

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0056.11	
WARD :	Romford Town	Date Received: 4th May 2011
ADDRESS:	72-74 South Street Romford	
PROPOSAL:	Aluminium composite and glazed barrier for an external seating area	
DRAWING NO(S):	Ordnance survey map Proposed elevation CEWL.0030 CEWL.0081	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

This application has been called in by Councillor Curtin due to concerns regarding the proliferation of external seating areas in South Street, the impact of their visual appearance on the character and quality of the town centre and his preference to see a more strategic approach.

RECOMMENDATION

It is recommended that planning permission be granted for the reasons set out in this report.

SITE DESCRIPTION

This is a bar premises located on the west side of South Street at its junction with Arcade Place, opposite the junction with Western Road. The premises are within the pedestrianised part of Romford Town Centre.

DESCRIPTION OF PROPOSAL

The application seeks retrospective planning permission for an aluminium, composite and glazed barrier for an external seating area to be retained on a permanent basis.

The seating area measures approximately 12.7 metres in width (across the frontage) by 2.2m in depth. The barrier measures 2 metres in height and encloses the entire seating area. The screens comprise of aluminium black powder coated bottom panels with toughened safety glass above.

This application seeks consent for the screens to be permanently installed and used to control access to and from the forecourt area to the public highway and utilise the area of land as a dining, drinking and smoking area. The justification for the proposal is that the screens would allow for the improved supervision and management of this 'al fresco' area. Furthermore, the permanent means of enclosure would demarcate the curtilage of the use from the public highway.

RELEVANT HISTORY

P1550.09 - Use of public highway for screened external seating area (renewal of application P1858.08) Approved.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

P1858.08 Use of public highway for an external seating area (renewal of application P1734.07) Approved.
P1734.07 Use of public highway for external seating area (renewal of previous application ref: P1388.06) Approved.
P1388.06 - External drinking area on pavement Approved
P0817.03 - Continued use of pavement for external seating - Approved
P0029.02 - Use of pavement as external seating area in connection with operation of premises - Approved
P0057.99 - Use of pavement fronting 72-74 as an external seating area in connection with the operation of the premises - temporary approval granted 30.4.99 (until 30.4.00)

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 20 neighbouring properties. No letters of representation were received.

Crime Prevention Design Advisor (CPDA) Crime prevention and community safety area material considerations. However, the granting of planning permission raises no material concerns. The local Police have no material concerns regarding the application.

Community Safety The aluminium, composite and glazed barrier is much better than the previous plastic screens and is high enough to prevent people from climbing over. The glazed barriers allow a high degree of visibility within this external seating area for observation purposes.

The Highway Authority objects to the proposal given the need for permanent fixings in the public highway. It is considered that building this structure permanently, adversely affects the safe functioning of the highway contrary to development control policy DC32 in that it reduces the access to statutory utility apparatus that may be underneath or even in the exact location of the individual fixings.

Should the applicant make enquires to the land owner and purchase the land, who may or may not be the Council, and then seeks a stopping up order under Section 247 of the Town and Country Planning Act, the Highway Authority would rescind its objection. However this may require the diversion of utility apparatus in excess of any land purchase costs.

Similarly, the Highway Authority would have no objection to the continued temporary use of this area provided no permanent fixings were placed in the public highway.

RELEVANT POLICIES

Policies CP17, DC34, DC61 and DC63 of LDF Development Control Policies Development Plan Document

STAFF COMMENTS

The main issues arising from this application are the impacts on the streetscene, highway safety and amenity, with the policies DC34, DC61 and DC63 of the LDF Development Control Policies DPD being relevant.

There are references in the report to the barriers being 'permanently' installed. For clarification purposes, this application seeks planning permission for the barriers to remain in place 24 hours

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

a day, seven days a week.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the barriers do not appear visually intrusive in the streetscene as the metal panels are black in colour and the panels are clear glazed which minimises its impact on the surrounding area and does not create an undue sense of enclosure. The height of the metal and glazed panels is considered to be within the realms of acceptability, as the glazed sections allow a significant degree of visual permeability.

In addition, it is noted that Yates Wine Bar applied for a similar proposal comprising retention of, and alterations to, an existing aluminium and glazed barrier for an external seating area to be retained on a permanent basis. Planning application P1518.10, was granted temporary consent for one year that expires on 5th May 2012, although each application is determined on its individual planning merits.

IMPACT ON AMENITY

The Crime Prevention Design Advisor (CPDA) states that crime prevention and community safety area material considerations and the granting of planning permission raises no material concerns.

It is considered that the permanent retention of the barriers for the external seating area should enable staff to have greater control of patrons, thus improving crowd control and minimising any loss of amenity including noise and disturbance to nearby residents. Given that there is a concentration of other licensed premises in South Street, it is considered that an external seating area that is enclosed by barriers on a permanent basis, whereby staff and management have greater control of patrons would be preferable, compared with patrons exiting the premises through the main entrance to smoke or gather outside.

