

**REGULATORY SERVICES COMMITTEE**  
**21st July 2011**  
**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0019.11</b>	
<b>WARD :</b>	Squirrels Heath	<b>Date Received:</b> 6th January 2011
<b>ADDRESS:</b>	395-405 Brentwood Road Romford	
<b>PROPOSAL:</b>	Change of use of part of former car showroom to Class A1 retail, change of use of first floor to form 3no. residential units and construction of second floor extension to form 2no. residential units together with alterations to the front facade of the building.  Revised plans received 4/2 and 7/6/2011	
<b>DRAWING NO(S):</b>	2411_P201 2411_P202 2411_P203 2411_P204 2411_P305C 2411_P306 2411_P307 2411_P308 2411_P309	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reasons: given at the end of the report.	

### **CALL-IN**

This application has been called before the Committee at the request of Councillor Tebbutt.

### **RECOMMENDATION**

It is recommended that planning permission be refused for the reason set out at the end of this report.

### **BACKGROUND**

Members will be aware that planning permission was granted in March 2011 for the partial change of use of the former Heath Park Motor Company car showroom to form a retail unit. This current application seeks permission for the ground floor change of use element which has already been approved together with a change of use of the first floor to residential and the construction of a new second floor for residential use.

This application was previously reported to Committee on 3rd May but deferred at the request of Members in order that staff could invite the applicant to submit revised plans. Revised plans together with additional computer generated modelling plans were submitted on 7th June. The submitted revised plans propose changes to the appearance of the existing first floor of the building including the provision of a new parapet wall across the central portion of the building and the application of a light coloured render. Although depicted in a slightly different way on the revised plans the proposed upper floor roof extension would remain unaltered from that previously submitted.

At the time when this application was first submitted no occupier or tenant had been identified for

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the ground floor retail unit. It is now known that the unit will be occupied by Tesco and a separate application has recently been approved to allow store trading between 0700 and 2300 on any day (reference P0636.11).

Given the submission of revised plans and the approval of a separate application for opening hours staff have updated sections of this report to reflect these changes.

## **SITE DESCRIPTION**

The application site is located on the western side of Brentwood Road, directly opposite The Drill Public House and in close proximity to The Drill roundabout. The application site is presently occupied by a two storey building which is currently vacant. Until early 2009 the building was occupied by the Heath Park Motor Company who used the ground floor as a showroom area with the upper floor being used as offices. The application site is loosely a triangular shape with the existing buildings on site covering almost the entire site.

Directly to the north of the site is the Drill Corner minor local centre (fronting Heath Park Road) which is formed of two storey terraced buildings with commercial uses at ground floor with residential flats above. To the rear the site is abutted by the garden areas of residential dwellings also fronting onto Heath Park Road. To the south of the site along Brentwood Road the western side of the road is formed of two storey semi-detached housing. The western side of the road is formed by a further portion of the Drill Corner minor local centre with residential properties beyond. The application site is located on several bus routes and is within 5 minutes walk of Gidea Park Railway Station.

## **DESCRIPTION OF PROPOSAL**

This application seeks full planning permission for the partial change of use of the former car showroom to form a retail unit (Class A1), the change of use of first floor to form three residential units and construction of a second floor extension to form two residential units. The application also seeks permission for alterations to the façade of the building and an alteration of the front forecourt layout to provide a lay by.

The ground floor of the building was most recently a car showroom. This proposal would result in the building being split internally to form two separate units. Permission is sought to change the right hand unit nearest to The Drill roundabout into a retail shop of 381 square metres in area. At this stage the applicant has advised that no tenant has been identified. The remainder of the ground floor (the left hand unit) would be retained as a car showroom of 315 square metres in area.

To the front forecourt it is proposed the existing arrangement of dropped curbs would be reconfigured in order that a new lay by could be constructed. The proposed lay by is intended to enable servicing to take place without obstructing the highway. The proposed lay by would measure 22 metres in length and be capable of accommodating a delivery vehicle or four cars. The proposal would also see six parking spaces provided to the forecourt area. The applicant has advised that these spaces would be dedicated to the proposed upper floor flats.

The application seeks permission for a number of minor alterations to the façade of the building. These include the replacement of the existing doors and windows with modern variants, the application of render to a portion of the first floor and the provision of timber panelling above the entrance door to the first floor. The proposed upper roof extension would be sited over the front portion of the building and measure 24.7 metres in width by 6.2 metres in depth at the deepest point. The roof extension would appear in a mansard style with a height of 2.5 metres above the

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existing roof height. The proposed upper floor extension would be in two portions with the largest portion being set back from the building's façade by 0.6 metres. A smaller portion of the extension would be located towards the southern end of the building and set back from the façade by 2.7 metres.

The upper floor of the building is presently vacant but was formerly in office use. The proposal would see three flats provided to the existing first floor and two flats provided within the proposed second floor roof extension. 2no. two bedroom flats and 3 no. one bedroom flats are proposed.

### **RELEVANT HISTORY**

The application site has an extensive history relating to its occupation by the Heath Park Motor Company however none of these applications are of relevance to this proposal. The most recent application for this site was;

P0018.11 - Part change of use of former car showroom to form a Class A1 retail unit, alteration to front forecourt layout and the front facade of the building Approved subject to conditions.

P0636.11 - Variation of condition 4 of P0018.11- to extend store trading hours between 7.00am to 11.00pm any day - Approved

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters have been sent to 26 adjoining occupiers with six letters of representation being received. The letters raise objection to the application on the grounds of overlooking from the additional floor, lack of car parking, highway safety, additional noise and impact on existing local shops.

The Councils StreetCare Service raises no objection in respect of highway or parking issues.

The Councils Environmental Health Service raises no objection subject to planning conditions.

The Borough Crime Prevention Design Advisor advises that the proposals do not raise any significant crime prevention or designing for community safety issues BUT recommends that planning conditions are imposed.

### **RELEVANT POLICIES**

Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are Policies CP4 (Town Centres), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP17 (Design), DC32 (Road Network), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Crime).

Policies 2A.8 (Town Centres), 3C.1 (Integrating Transport and Development), 3C.21 (Walking), 3C.22 (Cycling), 3C.23 (Parking Strategy), 3D.1 (Supporting Town Centres) and 4B.1 (Design Principles) of the London Plan are further material considerations, together with Government Planning Policy contained within Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 4 (Planning for Sustainable Economic Growth), Planning Policy Guidance Note 13 (Transport) and Planning Policy Guidance Note 24 (Planning and Noise).

## **STAFF COMMENTS**

The main issues to be considered by Members in this case are the principle of development, density and layout, design/street scene issues, amenity implications and parking and highways issues.

### **PRINCIPLE OF DEVELOPMENT**

The application site is designated in the Local Development Framework as falling within The Drill Corner Minor Local Centre. Policy DC16 advises that within the borough's Minor Local Centres retail uses and other uses appropriate to a shopping area will be granted planning permission. The proposed retail use would accord with the provisions of this policy and bring back into use part of a building which has been vacant for two years. Staff are of the view that the proposed use would compliment and support the existing shopping function of the local centre.

Government planning policy contained within PPS4 acknowledges that new retail uses can increase vitality and viability of local centres and meet the government's objectives for prosperous economies. Furthermore advice contained within PPS1 encourages Local Planning Authorities to actively ensure that vacant and underused land and buildings are brought back into beneficial use to achieve the targets the Government has set for development on previously developed land.

The proposal would also contribute to the objectives of the London Plan Policy 3D.1 for supporting town and local centres. Having regard to the above the proposal is broadly supported by national planning guidance providing all other material considerations are addressed.

The upper floor of the building is currently vacant but was most recently used as offices. Staff raise no objection to the loss of the existing offices as there is no policy presumption for them to be retained in this location. In respect of the proposed change of use to form residential units the Council has no policies covering the use of upper floors in local centre locations. The policy presumption outlined by Policy CP1 is such that new housing development is normally directed outside of allocated or designated areas. Notwithstanding this the provision of residential accommodation to the upper floors of local shopping parades is considered to be acceptable in principle having regard to Government guidance which seeks to encourage a variety of uses within town and local centres. Having regard to this staff also raise no objection in principle to the proposed upper floor extension also to form residential units. The proposal would contribute to the Mayor's London Plan objective of increasing the overall supply of housing.

### **DENSITY/SITE LAYOUT**

Policy DC2 seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance, the application site falls within the Gidea Park PTAL zone where a density of development of 30-65 units per hectare is anticipated. The proposal would result in a density of 45 units per hectare based on a site area of 0.11 hectares. The proposed density of development would fall comfortably within the identified range and as such is considered to be acceptable.

The proposal would see the first floor of the building converted to form three flats with the creation of a second floor extension to create a further two flats. In respect of the conversion element of the scheme consideration must be given to the provisions of Policy DC4 which sets out a number of criteria for proposals involving conversions to form residential accommodation. Policy DC4 requires that each flat should be adequately sized, self-contained and with reasonable outlook and aspect.

The proposed flats are considered to be adequately sized and are self-contained. The flats have

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a reasonably open aspect and the attractiveness of these units as living accommodation would be a matter of choice for the prospective purchasers of the flats. The proposed internal layout is considered to be acceptable in terms of the stacking between the proposed first floor and second floor units. Concern is raised however by the fact that the living area for flat 2 would adjoin a bedroom within flat 1. Policy DC4 advises that the living rooms of new units should not abut the bedrooms of adjoining dwellings. Whilst this can be mitigated through soundproofing, it could nonetheless result in an unsatisfactory living environment. However, future residents would be aware of the situation prior to occupation. Staff are also mindful of the fact that a lower level of amenity is generally afforded to living accommodation in town and local centre locations where the environment is expected to be different to that of a purely residential area. As a matter of judgement, subject to a condition requiring sound attention, the proposal is considered to be acceptable in this respect.

