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| Application Reference: | P0312.18 |
| Location: | 2 Berther Road, Hornchurch |
| Ward: | Emerson Park |
| Description: | Single storey rear infill extension, front entrance porch and boundary wall and gated entrance. |
| Case Officer: | Stefan Kukula Principal Development Management Officer |
| Reason for Report to Committee: | A Councillor call-in has been received |

1. BACKGROUND

- 1.1 The application was called in by Councillor Roger Ramsey prior to the implementation of the delegated power changes agreed by Governance Committee and Council. The call-in has been honoured on the basis on which it was originally lodged.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The application is seeking planning permission for a single storey rear infill extension, the addition of a front entrance porch and boundary wall and gated entrance.
- 2.2 The application raises material planning considerations in relation to the character and appearance of the streetscene, the impact on the surrounding residential amenity and the implications for highways, pedestrian access and parking. The proposals are considered be acceptable.

3 RECOMMENDATION

- 3.1 That the Head of Planning is delegated authority to issue the planning permission and impose conditions to secure the following matters:

Conditions

- Time limit: to be commenced within three years.
- Accordance with plans.
- Constructed with matching materials.
- Hours of use: The internal areas of the extension shall not be used as part of the existing restaurant use other than between the hours of 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays. The external seating areas shall not be used other than between the hours of 10:00 and 22:00 on Monday to Sunday and Bank or Public holidays. (To ensure compliance with existing hours of use condition).

4 PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application is seeking planning permission for:

- A single storey rear infill extension to provide customer toilet facilities (approximately 17 square metres);
- Front entrance porch;
- New 0.6 metre high boundary wall and gated entrance along street frontage with 2 metre high side section adjacent to side access and external dining area.

Site and Surroundings

4.2 The premises at 2 Berther Road, Hornchurch is a two storey detached building currently occupied by the 'Shish Meze Restaurant'. The building is located on the junction of Berther Road and Butts Green Road within an area of hardstanding with an outdoor seating area to the side, a car park and seating area to the front and Emerson Park Train Station and the railway line immediately to the south.

4.3 The site is located within Sector One of the Emerson Park Policy Area and forms part of the Butts Green Road Minor Local Centre and as such the surrounding area is characterised by a mixture of commercial and residential uses.

Planning History

4.4 The following planning decisions are relevant to the application:

P1471.08 - Change of use from A1 to A3 (restaurant) - Approved and development implemented.

P1024.13 - First floor rear extension and rear dormer to provide three additional flats and retrospective change of use of part of the ground floor from A1 to A3 use - Refused on grounds of lack of parking; harm to character of area, and; overdevelopment of the site. Appeal (APP/B5480/A/14/2212339) dismissed on grounds of unacceptable effect on the character and appearance of the locality and adverse effect on highway safety.

P0152.15 - Single storey side extension - Approved and development implemented.

P0845.17 - Single storey rear and side extension on ground floor and Change of use of first floor to A4 use class (Drinking establishments) - Refused on grounds of noise and disturbance to neighbouring residents, and; lack of parking.

P2047.17 - Change of use of first floor to mixed use A3/A4 use class (Restaurant/Cafe and Drinking establishment). Single storey rear infill extension and part demolition of rear store. Erection of entrance porch - Refused on grounds of noise and disturbance to neighbouring residents, and; lack of parking.

5 LOCAL REPRESENTATION

5.1 A total of 81 neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 22 of which, 22 objected and commented.

5.3 The following local groups/societies made representations:

- Emerson Park and Ardliegh Green Residents' Association – objecting.

5.4 The following Councillors made representations:

- Councillor Roger Ramsey has objected and called-in the application on the grounds that he believes there would be increased nuisance and disturbance caused to nearby residents by the increase in floor area and intensification of use.

Representations

5.5 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

- Increased noise and disturbance to neighbouring residents.
- Exacerbate existing parking and traffic problems on Berther Road and in the surrounding area.
- Boundary wall and gates would not be in keeping with the residential character and appearance of the streetscene.
- Insufficient car parking provision.
- The restaurant expansion is too large for a residential area.
- Smells and odours from restaurant.

Non-material representations

5.6 The following issues were raised in representations, but they are not material to the determination of the application:

- Loss of property value.

