

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 12th January 2017

APPLICATION NO. P1549.16  
WARD: Havering Park Date Received: 24th October 2016  
Expiry Date: 23rd January 2017  
ADDRESS: Ashbrook Nursing Home  
217 Chase Cross Road  
Romford  
PROPOSAL: Demolition of nos 2 & 2a Avelon Road and construction of a two storey extension to provide 28 additional bedrooms with associated facilities (at lower ground, ground & first floors). Internal reconfiguration of existing building to provide an additional 7 no. bedrooms with associated facilities (70 bedroom nursing home in total)- Variation of Approved Plans P1908.11 condition No.5

DRAWING NO(S):

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

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### CALL-IN

Councillor Meg Davis has called-in the application given concerns over the scale and size of the development. Such a contentious application should be decided by the committee.

### SITE DESCRIPTION

The site is located on the corner junction between Chase Cross Road and Avelon Road and originally comprised a 35-bed care home. The home is currently being extended and construction is at an advanced stage. The extension is over three-storeys and extends along the Avelon Road frontage. The site was originally occupied by two detached chalet bungalows. The overall site has access from both Chase Cross Road and Avelon Road, with car parking on both frontages. There is a garden area on the eastern side of the extended building.

The surrounding area is characterised by mainly detached and semi-detached dwellings, including chalet bungalows. Along Chase Cross Road are a number of commercial properties, including a small shopping parade. Immediately adjacent to the site in Avelon Road is a detached chalet bungalow and attached to the existing building along Chase Cross Road is an extended bungalow.

### DESCRIPTION OF PROPOSAL

Planning permission for an extension to the nursing home was originally granted in 2012. This provided for an extension over three floors, including a lower ground floor. Detailed plans were approved as part of the application. The development has not been constructed in accordance with these plans. This is an application under Section 73 of the Town and Country Planning Act 1990 which seeks a new planning permission with revised plans that accord with what has been constructed.

The changes involve the extension of the first floor accommodation and changes to the roof and window details. The number of new bedrooms would remain the same at 28, however there would be additional rooms for staff and other internal layout changes including relocating stairs. The plans also show other minor changes including relocation of fire escape, inclusion of entrance

canopy, internal layout changes, infilling of small light well and revised parking layout that entail a minor adjustment to the footprint of the building.

## **RELEVANT HISTORY**

P1529.90 - Erection of Nursing Home as amended - approved.

P1908.11 - Demolition of nos 2 & 2a Avelon Road and construction of a two storey extension to provide 28 additional bedrooms with associated facilities (at lower ground, ground & first floors). Internal reconfiguration of existing building to provide an additional 7 no. bedrooms with associated facilities (70 bedroom nursing home in total) - approved

## **CONSULTATIONS / REPRESENTATIONS**

Objections have been received from 6 neighbours raising the following matters:

- \* Building completely different to that approved, it is higher and contains more windows;
- \* Appears to have been built closer to the road;
- \* Road and driveways blocked by staff cars;
- \* Inadequate parking causing vehicles to park on pavement;
- \* Damage to neighbouring fencing during construction;
- \* Developers have had no regard to residents during construction or to comply with existing planning permission;
- \* Rubbish collection areas unacceptable - rubbish overflows onto neighbouring property;
- \* Overlooking issues;
- \* Light spillage;
- \* Additional odour and noise;
- \* Eaves project out much further than approved;
- \* Access inadequate;
- \* Loss of light;
- \* Previous objections overturned

Essex and Suffolk Water - no objections;

The London Fire Brigade - no additional fire hydrants required;

Metropolitan Police Designing out Crime Officer - no comments as extension already built;

London fire and Emergency Planning Authority - no objections;

Thames Water - no objections;

Public Protection - no objections requests noise conditions;

Streetcare (Highway Authority) originally objected due to lack of parking, but as now approved raises no objections.

## **RELEVANT POLICIES**

### LDF

- CP08 - Community Facilities
- CP17 - Design
- DC05 - Specialist Accommodation
- DC11 - Non-Designated Sites
- DC26 - Location of Community Facilities
- DC33 - Car Parking
- DC49 - Sustainable Design and Construction
- DC62 - Access
- SPD04 - Residential Extensions & Alterations SPD

### OTHER

- LONDON PLAN - 3.17 Health and social care facilities
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- LONDON PLAN - 7.3 - Designing out crime
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

## **STAFF COMMENTS**

The principle of the development has already been judged to be acceptable through the grant of the 2012 planning permission. As this is a Section 73 application only the matter of the conditions attached to the permission are open for consideration, mainly condition 5 that relates to the approved drawings. The developer is currently in breach of this condition as the plans approved by the committee have not been adhered to. This application seeks to rectify this breach of condition. If a new planning permission is granted account can be taken of conditions previously discharged in relation to other aspects of the development. New conditions can be imposed where these relate to the design and layout changes proposed.

The application seeks material changes to the design and appearance of the extension which need to be assessed against the guidance in the NPPF and LDF Policies CP17 and DC61. The objective of these policies is to seek to improve the character and appearance of the local area and to secure a high standard of design. The NPPF specifically advises that good design is an essential element of sustainable development and development of poor design that fails to take the opportunities available for improving the character and quality of an area should be refused.

The redesigned extension would increase the bulk and appearance of the roof and increase the height of the development adjacent to adjoining residential properties. Therefore, the impact on neighbours from the changes also needs to be assessed.

## **DESIGN / IMPACT ON STREET / GARDEN SCENE**

The main impact of the design changes arises from the increased height of the roof, the alteration of the roof form and the window design. The changes would result in a significant increase in height, in particular adjacent to no. 4 Avelon Road and an extension of the internal floor area. These changes result in the extension looking materially different when viewed from the street and

the garden areas of adjoining properties compared with the scheme as originally approved. The roof form has been changed to provide a stepped crown roof with steep pitches facing the highway and adjoining gardens which include a range of uniform dormer windows. This compares with the previously approved scheme which comprised a more varied roof form with a hipped roof at the northern end adjacent to the neighbouring dwellings, a smaller crown roof with shallower pitches on the remainder of the extension and varied window design. That design would be less visually prominent and overbearing. The roof and window design now shows a more uniform approach to the appearance of the extension. As a result of these changes, Staff consider that the roof form will be much bulkier and visually dominant. The roof form would not be in keeping with the existing character of the area and as a consequence jars visually with existing buildings in Avelon Road and main care home.

Accordingly, Staff consider that the revised design is contrary to LDF policies and the guidance in the NPPF. The design of the extension does not improve the quality and character of the area and would adversely impact on the visual amenities of neighbours as a result of its bulk and visual dominance. Staff consider as a matter of judgement that as a result of these impacts the development would be unacceptable.