Through a discussion with regeneration, community safety and licensing colleagues, the Case Officer is aware that a policy or strategy has been formulated for the external seating areas in Romford Town Centre, although this has not been implemented. At this time, the proposed policy/strategy cannot be taken into account for this planning application.

HIGHWAY/PARKING

The proposed seating area would be located directly adjacent to the north western façade of the building, allowing a separation distance of 7m to the Arcade Place highway. This separation distance is similar to the arrangements of other external seating areas within South Street.

The Highway Authority objects to the proposal given the need for permanent fixings in the public highway. However, it is considered that the impact of the proposal on the safe functioning of the highway does not constitute a reason for refusal in planning terms, particularly as it does not obstruct pedestrian movement.

Although the application seeks the retention of the external seating area to be retained on a permanent basis, it is recommended that planning permission is granted for a temporary period of one year, to enable the Local Planning Authority to retain control and monitor the seating area, in the interests of community safety and public amenity.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal integrates well with the streetscene. It is considered that the

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

proposal is not harmful to residential amenity and does not create any highway or parking issues. Accordingly, it is recommended that planning permission is granted for a temporary period of one year.

RECOMMENDATION

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

1. S SC17 (Temporary use)

This permission shall be for a limited period only expiring on 21st July 2012 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 enable the Local Planning Authority to retain control and monitor the seating area, in the interests of community safety and public amenity.

3. S SC32 (Accordance with plans)

2. Non standard condition

The external siting of the seating area hereby approved shall take place only within the area outlined in red on the submitted approved plans.

Reason: In order to contain potential obstruction of the pavement in the interest of highway and pedestrian safety.

1 INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP17, DC34, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. This permission only gives consent under the Planning Acts. Separate consents may be required including those from the Highway Authority.

3. The applicant is advised that any advertisements on the barriers of the external seating area will be subject to separate advertisement consent.

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

REGULATORY SERVICES COMMITTEE

4th August 2011

OUTSIDE STATUTORY PERIOD

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.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0681.11	
WARD :	Romford Town	Date Received: 9th May 2011
ADDRESS:	Sovereign House 16-22 Western Road Romford	
PROPOSAL:	Change of use of part of the carpark into data storage facility and supporting plant at ground floor level with generator and chillers/ pumps at roof level Additional Statement Received 25.07.2011	
DRAWING NO(S):	A05701 A05001 A05051 A05700 A05000 A05050 A05801	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

The application has been called in by Councillor Curtin on the grounds that the chillier cabinets would result in excessive noise levels for the occupants of Hylands Court, directly adjacent to the site.

SITE DESCRIPTION

The site lies to south of Western Road and comprises a five storey red brick office building. Directly adjacent is a mixed use block comprising 60, retail, office space and residential flats up to 10 storeys in height. The site lies to the south of Western Road and west of Slaney Way and lies within the designated Romford Office Quarter.

The wider locality is mixed in character with surrounding large office blocks, although there are some residential units located to the rear. Opposite the site is the Liberty Shopping Centre. On street parking is controlled in this location.

DESCRIPTION OF PROPOSAL

Permission is sought for the change in use of the car park into a data storage facility and supporting plant at ground floor with generator and chillers/ pumps at roof level.

RELEVANT HISTORY

P1576.87 - construction of a 5 storey office building - approved.

P1789.05 - Siting of stand by generator plant, oil tank and associated equipment within existing enclosed car park - approved.

P0346.06 - external plant including air conditioning fans, UPS room, switchgear and associated works and boundary treatments - approved.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 89 properties. Three representations were received, stating the following objections:

- Concern that generators and chillers at roof level would create excessive noise levels at night and day.
- Loss of quality of life.

RELEVANT POLICIES

PPG13 (Transport), Policies DC33 (car parking), DC55 (noise), DC61 (urban design) of the LDF Core Strategy and Development Control Policies DPD and the Adopted Residential Extensions and Alterations SPD are considered relevant.

STAFF COMMENTS

The issues for Staff to consider relate to the impact the extensions and alterations to the dwelling would have upon the open character of Western Road streetscene, neighbouring residential amenity, highway and parking and whether they have overcome the previous concerns raised with the previous application.

Principle of Development.

The current tenants specialise in providing off site back up facilities for companies, where the proposed storage facility and supporting plant, generators and chillers for the building are necessary for its day to day maintenance and function. There is no objection to this type of minor development to a commercial building in the designated office quarter, provided it acceptably relates to its surroundings.