The Council's SPD for Residential Design provides detailed guidance on the provision of amenity space within residential developments. For flatted developments the SPD seeks both communal amenity space and balconies. In this case the proposal would see the provision of five residential units above existing commercial premises within a local centre location. Given the location of the proposed flats, the units are unlikely to be occupied by families and future occupiers would not necessarily expect their own private amenity space. Consideration must also be given to Government guidance which encourages local authorities to be flexible with standards in order that residential accommodation can be provided in locations of this nature. Staff are of the view that the absence of amenity space is acceptable in this instance.

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

Given that the application building has been vacant for some time the exterior of the building has not benefited from regular maintenance resulting in the façade appearing tired. The proposal would result in the refurbishment of the existing building including the installation of new windows and doors, new shop fronts and the application of a render finish to the exterior walls at ground floor level and a portion of the first floor. No objection is raised to these works which would in staff's view enhance the appearance of the building. The submitted plans indicate a proposed signage zone on the front elevation of the building however any advertisements would be subject to separate application(s).

The proposal also involves the creation of an additional floor over the front portion of the building in the form of a mansard style roof extension. Policy DC61 advises that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. To this end proposals should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. The character of the surrounding area is drawn predominantly from a mixture of two storey buildings with either flat or hipped roofs.

The subject building is presently of a comparable height to the adjoining two storey housing to the south owing to the ground floor ceiling height being higher than that of a residential building. The proposal would result in the upper floor extension being 1.5 metres taller than the adjoining semi-detached properties to the south at nos. 391 & 393 Brentwood Road and 1.9 metres taller than the existing buildings fronting Heath Park Road to the north. Staff acknowledge that the proposed additional floor has been designed in manner which would keep its overall height to a minimum. A consequence of this is however that the proposed upper floor would in staff's view fail to relate to the design and form of the existing building. The proposed upper floor would appear somewhat shallow in terms of height. Staff are of the view that the submitted revised plans do not address this concern.

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The proposed extension would be set away from the southern end of the building in order to concentrate the bulk and mass of the new upper floor towards the centre of the building. Notwithstanding this staff are of the view that the proposed additional floor would appear at odds with the existing building and street scene. Staff are of the view that the proposed upper floor extension would be unacceptably harmful to the street scene thereby being contrary to Policy DC61. At the Committee on 3rd May Members questioned whether the proposed reason for refusal would stand up in the event of an appeal being lodged. It is for this reason that staff have amended the reason for refusal to more accurately reflect staff's concerns.

Staff acknowledge that planning permission has recently been given for a new flatted development on the eastern side of The Drill Roundabout which comprises a two storey building with pitched roof. Whilst this building is of fairly substantial width the height would be less than the proposed upper floor extension and the proposed pitched roof was judged to provide a more acceptable relationship with adjoining houses. The applicant has also drawn staff's attention to The Drill Public House as being a tall building in the vicinity of the site. Indeed a cross sectional drawing submitted with the application does show that the public house is taller than the proposed upper floor extension. The issue for staff is however not how high the resultant building would be but how it would be seen in the context of the lower two storey buildings which it would adjoin.

#### **IMPACT ON AMENITY**

The committee report as presented to Members on 3rd May gave an analysis of the potential impact on residential amenity from proposed opening hours for the ground floor retail unit. Given that no occupier had been identified it was recommended that in event Members were minded to grant planning permission a condition be imposed restricting the opening of the retail unit between 0800 and 2100 on any day. Since this application was first presented to Members a separate planning application to vary the opening hours condition attached to application reference P0018.11 has been submitted by Tesco. This application (reference P0636.11) was subsequently approved allowing opening between 0700 and 2300 on any day. Were Members minded to grant this application it is recommended that an hours of opening condition be imposed to mirror the condition imposed on P0636.11.

In view of the fact a tenant for the proposed retail unit is unknown at this stage a condition can be imposed to require details of any plant and machinery such as air-conditioning units or fridge cooling systems. In order to ensure that this equipment does not result in noise nuisance the condition stipulates a standard which any such equipment must meet.

The proposed additional floor would be positioned over the front portion of the existing building and as such would be largely removed from adjoining residential properties to the rear. The existing building is positioned directly onto the rear boundary shared with those properties fronting onto Heath Park Road. The proposed additional floor would be set back approximately 7 metres from the rear boundary and 17 metres from the nearest adjoining residential property. The proposed roof extension would be set back from the flank site boundaries and as such no material harm would result to the amenity of adjoining occupiers in Brentwood Road to the south. Having regard to the location of the additional floor and its separation staff are of view that this aspect of the proposal would not have a harmful impact on adjoining properties.

The proposed internal layout of the first and second floors has been designed for the most part with a corridor to the rear. The windows serving this corridor could be conditioned with obscure glazing to prevent views rearwards over adjoining garden areas. To the first floor flat 1 would have a rear facing bedroom and bathroom window with flat 3 having two rear facing kitchen

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windows. The proposed bathroom and kitchen windows could be conditioned with obscure glazing. In the case of the proposed bedroom window to flat 1 this would be located at the greatest distance from the rear site boundary and would primarily provide a view over the ground floor roof area. Staff are of the view that this window is acceptable and would not result in unacceptable levels of overlooking. In respect of the proposed second floor extension all rear facing windows would be capable of being conditioned with obscure glazing. The remainder of the windows to the upper floor of the building would have towards the street. Staff are of the view that the proposal would not result in a loss of privacy to adjoining occupiers.

## **HIGHWAY/PARKING**

Policy DC36 seeks to ensure that new developments, including changes of use, make adequate provision for servicing. The application site is located on Brentwood Road which is busy route through the area. Brentwood Road is subject to a fairly consistent amount of traffic throughout the day with the road forming the route of two bus services. Given the nature of the road and the location of the application site adjacent to The Drill roundabout on street servicing is not judged to be an ideal situation. Mindful of this the applicant has undertaken pre-application discussions with the Council's Highway Engineers and a new layby is proposed as part of this application. The proposed layby is intended for use by vehicles making deliveries to the proposed retail unit. Staff raise no objection to the provision of a layby in this location and consider that it would enable servicing of the retail unit to take place without obstructing the highway. In the event that this application were to be approved the layby would, upon completion, be incorporated into the public highway allowing the Council to introduce any parking or loading restrictions deemed appropriate using its Highway powers.

Car parking standards contained within the LDF recommend the provision of one off street parking space per 30 square metres of floor space for a retail shop in a local centre location. The proposal would result in a retail floor space of 381 square metres which equates to a recommended maximum parking provision of 12 spaces. The proposal would provide no dedicated off street parking for the proposed retail unit however the proposed lay-by, as described above, would be capable of accommodating up to four cars during times when the layby is not required for a delivery.

The proposal would provide car parking at a rate below that recommended in the LDF. The Council's parking standards are maximum standards and as such it is appropriate to apply them flexibly having regard to site specific circumstances. Consideration should also be given to Government planning policy which encourages local planning authorities to be flexible with parking standards in areas where effective on-street parking control is present or can be secured.

Staff knowledge of retail shops of a comparable size to that proposed in other minor local centre locations is that the majority of customers arrive by foot as they are likely to live within close proximity of the shop. In reaching a conclusion on the acceptability of this proposal from a parking perspective staff have given consideration to a recent appeal decision for 77-79 Butts Green Road (application reference P1649.09). This application proposed the extension of an existing shop to form a Tesco Metro format store with the resultant floor space being comparable with this application. The appeal was dismissed based upon the impact of the extension on an adjoining property. In respect of parking the proposal made no provision for off street parking. In reaching a decision on the acceptability of the proposal the Inspector had regard to the location of the site being fairly well served by public transport and the availability of some on street parking opportunities in the wider area.

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At the time of this application a study was undertaken by the Council's Highway Engineers of the existing Tesco Metro store at Ardleigh Green in order that some comparisons could be made. Staff are of the view that the findings of this study are useful in reaching a judgement on the acceptability of parking provision for this application. The Engineers observed the store for a half hour period on a weekday during which time it was observed that no customer arrived by car to purchase goods from the store.

The application site is located in an area where a number of parking controls are present. The section of Brentwood Road outside the application site is presently controlled by a single yellow line which applies Monday to Saturday between 0830 and 1830. Nearby roads including Heath Park Road, Slewins Lane, Manor Avenue and Balgores Lane are also subject to single yellow line parking restrictions at varying times of day. During periods when this restriction is in force the nearest potential on street parking available to customers is within Heath Park Road (58 metres from the site) or Manor Avenue (92 metres from the site) where there are several blocks of parking bays. These parking bays are for disc parking only between the hours of 0800 and 1830 Monday to Saturday. Outside of these hours the bays are available for non disc holders. Having regard to the presence of on street parking controls staff are of the view that any potential on street parking would be adequately controlled. Were vehicles to park on street outside of these hours staff are of the view that this would not be materially harmful to the free flow of the public highway.

The retained portion of car showroom would not benefit from off street parking provision however this situation is no different to when the whole building operated as a car showroom for the Heath Park Motor Company. Given the relatively small scale of the retained showroom area deliveries of vehicles by transporter are unlikely to occur on a regular basis as they did when the Heath Park Motor Company occupied the entire building. When deliveries are made vehicles would be able to utilise the proposed lay-by or park on street (as previously) outside the hours of parking controls. Staff are of the view that the parking and servicing arrangements for the retained car showroom are acceptable.