### **IMPACT ON AMENITY**

As a result of the alterations to the roof form and window design, which result in an increase in height close to the northern boundary, the extension would also appear visually dominant and bulky from viewed from adjoining rear garden areas. This is judged to materially impact on the outlook from neighbouring gardens to the detriment of visual amenity. The increase in the number of dormers would also increase the perception of being overlooked. However, the number of windows overall within the dormers would be the same as originally approved, therefore, whilst the perception may be greater the actual impact would not be significantly different.

### **HIGHWAY / PARKING**

In accordance with LDC policy DC33 and Annex 5 a carehome with 70 bedrooms should provide 1 space per 4 resident bed spaces, which equates to 18 spaces. However, planning permission was granted in 2012 with a requirement for only 10 spaces. This number of spaces is shown on the submitted plans, therefore, the development is considered acceptable in highway terms. The minor adjustment to the footprint position now enables spaces of the required size to be provided perpendicular to the highway.

### **KEY ISSUES / CONCLUSIONS**

This is an application under Section 73 of the Town and Country Planning Act 1990 that seeks a variation of condition in respect of the approved drawings. The principle of the development has already been considered acceptable as planning permission has previously been granted, therefore, the main issue for consideration is the impact of the changes to the design and appearance of the building. Staff consider as a matter of judgement that the design changes would result in an unacceptably dominant roof form which together with the inclusion of dormer windows, would have a materially adverse impact on the character and appearance of the area. The increase in the height and bulk would also impact adversely on the outlook for neighbours, making the extension appear visually dominant and overbearing. For these reasons staff recommend that planning permission is refused.

## RECOMMENDATION

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

### 1. Refusal non standard

The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the Avelon Road streetscene, harmful to the character and appearance of the area contrary to Policies CP17 and DC61 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework.

### 2. Reason for refusal - Relationship to surroundings

The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the rear garden environment of adjoining residential properties harmful to the amenities of existing occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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## INFORMATIVES

### 1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: The application concerns development that has been substantially completed, therefore, no negotiation on the scale of the development was possible. Notification of intended refusal and the reason(s) for it was given to John Hilton by e-mail on 23rd December 2016.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 12th January 2017

**APPLICATION NO.** P1646.16  
**WARD:** Havering Park **Date Received:** 13th October 2016  
**Expiry Date:** 8th December 2016

**ADDRESS:** Horseshoe Farm Cottage  
North Road  
Havering-atte-Bower  
ROMFORD

**PROPOSAL:** Conversion of existing brick stable block into annexe for use in association with The Cottage and extension of residential curtilage of The Cottage to include the stable block.

**DRAWING NO(S):** PL.001 Rev A, PL.002 Rev B, PL.003 Rev B,  
PL.013 Rev B  
PL.011 Rev B  
PL.011 Rev B

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

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### **SITE DESCRIPTION**

The application relates to the property at Horseshoe Farm Cottage, North Road, Havering-atte-Bower. The site comprises a detached bungalow facing onto a hardstanding yard area opposite a detached stable block, with a detached barn and several sheds positioned to the south off the main yard area. The property is surrounded by fields and accessed from North Road via a 180 metre length driveway.

The site is located within the Metropolitan Green Belt.

### **DESCRIPTION OF PROPOSAL**

The application is seeking planning permission for the conversion of the existing stable block into an annexe for use in association with the adjacent bungalow, known as Horseshoe Farm Cottage. In order to achieve this the proposal would also involve the extension of residential curtilage of The Cottage to include the stable block.

The internal layout of the stables would be reconfigured to include two bedrooms, a games room, an office and a gym. The windows in the front elevation would be slightly enlarged and fitted with new glazing units and additional roof lights would be inserted in the front roof slope.

### **RELEVANT HISTORY**

- P1328.16 - Conversion of existing brick stable block into annexe for use in association with The Cottage and extension of residential curtilage of The Cottage to include the stable block.  
Refuse 06-10-2016
- E0021.14 - Residential bungalow and curtilage

## **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent 7 properties and one representation has been received. The comments can be summarised as follows:

- Very little changes from the previously refused scheme.
- Concerned this could lead in the future to the site being further developed into residential accommodation.

Local Highway Authority - no objections.

## **RELEVANT POLICIES**

### LDF

- CP14 - Green Belt
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design

### OTHER

LONDON PLAN - 7.16 Green Belt

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NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The application relates to the change of use of existing floor space and therefore no Mayoral CIL payments are required.

## **STAFF COMMENTS**

This proposal is put before the Regulatory Services Committee as the proposal would involve a departure from the Development Plan.

The main considerations in this case relate to the principle of the development, including the impact on the Green Belt; the visual impact of the development on the character and openness of the Green Belt and the general landscape.

## **PRINCIPLE OF DEVELOPMENT**

The application site is designated as being within the Metropolitan Green Belt where Government guidance and local planning policy encourages specified uses which have a positive role in fulfilling Green Belt objectives. New buildings in the Green Belt are regarded as inappropriate unless, amongst other things, the following exemptions apply:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In coming to a conclusion on the acceptability of the principle of the development, the above criteria is considered in more detail in the following 'Green Belt Implications' section.

## **GREEN BELT IMPLICATIONS**

Policy DC45 states that planning permission for development in the Green Belt will only be granted for specified purposes. The proposal is not for one of the specified purposes so would not be judged acceptable in principle under Policy DC45.

The LDF was adopted in 2008 and pre-dates the National Planning Policy Framework (NPPF). In this case it is considered that the NPPF is more up to date and that greater weight should be attached to the policies within it. The NPPF attaches great weight to Green Belts in preventing urban sprawl by keeping land permanently open. In addition the NPPF sets out five purposes of the Green Belt, which includes to check the unrestricted sprawl of large built up areas and to safeguard the countryside from encroachment.

The NPPF states that the re-use of buildings inside the Green Belt is not inappropriate development in principle provided that, amongst other things, the buildings are of permanent and substantial construction, that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

The stable block building is in a good condition and is capable of conversion without any significant alteration or reconstruction works. The proposals have been revised since originally submitted so that the outward facing elevations remain devoid of doors and fenestration, retaining their existing outwardly rural character and appearance.

The main consideration relates to the expansion of the residential curtilage of Horseshoe Farm Cottage to form the ancillary residential accommodation.

The NPPF states that Green Belts should seek to retain and enhance landscapes and visual amenity, mirroring the objectives of policy DC45. The existing arrangement of buildings is fairly low-key and largely enveloped in the landscape and of a nature expected to be seen in a rural fringe area. The buildings look as though they are for agricultural purposes, retaining the traditional layout facing into the main yard area.

It should be noted that a Certificate of Lawfulness has previously been issued for the existing dwelling and denotes an area of curtilage extending to the side and rear of this building. A previous application to convert the stables into an annexe (P1328.16) was refused partly owing to a proposed increase in the residential curtilage that was judged to be extended to an unacceptable extent.