Where proposals include the generation of noise i.e. through chillers and pumps, Policy DC55 is relevant. It states that planning permission will not be granted if it results in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation. Where the proposal would lead to a noise sensitive development being located near to a noise generating activity, a formal assessment will be required to ensure compliance with the noise exposure categories in Planning Policy guidance Note 24, "Planning & Noise". Planning Conditions may be imposed to this effect.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains; enhances and improves the character and appearance of the local area. The building is of red brick construction with black metal grills at ground floor level. These provide ventilation and limited natural light to the car park and servicing area. The creation of the storage facility would enclose some of the car park and grills on the Slaney Road elevation. It is proposed to cover the grills from the inside with a black fascia leaving the grills in place.

In principle there is no objection to the covering of these grills; no details of materials have been submitted. To ensure that the finished development is of a satisfactory development within the streetscene, samples of materials are requested via condition.

The chillers would be located at roof level, where there are existing air conditioning units, pipe work and other servicing equipment. The cabinets would be located centrally within the roof, away from the edges of the building. These would not be visible from the streetscene and raise no objection from Staff on these grounds.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

IMPACT ON AMENITY

Representations received from local residents, objected on the grounds that the pumps/chiller cabinets at roof level could result in excessive noise levels for those adjacent in the residential flats within Hylands Court.

There are existing air conditioning units and other maintenance equipment at roof level adjacent to Hylands Court and it is considered that occupants living in a town centre environment such as this would expect a certain level of noise and disturbance. However, Staff note that Environmental Health have confirmed that no noise complaints have been made in respect of this roof top equipment in the past.

Original representations from Environmental Health recommended conditions that require the submission of a scheme to be submitted and approved in writing by the Local Planning Authority which achieves a certain standard of noise calculated to the nearest noise sensitive property, in this case Hylands Court.

Further to these representations from Environmental Health the applicants have submitted a acoustic report which has been subsequently approved by Environmental Health as it meets a required continuous noise standard to the adjacent residential units. Staff therefore consider that a condition be attached requiring the development to accord with the approved noise assessment.

The chiller cabinets and associated pump equipment are located centrally within the roof 17.5m away from the nearest point with Hylands Court. The physical separation distance between the equipment and the nearest properties in combination with the approved acoustic report means that Staff consider that there are no reasonable grounds to warrant a refusal reason based on residential amenity.

Another condition is recommended to be attached which restricts the hours of construction and deliveries to between 08:00 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays. This would restrict unreasonable hours of construction on site and further mitigate the impact to neighbouring properties.

HIGHWAY/PARKING

The site is located within Romford Town Centre, where the site has a PTAL rating of 5-6, denoting a central location. Current parking standards, as set within DC33, state that a B1 site as a maximum requires 1 parking space per 100 square metres of gross floor space. The building here has a gross floor space of 9320 square metres which equates to a parking requirement of 93 parking spaces. This figure is quoted on a gross floor space level, rather than net floor space and makes no differentiation between the urban town centres and rest of the borough, where parking demand will vary significantly. The building does not have the capacity for 93 car parking spaces, which Staff consider would be a significant over provision. The original planning permission for the building P1576.87 was approved with a 15% (38 total spaces) increased in parking over the current maximum parking standards for that time.

Applications on the site over the last few years, namely P1798.05 and P0346.06 have resulted in a reduced parking area within the site. This has not raised Highways objections to date.

The proposals here result in the loss of 10 further parking spaces to leave a total of 16. Representations from the Highways Authority have requested a financial contribution of £10,000 (£1000 per lost space) in order to allow for town centre and public realm improvements in light of the reduction in parking spaces resulting in additional demand for town centre parking.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

Staff have considered this request, however, it is felt in this instance that a financial contribution is not justified, where this building is within the town centre, a few minutes walk from the train station and opposite a large multi storey car park. A reduction in parking spaces within a private car park, not accessible by the public could be absorbed by those travelling via public transport and utilising public car parks and business permits. On street car parking is controlled in this location and across the town centre, and it is considered that there would be no significant additional demand for on street parking given the level of surrounding provision available, which is listed below.

Liberty Centre - 850 spaces
The Mall - 996 spaces
Brewery multi storey and surface - 1406 combined spaces
Angel Way - 500 spaces
Town Hall - 61 spaces

PPG13 seeks to promote sustainable transport options and secure a reduction in the need for car travel, given the central location of this building; alternative methods of transport are considered practical.

The applicants have also stated that they would be agreeable to a condition which requires the reinstatement of the car park, if the building is fully occupied. Staff have considered this proposal and recommend that a condition be attached requiring the provision of the 16 car parking spaces permanently and another condition which requires the reinstatement of the car park when the equipment is no longer required. The proposed floor plans showing the retained parking layout also shows space that could provide additional parking if ever required. Staff also note that on the site visit undertaken, the car park was almost empty, which stems from the low occupancy and single tenancy of the building.