The proposal would see the six parking spaces provided to the forecourt area dedicated to the proposed flats resulting in one space per unit plus one visitor space. Policy DC2 recommends the provision of 2-1.5 parking spaces per unit in this location. The proposed development would therefore provide parking at a ratio below that advised by Policy DC2. As explained above Government guidance contained within PPS3 places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible in allowing housing developments with limited or no off-street car parking in areas with good public transport accessibility and where effective on-street parking control is present or can be secured.

In this instance staff are of the view that a reduction in the parking standard would not be materially harmful in this location as there are existing on street parking controls in place as described above. The application site is also located on several bus routes and within walking distance of Gidea Park railway station. In the event that this application were being recommended for approval staff would seek that the applicant enters into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

LDF Policy DC36 seeks to ensure that cycle parking is provided by applicant's in order to encourage sustainable forms of transport. In this case whilst the applicant has not indicated cycle parking on the submitted plans however sufficient space would be available to the forecourt area for this to be provided. This could be secured via planning condition.



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**OTHER ISSUES**

Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the submitted plans indicate that dedicated internal refuse store areas would be provided accessed directly from the front of the building. Staff are of the view that this arrangement is acceptable however further details could be secured via planning condition.

**KEY ISSUES/CONCLUSIONS**

In conclusion, the proposed partial change of use of this former car showroom to form a retail unit would bring back into use part of a building which has been vacant for two years. The proposed use is considered to be compatible with the surrounding area and is supported in principle by LDF Policy DC16. In view of this staff are of the view that the proposal would improve the vitality and viability of this part of The Drill Corner Minor Local Centre.

Staff are raise no objection in principle to the provision of residential units to the upper floor of the building. Notwithstanding this concern is raised by the impact of the proposed upper floor roof extension in the street scene which staff consider would be contrary to Policy DC61 despite the submission of revised plans. The proposed improvement works to the façade of the building are judged to be acceptable. The proposal is judged to be acceptable in respect of potential impact on adjoining residential properties subject to the imposition of planning conditions.

In respect of parking and highway matters the proposal would provide a lay by to the forecourt of the site which would be capable of accommodating delivery vehicles for the proposed retail unit. Staff are of the view that the proposed lay by would provide an acceptable means of servicing the site without causing obstruction to the highway. In respect of parking the proposal would provide no off street parking for the proposed retail unit however staff are of the view that this is acceptable having regard to the site specific circumstances. These include the presence of on street parking controls and the proximity to local bus routes.

A total of six parking spaces are proposed for the five upper floor flats. Whilst this would be a rate below that recommend in Policy DC2 staff consider this to be acceptable subject to the applicant entering into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

Having regard to all material planning considerations, it is recommended that planning permission be refused.

**RECOMMENDATION**

It is recommended that **planning permission be REFUSED** for the reasons:

**1. Reason for refusal - Streetscene**

The proposed roof extension would, by reason of its height, bulk and mass fail to relate to the existing building and would therefore appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

**2. REFUSAL - Non Standard**

In the absence of a legal agreement to prevent future occupiers from obtaining resident parking permits the proposal is likely to result in the unacceptable overspill of cars onto

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the adjoining roads to the detriment of highway safety contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- 1 The applicant is advised that in order to address reason for refusal number 2 the Council will be looking to prevent future occupiers from obtaining parking permits through a legal agreement in the event of an appeal or a resubmission.
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<b>APPLICATION NO:</b>	<b>P0229.11</b>	
<b>WARD :</b>	Cranham	<b>Date Received:</b> 15th February 2011
<b>ADDRESS:</b>	The Moorhens Acacia Gardens Upminster	
<b>PROPOSAL:</b>	Hardstanding for access to stables for delivery of hay and food; access to stables for vet and emergency services.  Revised plans received 10-05-2011	
<b>DRAWING NO(S):</b>	Site plan and proposed gate 2011/04/02 Rev A	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **SITE DESCRIPTION**

The application site is located at the eastern, cul-de-sac end of Acacia Gardens, Upminster. It is roughly rectangular and comprises a block of stables to the far (eastern end) with two areas of grass separated by fencing to the west of the application site. The site area is 0.095ha. A vehicle access provides access to a shared area before exiting onto Acacia Gardens, the adopted highway to the west. The site is within the Metropolitan Green Belt.

The applicants own a larger area of land of which The Moorhens forms part and includes Laburnham Stables which has a separate public highway access to the south from Laburnham Gardens. Laburnham Stables comprises an "L"-shaped stable block and 3 mobile homes occupied by family members. There is direct vehicle access from Laburnham Stables to the rear of The Moorhens (application) site, albeit on natural ground.

The surrounding area is characterised to the west with one and two-storey housing to Acacia Gardens, Laburnham Gardens and Fairholme Gardens. The application site is otherwise surrounded on its remaining sides by open fields also in the Metropolitan Green Belt.

### **DESCRIPTION OF PROPOSAL**

The proposal is for hardstanding to provide improved access to the existing stables. This would consist of a 37m long, 4m wide driveway along the northern edge of the application site with a turning head/temporary large parking bay at the western end together with a hardstanding area to the south of the stables located adjoining the northern boundary; this latter area of approximately 170 sq.m.

It is proposed to provide the driveway and turning head with a shingle surface and the hardstanding between the two stables as a grass-crete surface, removing an existing concrete plinth.

The applicant indicates that existing boundary planting will be improved and supplemented, although no planting is shown to be within the application site boundaries.

The applicants have submitted a supporting statement including a letter from their vet and a letter from their horse feed supplier.

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The case for special circumstances put forward by the applicants can be summarised as:

- the Moorhens is a long established horse stables (approximately 80 years)
- the proposal would improve the attractiveness of the stables facility and make it more financially viable and easier to maintain
- there is no form of surface water drainage
- flooding in the winter months on the grassed area between the stables and the entrance means that the vet cannot treat the animals at their stables or even within the application site boundaries.
- the farrier is also affected by the lack of hardstanding/access within the application site as his vehicle is too big and cannot turnaround in the existing narrow highway turning head such that he has to shoe horses on the public highway causing disturbance to adjoining residential occupiers
- the feed provider indicates that he delivers 3-4 tons of horse feed in an 18-ton rigid HGV every 3-4 weeks. The applicant indicates that it is preferable that the feed is delivered directly to the feed stores which form part of each stable block but that flooding and lack of hardstanding, access and turning head prevent this currently
- access is also difficult for vehicles pulling horse trailers
- the applicant indicates that he/his son regularly attend the horses via the highway (rather than from their rear access) but that their 4 x 4 has also become stuck in the boggy conditions.

A letter has been submitted by by the applicant from an Upminster resident indicating that as a child/young adult she lived in Acacia Gardens and for some time kept a horse at the stables with the then owner's permission and that there were two stables blocks at the application site at that time.

There is an access gate shown on the plans, nonetheless at 1m in height (located adjacent to the highway) this does not require planning permission. There are also indications of new fencing to the proposed paddock area, at 1.35m in height this would be within the 2m height allowance, and also does not of itself require planning permission.

While a second stable block to the southern boundary is shown on the plans, the applicant has not included this in the description of the development such that it does not form part of the current application. The applicants have indicated that the second stable block has suffered from damage and is currently under repair before re-erection. However, as there is currently no second stable block at the application site, it has not been considered for the purposes of this application for hardstanding/driveway and turning areas and may require separate consent.

#### **RELEVANT HISTORY**

None. However see background section below re Enforcement Notice.

#### **CONSULTATIONS/REPRESENTATIONS**

25 adjoining occupiers were notified of the proposal. A Site Notice was posted and a Press Notice was placed in "Living" Magazine. 8 responses have been received objecting to the proposal on the following grounds:

- the land is green belt and should not be concreted over or gravelled
- the applicant has tried hardstanding part of the site before, been served with an enforcement notice, the subsequent appeal was dismissed and the hardstanding was subsequently removed and the grass replaced in line with the enforcement notice; this proposal is no different and should also not be allowed
- local residents benefit from the open amenity afforded by the greenbelt at this point and this proposal would mar their amenity

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- the distance from the highway is relatively short and should not be used as an excuse for the provision of hardstanding on a green belt site
- the applicant also owns Laburnham Stables nearby where feed providers and vets can provide their services without the need to have a second area of hardstanding at The Moorhens
- Any hardstanding is likely to attract the open storage of vehicles, equipment, trailers etc to the detriment of the open green character of the site
- severe flooding is caused by a high water table, any even semi-permeable hardstanding would exacerbate this local problem
- the previous Stables' owners never needed hardstanding to look after horses; why now ?
- it would set a precedent to other local field owners
- fears that the applicant will use the site for the siting of further mobile homes for his family; as existing at Laburnham Stables to the south of the application site
- there is only one stable block at the site with only 2 horses, not two as shown on the plans and the proposal represents a significant increase in the level of activity and use of this site
- the reasons given to support the application are not valid; an adjoining occupier stabled his horse at The Moorhens for four years and did not have any of the problems the applicants have identified with vets, food deliveries or other emergency services
- Acacia Gardens cannot tolerate any further traffic and is itself in desperate need of resurfacing to cope with existing requirements

Councillor Gillian Ford has written to object to the proposal on the grounds that the occupants have been granted a three-year term to site their mobile homes on Green Belt land (Planning ref. P0129.08) subject to this being for a limited period expiring on 22nd December 2011. As this permission ceases in December 2011 the application does not represent "special circumstances" to develop further on Metropolitan Green belt land and it would therefore be unacceptable for this application to be granted planning permission.