In comparison to the previously refused application; the extent of the proposed residential curtilage has been reduced, deleting the strip of land to the rear of the stable block and areas surrounding,



to only include the existing concrete surfaced yard area that is situated between the main dwelling and the stable block. Given the relationship with the flanking buildings it is not therefore considered that the change of use of the yard area to residential curtilage would result in a loss of, or harm to, the openness of the Green Belt.

Whilst the expansion of residential curtilage would in itself constitute inappropriate development, it is considered that vary special circumstance can be demonstrated in this instance given that the change of use relates to an existing area of hardstanding which is sandwiched between the two facing buildings. The land already has a close association with the existing dwelling, being that it forms the immediate frontage to the property and that occupants of the property have to use the area to enter and leave through the front door. The stable block and adjoining land are therefore inherently linked to the residential activities of the site. The change of use would effectively regularise the practical extent of the forecourt area associated with residential occupiers, rather than amount to encroachment of residential curtilage. As such, Staff consider the proposal to be in accordance with the Green Belt objectives of the NPPF.

Nevertheless, it is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the stable block. This would help to prevent the building losing its agricultural character, particularly from views to the east, which could be harmful to the character and appearance of this Green Belt locality.

It is also considered necessary to impose a condition to remove permitted development rights in Class A for extensions, and in Class E for ancillary buildings and structures as these are the classes that could result in further intensification of use of the curtilage to the possible detriment of the Green Belt. Staff also consider it necessary for this condition to remove the permitted development rights under Class A Part 2 for fencing and walling as these allowances could result in the curtilage being subdivided, resulting in harm to openness.

In this instance it would also be necessary to include a condition restricting the occupancy of the annexe to purposes connected to the residential use of the main dwelling at The Cottage, and that it shall not be used as a separate unit of residential accommodation at any time.

Subject to safeguarding conditions, Staff are of the view that the use of the building as a proposed annexe would be in accordance with provisions of Policy DC45 and the NPPF.

## **IMPACT ON AMENITY**

There are no residential properties immediately adjoining the site or within close proximity to the stable block or decking area. As a result the proposal would present no issues in relation to the amenity of residential occupiers within the local area.

The annex would not provide its occupiers with the normal standards of outlook and private amenity space expected in new residential development. However, as it is to be used entirely in an ancillary capacity to the main dwelling staff are of the view that these shortcomings are not so great as to justify refusing the application.

## **HIGHWAY / PARKING**

The proposal would not affect the existing car parking arrangements or result in the requirement for additional car parking facilities.

## **KEY ISSUES / CONCLUSIONS**

Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

Staff consider that the proposed development raises considerations in relation to the principle of the development, including the impact on the Green Belt; the visual impact of the development on the character and openness of the Green Belt and the general landscape.

Staff are of the view that elements of the development would not be visually intrusive or have a harmful impact on the open character of the Green Belt.

The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

## **RECOMMENDATION**

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

### **1. SC4 (Time limit) 3yrs**

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

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. SC32 (Accordance with plans)**

The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans (as set out on page one of this decision notice).

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 Development Control Policies Development Plan Document Policy DC61.

### **3. SC11 (Landscaping) (Pre Commencement Condition)**

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

#### **4. Use as part of main dwelling**

The annex building hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as Horseshoe Farm Cottage and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### **5. Flank and rear windows**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank or rear walls of the annex building 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, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### **6. Permitted Development Restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 2, Class A no additional gates, walls or enclosures shall be erected or constructed within the boundaries of the site unless permission has first been sought and obtained from the Local Planning Authority.

Reason:-

In order that the annexe approved remains ancillary to the main dwelling, in the interests of amenity, to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

#### **7. Non Standard Condition 43**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 1, Classes B,C, D and E no extension or enlargement (including additions to roofs shall be made to the annexe building hereby permitted, or any detached building erected within the extended curtilage, without the express permission in writing of the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### **8. Annex Condition 1**

The residential curtilage shall not be subdivided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

Reason:-

In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

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## INFORMATIVES

### 1. **Approval following revision ENTER DETAILS**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent, Kate Murray, by email dated 28 November 2016. The revisions involved alterations to the elevations of the stable block and additional landscaping proposals. The amendments were subsequently submitted on 30 November 2016.

### 2. **Fee Informative**

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 12th January 2017

**APPLICATION NO.** P1706.16  
**WARD:** Upminster **Date Received:** 26th October 2016  
**Expiry Date:** 21st December 2016

**ADDRESS:** 41 Parkland Avenue  
UPMINSTER

**PROPOSAL:** Rear ground floor extension, rebuild ground floor side garage and convert to habitable space, with first floor side extension over and new porch.

**DRAWING NO(S):** Site Location Plan  
Block Plan  
Existing Plans & Elevations  
Proposed Plans Rev.A  
Proposed Elevations Rev.A

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

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### **CALL-IN**

This application has been called-in to committee by Councillor Van Den Hende on the grounds that she considers that the proposal raises concerns in regards to its impact upon neighbouring amenity and also its impact on the streetscene.

### **SITE DESCRIPTION**

The subject site is a two storey semi-detached house located on the southern side of Parkland Avenue.

The property benefits from an existing single storey side addition consisting of a garage, utility room and kitchen. There is also an existing loft conversion including a rear dormer extension and a roof alteration to the side.

Ground level falls from the back of the house towards the rear garden. There is off-street parking for at least two cars to the front on hardstanding. No trees will be affected.

### **DESCRIPTION OF PROPOSAL**

The proposed development involves demolishing/replacing the existing side garage, utility room, and part of the kitchen to enable the erection of a two storey side extension together with a single storey rear extension. Proposed works also include a new front porch and replacing an existing first floor rear window with double doors together with a metal guard-rail to create a 'Juliette' balcony.

The ground floor area of the proposed side and also part of the proposed rear extension will create an annexe with self-contained facilities including a bedroom, bathroom and kitchen/lounge.

The applicant has confirmed that the annexe will be occupied by their father who requires some

degree of care and is not intended to be used as a separate unit which is not ancillary to the main house.

## **RELEVANT HISTORY**

None

## **CONSULTATIONS / REPRESENTATIONS**

Letters of notification were sent to neighbours. Objections were received from six neighbouring properties.

Objectors raised the following concerns:

- Loss of light
- Overshadowing
- Loss of privacy/overlooking
- Harmful to visual amenity/streetscene
- Overbearing impact/loss of outlook
- Sense of enclosure/tunnelling effect
- Harmful precedent

The above concerns are material planning considerations and thereby will be investigated accordingly.

Residents also raised concerns in relation to the loss of view. It should be noted that there is a clear distinction between the loss of outlook and a loss of view. Loss of outlook arises from development taking place in close proximity to existing development and introducing or significantly increasing a sense of enclosure. Loss of outlook is a material planning consideration whereas the loss of a view, which relates to what can be seen over much greater distances, is not.