In all, Staff consider that a reduction in parking spaces in this instance would be acceptable, however, any further reduction would not be encouraged.

KEY ISSUES/CONCLUSIONS

In conclusion, it is considered that the proposals are acceptable. There would be little change within the outward appearance of the streetscene. The chiller cabinets and pumps at roof level would result in some noise generation however; they are located in a context adjacent to other air conditioning units and extract equipment. A submitted noise assessment has been approved by Environmental Health and conditions can be imposed requiring the development to accord with this assessment. Combined with their location set centrally within the site over 17m away from the nearest occupiers, it is considered that there would be no loss of residential amenity to the occupiers in Hylands Court.

There is a reduction in parking on site, from an already reduced number originally approved. The requested for a S106 from the Highways Authority is not considered reasonable in this instances, given the central location of the office building where there are other measures in use to control on street parking, and substantial public car parking.

Planning permission is therefore recommended to be granted accordingly.

RECOMMENDATION

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

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. S SC32 (Accordance with plans)
4. M SC62 (Hours of construction)
6. SC05A (Number of parking spaces)

Provision shall be made within the site for 16 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety.

5. Non standard condition
The development hereby approved shall be carried out in accordance with the approved Acoustic Report compiled by Hilson Moran dated 22nd July 2011 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. Non standard condition
The car park shall be reinstated in full, to provide 26 spaces, upon when the equipment within the car park is no longer required. These spaces shall then be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate parking provision is made off street in the interests of highway safety.

2 **INFORMATIVE:**

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC55, 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.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0781.11	
WARD :	Romford Town	Date Received: 25th May 2011
ADDRESS:	Buddha Lounge, Ground Floor 36-38 & First Floor 30-34 North Street, Romford	
PROPOSAL:	Proposed 5yr extension of existing planning permission P1110.08 granted for a limited period expiring on 1st October 2011 and being a variation of planning conditions with approved application P0823.96 to allow extended opening hours	
DRAWING NO(S):	Site Plan 1:1250	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The application site comprises a Night Club use at first floor level above ground floor shop units to the southern side of North Street. The night club, Buddha Lounge was previously known as Opium Lounge. A roof garden/smokers roof-top area was added in 2008. There is vehicular access to the service area to the rear of the site, known as The Mews which contains public parking spaces. The site is within the Core Retail Area of Romford Town Centre.

The surrounding area is characterised by mainly two- and three-storey commercial development some with residential above, also within the core retail area of Romford Town Centre. An 8-storey block of 24 flats (with commercial and residential parking on the ground floor) - 'Rubicon Court' is directly opposite the application site in North Street. To St Edward's Way is a large office block and the former 'Tokyo Blue' night club site where 24 flats with commercial on the ground floor have been completed, now known as "Emma House" (P2279.04). On the Eastern side of Market Link is a seven-storey 80-bed hotel and 24 residential units (P0012.05). To the south of the application site, planning permission was granted for second and third floor extensions to form 6 residential units at 12-18 North Street (P2138.05). In 2006 planning permission was granted on appeal Planning ref.: P0403.05) for the redevelopment of 23-55 North Street for 86 flats and shops/restaurants to the ground floor fronting North Street; the site has been cleared and details have been submitted for discharge of attached conditions in advance of a start while the scheme has an extant planning permission, i.e., by 4th December 2011.

The application site (barring the most northerly part) is within the Romford Conservation Area and backs onto the rear of St Edward the Confessor Church which is a Grade II* Listed Building built in 1849 and Church House, Grade II Listed.

DESCRIPTION OF PROPOSAL

The proposal is for a variation of condition to extend the hours of use from those approved in 1996 (planning approval P0823.96). The hours approved in 1996 for the night club were between 9am and 11pm every day (Condition 2). In 2006 an application sought the extension of those hours delaying morning opening until 11am but varying closing time to between 3am and 5am the following day. This was granted temporary consent for two years.

In 2008 approval (P1110.8) for the same extended hours was granted for a temporary period until October 2011. This current application seeks to retain the 2008 extended hours for a further period of 5 years. The hours requested are as follows:

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

Mondays - Wednesdays: 11am - 11pm
Thursdays: 11am - 3am (the following day)
Fridays: 11am - 4am (the following day)
Saturdays: 11am - 4am (the following day)
Sunday (preceding bank holiday only): 11am - 3:30am (on the Bank Holiday)
Christmas Eve, Boxing Day, New Year's Eve: 11am - 4am (the following day)

RELEVANT HISTORY

There is significant history for the application site. The most relevant are as follows:

P0823.96 - Change of use of basement/ground floor entrance hallway, staircase and first floor area from Financial Use (A2) to Assembly and Leisure (D2) - Approved

P0201.99 - Relaxation of Condition 2 of Planning permission P0823.96 to opening hours 9am to 12 midnight Mon - Wed and 9am to 1.30am Thursday - Sat and two fire escapes - Approved 30/4/99 (temporary until 30th April 2000 or one year from the date of first trading at the approved hours)

P0020.01 - Retention of two fire escapes; retrospective application for front extension and facade changes; extension of trading hours - deemed refused 17/04/02.