### **RELEVANT POLICIES**

LDF: DC33, DC36, DC45, DC61

The London Plan: 3D.9

Other: PPG2 (Green Belts)

### **STAFF COMMENTS**

The main issues are the principle of the development, its impact on visual amenity in the streetscene and on the open character of the Metropolitan Green Belt, its impact on residential amenity and highways/parking issues. If harm is identified, then the case put forward by the applicants as "special circumstances" will be considered in detail.

### **BACKGROUND**

An Enforcement Notice was served in 2004 following the laying out of a hardstanding area of 20m by 20m (400 sq.m) at The Moorhens, adjoining the vehicular access onto the highway, without the necessary planning permission. The notice required the removal of the hardsurfacing and the restoration of the land to grass/paddock. The applicant appealed against the notice, nonetheless the appeal was dismissed and the applicant subsequently removed the area of hardstanding.

Unusually, the applicant did not appeal under "Ground A" and therefore the Planning Inspector did not consider whether the hardstanding would have been granted permission, should a planning application have been made. Following the appeal decision, the applicant did not make a planning application but chose to remove the hardstanding in accordance with the

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enforcement notice.

This application therefore is the applicant's first planning application for hardstanding at The Moorhens which will be considered on its planning merits, notwithstanding the Enforcement History.

Planning permission P0129.08 included the current application site within its site boundaries, and was for the retention of 2 mobile homes to the south of the site in the part of the applicant's ownership known as Laburnham Stables. This was granted a temporary consent for 2 years until December 2011, but does not affect the applicants' own mobile home which is the subject of an earlier permanent, personal consent (P1733.01).

### **PRINCIPLE OF DEVELOPMENT**

Policy DC45 indicates that the Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives and will grant permission for uses which include outdoor recreation. The stables are an established use of the site and the policy indicates that new buildings will only be granted if they are essential for the acceptable uses. The proposal is for ancillary development of hardstanding in association with the stable block.

PPG2 indicates at para 3.4 that "The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

...essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below)..."

"3.5 Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation."

And, at para 3.12 "The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt."

The stables is an existing use within the green belt, and, in line with PPG2 is considered to be an essential facility for outdoor sport and recreation. The proposed development of hardstanding falls to be considered as an "other operation" which would be inappropriate development unless it maintains openness and does not conflict with the purposes of including land within the Green Belt. This is considered in greater detail below.

### **GREEN BELT IMPLICATIONS**

The proposed development would result in the provision of hardstanding over an area of approximately 490 sq.m, including 170 sq.m adjoining the stable block.

It is proposed that the hardstanding would be provided as shingle and grass crete (adjoining the stable block). While the hardstanding would be limited to a driveway and turning areas/large temporary parking bay with the grasscrete area partly replacing an existing concrete apron, it would be significantly different to the existing grassed paddock areas.

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A paddock area of just over 400 sq.m would be retained together with a grassed area of approximately 90 sq.m adjoining the entrance gate. The proposed hardstanding would be at ground level such that in longer views towards the application site, particularly from the vista along Acacia Gardens, the materials and extent of hardstanding would not be particularly visible and views would not be closed in with buildings. Staff therefore consider that in these longer views that there would be no significant change to the general open feel of the application site.

However, public views of the site extend to within a few metres of the application site. Staff consider that the proposed extensive use of hard materials on around half of the ground surface of the application site would have a visibly urbanising effect on the verdant character/rural nature of the green belt at this point. Staff therefore consider that the proposed development would result in harm to the character of the Green Belt at this sensitive location directly adjacent to the urban edge.

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

The proposed driveway would be visible from the public highway and would appear at least to a degree as an extension to it. The use of shingle is preferable to non-natural materials such as concrete and grasscrete will allow at least the far end of the site to retain a grassed appearance.

Nonetheless at just under 500 sq.m of hardstanding, it would cover roughly half of the application site and it is considered that the proposal would therefore detract from the rural verdant character of this end of Acacia Gardens which is in the green belt.

The applicants have indicated that further tree planting could take place to the boundaries of the site, nonetheless none is shown within the site boundaries and none could be provided to screen the view of the site in the long vista of Acacia Gardens.

While it is recognised that the hardstanding would be laid at ground level, it would be visible in the streetscene and would, Staff consider, have an adverse impact on visual amenity in the streetscene.

### **IMPACT ON AMENITY**

The nearest residential properties are No.s 35 and 44 Acacia Gardens. The proposed hardstanding works would not change the use of the application site. While as a result there may be increased use of the existing stables, due to the improved facilities on offer, it would appear that the stables facilities did at some stage in the past also offer a greater level of activity.

The provision of a turning head within the application site would remove the existing poor arrangement which results in vehicles either having to back up Acacia Gardens to enable unloading or having to park on the highway to provide care including shoeing of the horses being undertaken on the highway, causing congestion and noise/disturbance to existing occupiers.

Staff consider that the proposed hardstanding would reduce the level and proximity of noise and disturbance to the adjoining occupiers, such that there would be no significant harm to residential amenity.

### **HIGHWAY/PARKING**

There are no specific parking standards for stables. One long temporary parking space would be provided and the site would be capable of ensuring that any servicing vehicle could enter and leave in forward gear.

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The proposal would remove existing associated parking on-street, in particular parking which occurs in the turning head.

It is considered that the proposed development would be acceptable in both parking and highways terms.

**OTHER ISSUES**

The Case for Special Circumstances:

It is considered that the proposed development would be unacceptable in principle and that other harm would arise to the open character of the green belt and in relation to harm to visual amenity in the streetscene. Since harm has been identified the case put forward by the applicants as "special circumstances" is now considered in detail below:

- the Moorhens is a long established horse stables (approximately 80 years)

Staff Comments: This is understood to be a matter of fact and does not of itself amount to very special circumstances to allow the proposed development

- the proposal would improve the attractiveness of the stables facility and make it more financially viable and easier to maintain

Staff Comments: The proposal would result in improvements, nonetheless this should not be at the expense of the green belt. It is accepted that the stables are an established feature as a matter of fact and that the proposed drive and turning head would allow easier access for both servicing and customers. The applicants have an existing stables at Laburnham Stables to the south of the application site and it is recognised that this would increase the use of the green belt where equestrian uses are considered to be appropriate, in particular for leisure and recreation in line with PPG2.

- there is no form of surface water drainage and provision of such drainage would not overcome the current problems

Staff Comments: It would appear that there is either a high water table or the soil is of clay such that adjoining neighbours confirm that surface water flooding (particularly after heavy or prolonged rainfall) is a problem in Acacia Gardens. Either way, flooding is an issue for the site and the care of the animals housed there.

- flooding in the winter months on the grassed area between the stables and the entrance means that the vet cannot treat the animals at their stables or even within the application site boundaries.

Staff Comments: Access for care of the horses is necessary for their wellbeing and welfare. It is appropriate that care is undertaken on site and that the vet can get as close to the animals as possible, given that at least on some occasions, the horses would be lame or unable to move due to injury or illness.

- the farrier is also affected by the lack of hardstanding/access within the application site as his vehicle is too big and cannot turnaround in the existing narrow highway turning head such that he has to shoe horses on the public highway causing disturbance to adjoining residential



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occupiers

Staff Comments: It is understood from previous details submitted that the applicant's son is a trained farrier. The vehicle used by the farrier cannot enter and leave the site in forward gear as it is too big. The proposal would result in the removal of the vehicle from having to park and undertake shoeing etc. on the public highway which would improve highway safety and reduce noise, inconvenience and disturbance to occupiers at the cul-de-sac end of Acacia Gardens.

- the feed provider indicates that he delivers 3-4 tons of horse feed in an 18-ton rigid HGV every 3-4 weeks. The applicant indicates that it is preferable that the feed is delivered directly to the feed stores which form part of each stable block but that flooding and lack of hardstanding, access and turning head prevent this currently.

Staff Comments: The proposed driveway and turning head would result in the removal of the vehicle from having to park on the public highway which would improve highway safety and reduce noise, inconvenience and disturbance to occupiers at the cul-de-sac end of Acacia Gardens.

- access is also difficult for vehicles pulling horse trailers

Staff Comments: These combined vehicle/trailers are larger vehicles. The provision of the proposed driveway and turning head within the application boundaries would remove the necessity to park these, at least during surface flooding periods, on the public highway.

- the applicant indicates that he/his son regularly attend the horses via the highway (rather than from their rear access) but that their 4 x 4 has also become stuck in the boggy conditions

Staff Comments: 4 x 4 vehicles can normally deal with boggy conditions. Nonetheless with the problems identified the ability to park and access the stables directly would be of benefit.

Staff consider that the existing use is an appropriate use in the green belt which provides urban dwellers with access to an open leisure activity. The proposed development of hardstanding would enable better and easier access which would both improve the facility for users and also significantly improve the health and wellbeing conditions of the animals (horses) involved since vets and farriers will be able to care for the horses close to their living accommodation all year round. The proposal would also relocate large vehicles which currently have little option but to park on the public highway such that the proposal would remove a safety concern for the horses, care-providers and other road users. Staff therefore consider that the circumstances put forward by the applicants do amount to the Very Special Circumstances necessary to allow the development of hardstanding at the above site, in accordance with PPG2.

