



Havering
LONDON BOROUGH

Simon Thelwell
Projects and Regulation Manager
Mercury House, Mercury Gardens
Romford RM1 3SL

memo

From: PLANNING CONTROL SERVICE

To: Licensing Officer
Environmental Health

Please call: Bernie Long
Telephone: 01708 432684
Fax: 01708 43690
Email: victor.long@havering.gov.uk

My Reference: BL/

Your Reference:

Date: 23 September 2013

Representations re Application for Variation of a Premises Licence (Licensing Act 2003) at KC'S Bar 155 Billet Lane Hornchurch RM11 1 UR

The London Borough of Havering's Planning Service, being a responsible authority as set out in the Licensing Act 2003, wishes to make representations against the above premises in relation to a variation to the Premises Licence.

This objection refers to the prevention of crime and disorder, the prevention of public nuisance, the protection of children and public safety all of which are statutory licensing objectives.

Relevant Planning History

P2071.03 Change of use to A3 and removal of existing fridge unit and lean to structures for new single storey toilet block and store room. This was approved 16 February 2004.
I attach the relevant Decision Notice.

I draw your attention to Condition 6 , (hours condition)and condition 9 which indicates that permission was originally granted as a restaurant/ bar wine.

It should be noted that at that time Class A3 in planning included drinking establishments that are now in Class A4 but not Nightclubs which are in a separate class.
There is planning debate as to what actually is the current use of the premises in planning terms.

P0770.09

Modification of Condition 6 of planning permission P2017.03 to vary opening hours. This was approved 31 July 2009.
I attach the decision notice. You should note that this condition was for a temporary period only and has expired and therefore the relevant planning hours are as P2071.03.

I have viewed the Licensing application and can see that the current Licensing hours are in conflict with the Planning Consent. Therefore currently there is breach of planning that requires addressing.

I should also draw your attention to the fact that in a recent Licensing Application (received in August 2013) amongst a change of hours there was an application for a requests a terrace bar (I attach the relevant plan) This in planning terms should be in use as a car park and conflicts with Condition 10 of P2071.03.

I note that in this application there is no plan attached and I am concerned that Off sales could be consumed in that car park and this by default could become a terrace.

Planning application P 2071.03 contained objections from residents regarding the premises therefore in the original planning application conditions were put in place to overcome this.

The site is in residential area close to flats .If this application is granted it is believed that noise and disturbance to residents will occur in particular the car park area
The licensing act does not state that proof is required of this just that there is potential for this.

Returning to Condition 10 of P 2071.03 if the car park does become a terrace by default then vehicles including taxis will have to park in the street and if accessed at 0200hours will in my view cause further disturbance and has potential for crime ,disorder and public safety issues.

With regard to the safety of Children it appears that the applicant wishes to remove the condition that relates to 18 year old customers.
I also note that some entertainment may not be suitable.

It is believed that most licensing operatives in the Hornchurch area do not allow persons under 21. Therefore this property has potential to attract that cliental.

In conclusion it is my view that all variations to the Licence be dismissed as the current licensee does not appear to adhere to the Town and Country Planning Act whereby there are a number of issues to be addressed before further consideration of this variation be considered.

I also draw your attention to the Havering Licensing Policy namely,
LP007 Development Planning :-The council encourages applicants to ensure that planning consent for the intended use and hours of operation or otherwise have lawful planning status before making an application for a premises licence.

LP008 Noise .

LP011 Tables ,chairs and beer gardens

LP012 Hours

LP013 Hours

LP14 Hours

LP019 Adult Entertainment
LP20 Adult Entertainment
LP021 Children

The Planning position is that a Planning application should be submitted requesting a variation of hours. If this is approved then this would add validity to the application.

Of late Premises Licenses have been granted without the relevant planning hours in place.