There were objections relating to the impact upon Parkland Lake Conservation Area. It is acknowledged that Parkland Lake, which is within Corbets Tey Conservation Area, is sited towards the south of the subject site. However, the subject site is not located within a Conservation Area. Given the nature of the proposal and its distance from Parkland Lake, staff are of the view that the application does not severely impact upon the character of the above Conservation Area.

Other concerns were raised in relation to the possibility of smells and odours being vented towards neighbours. In addition, concerns were raised against how the maintenance of the extension will be achieved. However, these concerns are not material planning considerations.

Environmental Protection - No objections were confirmed.

## **RELEVANT POLICIES**

### LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

## OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

Not CIL liable.

## **STAFF COMMENTS**

During the determination of the application, revisions were submitted to remove a roof terrace originally proposed above the single storey rear extension as well as to provide a one metre set back to the first floor of the side extension. Amendments also involved removing an additional door to the front elevation and including a new front porch.

## **DESIGN / IMPACT ON STREET / GARDEN SCENE**

The overall scale, bulk and mass of the proposed single storey rear extension is consistent with the requirements of the Councils 'Residential Extensions and Alterations' SPD. The proposed rear extension would provide a sufficient degree of subservience to the main dwelling and is contained within the existing rear building lines of immediate neighbouring properties on the southern side of Parkland Avenue. The proposed rear extension would integrate appropriately with the rear garden environment. There would be no impact on the streetscene.

In terms of the two storey side extension, the above SPD in relation to semi-detached houses explains that two storey side extensions must be set back at least one metre from the front wall of the dwelling at first floor level, to create a break in the roofline and facade. The applicant has provided amendments to set the first floor element back by one metre from the main front wall in accordance with the above SPD. The one metre set back creates a sense of subservience by providing a break in the facade and roofline. It is also recognised that the original house features a two storey front projection which gives the proposed first floor side extension a greater sense of subservience than if proposed to a typical two storey semi-detached house.

The Councils SPD also explains that 'side extensions should be subordinate to the existing dwelling to ensure they do not unbalance a pair of semi-detached properties, and to maintain the characteristic gap between neighbouring pairs of semi-detached houses'. Staff acknowledge that the proposed two storey side extension will be built against the boundary, a similar position to the existing garage and utility room. Therefore a degree of spaciousness will be lost above ground floor level. However, it must be noted that there are neighbouring properties with existing upper floor side extensions built against the boundary within the vicinity, such as Nos. 32, 62, 73 Parkland Avenue and also at Nos. 33 & 35 Corbets Avenue. Given these circumstances, staff are of the view that the proposed side extension would not erode the spacious character of Parkland Avenue to a degree that would substantiate a refusal solely on this basis.

It is noted that the attached neighbour has not extended to the side at first floor level, so therefore the proposed side extension will create a degree of unbalance to this semi-detached pair.

However, the proposed side extension is considered to be generally consistent with the requirements of the Council's SPD and would thereby set an appropriate precedent if the attached neighbour proposes an extension in the future. Thus the proposed side extension is not judged to harmfully unbalance this pair of semi-detached houses.

In terms of the proposed porch extension, the design would be compatible with the character of the house and also neighbouring developments. Staff do not consider the porch extension to be harmful to the streetscene.

Overall the proposal would integrate appropriately with the character and appearance of the surrounding area.

### **IMPACT ON AMENITY**

The Councils 'Residential Extensions and Alterations' SPD recommends that single storey rear extension to a semi-detached house should not exceed 4 metres in depth and shall be no higher than 3 metres with a flat roof in order to provide a reasonable level of amenity to surrounding neighbours.

It is noted the attached neighbour (No.39) has not extended to the rear. Staff also acknowledge that the proposed rear extension would be built along the western boundary of No.39, thus there would be no severe loss of sunlight or overshadowing during the early morning and afternoon, but a shadow will be casted from the setting sun during the late afternoon, reducing the level of daylight/sunlight to the rear of No.39. The judgement is whether this reduction would be harmful to residential amenity.

The proposed 4 metre depth and 3 metre high flat roof of the proposed rear extension complies with the requirements of the above SPD. Given these circumstances, the dimensions of the proposed rear extension are consistent with the Council's SPD and thereby is not judged to cause a material loss of amenity to the occupant(s) of No.39 in terms of loss of sunlight/daylight, overbearing impact, loss of outlook or create an unreasonable sense of enclosure.

On the other side, it must be noted that the unattached neighbour (No.43) features a first floor side extension and there are flank windows at ground and first floor level, as well as a side door leading to a garage which is a non-habitable room/area. A subsequent site visit revealed that both flank windows serve bathrooms within No.43, which are also non-habitable rooms. Although the proposed side extension will create a degree of light loss to the flank windows of No.43, the impact of development on non-habitable rooms/areas would not be sufficient in order to sustain a refusal in the event of an appeal. It is also noted No.43 benefits from a side access, however, this access is not an amenity space and thereby the impact of the proposed development upon this access would not be sufficient in order to substantiate a refusal.

In addition, No.43 features a ground floor rear projection serving a kitchen which is set further rearwards from the existing back wall of the subject dwelling. As mentioned above, the height and depth of the proposed ground floor rear extension is consistent with the Council's guidelines. Given that the depth of the proposed rear extension will be mitigated by the deeper rear building of the kitchen at No.43, and also due to its dimensions being in accordance with the above SPD, the proposed ground floor rear extension is judged to provide a reasonable level of amenity to the



occupiers at No.43.

With regard to loss of privacy and overlooking, it is noted that the Council's SPD does not generally permit balconies. However, the application proposes a 'Juliette' balcony to the first floor without a standing platform beyond the room to which it serves, and also given that the balcony will be positioned away from the shared neighbouring boundaries, staff are of the view that visibility created from the balcony would not be significantly greater than the existing rear window which it is intending to replace. Staff also recognise that there are existing balconies at Nos. 43, 45 and 35. Overall the proposal is not considered to create an inter-visibility which would result in a material loss of privacy to neighbours.

The use of the proposed annexe as a separate dwelling may result in different impacts which have not been assessed as part of this application and therefore the imposition of conditions will be used to ensure that the property is not subdivided into a separate dwelling and the use of the annexe remains ancillary to the main dwelling.

For the reasons outlined above, the proposed development is not judged to cause a material loss of amenity to surrounding neighbouring properties.

### **HIGHWAY / PARKING**

Although the proposal involves the loss of a garage, sufficient off-street parking for at least two cars will remain on-site. Given these circumstances, the development is not considered to adversely affect car parking provisions or severely impact on the use and efficiency of the highway.

### **KEY ISSUES / CONCLUSIONS**

The proposed extensions would demonstrate clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.41 Parkland Avenue. The development would not harm the character of the surrounding area and officers are of the opinion that the proposal would not result in an undue impact on the amenity of neighbouring residents.