### **KEY ISSUES/CONCLUSIONS**

The proposal would be inappropriate development in principle. Harm has been identified to the rural character of the area and visual amenities in the streetscene and a Case for Special Circumstances has therefore been considered. Staff consider that the Case put forward amounts to very special circumstances to override the presumption against development in the green belt and therefore that the proposed development would be acceptable and in accordance with Policies DC33, DC36, DC45 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and PPG2 (Green Belts).

### **RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. M SC09 (Materials)
4. Non standard condition  
The hardstanding hereby permitted shall only be used for the parking and turning of vehicles in connection with, and ancillary to, the existing stabling and care of horses.

Reason: To ensure that the use of the site remains compatible with its location within the Metropolitan Green Belt in accordance with Policy DC45 of the LDF Core Strategy and Development Control Policies DPD.

**2** INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Draft Residential Extensions and Alterations SPD and Policies DC45 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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<b>APPLICATION NO:</b>	<b>P0369.11</b>	
<b>WARD :</b>	Havering Park	<b>Date Received:</b> 21st March 2011
<b>ADDRESS:</b>	Rydal Mount North Road Havering Atte Bower Romford	
<b>PROPOSAL:</b>	Proposed orangery to rear elevation and decking.	
<b>DRAWING NO(S):</b>	Drawing 2 of 4 Drawing 3 of 4 Drawing 1 of 4 Drawing 4 of 4	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **SITE DESCRIPTION**

Two storey detached house in North Road, Havering-atte-Bower. The site is within the Metropolitan Green Belt and the Havering-atte-Bower Conservation Area. The rear garden slopes downhill.

### **DESCRIPTION OF PROPOSAL**

The proposal is for a proposed orangery to the rear elevation and decking.

The orangery would have a depth of 4 metres, a width of 9.8 metres and a flat roof with a height of 3 metres (not including the jack lantern).

The proposal features a decking platform with a height of 0.5 metres directly adjacent to some bi-folding doors in the centre of the orangery.

### **RELEVANT HISTORY**

P0964.05 New build dwelling in replacement of former bungalow Approved.

P1336.07 Proposed replacement of existing bungalow with new two storey house Approved.

### **CONSULTATIONS/REPRESENTATIONS**

The proposal was advertised by way of a site notice and in the local press as development which could affect the character or appearance of Havering-atte-Bower Conservation Area and is contrary to the Metropolitan Green Belt Policies of the Core Strategy and Development Control Policies Development Plan Documents. Neighbouring occupiers were consulted and no letters of representation have been received.

### **RELEVANT POLICIES**

The Residential Extensions and Alterations Supplementary Planning Document is relevant. Relevant policies from the LDF Development Control Policies Development Plan Document are DC45 Green Belt, DC61 Urban Design and DC68 Conservation Areas. Consideration should also be given to the provisions of PPG2 (Green Belts) and Havering-atte-Bower Conservation Area Character Appraisal and Management Proposals.

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**STAFF COMMENTS**

For the purposes of this application, the Planning Officer's calculations have been used to determine this application.

**GREEN BELT IMPLICATIONS**

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 3.4 of PPG2 states that "limited extension, alteration or replacement of existing dwellings" is not inappropriate providing the advice in Paragraph 3.6 is heeded. Paragraph 3.6 states that extensions should "not result in disproportionate additions over and above the size of the original building."

The previous dwelling had a volume of approximately 396 cubic metres and the replacement dwelling increased this to 590 cubic metres, representing an increase in cubic capacity of approximately 49%.

The Case Officer calculated the volume of the orangery and it would result in an increase in cubic capacity of the existing dwelling by approximately 20% (or a volume of 118 cubic metres). Therefore, the combined volume of the replacement dwelling and the proposed orangery is 69%.

Policy DC45 states that extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. Having carefully considered the merits of this planning application, the proposed development is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing building and therefore, would be in accordance with the national guidance for Green Belts as contained within PPG2.

**CONSERVATION AREA**

The application site is located within the Havering-atte-Bower Conservation Area. The statutory duty applied to planning authorities in the exercise of their planning functions in conservation areas is set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". This aim is reflected in Policy DC68 of the LDF Development Control Policies Development Plan Document.

Policy DC68 states that the character of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where:

- it does not involve the demolition of a building that makes a positive contribution to the character or appearance of the area
- it preserves or enhances the character of the Conservation Area and is well designed
- it does not involve the loss of trees which contribute towards the character of the Conservation Area

It is considered that the proposal would not be harmful to the character and appearance of the Havering-atte-Bower Conservation Area, as the orangery is single storey and would not be visible from the streetscene. Furthermore, it is considered that the proposal has been designed in sympathy with the existing dwelling.

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

The orangery and decking would be located to the rear of the dwelling and would be partially screened by the flank wall of the neighbouring property Wakefield and a 1.8m high (approx.) timber paling fence on the south western boundary. The orangery and decking would not be visible from the streetscene.

**IMPACT ON AMENITY**

It is considered that the proposal would not result in a significant loss of amenity to neighbouring properties, as the orangery and decking would replace an existing raised decking area. It is considered that the neighbouring property Wakefield would not be adversely affected by the proposal, as it has a staggered building line whereby the front of this dwelling is in general alignment with the rear building line of Rydal Mount.

It is considered that the neighbouring property Stanley House would not be adversely affected by the proposal, as it has a single storey rear projection, which would partly mitigate the impact of the orangery and decking. In addition, the proposal would be partly screened by a 1.8m high (approx.) timber paling fence on the south western boundary.

It is noted that the decking platform would be located directly adjacent to some bi-folding doors in the centre of the orangery, which increases the separation distance between the decking and neighbouring properties. The orangery does not feature any flank windows. It is considered that the proposal would not create any additional overlooking over and above existing conditions.

**HIGHWAY/PARKING**

It is considered that the proposal would not create any highway or parking issues. There is space for three to four cars on hard standing to the front.

**KEY ISSUES/CONCLUSIONS**

Having carefully considered the merits of this planning application, the proposed development is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing building and therefore, would be in accordance with the national guidance for Green Belts as contained within PPG2.

It is considered that the proposal would not result in a loss of amenity to adjacent occupiers and would not create any highway or parking issues. Accordingly it is recommended that planning permission be approved.

**RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. S SC48 (Balcony condition)

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**3**      **INFORMATIVE:**

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45, DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations Supplementary Planning Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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<b>APPLICATION NO:</b>	<b>P0554.11</b>	
<b>WARD :</b>	South Hornchurch	<b>Date Received:</b> 1st April 2011
<b>ADDRESS:</b>	Business Innovation Centre CEME Campus Marsh Way Rainham	
<b>PROPOSAL:</b>	Change of Use of c. 160sq.m. of Business Innovation Centre from B1 (Business) use to D1 (Education) use	
<b>DRAWING NO(S):</b>	11.146/PL01; -PL02	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **SITE DESCRIPTION**

The application site forms part of the existing Business and Innovation Centre (BIC) at CEME Campus development, the Centre for Engineering and Manufacturing Excellence at Marsh Way. The BIC building is arranged on two-storeys with a ground floor reception and rooms of different sizes which are located on either side of the Central corridors. The application "site" is formed of 4 independent, lockable rooms. While not specifically included, the shared access and facilities/refreshment rooms are available to occupiers of any of the rooms. The rooms are located at the eastern end on the first floor and comprise 160 sq.m in total with three larger rooms and an "office" sized rooms. At the time of the site visit two rooms were provided with seating (a lecture-type room) and one had a large number of tables/chairs and computers with terminals stored in it, another larger room had no furniture and the "office" had some office furniture which was not in use.

Apart from the CEME training building there is also a Creche (to the north -east of the application site) and beyond Marsh Way to the south are industrial and warehousing buildings, which are also the main uses of land to the north of the A13 at this point, although there is also much land which is vacant between the A13 and the A1306 (formerly the A13).

The site lies in the Thames Riverside area and within a Strategic Industrial Location.

### **DESCRIPTION OF PROPOSAL**

The proposal is for the change of use of part of the Office/R&D building known as the BIC to education use. The supporting statement indicates that the proposal is for a company specialising in training students from overseas. As such it has already sought (and gained) accreditation from the Border Control Agency for upto 100 students (40 on site at any one time) for courses in English, Tourism and hospitality and business. The supporting statement indicates that there is a growth industry for this type of education training in the UK.

### **RELEVANT HISTORY**

There is no relevant history. The CEME campus, which opened in 2003, was created by Fords Motor Company to provide training in manufacturing and engineering as well as conference and other training facilities. Currently Havering Council's own training facilities are located in the western wing of the main building.

### **CONSULTATIONS/REPRESENTATIONS**

Adjoining and nearby premises have been notified. A site notice and press notice have been

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issued. There have been no replies.

The Environment Agency have written to advise that they have no concerns regarding flood risk.

**RELEVANT POLICIES**

LDF: CP3, CP8, DC9, DC11, DC26, DC29, DC48  
The London Plan: 3A.24, 3A.25, 3B.1, 3B.4, 3C.23  
Other: PPS4

**STAFF COMMENTS**

The main issues are the principle of the development and highways/parking

**PRINCIPLE OF DEVELOPMENT**

The proposal would be for the change of use of part of the existing BIC building within the CEME Campus to a D1 use for the training of students from overseas.