P1838.05 - Variation of Conditions 3 and 6 to planning approval P0201.99 to change temporary period to a permanent extension of operating hours - temporary permission granted until 18th November 2006; appeal against temporary period dismissed.

P0015.06 - To extend the approved hours (P1838.05) under a temporary planning application on Saturday nights only so that opening would be from 21:00 to 05:00 hours the following day (Sunday) -Refused

P0162.06 - Rear canopies and lobbies to the top of two external escape stairs - Approved 16/3/06

P1825.06 - Variation of Condition 2 of planning permission P0823.96 to extend opening hours - Temporary approval until 15/11/08

P2450.07 - Extension of the existing fire escape staircase and erection of roof top fencing to enable use of roof as terrace - refused

P0134.08 - Variation of Condition 2 of planning permission P823.96 to extend opening hours Withdrawn 7/3/08

P0110.08 - Variation of Condition 2 of planning permission P823.96 to extend opening hours - Approved for temporary period expiring on 01.10.11

P1756.08 - Retention of an extension of the existing fire escape staircase and the erection of roof-top fencing to enable use of the roof as a terrace in connection with the night club use - Approved for temporary period expiring on 04.12.11

CONSULTATIONS/REPRESENTATIONS

Consultations/Representations: Adjoining and nearby neighbouring occupiers were notified of the proposal. Public consultation had not ended by the time of drafting this report and any further comments will be reported orally at Committee, nonetheless 4 objections have been received on the following grounds:

- noise, particularly on Thursdays, Fridays and Saturdays when the club is open until well into the following day
- noise is so loud it wakes sleeping children
- noise is from the roof garden as well as from the club
- the flats to be built further along North Street will also suffer from the noise the club creates
- it is a drug hangout which will continue
- the Club is forcing people to move out of the town centre
- people who go to the club behave anti-socially towards local residents

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

- damage has been caused to surrounding buildings by club-goers
- Club Management is not in control
- it is questionable how the club gets its licence to operate
- now building works are to start on the big flat development in North Street, there will be no respite from noise during the day or at night
- it was outrageous that planning permission was granted last time despite the strong and valid objections of the residents and a recommendation from Police Officers to reject the scheme.

The Metropolitan Police's Borough Crime Prevention Design Advisor advises that he has consulted with the Licencing Inspector for Havering Police and that the proposal for a 5-year extension for the longer hours to continue does not raise significant crime prevention or designing for community safety issues as crime and disorder issues associated with this venue have improved.

RELEVANT POLICIES

DPD Policies: DC61 DC23, DC55, DC63, ROM8 Romford Area Action Plan
London Plan: 2A.8, 3D.1, 3D.2
Other: PPS6 (Planning for Town Centres)

STAFF COMMENTS

This report has been referred to Committee due to the extensive planning and enforcement history at the site.

The main issues are whether the development is acceptable in principle and the proposal's impact on existing and future residential amenity.

BACKGROUND

PPS6 Planning for Town Centres and Policy ROM8 of the Romford Area Action Plan DPD are relevant.

PPS6, published in 2005 indicates that it is the vitality and viability of town centres which is of paramount importance and that the main town centres uses are for retail, sport facilities, offices and arts culture and tourism as well as including night-clubs. In addition, housing is considered to be an important element in most mixed-use, multi-storey developments in town centres.

Over 150 flats and an 80-bed hotel will be located within about 100m of the application site in the near future, some of which including Rubicorn House and Emma House have already been completed, the latter since the previous application was considered. Staff consider that any extension to the hours of operation of a nightclub in the Town Centre (from those approved in 1996) must be considered in the light of either prejudicing the Council's housing policy and/or its impact on existing and future residential amenity.

PPS6 further indicates that planning policies help manage the evening and night-time economy and that there should be an integrated approach so that they complement the Statement of Licensing Policy and the promotion of licensing objectives under the Licensing Act 2003.

The Romford Area Action Plan DPD indicates that:

'Day and evening economy

5.27 Romford is a popular leisure and entertainment centre, with 69 restaurants and cafes, 22 pubs and bars, four nightclubs, one cinema (with 16 screens and 4,000 seats) and one bowling

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

alley. 932 people are employed in restaurants and other licensed premises in Romford making this sector one of the most important for jobs and the towns prosperity.