5.7 The following were consulted regarding the application:

- Environmental Health – no objections, recommended conditions in relation to noise insulation and noise and vibration mitigation.
- Local Highway Authority – no objection.

6 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of the development;
- Impact on the character and appearance of the streetscene;
- Impact on the amenity of surrounding residential properties, and;
- Implications for highways, pedestrian access, and parking.

Principle of the development

6.2 The site forms part of the Butts Green Road Minor Local Centre. Policy DC16 states that planning permission for uses appropriate to a shopping area, including A3, in the borough's Minor Local Centres will be granted at ground floor level. The proposal effectively involves the extension of internal floor space of an existing A3 use, to provide associated customer toilet facilities.

6.3 In accordance with Policy DC16 the proposal would retain the building's active frontage and maintain an impression of visual and functional continuity, thus enhancing and aiding the vitality of the Minor Local Centre.

- 6.4 On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for appropriate commercial purposes within the Minor Local Centre is therefore regarded as being acceptable in principle.

Impact on streetscene

- 6.5 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.6 The restaurant premises at 2 Berther Road forms a prominent feature in terms of its contribution to the streetscene, particularly from vantage points along Berther Road and the junction at Butts Green Road.
- 6.7 The proposed single storey rear extension would effectively infill a section of the rear yard area, and would not be visible from the streetscene at Berther Road.
- 6.8 The proposed front porch is considered to form a relatively minor addition to the front entrance and would be generally in keeping with the architectural style and design of the building.
- 6.9 The proposed walls would replace existing sections of permanent fencing of a similar height along sections of the site frontage and adjacent to the side access driveway. The fencing is already used to enclose existing outdoor dining areas, and the introduction of replacement walls would essentially maintain the existing character and appearance of the streetscene in this part of Berther Road. The proposed entrance gateway with brick pillars would match the proposed walls and harmonise with the existing front boundary treatment at Tilia Court, located directly opposite the application premises. A condition will be included requiring that the bricks used in the construction of the walls and entrance gateway match the existing building.

Impact on amenity

- 6.10 Policy DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 6.11 The proposed single storey rear infill extension would be positioned some 5.4 metres off the side boundary with the residential property at 2a Berther Road, adjacent to the side wall of a garage which immediately abuts the boundary. As such it is not considered that the proposed extension would present any undue issues in relation to overshadowing, loss of daylight, over-dominance or privacy.

- 6.12 The extension would provide customer toilet facilities, comprising some 17 square metres of internal floor space. As part of a minor reconfiguration of the ground floor internal layout the existing toilet facilities would be removed, with this area utilised as part of the kitchen and restaurant circulation space. Consequently the proposal would not result in a significantly greater amount of restaurant floor space to facilitate additional tables or customers. In this instance Staff do not consider that the proposal would result in an intensification of the restaurant use or lead to a greater number of customers above the existing capacity. Staff are therefore of the view that the proposal would not create an increase in noise and disturbance to neighbouring residents beyond that which is currently experienced.
- 6.13 The existing permitted opening hours for the restaurant are 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays. The use of the external seating areas is restricted to between the hours of 10:00 and 22:00 on Monday to Sunday and Bank or Public holidays. The application proposes no changes to the permitted opening hours.
- 6.14 Extract and ventilation systems have been installed as part of the previous arrangements and are being utilised. Any requirement for new equipment to suit the specification of the restaurant would be installed under further guidance and instruction from Environmental Health.

Highways/ Parking

- 6.15 The proposed side extension would result in no alteration to the existing 4no. off street car parking spaces along the strip of hardstanding to the front, accessed directly from Berther Road. The proposed gateway would still ensure safe access into the building for pedestrians.
- 6.16 The site is located within a Minor Local Centre and is immediately adjacent to Emerson Park Station and in close proximity to bus stops along Butts Green Road. As such the existing off-street car parking provision is considered to be acceptable.
- 6.17 The proposed rear extension would not impede the existing servicing arrangements for the site would continue allowing vehicles to park in the side access for loading and deliveries.
- 6.18 The Local Highway Authority have raised no objections and the proposal.

Conclusions

- 6.19 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.