Policy DC29 regarding education establishments specifically relates to the provision of primary and secondary education, rather than tertiary education which would be provided here. Therefore Policy CP8 and DC26 are the most relevant community provision policy and Policies CP3 (employment) and DC9 the most relevant for employment opportunities. Policies for community provision, including education and training facilities relate closely to existing and projected future needs, for example in the Thames Riverside area it is identified that such facilities are needed where there is residential development. Apart from Dovers Corner (where permission has been granted on appeal) and the redevelopment of the former Mardyke Estate there has not been the substantial residential development envisaged by the London Thames Gateway Development Corporation, which has now ceased to exist in Havering. The proposal is for overseas students to attend training courses such that this would not meet a local need for such a facility.

Policy DC9 indicates that acceptable uses within the Strategic Industrial Location, within which the site is located, would be B1b, B1c, B2 and B8.

The proposal for a change to a D1 Use is neither generally acceptable in the SIL nor does the training facility meet an existing or projected local need. Whilst CEME is specifically providing education in high end manufacturing and higher technology, the proposal would teach language, tourism, and hospitality in business, which are not specifically related to industrial or warehousing processes. It is nonetheless recognised that the Council's training centre which is located in the main CEME building provides training mainly for public sector employees (in local government) rather than in manufacturing/industry.

Wider economic considerations need to be given weight however and the manager of the BIC advised at the site visit the centre is currently only 50% occupied. She agreed that this was in part due to the current recession but advised that the BIC does not usually have 100% occupancy. It does, nonetheless provide flexible space for start-up industry and its role in assisting small firms should not be underestimated, particularly as the recession lifts.

The applicants have indicated that they are willing to have a temporary permission if this could be for 5 years. In the light of the Ministerial Statement in March 2011 with regard to the taking up of business opportunities, it would be appropriate that this development is granted as it would provide some teaching and administration employment and, very likely some knock on economic



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benefits, for example if students live in the Borough and contribute to the community. The proposal would take up some of the vacant space within the building. It is considered that a temporary permission would not prevent the later return to B1 use, such that it would not preclude start-up business in the longer term.

### **HIGHWAY/PARKING**

CEME is remote in terms of public transport accessibility. There is one bus route which enters the campus and the railway station is some distance away to the north-east. There are a large number of parking spaces, with some specifically allocated to the BIC (7 spaces in total). Most students from overseas are unlikely to have access to private vehicles and would rely mainly on public transport of which this is limited but functional.

It is considered that there are no highway or parking concerns raised by this proposal.

### **KEY ISSUES/CONCLUSIONS**

The proposal would utilise part of a building which is, during the recession, suffering from low occupation. A temporary use for D1, while not meeting any local need would result in some employment and some wider economic benefits. It is considered in line with the Ministerial Statement that permission should be granted, nonetheless as the economy cannot grow without the provision of start-up industry, it is appropriate that only temporary consent is granted for this use. There are no other concerns relating to this proposal.

### **RECOMMENDATION**

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

**1. S SC17 (Temporary use) INSERT DATE**

This permission shall be for a limited period only expiring on 22nd July 2016 on or before which date the use hereby permitted shall be discontinued and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To retain control over the BIC building so that it can continue to be used for research and development purposes ancillary to the main use of the CEME site for training should economic circumstances improve.

**2. S SC19 (Restricted use) ENTER DETAILS**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be as a post-school training centre and shall be used for no other purpose(s) whatsoever including any other use in Class D1 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.

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**3.** S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 18:00 on Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public holidays 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.

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

**4** INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC9, DC26 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document and PPS4.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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<b>APPLICATION NO:</b>	<b>P0596.11</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 13th April 2011
<b>ADDRESS:</b>	145 High Street Hornchurch	
<b>PROPOSAL:</b>	Change of use from retail (A1) to adult amusement centre (sui generis)	
<b>DRAWING NO(S):</b>	RE/11/H1 RE/11/H2 Location plan	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **SITE DESCRIPTION**

Three storey mid-terrace with a wallpaper shop at ground floor and residential above. Surroundings: Commercial row of shops with dwellings above. Fentiman Way car park is located to the rear of the site. The site is located within the retail core of Hornchurch Major District Centre.

### **DESCRIPTION OF PROPOSAL**

The application is for a change of use from retail (A1) to an adult amusement centre (Sui Generis).

With regards to employment, the applicant detailed that there would be four full-time and four part-time staff. Opening hours are proposed to be 0900 to 2200 every day (including Bank Holidays).

### **RELEVANT HISTORY**

There is no relevant planning history.

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 39 local addresses. One letter of objection was received with detailed comments that have been summarised as follows:

- Inappropriate use in Hornchurch District Centre, which should be reserved for retail, office and hot food uses.
- Anti-social behaviour issues.
- The proposal would be detrimental to the refurbishment/regeneration programme within Hornchurch High Street.
- It should be possible to find a retail user for the site.

In response to the above, comments regarding finding a retail user for the site are not material planning considerations, as each application is determined on its individual planning merits. The remaining issues are covered in the following sections of the report.

Crime Prevention Design Advisor Having consulted the local police Safer Neighbourhood Team, as the premises would be limited to over 18 use only, there are no specific concerns as long as the business would be run in the proposed manner.

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The Council's Environmental Health Department raise no objection subject to the provision of conditions.

Highways Authority - No objection. There are adequate Pay & Display car parks in Hornchurch Town Centre to deal with any parking issues.

**RELEVANT POLICIES**

Policies DC16, DC23, DC33, DC55, DC61 and DC63 of the LDF Development Control Policies DPD

PPS4: Planning for Sustainable Economic Growth

PPG13: Transport

Policies 3C.24, 3D.1, 3D.2 and 3D.3 of the London Plan

**STAFF COMMENTS**

The issues raised by this application are the principle of development, the impact on amenity and parking/highway issues.

**PRINCIPLE OF DEVELOPMENT**

The application site is located within the retail core of Hornchurch Major District Centre. Policy DC16 states that service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Not more than 20% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

All shop fronts in retail core and 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.

This policy is intended to maintain the viability and vitality of the town centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. At the same time, it recognises that uses such as banks, building societies and restaurants provide a complementary service for the shopping public, and it is therefore appropriate to make some provision for them in the centre. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposed use would not result in a group of three or more adjoining A2-A5 uses or other non-retail uses. In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between no. 14 North Street and no. 159 High Street. The frontage begins at the House of Couture (No. 14 North Street) and ends at Sense charity shop at No. 159 High Street. This frontage has a total length of 112 metres.

There are 18 units within this parade. The six non-retail uses comprise No. 4 APS Alternative Property Services, No. 135 Beresfords Estate Agents, No. 35 Pridmore Bookmakers, No. 141 Utopia Spa/Beauty, No. 155 Sukhothai thai restaurant and No. 157 Hornchurch Mini Cabs. These six non-retail uses with a frontage measuring 36.4 metres, represents 32.5% of the

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total length of the parade in non-retail use. The proposed change of use at No. 145 High Street (with a frontage of 5.2 metres) would result in 37% of the total length of the parade in non-retail use, exceeding the 20% given in policy.

The proposed use of the premises as an adult amusement centre (sui generis) is not a use specifically referred to in the Council's policy as being appropriate in a shopping area. The proposed use would however be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows and that the proposed use would display a number of characteristics which would be similar to some retail uses in terms of the general level of activity and expenditure. It is proposed that the premises be open seven days a week during normal shopping hours. The proposal would also be capable of providing a window display which would allow for an active frontage to the unit. For these reasons staff are of the view that the proposal would be appropriate within a shopping area.

Although the change of use would be contrary to Policy DC16, it is considered that on balance the adult amusement centre would be acceptable as it would be likely to attract both dedicated customers and those on more general shopping trips, which would contribute positively to the vitality of Hornchurch Major District Centre. For the above reasons, the change of use is a matter of judgement for members.

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

The proposal would involve no alterations to the external appearance of the building and would therefore pose no adverse or detrimental issues to the character of the street scene. Any applications for adverts or a new shop front would be assessed separately.

#### **IMPACT ON AMENITY**

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that some residential properties are located on the upper floors the parade.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre location than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. As there is no parking outside the premises, it is expected that patrons would park nearby and/or arrive on foot.

The application property lies within a row of commercial premises which forms part of retail core of Hornchurch Major District Centre. From the site visit it was observed that the High Street is a heavily trafficked road with high ambient noise levels. Given the nature of this road, there is no reason to believe that these observations are unusual. It is reasonable to assume, given the location of the application site that the ambient noise level would remain reasonably high in the evening, Sundays and Bank/Public Holidays.

It is Staff's view that the adult amusement centre would not result in significant noise and disturbance from pedestrian movements over and above existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days and environmental health conditions regarding noise emanating from the site.

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In this instance, opening hours are proposed to be 09:00 to 22:00 every day. It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located on a relatively busy main road with arguably higher ambient noise levels throughout the week. Consideration has been given to a closing time of 22:00 on Sundays, although this time is comparable with other premises in the vicinity of the site.

The Crime Prevention Design Advisor has consulted the local police Safer Neighbourhood Team and as the premises would be limited to over 18 use only, there are no specific concerns as long as the business would be run in the proposed manner.

### **HIGHWAY/PARKING**

The application site has no off-street car parking facilities for customers. Customers attending the site would therefore need to rely upon either public transport or a local car park. The application site is located within a highly accessible town centre location so that the absence of any car parking provision is considered to be acceptable having regard to Government advice contained in PPG13. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. There are adequate Pay & Display car parks in Hornchurch Town Centre to deal with any parking issues. It is considered that the proposal would not result in any highway or parking issues. Serving would take place from the rear of the unit.