As such the proposal is considered to be in accordance with the provisions of Policy DC61 and the Residential Extensions & Alterations SPD and it is recommended that planning permission is granted.

### **RECOMMENDATION**

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

**1. SC4 (Time limit) 3yrs**

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

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**2. SC10 (Matching materials)**

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, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**3. SC20 (Ancillary use) ENTER DETAILS**

The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 41 Parkland Avenue, Upminster and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority considers that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

**4. SC32 (Accordance with plans)**

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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 Development Control Policies Development Plan Document Policy DC61.

**5. SC46 (Standard flank window condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) 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, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**6. SC48 (Balcony condition)**

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**7. Non Standard Condition 31**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 2, Class A the rear garden shall not be subdivided and no gates, walls or enclosures shall be erected or constructed

within the existing boundaries of the site as indicated by red line on the Site Location Plan (Drawing No. 6138-01) unless 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 that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

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## INFORMATIVES

### 1. Approval following revision ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mr Long, by telephone on 21.11.2016. The revisions involved removal of a roof terrace and additional door to front elevation, and providing a one metre set back to the first floor of the proposed side extension. The amendments were subsequently submitted on 30.11.2016.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 12th January 2017

APPLICATION NO. P1712.16  
WARD: Elm Park Date Received: 17th November 2016  
Expiry Date: 12th January 2017  
ADDRESS: 125 Mungo Park Road  
RAINHAM  
PROPOSAL: Change of use from A1 Retail to D2 for the development of a Soft Play  
Childrens Centre and a cafe  
DRAWING NO(S): Current layout  
Proposed layout  
Ordnance survey map - scale 1:1250  
Ordnance survey map - scale 1:500  
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the  
condition(s) given at the end of the report

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### SITE DESCRIPTION

The subject site comprises of vacant retail unit at No. 125 Mungo Park Road, Rainham, which is in South Hornchurch Minor Local Centre. The unit is located in a parade of shops with residential accommodation on the first floor and in the roof space. The retail unit was formally used as a dog groomers.

### DESCRIPTION OF PROPOSAL

The proposal consists of a change of use from A1 Retail to D2 Assembly and Leisure for the development of a soft play children's centre and a cafe.

The primary function of the facility would be as a meeting place for parents and young children, providing a small soft play system for young children, primarily of pre-school age and a cafe, which would be used by patrons of the soft play children's centre.

The facility will provide a safe and secure environment for children to attend with their parents, giving both parents and children the opportunity to socialise and mix in a controlled environment.

### RELEVANT HISTORY

P1123.95 - Change of use to hot food take away with new shopfront and security shutters  
Part aprvd part ref 11-12-1995

### CONSULTATIONS / REPRESENTATIONS

A total of 50 consultation letters were sent out as part of the planning application process. The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan. Fourteen letters of

support were received. One petition was received with seven signatures objecting to the grant of an A1 licence to the application premises. The petition states that the A1 licence would permit the premises to serve cold food and hot drinks for consumption at the premises and/or hot food for consumption off the premises. Also, there are enough food serving premises along Mungo Park Road.

In response to the above comments, the proposal relates to a change of use from an A1 to a D2 use class. Comments regarding competition relating the number of food and drink premises are not material planning considerations. Furthermore, the applicant has advised that the cafe would be used by patrons of the soft play children's centre (who would pay to use the facility) and therefore, would be ancillary to the D1 use of the premises.

Highway Authority - No objection.

Environmental Health - No comments/objections in relation to air quality or contaminated land for this application. Recommend various conditions regarding plant and machinery, odours and noise and vibration.

Fire Brigade - No additional fire hydrants are required. The Brigade is satisfied with the proposals.

## **RELEVANT POLICIES**

Policies 4.7, 4.8, 7.4 and 7.6 of the London Plan  
Policies CP17, DC16, DC33, DC55, DC61 of the LDF  
NPPF

## **MAYORAL CIL IMPLICATIONS**

The proposal is not liable for CIL as the proposal relates to a change of use.

## **STAFF COMMENTS**

The main issues in this case are the principle of development, the impact on the streetscene and neighbouring amenity and parking and highway issues.

## **PRINCIPLE OF DEVELOPMENT**

The proposal consists of a change of use from A1 Retail to D2 for the development of a soft play children's centre and a cafe in South Hornchurch Minor Local Centre. Policy DC16 states that planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough's Minor Local Centres will be granted at ground floor level. Exceptions may be made where the applicant can demonstrate, through twelve months marketing information, that the premises have proved difficult to dispose of for any such use.

In this instance, the applicant has provided the following supporting information. Evidence has been supplied that confirms that a commercial and business transfer company was instructed by the landlord to re-let the premises in February 2016, whilst the existing tenant was still trading as a dog grooming parlour. Subsequently, the landlord released the tenant from their obligations under the lease and they surrendered it on health grounds. Unfortunately, the premises were left in a

dilapidated state and because of that and the residual smell of dogs, the company found it impossible to re-let the unit until the current applicant showed an interest in it.

When reviewing the merits of this application, consideration has been given to the fact the premises have been vacant since February 2016 and the proposal would bring this unit back into use, which would contribute to the local economy and the vibrancy and vitality of the South Hornchurch Minor Local Centre. Also, the premises would undertake a major refurbishment. According to the supporting information, there would be six full time and 2 part time staff at both managerial and ancillary level and there will be up to 280 hours of employment available on a weekly basis. The proposal would also support an independent business, which would contribute to the local economy.

Although the proposal is contrary to Policy DC16, Staff consider that the marketing information supplied by the applicant demonstrates that the site has been vacant for approximately ten months and have been very difficult to re-let. It is considered that the proposed soft play children's centre and cafe would provide services appropriate to the South Hornchurch Minor Local Centre and therefore would contribute to the vibrancy and vitality of the locality.

Policy DC16 states that all shop fronts in fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre. In this instance, the proposed opening hours are between 9.30am and 4.30pm every day, including weekends and Bank Holidays. Staff are of the view that the proposal would maintain an active shop front and contribute to pedestrian flows. Having carefully reviewed all the factors of this application, Staff consider that the change of use is acceptable in principle.

#### **DESIGN / IMPACT ON STREET / GARDEN SCENE**

The proposal does not involve any external changes to the premises.

#### **IMPACT ON AMENITY**

Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

The application site comprises a ground floor vacant retail unit with residential accommodation above. There is a mixture of commercial premises within this parade of shops fronting onto Mungo Park Road with some residential units above commercial uses. While it is a matter of judgement, occupiers of residential properties above or close to an established row of shops would not expect the same level of amenity which would be expected in a quiet residential-only street.

