome the previous reason for refusal. The submitted drawing, No. 002 shows the scheme to be considered and two images of canopy examples. It is understood the address of the two examples are 14 Victoria Avenue and 15 Victoria Avenue.

The main planning issues raised by this application relate to effect on the character and appearance of the streetscene, the amenity of surrounding properties/land uses and highway safety.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 13 of the Havering Local Plan 2016-2031 states that the Council will seek to enhance the vitality and vibrancy of Havering's town centres, maintaining their important role for local communities. The Policy fundamentally requires that development not harm the town centre's vitality and viability with active frontages at ground floor level and support offered for street activity with a focus on pedestrian movement.

Policy 14 of the Local Plan states that "The Council supports the diversification of Havering's town centres and recognises the importance of eating and drinking establishments in creating attractive places where people enjoy spending their leisure time". In relation to applications for outdoor sitting areas on pavements, paragraph 8.3.5 states that "the Council will take into account the impact of the use on local amenity and highway safety and will only support applications where the table and chairs are removable and are contained within a barrier/defensible space that is also removable".

Furthermore, Policy 26 seeks to ensure that new development is of the highest standard of design which respects, reinforces and complements the local street scene and are informed by the distinctive qualities, identity, character and geographical features of the site and local area. In particular the form, scale, massing, height of the surrounding neighbouring buildings, public amenity and detailed design.

It is acknowledged that seating to the front of a cafe or restaurant is typical within the town centre and serves to promote the wider aims of increasing footfall and improving the vitality of South Street. An outdoor seating area in the traditional cafe/ restaurant sense would usually be set at a low level and as such would not be unduly prominent or obtrusive within the streetscene. It would also have an element of semi-permanence as the tables and chairs would not be fixed and could potentially be easily removed overnight or when not in use. This would align with the provisions of policies 13 and 14 in the Local Plan.

The current proposal would introduce a permanent fixture to the front elevation of the building in the form of a framed canopy structure. It is acknowledged that the proposal now includes retractable roof and wall panels, however, even when not in use the framed canopy structure would be very much evident in the streetscene. Whilst there would be a degree of semipermanence whereby the tables and chairs used would not be fixed and could be easily removed overnight or when not in use

this would not mitigate the presence of the framed canopy structure, even when all roof and wall panels are retracted. As such the overall visual impression would still be one of a substantial addition to the front elevation of the building.

The immediate surrounding area while street furniture is prevalent is characterised by a spacious public realm, with the front of the majority of commercial units forming the edge of the adopted highway.

Through a combination of its overall proportions and permanent appearance the proposed canopy structure would dominate views and reduce the perception of space and the effective width of the footway. It would form a dominant feature in the street-scene through its projection beyond the established front building line of the parade.

As it is shown, it is considered that the proposal would still encroach into the wide and open feel of the street scene. This would be detrimental to the character of the building/wider parade and would not allow for the open character of the area to be appreciated.

While it is proposed to have a retractable roof and wall panels it is considered this does not overcome the proposed framed canopy structure still appearing excessive, overbearing in scale and permanent, thus detrimental to the aesthetic of the host premises, wider parade and consequently the wider street scene. The development would still be contrary to Policies 13, 14 and 26 of the Havering Local Plan 2016-2031 and Paragraph 135 of the NPPF which requires development add to the overall quality of the area and be sympathetic to local character and also setting a harmful precedent for other similar development.

IMPACT ON AMENITY

An external seating area can be regarded as appropriate in such settings, despite the close relationship to nearby occupiers. The principle of such arrangements is regarded as generally acceptable in mixed use environments. 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 antisocial behaviour, noise, odour, waste management, highways and parking. These considerations are reinforced by Policy 14 (Eating and Drinking establishments) and Policy 34 of the Local Plan.

Having regard to the amenity impacts of such an arrangement, it is considered in light of the mixed use environment that an external seating area could be controlled appropriately through planning conditions restricting the use to specified hours in the event of approval. Any noise or disturbance during the daylight hours is regarded as within acceptable tolerances having regard to the commercial use of the parade.

HIGHWAY/PARKING

Policy 23 of the Havering Local Plan 2016-2031 states that the Council will consider favourably developments which consider and provide options for residents to travel sustainably and which enable walking and cycling.

The proposals do not present any adverse impacts in respect of vehicle parking or pedestrian movement. Whilst the available footway would be reduced and there is the presence of street furniture it would not be to the detriment of pedestrian movement evidenced by the existing arrangement. This is supported by the absence of an objection by the Highway Authority.

OTHER ISSUES

The submitted plans indicate that the existing external seating to the front of the unit has the benefit of a previous approval. However, while prior approval has been granted for the use of the building (see planning history) the Council holds no record of consent being sought or granted for the change of use of the footway.

With regard to the two examples shown on the submitted plan it is acknowledged that permission was granted for a front canopy and seating area in 2015 at 14 Victoria Avenue and in 1994 permission was granted for a front extension to 15 Victoria Avenue. However, it is considered the approvals do not provide the mitigating circumstances to outweigh the adverse effect to South Street from the proposed development.

KEY ISSUES/CONCLUSIONS

Having regard to the above and in doing so all relevant planning policy and material considerations REFUSAL is recommended accordingly.

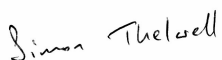
RECOMMENDATION:

It is recommended that **planning permission be REFUSED** for the following reason(s)

1 Reason for refusal - Streetscene

The canopy and enclosed seating area would lack subservience to the host building and would form a prominent feature in the street-scene, detrimental to the character of the subject building and parade whilst also setting a harmful precedent through its permanence. It is considered that the arrangement set out on submitted plans even when the roof and wall panels are retracted would appear excessive and overbearing in scale, thus detrimental to the aesthetic of the host premises, wider parade and consequently the wider street scene, contrary to Policies 13, 14 and 26 of the Havering Local Plan 2016-2031 as well as Paragraph 135 of the NPPF which requires development add to the overall quality of the area and be sympathetic to local character and also setting a harmful precedent for other similar development.

Authorising Officer:



Simon Thelwell

27th March 2024