### **KEY ISSUES/CONCLUSIONS**

Although the change of use would be contrary to Policy DC16, it is considered that on balance the adult amusement centre would be acceptable as it would be likely to attract both dedicated customers and those on more general shopping trips, which would contribute positively to the vitality of Hornchurch Major District Centre. It is considered that the proposal would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

### **RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 22:00 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.

3. S SC32 (Accordance with plans)

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4. M SC35 (Window display)

5. Non standard condition

Before the use 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: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

6. Non standard 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  $\pm$  10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning and Noise 1994.

5 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC16, DC23, DC33, DC55, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request is needed.

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<b>APPLICATION NO:</b>	<b>P0612.11</b>	
<b>WARD :</b>	Romford Town	<b>Date Received:</b> 4th May 2011
<b>ADDRESS:</b>	15 PRINCES ROAD ROMFORD	
<b>PROPOSAL:</b>	Single storey rear extension	
<b>DRAWING NO(S):</b>	2460/04 2640/02 2460/10 2460/11	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **CALL-IN**

This application has been called in by Councillor Thompson on the grounds of insufficient off street parking for the likely increase in inhabitants following the extension, diminished amenity space at the rear and poor natural lighting in the kitchen/diner area.

### **RECOMMENDATION**

That planning permission should be approved.

### **SITE DESCRIPTION**

The application site is a residential two storey semi-detached property located on Princes Road. The locality is predominantly residential in character, with two storey terraced and semi-detached dwellings. There is a timber paling fence on the side and rear boundaries. There is space for one vehicle on hardstanding and there is on street parking bays outside the application site.

### **DESCRIPTION OF PROPOSAL**

The proposal is for a single storey rear extension with a depth of 4 metres adjacent to the western boundary and 3.4 metres adjacent to the eastern boundary. The extension would have a width of 7 metres and a height of 3 metres.

The single storey rear extension would enlarge the existing bedroom and kitchen/dining room.

### **RELEVANT HISTORY**

L/HAV/1725/79 - Conversion to 2 flats - Refused.

1183/83 - Rear extension, new kitchen, bedroom and enlarged bathroom - Approved.

P1368.10 - Single storey rear extension and the conversion of the property into five one bedroom self-contained flats - Refused.

### **CONSULTATIONS/REPRESENTATIONS**

A total of 7 neighbouring occupiers were notified of the proposal. Five letters of objection were received (four of which were from the same address) with detailed concerns that have been



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summarised as follows:

- There are too many flats in the area and family homes should be retained including No. 15 Princes Road.
- It is alleged that the applicant submitted a letter outlining intentions to remove the pebbledash and render the front and side areas of the dwelling and re-pointing the brickwork. The garden was to be divided into two areas and fully landscaped. These plans are not shown on the application form or plans.
- The application states that the locality is predominately residential in nature, which is inaccurate as the locality is a residential area.
- The proposal would not enhance the surrounding area.
- Insufficient car parking.
- Noise pollution, general disturbance, anti-social behaviour and vehicle movements from 4 flats instead of 1 home.
- Noise disturbance as the first floor lounge areas would be very close to the bedroom areas of the adjoining property, which is out of keeping with family occupation of houses in the surrounding area.
- History of noise from the property.
- Insufficient amenity space for 4 flats resulting in a cramped overdevelopment of the site and noise pollution.
- Overshadowing.
- Overlooking.
- Limited outlook and daylight for the ground floor bedroom.
- The proposal is out of character with neighbouring properties.
- Refuse and vermin.
- The use of the flat roof of the extension as a balcony or roof terrace.
- The previous reasons for refusal for the previous planning application (P1368.10) to convert the property into 5 self contained flats apply to this application.
- Consultation regarding the revised plans.
- There is alleged drug dealing and anti-social behaviour at the premises.
- The property is in a poor state of repair.
- Planning permission should not be granted to convert the property into flats.
- Would set an undesirable precedent.

Councillor Curtin queried as to whether the applicant has the necessary permissions for 15 Princes Road to be a dwelling of multiple occupation and provided detailed objections which have been summarised as follows:

- The extension would enable more people to live and eat in the property.
- The adequacy of the existing toilets and other facilities to cope with the increase in the number of people.
- Noise and general disturbance to the attached property.
- There is no proposal to increase car parking on site, which is likely to lead to overspill car parking onto adjoining roads to the detriment of highway safety and residential amenity.
- The extension would result in poor natural daylight to the bedroom and kitchen/dining room.
- Insufficient amenity space for the increased number of residents would be detrimental to the character of the surrounding area.
- Overdevelopment of the site.

In response to the above comments, the original proposal was for a single storey rear extension and an internal reconfiguration of the existing use of the dwelling as a house of multiple occupation (HMO). Due to the lack of dependency on shared facilities, the application could not be dealt with as an HMO. Therefore, the applicant changed the plans to reflect the existing internal layout of the property with a single storey rear extension. Although there are allegations

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that the property is used as an HMO, this is a separate issue and is not considered as part of this planning application. If minded to grant planning permission, an informative will be placed advising the applicant that this planning permission does not convey any change of use or any other development at the application site or dwelling. The planning application is solely for a single storey rear extension.

The first floor lounge areas do not form part of this planning application. Any noise from the existing use of the property would be a matter for Environmental Health and is not a material planning consideration. Each planning application is determined on its individual planning merits. The Council had a statutory duty to notify neighbouring properties for the first consultation period spanning three weeks (1st June to 22nd June 2011). A second consultation period took place spanning fourteen days (5th July to 19th July), as the plans had reverted back to the existing layout. Comments regarding alleged drug dealing and anti-social behaviour at the premises and the property being in a poor state of repair are not material planning considerations in relation to this proposal. Concerns regarding noise and disturbance would be addressed through measures for sound insulation for the single storey rear extension, which falls under Building Regulations. The remaining comments will be addressed in the following sections of the report.

### **RELEVANT POLICIES**

Residential Extensions and Alterations Supplementary Planning Document  
DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

### **STAFF COMMENTS**

The issues arising from this application are the impact on the streetscene, amenity implications and any highway or parking issues.

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

Policy DC61 of the LDF seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.

The single storey rear extension would not be directly visible in the streetscene, as it would be located within the rear garden environment. As such, it is considered that the rear extension would not be harmful to the character and appearance of the surrounding area.

### **IMPACT ON AMENITY**

The Residential Extensions and Alterations SPD states that generally houses can be extended from the rear wall of the original dwelling by up 4 metres in depth for a semi-detached dwelling. This is to ensure the extension is subordinate to the original dwelling. The total height of a single storey extension should generally be no more than 3 metres for a single storey extension with a flat roof, in order to ensure there is no unreasonable loss of amenity to neighbouring properties or reduction in sunlight or daylight. The depth and height of the single storey rear extension adheres to guidance.

It is considered that rear extension would not result in a significant loss of amenity to Nos 7 and 13 Princes Road, as it is single storey, its depth and height adhere to guidance and it would be set in 0.9 metres and 1.1m metres from the eastern and western boundaries respectively. In addition, there is favourable orientation as the rear garden of the application dwelling faces North. The single storey rear extension would be partly screened by a timber paling fence on the

side boundaries of the site.

It is considered that the single storey rear extension would result in some loss of light to the bedroom and kitchen/dining room, although this is deemed to be acceptable as existing or future occupants would be aware of this when viewing the property. Given that the depth of the rear extension adheres to guidance, it is considered that some loss of light to bedroom and kitchen/dining room would not constitute a ground for refusal.

It is considered that the single storey rear extension would not result in any undue overlooking or loss of privacy over and above existing conditions, particularly as it does not feature any flank windows. A condition can be placed to ensure that the flat roof of the extension is not used as a balcony or roof terrace if minded to grant planning permission.

### **HIGHWAY/PARKING**

There is one off-street parking space on an existing hard standing area to the front garden. There are on street parking bays in Princes Road for Resident Permit Holders only between 8.30am - 6.30pm Monday to Saturday. It is considered that the single storey rear extension would not create any highway or parking issues, as the internal layout of the building remains the same.

### **KEY ISSUES/CONCLUSIONS**

Although there are allegations that the property is used as an HMO, this is a separate issue and is not considered as part of this planning application. If minded to grant planning permission, an informative will be placed advising the applicant that this planning permission does not convey any change of use or any other development at the application site or dwelling. The planning application is solely for a single storey rear extension. It is considered that the single storey rear extension would not be harmful to the streetscene or neighbouring amenity. It is considered that the proposal would not create any highway or parking issues.

### **RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. S SC10 (Matching materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. S SC48 (Balcony condition)
6. INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations SPD.

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2. The applicant is advised that this planning permission does not convey any change of use or any other development at the application site or dwelling. The planning permission is solely for a single storey rear extension.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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<b>APPLICATION NO:</b>	<b>P0748.11</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 20th May 2011
<b>ADDRESS:</b>	115 High Street Hornchurch	
<b>PROPOSAL:</b>	Change of use from retail (class A1) to licensed betting office (use class A2) with external alterations to the rear elevation.	
<b>DRAWING NO(S):</b>	705BF-115EP 705BF-115LP	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **SITE DESCRIPTION**

The application site is located on the northern side of High Street, Hornchurch. The site is a mid-terraced property forming part of a parade of shops within the Hornchurch Major District Centre.