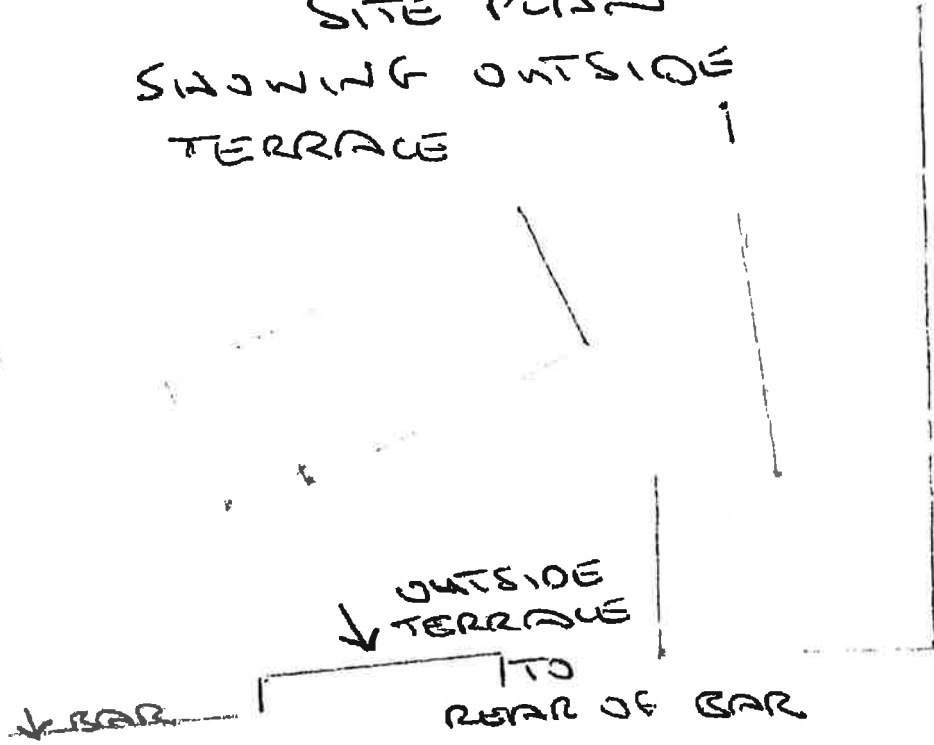
I therefore ask that the Committee decline this application and that the applicant be advised of the relevance of the planning law.

I ask that the Licensing Committee consider this report as a valid representation.


Simon Thelwell
Projects & Regulation Manager

SITE PLAN
SHOWING OUTSIDE
TERRACE

YARD
BEHIND
BAR



PLANNING & BUILDING
CONTROL SERVICES
Received - 2 AUG 2013
File No.



Havering
LONDON BOROUGH

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Jamie Bulton
9 Berther Road
Hornchurch
Essex
RM11 3HU

APPLICANT

Kerry Oldfield
27 Nelmes Crescent
Hornchurch
Essex
RM11 2PX

APPLICATION NO: P2071.03

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Change of use to A3 and removal of existing fridge unit and lean to structures for new single storey toilet block and store room

Location: 155 Billet Lane
Hornchurch

subject to compliance with the following condition(s):

- 1 The development to which this permission relates must be commenced not later than five years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan, a copy of which is attached), shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future.

- 4 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.

- 5 Noise levels (expressed as the equivalent continuous sound level, LAeq) (1hr) from fixed plant and machinery at the boundary with of the nearest noise sensitive premises shall not exceed LA90-10dB.

Reason:

In the interest of residential amenity.

- 6 The premises hereby permitted shall not be open to customers other than between the hours of 12 noon and 11pm on Mondays to Saturdays, 7.30pm, and 10.30pm on Sundays 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 with Unitary Development Plan Policy ENV1.

- 7 Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Unitary Development Plan policy ENV1.

- 8 Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Unitary Development Plan policy ENV1.

- 9 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be as a restaurant/wine bar only and shall be used for no other purpose(s) whatsoever including any other use in Class A3 of the Order including take-away use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application.

- 10 Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Unitary Development Plan policy TRN18.

INFORMATIVE(S)

1

The proposed development is considered to be in accordance with the aims, objectives, and provisions of policies SHP5, ENV1, TRN2 and TRN19 of the Havering Unitary Development Plan.

Dated: 16th February 2004



Patrick Keyes
Head of Regulatory Services
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary, it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.



Havering

LONDON BOROUGH

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr Jason Dyson
Fides House
10 Chertsey Road
Woking
Surrey
GU21 5AB

APPLICANT

Ms Mandy Foley
Liberty Cottage
Orange Tree Hill
Romford
Essex
RM4 1PB

APPLICATION NO: P0770.09

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Modification of Condition 6 of planning permission P2071.03 to vary opening hours

Location: 155 Billet Lane
Hornchurch

subject to compliance with the following condition(s):

- 1 The premises shall not be used for the purposes hereby permitted other than between the hours of 11:00 to 23:30 Sundays to Thursday and 11:00 to midnight Friday, Saturday and any night immediately preceding a Bank Holiday without the prior consent in writing by the Local Planning Authority. This permission shall be for a limited period only expiring on 31 July 2010 on or before which date the hours of use shall revert back to 12 noon and 11pm on Mondays to Saturdays and 10:30pm on Sundays as set out in condition 6 of P2071.03 unless otherwise agreed in writing by 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 with Policies DC23, DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

INFORMATIVE(S)

- 1 INFORMATIVE:

Reason for approval:

- 1 The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC23, DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

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Dated: 31st July 2009



Patrick Keyes
Head of Regulatory Services
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

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