5.28 Up to 15,000 people are known to come into Romford on weekend nights, presenting challenges for the management of the evening economy, the police, night time venues, transport providers and

communities generally. Generally, entertainment and leisure uses are dispersed throughout the town centre. However, there is a significant concentration of late night entertainment uses located in South Street. These are predominantly music bars with alcohol aimed at 18-25 year customers. While these venues play an important role in the Romford economy the aspiration for the town centre is for an increased residential population and a diversification of the night time economy.

5.29 The Area Action Plan aims to ensure that a balance is achieved in recognising the importance of the leisure and entertainment sector and the cumulative effects caused by night entertainment venues. This is particularly important given the planned increase in the residential population in the town centre. The Council has been working with local operators and the police to manage the night time economy. Three nightclubs have closed in recent years (Hollywoods, Secrets and Tokyo

Blue) and these sites ... {have been}redeveloped, or have planning permission, for housing.'

In dismissing the appeal against the 2006 condition restricting the extended hours to a temporary period consent (Ref: P1838.05), the Planning Inspector stated that "this is an example of a case in which the Council's detailed local knowledge and experience - backed up by advice from the Metropolitan Police - is best placed to judge what precise controls are necessary in order to protect local residential amenity" and that she was not "inclined to delete (or vary) the temporary planning condition." She also clarified that, as the appeal sought only to remove the temporary period, that no consideration was given to the appropriateness, or otherwise, of these particular permitted opening hours as such.

This current application has been submitted approximately 1 and a half years after temporary consent was granted. The temporary consent was implemented to enable new occupiers to have occupied new developments in North Street and for them to have the opportunity to comment on how their residential amenity would be affected. While the largest of the approved residential redevelopment schemes for 86 flats (at 23-55 North Street) has yet to be begun, objections have been received from current occupiers and are addressed within this report.

The Premises Licence (No. 002141) issued by the Licensing Authority enables the club to open until 3am Mondays to Thursdays, Until 4am on Fridays, until 5am on Saturdays and on Sundays until 2.30am or 4am for Bank Holiday weekends in May, at Whitsun and August Bank Holidays. Hours from 11am until 5am (the following day) on Christmas Eve, Boxing Day and New Years Eve.

Premises Licences do not take account of future residential amenity through mixed-use schemes in the town centre.

A Premises Licence can be revoked at any time if there are any problems including noise and disturbance but a grant of planning permission would enable the hours to be fixed for a particular period, in this case, for 5 years.

PRINCIPLE OF DEVELOPMENT

PPS6 Planning for Town Centres and Policy ROM8 of the Romford Area Action Plan DPD are relevant.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

PPS6 indicates that it is the vitality and viability of town centres which is of paramount importance and that the main town centres uses are for retail, sport facilities, offices and arts culture and tourism as well as including night-clubs. In addition, housing is considered to be an important element in most mixed-use, multi-storey developments in town centres.

PPS6 further indicates that planning policies help manage the evening and night-time economy and that there should be an integrated approach so that they complement the Statement of Licensing Policy and the promotion of licensing objectives under the Licensing Act 2003.

Romford Action Area DPD Policy ROM8 indicates that

'The daytime and evening economy of Romford will be diversified by:

- Seeking to reduce the concentration of licensed premises in South Street and counting restaurants as A1 uses in numbers 72-116 (even) and 87-131 (odd) South Street for the purpose of retail core policy ROM10;
- Working with developers and operators to secure more restaurants in the town centre;
- Controlling the impacts of food, drink and evening entertainment facilities by the implementation of DC23;
- Controlling the noise or vibrations from developments by the implementation of DC55; and
- Working with landowners to investigate alternative uses for existing pubs and nightclubs'

The proposed development would therefore be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Staff consider that, as the application is for a change to the hours of use only, that it would have no material impact on visual amenity in the streetscene, on nearby Listed Buildings or their settings or on the character and appearance of Romford Conservation Area along North Street.

IMPACT ON AMENITY

It is recognised that a night-club is an acceptable form of development within a town centre and that people choosing to live in a town centre would not generally expect the same level of residential amenity as people living outside.

The proposed hours are the same as those granted in 2008 for a 3-year period. This period was fixed on the basis that residential development in the area close to the application site would be mainly completed and occupied such that impact on residential amenity of these occupiers could be assessed via the public consultation process and in looking at any Environmental Health complaints.

The proposed scheme is to allow the hours of opening agreed in 2008 to continue for a further 5 years. It is recognised that the proposed hours on Mondays to Wednesdays at 11pm are not excessively late and would continue to provide some respite from noise and disturbance arising from the use of the night-club.

The Police have indicated that they have no concerns with the proposed time extension.