The proposed opening hours for the D2 use are between 9.30am and 4.30pm every day. As the proposed opening hours are during the daytime, it is considered that the proposed use would not be materially harmful to residential amenity. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries and refuse storage.

Conditions would also be imposed to cover noise and smell. Therefore, it is considered that the proposed change of use would not result in a significant loss of amenity to neighbouring properties and is compliant with Policy DC61 and with relevant conditions will comply with Policy DC55 of the

## **HIGHWAY / PARKING**

The Highway Authority has no objection to the proposal. There is on street car parking to the front of this parade of shops. It is considered that the proposal would not create any highway or parking issues.

## **KEY ISSUES / CONCLUSIONS**

Although the change of use is contrary to Policy DC16, it is considered that the proposed D2 use would provide services appropriate to the South Hornchurch Minor Local Centre and would therefore contribute to the vibrancy and vitality of the locality. It is considered that the use would not be detrimental to neighbouring amenity. It is considered that the proposal would not create any parking or highway issues. It is recommended that planning permission is granted.

## **RECOMMENDATION**

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

### **1. SC4 (Time limit) 3yrs**

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

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. SC32 (Accordance with plans)**

The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans (as set out on page one of this decision notice).

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 Development Control Policies Development Plan Document Policy DC61.

### **3. SC19 (Restricted use)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be for a soft play children's centre and a cafe only and shall be used for no other purpose(s) whatsoever including any other use in Class D2 of the Order, 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, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

### **4. SC27 (Hours of use)**

The premises shall not be used for the purposes hereby permitted other than between the hours of 9.30am and 16:30 every day 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 Development Control Policies Development Plan Document Policy DC61.

**5. Noise (Pre Commencement Condition)**

Before the development hereby permitted commences 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 site. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.

Reason: Insufficient information has been supplied with the application regarding any noise insulation measures to be employed. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policies DC55 and DC61.

**6. Plant or machinery (Pre Commencement Condition)**

Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the technical specifications of any or machinery to be installed. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policies DC55 and DC61.

**7. SC50 (Extract ventilation for A3 uses) (Pre Commencement)**

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 designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as

Extractor on window

Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.

Reason:-

Insufficient information has been supplied with the application to judge the technical specifications of the extract ventilation system. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

**8. SC58 (Refuse and recycling)**

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-



Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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## INFORMATIVES

### 1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### 2. Environmental Health Informatives

The applicant is advised to have regard to the following guidance provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety - [www.food.gov.uk/foodindustry/](http://www.food.gov.uk/foodindustry/)
- Occupational safety & health - [www.hse.gov.uk](http://www.hse.gov.uk)

Applicants have found it beneficial to consider the items below before final detailed plans are produced

1. provision of suitable outside bin storage
2. provision of a grease trap on the foul drainage
3. proper storage and disposal of waste oil
4. vehicle and pedestrian routes when loading and unloading
5. vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:  
[online.haverling.gov.uk/officeforms/licence\\_food\\_business.ofml](http://online.haverling.gov.uk/officeforms/licence_food_business.ofml).

### 3. Fee Informative

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 12th January 2017

**APPLICATION NO.** P1722.16  
**WARD:** St Andrew's **Date Received:** 28th October 2016  
**Expiry Date:** 23rd December 2016

**ADDRESS:** 6 Elm Parade  
St Nicholas Avenue  
Elm park  
Hornchurch

**PROPOSAL:** Change of use from A1(fruit and veg shop) to A5. Including shop front and internal changes as per plans and external flue

**DRAWING NO(S):** 01  
02  
03

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

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### **CALL-IN**

The application has been called in to committee by Councillor John Mylod. The reason for the call-in is he considers, if approved, it would add to the vibrancy of the area.

### **SITE DESCRIPTION**

The application site comprises the ground floor of a 3 storey building, with residential units above. It lies within a parade of 11 shop units on the east side of St Nicholas Avenue and within the core retail area of the Elm Park Minor District Centre.

The ground floor is currently occupied by a fruit & vegetable shop. The neighbouring properties within the parade consist of mainly retail uses on the ground floor with residential above. The parade is serviced from a lane to the rear. There are metred parking spaces outside the site and a Council run public car park opposite.

### **DESCRIPTION OF PROPOSAL**

The application is for a change of use from an A1 (retail) to an A5 use (hot food take-away). A new shop front is also proposed and an extraction flue would be erected to the rear of the property. The proposed A5 use would be open between 11 am and 11 pm.

### **RELEVANT HISTORY**

None

### **CONSULTATIONS / REPRESENTATIONS**

The application was publicised by the direct notification of 59 adjoining properties. Ten objections were received. Most of these were from other commercial uses in the area basically saying there were too many A3/A5 uses already in the area and existing businesses would suffer if another is permitted. One was from a local resident concerning increased parking pressures and litter from the new use.

Environmental Health - no objection with regard to air pollution or contaminated land

Environmental Health (noise) - require 3 conditions to control noise if application to be approved

Environmental Health (odours) - no objection but conditions required regarding odour extraction system to be installed

Traffic, Highways & Streetcare - no objection.

## **RELEVANT POLICIES**

### LDF

CP04 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC61 - Urban Design

### OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

Not CIL liable

## **STAFF COMMENTS**

The issues arising from this application are the principle of the change of use in a retail centre, the impact on retail vitality and viability, amenity and parking and highway issues.

## **PRINCIPLE OF DEVELOPMENT**

The application premises are located within the retail core of the Elm Park Minor District Centre, therefore the principle of commercial use is potentially acceptable.

Policy DC16 of the LDF Core Strategy states that that planning permission for non retail uses in the retail core will be granted at ground level provided:

- the use provides a service appropriate to a shopping area
- the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- within the Elm Park retail core the proportion of non-retail uses does not exceed 33% of the total length of the relevant frontage.
- the use must have an active frontage
- the use will be open during shopping hours
- the use must not significantly harm the vitality and viability of the centre.

The A5 use sought would represent a use broadly consistent with a shopping area. However, the proposal would result in a grouping of three adjoining A2-A5 uses occupying units 6-9, as shown

below:

- No. 5 - Hairdresser (A1)
- No. 6 -
- No. 7 - Oriental City takeaway (A5)
- No. 8/9 - Former A2 use with permission for A3
- No. 10 - Fish shop (A1)
- No. 11 - Chicken/ribs takeaway (A5)

In addition, A5 uses tend to operate for limited daytime hours and so do not usually add much to the vitality of the retail parade. There are 2 existing A5 uses in the short St Nicholas Avenue part of the parade and no indication of a shortage of such uses. Also, no information has been given as to the current A1 business which would be lost while there is no evidence provided that these premises have been vacant or difficult to let for a significant period. There is therefore no evidence that would support an exception to policy DC16.

