

 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>08 April 2021</b>
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<b>Application Reference:</b>	<b>P0187.20</b>
<b>Location:</b>	<b>Fatling and Firkin, High St, Hornchurch</b>
<b>Ward:</b>	<b>St. Andrew's</b>
<b>Description:</b>	<b>Installation of a free standing food servery unit. Removal of two fixed jumbrellas and replaced with a new pergola.</b>
<b>Case Officer:</b>	<b>Aidan Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

- 1. BACKGROUND**
- 1.1 This application was called in by Councillor Paul Middleton for the Planning Committee to review and citing the following reason: the location of the proposed build is across a right of way between Leather Lane and Hornchurch High St. A right of way that has existed for many years.
  
- 2. SUMMARY OF KEY REASONS FOR RECOMMENDATION**
- 2.1 The proposed installation of a free standing food servery unit, removal of two fixed jumbrellas and replaced with a new pergola, replacement lighting and festoon line is proposed as part of the proposal. It is considered that the proposal is acceptable and not out of keeping with the locality or the use in conjunction with the Public House. Furthermore, the scale and siting of the building and the associated works is not judged to result in material harm to neighbouring amenity. No material amenity issues or parking and highway issues are considered to result.
  
- 3 RECOMMENDATION**
- 3.1 That the Committee resolve to GRANT planning permission subject to:
  
- 3.2 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

1. SC04 – Time Limit of 3 years to implement.
2. SC10C – Materials as per application form.
3. SC32 – Accordance with plans.
4. Restricted Permitted Cooking Methods to prohibit the use of grills, fryers & charcoal grills.
5. Hours of Operation for the takeaway from 1100h-2100h

### **Informatives**

1. No negotiation required
2. The applicant should note that planning permission does not override any other rights in regard to rights of way.

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 Planning permission is sought for the proposed installation of a free standing food servery unit, removal of two fixed jumbrellas and replaced with a new pergola. Although, not outlined on the description, replacement lighting and a festoon line is proposed as part of the proposal.

### **Site and Surroundings**

- 4.2 The application property comprises of the Fatling & Firkin public house located on the northern side of the High Street, Hornchurch. Sainsbury's supermarket is located to the west and there is a beer garden and a parade of shops to the east.

### **Planning History**

- 4.4 The following planning decisions are relevant to the application:

P0909.13 - Alteration to entrance lobby roof with addition of gable & bay window to side elevation timber panelling to flank elevation – Approved.

A0016.97 - Erection of brewery signage - illuminated – Approved.

## **5 CONSULTATION RESPONSES**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 5.2 The following were consulted regarding the application:

- 5.3 Highways: No objection to the proposal.

- 5.4 Environmental Health: No objection on air quality grounds, however, it is requested that a condition be imposed should consent be given in respect to restricted permitted cooking methods.

- 5.5 Waste and Recycling Department advised that a suitable commercial waste arrangement will be required.

## **6 LOCAL REPRESENTATIONS**

6.1 During the consultation process, residents were notified and no representations were received in response to the application.

6.2 The following Councillor made representations:

Councillor Paul Middleton wishes to call the application in on the grounds the location of the proposed build is across a right of way between Leather Lane and Hornchurch High St. A right of way that has existed for many years.

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

- Any physical Impacts of the proposal.
- The impact of the proposal on neighbouring amenity
- Highways and parking issues
- Conditions to be brought forward

### Physical Impacts

7.2 The proposed development would be visible from the street-scene in this instance from Hornchurch High Street and from Leather Lane to the rear and the car park.

7.3 No issues are raised regarding the visual appearance of the proposed free standing serving unit due to the backdrop of the two storey structure which comprises of a commercial unit at ground floor and residential above. The proposed free standing serving unit will be located in the walkway between the High Street and Leather Lane to the rear.

7.4. The introduction of a free standing serving unit would not appear incongruous given the context of its surroundings.

7.5 The introduction of a pergola seating area presents no issues given that it would serve an existing commercial use. Similar seating areas are present within the rear gardens of Public Houses.

### Impact on Amenity

7.6 Consideration is given to the amenity of nearby residents. Whilst the use of the Public House has been long established and other commercial uses operate within the immediate locality, the surrounding area is predominantly commercial units with some having residential accommodation above.

7.7 It is considered that the proposal would not be harmful to amenity in any respect, as Sainsbury's supermarket is located to the west of the site and the backdrop of the two storey structure which comprises of a commercial unit at ground floor and residential above to the east.

7.8 The agent has confirmed that the serving station would operate when the pub is open – takeaway from 11am to 9pm. The serving unit would be staffed at all

times for takeaway and serve guests using the pub and passing trade on the High Street. Ample bins would be provided for customers to use. Floor staff would be working at all times to ensure the trading area and the area around the site is kept clean and free from litter.

- 7.9 The introduction of a fixed seating area would introduce a degree of permanence to the use of the current outdoor area in association with the current public house. It is reasonable to conclude that this may result in an intensification of the use of the outdoor seating area. Staff have reviewed the history of the application premises and there does not appear to be a formal restriction on the use of this area for patrons.
- 7.10 Given the siting of the pergola, it is considered unlikely that any significant impact on amenity would result, as there would be a substantial separation from the boundaries of the site and nearby residential premises. Staff have considered restricting the use of the outdoor seating area, particularly in light of the fact that there does not exist a formal restriction on the rear garden as a whole, however given that it would be an extension of the existing outdoor seating area there is unlikely to be any material greater impact to the relationship with nearby residential premises.

#### Parking and Highway Implications

- 7.11 The proposed development would result in no loss of parking and no alteration is shown to the existing arrangement.
- 7.12 No objection has been made by the Highway Authority.
- 7.13 The call-in reason has been cited as the proposal affecting a footway between High Street and Leather Lane. During the planning process, the case officer contacted the Land Charges Department and other internal departments to seek clarity in respect to any Public Right of Way (PROW) as cited by the ward councillor.
- 7.14 From all the responses provided, it was indicated that this was not a registered public right of way.
- 7.15 The agent has provided information on the ownership of the land with the applicant's ownership and not subject to any rights over the land.
- 7.16 The effect of a development on a right of way is a material planning consideration. However, there is no evidence that this is a right of way in the legal sense. The proposed food servery unit would mean a less direct route between High Street and Leather Lane, but the plans do not indicate that this route would be unavailable as a result of the development. The grant of planning permission does not grant the right to close, alter or build over a right of way (should it subsequently be shown that such a right exists). Therefore it

is considered that there are insufficient grounds to refuse planning permission on the grounds of obstruction/inconvenience.

## **8 Conclusions**

- 8.1 All other relevant policies and considerations have been taken into account, planning permission should be granted for the installation of a free standing food servery unit, removal of two fixed jumbrellas and replaced with a new pergola for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.