Staff consider that there are objections which have also been supported by noise complaints to Environmental Health, one of which awaits investigation, due to the noise caused at the club. The objections particularly raise noise and disturbance due to the use of the roof as a smokers terrace and general roof garden and by club-goers leaving the club up until 5am in morning. Nonetheless further objections may be received during the consultation period.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

Staff consider that some noise and disturbance from the night club is inevitable and that anyone choosing to live near the night club would be aware of these consequences. The roof garden appears to cause some of the noise and disturbance identified by the objections, nonetheless the roof garden is the subject of its own temporary consent which extends until December 2011.

Nonetheless there are no other similar facilities in Romford Town Centre which have been granted planning permission for such late hours. While some issues have been raised by adjoining residential occupiers, as a previous temporary consent was granted to enable all the residential development in the vicinity to have been completed, it needs to be taken into account that the major residential development opposite the site for 86 residential units has not yet been completed. Development will be underway shortly and details have been submitted for discharging conditions and are currently under consideration. The build-time has been indicated to be 18 months. It is considered that a further consent period is appropriate. Staff therefore consider that a further temporary period of 3 years would be sufficient to enable at some people to have occupied the 86 flats and to then consider whether the proposal would have a significant adverse impact on residential amenity due to the proposed late opening hours.

HIGHWAY/PARKING

There is no on-site parking provision. However, in the Town Centre with high public transport levels, it is considered that this would be acceptable. There are no objections on highway grounds to the proposal for increased hours at the club.

KEY ISSUES/CONCLUSIONS

The main concern is the impact of the extended hours upon residential amenity for a period of 5 years would be excessive, in part as building works have now begun at the site to North Street. Staff consider that in order to confirm that the proposed later hours would not result in significant harm to residential amenity, that a period of 3 years would be needed to enable evaluation of these later hours.

RECOMMENDATION

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

1. M SC15 (Temporary access) INSERT DATE

This permission is for a limited period only, expiring on 1st October 2014 on or before which date the hours of use shall revert to those set out on condition 2 of the planning permission P0823.96 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To enable the impact of the proposal to be controlled and in the interests of amenity.

2. Non standard condition

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 to 23:00 Mondays to Wednesdays; 09:00 to 03:00 Thursdays; 09:00 to 04:00 Fridays and Saturdays; 09:00 to 03:30 on Sundays preceding an annual Bank Holiday; and 09:00 to 04:00 Christmas Eve, Boxing Day, New Years Eve without the prior consent in writing of the Local Planning Authority (Other than Mondays to

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

Wednesdays, all end times relate to the following day).

Reason:

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Havering Unitary Development Plan Policies ROM3 and ROM10 and Supplementary Planning Guidance Romford Town Centre Entertainment Uses, Policy DC61 of the LDF Development Control Policies Development Plan Document and ROM8 of the Romford Area Action Plan Submission Development Plan Document.

3 **INFORMATIVE:**

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy ROM3 and ROM10 and Supplementary Planning Guidance Romford Town Centre - Entertainment Uses of the Havering Unitary Development Plan, Policy DC61 of the LDF Development Control Policies DPD and Policy ROM8 of the Romford Area Action Plan Submission Development Plan Document.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0801.11	
WARD :	Upminster	Date Received: 26th May 2011
ADDRESS:	2 Fen Lane North Ockendon, Upminster	
PROPOSAL:	Single storey rear extension	
DRAWING NO(S):	Location Plan 1:1250 DRWG 01 - Proposed rear extension	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

No.

RECOMMENDATION

That planning permission is granted for the reasons given in the report.

SITE DESCRIPTION

The subject property is located towards the south of Fen Lane, approximately 35m east of the junction with Ockendon Road, North Ockendon. The application site measures approximately 317sq metres and is occupied by a 2-storey semi-detached dwelling.

The site falls within the Metropolitan Green Belt, forms part of the Thames Chase Community Forest and is also designated as an Area for Safeguarding of Minerals. This part of Fen Lane is characterised by low density, scattered residential development similar to the application site. To the rear of the immediate residential enclave lie open fields within this part of the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The Council is in receipt of a planning application seeking permission for the construction of a single storey rear extension.

The extension would replace the existing conservatory to have an overall width of 8.56m and a depth of 3.4m. The extension would have a mono-pitched roof to a maximum height of 3.6m and eaves height of 2.5m.

There would be no flank wall windows with windows and doors overlooking the applicant's rear garden (south facing). Three roof lights are proposed.

The proposal would serve as an extension to the living area and kitchen.

It was noted that the applicant indicated on the drawings the car port is converted into a lobby and kitchen area as Permitted Development.

RELEVANT HISTORY

P1141.01 - Two storey side extension Approved.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

It should be noted that the above application was for a 2-storey side extension with car port at ground floor level and accommodation above. There was no condition to restrict the car port to be used only for parking of vehicles.