The percentage of non-retail uses currently within the relevant frontage is calculated by staff to be approximately 30% (49.0m). For the purposes of determining this application, the relevant frontage runs from 1 Elm Parade to 26 Elm Parade, a total length of 161.0m. The threshold for non-retail uses as set out within the LDF Core Strategy within the Retail Core is 33%. The introduction of the A5 use sought would result in 34% of the relevant frontage comprising non-retail units (55.0m). This would exceed the threshold for this parade and therefore conflict with Policy DC16. The proportion would be even higher if only the St Nicholas Avenue part of the overall parade were considered.

Whilst there is presumption in favour of new business and sustainable economic growth within the NPPF, a measured approach must be taken in order to ensure the vitality and viability of a town centre is not harmed as a result.

The proposed change of use would be in contrast to the stipulations of Policy DC16 of the LDF Core Strategy. The concentration of non-retail uses within the relevant frontage, taken in conjunction with the proposal resulting in a grouping of three non-retail uses is such that the change of use sought would have a negative impact on the vitality and viability of the town centre.

### **DESIGN / IMPACT ON STREET / GARDEN SCENE**

The proposed new shopfront is considered relatively sympathetic in design to the existing building and the rest of the parade.

The proposed extraction duct at the rear of the property would be similar to others already existing at the rear of this parade. The duct would be located against the rear wall of the maisonette above the shop unit and would be attached close to windows on both floors of the maisonette. Given that the duct would not rise higher than the ridge line and would be of limited height above the eaves, it is not considered that it would have any undue visual impact as it would be viewed against the existing building acting as a back-drop. As such, it is not considered that the extract ducting would result in any harm to significant visual amenity in the rear garden environment.

### **IMPACT ON AMENITY**

There is potential for the proposed A5 use to create unacceptable impacts on the amenity of adjoining residential properties from odours and noise. However, no objections have been made to the proposed extraction duct by Environmental Health.

Environmental Health have asked for various conditions to control noise to be applied if the proposal is to be approved. This will not apply since the proposal is unacceptable in principle and would not therefore be recommended for approval.

### **HIGHWAY / PARKING**

There are pay and display parking spaces immediately outside the shop unit and a public car park nearby. No objections to this proposal have been raised by the Council's Highways section. No significant impacts on highways and parking are likely to arise from this proposal.

### **KEY ISSUES / CONCLUSIONS**

The proposal would conflict with Policy DC16 by producing a group of 3 adjoining non A1 uses and more than 33% of the parade frontage in non A1 uses, and there are no obvious factors to justify an exception to this Policy. It is considered that the proposal would result in material harm to the long term retail vitality and viability of this parade and refusal is recommended.

### **RECOMMENDATION**

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

#### **1. Refusal non standard**

The proposal would result in this parade having 3 adjoining non retail uses and 34% of its length in non-retail use within the Core Retail frontage of Elm Park Minor District Centre such that it would result in harm to the vitality and viability of the Centre, contrary to Policy DC16 of the LDF Core Strategy and Development Control Policies DPD.

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### **INFORMATIVES**

#### **1. Refusal - No negotiation**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent by email dated 23/12/16.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 12th January 2017

**APPLICATION NO.** P1795.16  
**WARD:** Harold Wood **Date Received:** 4th November 2016  
**Expiry Date:** 30th December 2016  
**ADDRESS:** Unit 1 Gallows Corner Retail Park  
Colchester Road  
Romford  
**PROPOSAL:** Erection of mezzanine floor (Class A1 retail floorspace).  
**DRAWING NO(S):** 14642-101  
14642-102  
**RECOMMENDATION** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### **SITE DESCRIPTION**

The application relates to the retail store at Unit 1, Gallows Corner Retail Park, which is situated on the junction of the A12 Colchester Road and the A127 Southend Arterial Road. The premises is currently occupied by 'Magnet' as a kitchen showroom. The site lies outside of Romford Town Centre, although the retail park is identified in the LDF as an 'Out of Town Centre' retail site.

The store forms part of a single row of commercial units constructed in a retail 'warehouse' style, finished with grey cladding panels. The site has vehicular access from both the A12 and the A127. The existing store has a floorspace of 700 square metres.

### **DESCRIPTION OF PROPOSAL**

The application is seeking planning permission for the erection of an internal mezzanine floor comprising 697 square metres of additional Class A1 retail floorspace.

The mezzanine floor would be connected to the existing sales floorspace by means of internal stairs and lifts.

The proposal would not involve any external alterations to the elevations of the building.

### **RELEVANT HISTORY**

### **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent to 15 properties and no representations have been received.

Local Highway Authority - no objection.

### **RELEVANT POLICIES**

#### LDF

CP10 - Sustainable Transport

CP17 - Design

CP4 -	Town Centres
CP9 -	Reducing the need to travel
DC15 -	Retail and Service Development
DC32 -	The Road Network
DC33 -	Car Parking
DC34 -	Walking
DC35 -	Cycling
DC61 -	Urban Design
DC62 -	Access
DC63 -	Delivering Safer Places

#### OTHER

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

#### **MAYORAL CIL IMPLICATIONS**

Mayoral CIL guidance advises that account need not be taken of applications that involve mezzanines alone, either because they do not constitute development or because they do, but only as a result of a development order. The application is not therefore considered to be CIL liable.

#### **STAFF COMMENTS**

This proposal is put before the Regulatory Services Committee as the proposal would involve a departure from the Development Plan.

The issues arising from this application are the principle of the proposed development, specifically the retail implications of the proposal, design and visual impact, parking and highway issues.

#### **PRINCIPLE OF DEVELOPMENT**

The application does not involve a material change of use of the existing retail premises. It does however involve the creation of an additional 697 square metres of retail floorspace through the addition of a mezzanine floor. As the application site is outside of an existing town centre, defined as an 'Out of Town Centre' retail development in the LDF, in line with the requirements of the National Planning Policy Framework (NPPF) a 'sequential test' of suitable alternative sites meeting the criteria in the NPPF must be undertaken.

#### **SEQUENTIAL TEST:**

In terms of background, Unit 1 is currently occupied by Magnet kitchens who have recently agreed to surrender their lease at the premises. According to the supporting statement the applicant is in advanced discussions with a bulky goods furniture retailer to re-occupy the unit. The nature of the bulky goods is such that the furniture retailer needs larger areas of floorspace and storage capacity and therefore requires the proposed mezzanine as additional sales floorspace as well as some

ancillary storage.

Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and, only if suitable sites are not available, should out of centre sites be considered.

Policy DC15 of the LDF states that planning permission for retail and service development and extensions to, or the redevelopment of, existing edge of centre and out of centre retail stores over 200 square metres, including mezzanines, will only be granted where the sequential test is satisfied unless, amongst other things, it is ancillary to an existing development.

A sequential test has been undertaken which clarifies that alternative sites have been assessed in terms of availability, suitability and viability. These include Angel Way, Como Street, High Street/ The Brewery, all in Romford, and Elm Park Parades.