The site is flanked by a mix of commercial uses, consisting of a Nando's (A3), the application site (currently a vacant retail unit), butcher (retail, A1), Carphone Warehouse (retail, A1), Wimpey (restaurant / takeaway, A3 / A5), Post Office (retail, A1), Boots (retail, A1), Estate Agents (professional services, A2) and Burtons (retail, A1). The parade has residential flats above.

Access to the site is towards the front from High Street although the site can also be accessed from the rear via the Sainsbury's car park.

### **DESCRIPTION OF PROPOSAL**

The application seeks planning permission for a change of use of the ground floor unit from a retail store (A1) to a licensed betting office (A2).

Proposed opening hours would be from 08:30 until 22:00 Mondays to Saturdays and from 10:00 until 19:00 on Sundays.

No information has been provided in terms of number of employees.

The proposal would also involve blocking up of the existing door towards the rear.

This application does not involve any changes to the shop front or new advertisement signs and only relates to the change of use.

### **RELEVANT HISTORY**

None relevant to this application.

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters have been sent to 29 adjoining occupiers with 2 letters of representation received, raising objections in respect of the following:

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- Contrary to Policy DC16 in respect of the percentage of frontage in non-retail use
- Contrary to Policy DC16 in respect of number of non-retail units next to each other exceeding 3 units.
- Unit has not been marketed for sufficient period to prove it has been difficult to let
- There are 3 other betting shops in the vicinity and within the Core Frontage (135 High Street, 183 High Street and 26 Station Lane) and an additional betting shop in the fringe area (54 High Street).
- An additional betting shop would not contribute to the vitality and viability of the Core Frontage.
- Betting establishments are out of bounds to people under 18 and attracts mainly a male clientele, therefore not attracting woman and children who constitute the majority of shoppers

### **RELEVANT POLICIES**

Policies DC16, DC23, DC33, DC61 of the LDF Development Control Policies Development Plan Document are relevant in the determination of this application. Policies 3C.23, 3D.1 and 3D.2 of the London Plan are also relevant together with PPS 1 (Delivering Sustainable Development), PPS 6 (Planning for Town Centres) and PPG 13 (Transport).

### **STAFF COMMENTS**

This proposal is put before the Committee as the application has a number of judgements for Members, i.e. the loss of a retail unit within the retail core of the Hornchurch and the impact of the change of use on this part of Hornchurch's Major District Centre.

### **PRINCIPLE OF DEVELOPMENT**

The application site falls within the retail core of the Hornchurch Major District Centre where Policy DC16 states that planning permission for Class A2 - A5 (Services) will be granted throughout the retail core where:

- (a) the use provides a service appropriate to a shopping area
- (b) the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- (c) within the retail core of the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length, and
- (d) an active frontage is maintained and the use is open for a significant number of core retailing hours.

In the retail core the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole. It is however, important that proposed uses compliment and consolidate the town centre's retail function.

The proposed use would be a service use appropriate to a shopping area. As there is a Restaurant / Takeaway at No. 111 /113 (A3 /A5), a butcher (retail, A1), Carphone Warehouse (retail, A1), Wimpey (restaurant / takeaway, A3 / A5), Post Office (retail, A1), Boots (retail, A1), Estate Agents (professional services, A2) and Burtons (retail, A1), it is considered that the use would not result in a grouping of 3 or more units in non-A1 use.

However the 20% threshold relating to non-retail uses within the retail core would be exceeded. Allowing planning permission for the proposed change of use would result in an increase in the amount of non-retail units to 32.6% within this particular parade of the retail core (which includes No. 111 - 133). It should, however be noted that the existing situation presents a 24.4% frontage of non-retail uses and as such the 20% threshold has already been exceeded.

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Members may take the view that the proposed use would be appropriate to a shopping area as it would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows and Members may agree that the proposal would display many similar characteristics to some Class A1 uses in terms of the general level of activity and expenditure, particularly as betting shops are usually open during normal shopping hours.

It was noted during site inspection that the application property is presently vacant. The applicant submitted additional information confirming that the Top Cat business was originally put up for sale in 2008 however there were no interested parties to take over the business. The business was subsequently vacated in May 2010 and the unit has been advertised since June 2010. Marketing details were supplied by two estate agencies, namely H.C. Blake & Co. and Hilbery Chaplin. The agent further confirmed that apart from BetFred, there has been no serious interest in a full year that the premises has been marketed. The proposed use would therefore bring a vacant unit back into use and provide a use which would be open for the majority of the day thus creating a footfall.

Staff acknowledge comments raised in objections regarding the number of betting establishments already in the core and fringe area of Hornchurch and that a 5th betting establishment would not diversify what is on offer within the District Centre. It was however noted that elsewhere within the core area of the centre there are still several units which are presently vacant. Staff agree that there are already a number of betting establishments and that an additional one would not add diversity to the non-retail offer within the District Centre. Notwithstanding, on balance Staff are of the opinion that it would be more beneficial to the District Centre if the unit was occupied rather than be vacant. As mentioned above, there are still a number of vacant units elsewhere in the District Centre and as such, there is still the potential for the Centre to support further retail uses in the future.

For these reasons Staff consider that the proposal would be appropriate within this shopping area. Members are however invited to apply their judgement as to whether or not this proposal would be materially harmful to the vitality and viability of this parade within the retail core of the Hornchurch Major District Centre, taking into account the extent to which non-retail uses, and in particular similar betting establishments are already present within the locality.

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

The proposal would involve no alterations to the external appearance of the building apart from blocking up the existing door towards the rear, facing the car park. This would not be visible from the street scene and is considered to be a minor alteration. No changes are proposed to the general appearance of the unit and would therefore pose no adverse or detrimental issues to the character of the street scene.

Any changes to the shop front or advertisements would be assessed by a separate application(s).

#### **IMPACT ON AMENITY**

The application site is located within a commercial parade in Hornchurch Major District Centre, with residential flats above. The site is currently vacant, but had previously been used as a retail shop with no restriction on opening hours. As such, the Council does not currently have control over the hours of use. The issue, therefore, is whether the hours of opening that is proposed by this application and the nature of the proposed use would give rise to unacceptable worsening of amenity to residents above the parade.

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It is considered that, although a betting office use would not be entirely similar in nature to the use of an A1 retail shop, betting shops are commonly found in similar town centre locations, with little adverse problems of noise and disturbance to neighbouring residential properties as a result of customers arriving at and leaving the premises. The application proposes operating hours of 08:30 to 22:00 Monday to Saturdays and between 10:00 and 19:00 on Sundays.

It is not considered that a betting office is a particularly noisy use and activities are contained to within the building itself. It has to be recognised that the premises are within a Major District Centre, where uses of this type are commonly found and where residents would expect a different level of amenity from that which would be found in a suburban housing area. Staff are therefore of the opinion that the proposed use and opening hours would not unreasonably impact on the amenities currently enjoyed by the residential properties above the application site. However, it is considered reasonable that the provision of acceptable sound insulation measures be required through an appropriate condition.

### **HIGHWAY/PARKING**

Policy DC33 seeks to ensure that the proposal provides adequate off street car parking. Annex 5 of the LDF Development Control Policies DPD sets out the Council's car parking standards for a variety of uses. For A2 uses in District Centres the required parking spaces are 1 / 50 - 35 sq metres. This requires the application site to provide 1 - 2.5 off-street parking spaces.

The application site makes no specific provision for off-street car parking. Customers attending the site would therefore need to rely upon either public transport, on-street parking or the public car parking within close proximity of the site (directly towards the rear). The site is within a central part of the Hornchurch Town Centre and also falls within a PTAL 3 - 4 zone, which is well served by public transport and public car parks. It is therefore considered that the proposal would not be likely to adversely affect the highway, road safety or amenity and that the absence of dedicated off street parking for the betting office could be accepted in this instance.

The Council's Highways department has no objections to the proposal in terms of highway or parking issues.

### **OTHER ISSUES**

With regards to servicing, given the nature of the proposed use and the fact that no goods are to be sold, no specific arrangements are proposed for servicing. Any deliveries (only betting slips) will therefore be made from High Street. The applicant confirmed that a limited amount of rubbish is created on the site, being only betting slips and newspapers. As such, all rubbish will be kept on site, as shown on the drawings to the right of the staff kitchen, until collection day.

### **KEY ISSUES/CONCLUSIONS**

The application site forms part of the retail core of the Hornchurch Major District Centre. The 20% threshold relating to non-retail uses within the retail core would be further exceeded. However, Staff consider the change of use acceptable in this instance as it would bring a vacant unit back into use and contribute to the vitality and viability of this part of the Major District Centre. Members are invited to apply their judgement to this aspect of the proposal.

The change of use application does not involve any changes to the external appearance of the building apart from bricking up the existing door to the rear of the property. It is not considered that this part of the proposal would have any impact in terms of its visual appearance on the street scene.



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It is not considered that the proposal would have any unacceptable impact on the amenities of neighbouring properties within this location and any potential impact can be restricted with appropriate conditions.

Having regard to all relevant factors and material planning considerations Staff are of the view that this is an acceptable use in this location. Staff are of the view that the proposal would not be harmful to the vitality and viability of this part of the Hornchurch retail core and it is recommended that planning permission is granted, subject to conditions.

**RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
5. M SC62 (Hours of construction)
3. Non standard condition  
The premises shall not be used for the purposes hereby permitted other than between the hours of 08:30 and 22:00 on Mondays to Saturdays and between 10:00 and 19:00 on Sundays, Bank and Public Holidays 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.

4. Non standard 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 (1hour) 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:

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

- 7 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives

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and provisions of Policies DC16, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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