The sequential test states that the Angel Way site is not available to the applicant and in addition the proposed retail unit would exceed the maximum unit size thresholds controlled by the condition imposed on the planning permission for the redevelopment of the site. It goes on to explain that retailers seeking bulky goods floorspace are looking for flexible floorspace including trading mezzanines in close proximity to their direct competitors. In contrast, the Angel Way site is not proximate to other bulky goods comparison retailers. Accordingly it is unlikely to provide a viable alternative to the application site for a bulky goods retailer. Staff consider this to be a reasonable conclusion.

According to the sequential test the Como Street site is of a sufficient size to accommodate the proposed retail unit, however the use of the site for retail development would be inconsistent with policy objectives to redevelop the site. The site is not available to the applicant and importantly locating a new bulky goods retailer on the site would not meet the identified need in this case which is to ensure the re-letting of an existing retail unit. Staff consider this to be a reasonable conclusion.

The sequential test states that the High Street/ The Brewery site is not available to the applicant and furthermore the site is not physically capable of accommodating the application proposals given the existing uses. In these terms a bulky goods retail use of part of the site is not suitable. Staff consider this to be a reasonable conclusion.

The sequential test finds that the provision of a large bulky goods retail store together with associated car parking and servicing arrangements would be alien to the role and function of the Elm Park district centre and do little to enhance its viability and vitality. It goes on to outline that the site is currently in a mix of active retail and residential uses and is not available to the applicant and that a bulky goods retail use is not envisaged and would not be suitable. Furthermore, given the lack of direct comparable bulky goods retailers, the report contends that such a location would not be commercially viable to the type of retailer which the application proposals are designed to attract. Staff consider this to be a reasonable conclusion.



The sequential test also notes that the largest vacant unit (5,359sqm) is that previously occupied BHS within the Liberty shopping centre in Romford town centre. The report explains that the retail unit is not currently being marketed to let on the open market, and furthermore, it is unclear what timescales may be involved before the unit is released by the administrators/landlord. Whilst the unit is of a sufficient size to accommodate unit 1, it is oversized compared to the requirement by nearly 4,000sqm. In this respect alone, in its present form the former BHS unit would be unviable.

Having regard to the specific nature of the proposed retail format and the sequential test submitted with the application, Staff are satisfied that no sequentially preferable alternative sites have been identified and that, as a defined 'out of centre' retail site, the application site is suitable, in policy terms, for the proposed use.

#### RETAIL IMPACT ASSESSMENT:

Paragraph 26 of the NPPF goes on to state that where assessing applications for retail development, which are not in accordance with an up-to-date Local Plan, LPA's should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (or a default threshold of 2,500 square metres if the figure has not been set locally.) The 2,500 square metres threshold is relevant in this case, as the Council does not have a locally set threshold. The proposed development creates 697 square metres of additional floorspace so is below this threshold. Nonetheless, the London Plan requires all new retail development outside town centres to be supported by a retail impact assessment. Accordingly, the applicants have undertaken an assessment.

The assessment concludes that the application site is an established retail destination located in the east of the borough which complements the role and function of town centres by providing a range of largely bulky goods. It goes on to state that the proposed mezzanine floor proposals would help to maintain this relationship. Given the circumstances identified, Staff consider this to be a reasonable assumption.

The report provides an assessment of the likely trade diversion arising from the proposed mezzanine floorspace stating that the application proposals would have a negligible effect upon the vitality and viability of Romford town centre of just 0.04%. This level of impact (having regard to the overall health of the town centre) is not a significant adverse impact. Staff consider this to be a reasonable conclusion.

The assessment also argues that the nature and range of goods sold from the proposed mezzanine floorspace would have no effect upon district and local centres, as these centres provide for the convenience goods needs of local residents. Accordingly, the report concludes that there would not be significant adverse affects and that competition will be primarily with other comparable retailers located at the Retail Park and other out of centre retail facilities. Staff consider that the increase of floorspace proposed at mezzanine level would not significantly alter or affect this position.

The conclusions of the report are considered to be sound and have taken into account the findings of the Council's Retail Study. Taking these factors into account Staff are satisfied that the proposal

is unlikely to significantly affect the retail vitality and viability of Romford Town Centre.

## **DESIGN / IMPACT ON STREET / GARDEN SCENE**

The proposal would not involve any external alterations to the elevations of the building.

## **IMPACT ON AMENITY**

The application premises are situated on a retail park that is adjoined on two sides by major trunk roads (A12 and A127). There are no residential properties in close proximity to the premises. The premises will retain their existing A1 retail use and it is judged that the proposal would not result in any material harm to local amenity.

## **HIGHWAY / PARKING**

The application does not propose any changes to the existing points of access and egress for the retail park and is not judged to create any material highway safety issues in relation to the operation of the A12 Colchester Road or the A127 Southend Arterial Road.

The site is located within an existing retail park, which is well served by car parking provision, totalling some 319 spaces. There would be no changes or alterations to the current car park parking layout or arrangements under the proposal. Whilst the proposal includes the provision of additional floorspace at the site it is not considered that this would result in such an increased demand for car parking that would be beyond the capacity of the existing site.

The site is located within an existing retail park, where provision already exists for deliveries to and from the existing stores. Staff are therefore satisfied that the proposal would create no significant issues in respect of servicing and deliveries to the site. .

## **KEY ISSUES / CONCLUSIONS**

A sequential test and retail impact assessment has been undertaken and submitted with the application and staff are satisfied that there are sequentially no preferable alternative sites available and that no significant impact on the retail vitality or viability of Romford town centre will occur.

The proposal is considered to be acceptable in terms of parking, servicing and delivery and highway impacts. No material harm to amenity is considered to occur.

The proposal is therefore judged to be acceptable in all material respects and it is therefore recommended that planning permission is granted subject to conditions.

## **RECOMMENDATION**

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

### **1. SC4 (Time limit) 3yrs**

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

Reason:-

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

(as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**2. SC32 (Accordance with plans)**

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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 Development Control Policies Development Plan Document Policy DC61.

**3. Non Standard Condition 59**

Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any subsequent amendment or re-enactment), the mezzanine floorspace hereby permitted shall not be used other than for the sale of:

- i. Electrical goods and other domestic appliances;
- ii. Bathroom suites - furniture and accessories; kitchen units - furniture and accessories, floor and wall tiles;
- iii. Furniture, beds and bedding, household linens, floor coverings, soft furnishings, fabrics, cushions, lighting, curtains and textiles; and
- iv. Kitchen, cooking and drying equipment.

Reason:-

In the interests of maintaining retail vitality and viability and to accord with the provisions of Policy DC15 of the Core Strategy and Development Control Policies Development Plan Document.

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**INFORMATIVES**

**1. Approval - No negotiation required**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.