CONSULTATIONS/REPRESENTATIONS

Neighbour notifications were sent to 4 neighbouring properties and the application advertised by means of a site and press notice as land in the Metropolitan Green Belt. No letters of representation have been received.

RELEVANT POLICIES

Policies CP14 (Green Belts), CP17 (Design) of the LDF Core Strategy Development Plan Document is relevant to the determination of the application as are Policies DC3 (Housing Design and Layout), DC33 (Car parking), DC45 (Green Belt) and DC61 (Design) of the LDF Development Control Policies Development Plan Document. The Supplementary Planning Document on Residential Extensions and Alterations and the Residential Design Supplementary Planning Document are also relevant as is Policy 3A.4 (Housing Choice) of the London Plan, PPS1 (Delivering Sustainable Development), PPG2 (Green Belts) and PPS 3 (Housing).

STAFF COMMENTS

The issues to be considered in this case are a) the principle of development in the Green Belt; b) design/street scene issues; c) impact on amenity and d) highways / parking considerations.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt. 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." This is assessed below.

GREEN BELT IMPLICATIONS

Policy DC45 deals specifically with extensions to dwellings in the Green Belt and 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". For the purpose of volume calculations, the existing conservatory will not be taken into consideration as this was not part of the original house and will be replaced by the proposed extension to the rear.

In this instance the original dwelling had a volume of 235 cubic metres. It was noted that a 2-storey side extension was approved in 2001 (Planning Ref: P1141.01). The side extension included a car port at ground floor level and accommodation above with a hipped roof over. It was further noted upon site inspection and on the drawings that the applicant has converted the car port to a kitchen area whilst a lobby has been constructed to the front of the side extension. These works have been carried out under the applicant's Permitted Development rights. Notwithstanding, the works add to the volume of the original dwelling and has to be taken into consideration in this instance.

The volume of the 2-storey side extension as converted with the lobby area towards the front is

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

94.8 cubic metres. This results in a volume increase of 40% over and above that of the original dwelling.

The current proposal would replace the existing conservatory and would result in a further increase in volume of 90.25 cubic metres (38% increase). The proposal, combined with the previous side extension, conversion of the car port and front lobby area would therefore result in an overall volume increase of 78% of the original volume which is well above the recommended 50% guidance as set out in Policy DC45 of the LDF.

Notwithstanding the above, it should be noted that the 2-storey side extension is already in place as granted permission in 2001 and the volume of the existing conservatory is approximately 38 cubic metres. Members should therefore note that the volume of the existing 2-storey side extension and conservatory is approximately 133 cubic metres which is already a 56.5% increase over and above the original.

As such, the proposed extension which would replace the conservatory would only be 21.5% over and above the current situation (52 cubic metres more).

In light of the above, Staff are of the opinion that the side extension has been in place for some time and undertaking the internal conversion works to this part of the dwelling would prevent any views of the proposed rear extension from the street scene. It should further be noted that the extension would replace an existing conservatory to the rear of the dwelling and although the extension is larger than the conservatory in terms of its width, it is not considered that it would be substantially more harmful on the openness of the Green Belt compared to the current situation. Staff noted that the neighbour at No. 1 Fen Lane has a substantial rear extension / conservatory and it is therefore considered that there would be no justification to refuse the application in light of the special circumstances that exist in this instance.

In conclusion, it is not considered that the proposed single storey rear extension would be disproportionate over and above the current situation. The proposal has been designed to be observant of the bulk of the main house and would not be visually dominant in this location. It is considered that no material harm to the open character of the Green Belt would arise as a result of this proposal despite the overall numerical increase in volume. Members are invited to apply their judgement to this element of the scheme but taking into account the circumstances explored. Staff consider that permission can be given.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

The proposed extension would be viewed entirely from the rear and would, therefore, only influence the rear garden environment along this row of houses. The proposal is however considered to be designed in sympathy with the character of the main dwelling and would not be harmful as seen within this rear garden environment.

To the south (rear) of the application site is dense vegetation and agricultural Green Belt land. Views of the proposed extension are therefore screened from this side.

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

Overall the single storey rear extension is considered to comply with the aims and objectives of Policy DC61 in terms of its design.

IMPACT ON AMENITY

Consideration has been given to the impact on neighbouring dwelling in terms of loss of light and loss of privacy.

The Council's Supplementary Planning Document (SPD) on Residential Extensions and Alterations states that other than in exceptional local circumstances, any projection beyond the rear wall of the dwelling should not be more than 4 metres in depth for a semi-detached dwelling. The total height of a single storey extension should be no greater than 3 metres with a flat roof. The possibility of exceeding these dimensions will be considered only where there is no danger of unreasonable sunlight or daylight restriction or any significant loss of amenity to neighbours.

The proposal would have a maximum depth of 3.4m and a height of 3.6m to the top of its mono-pitched roof. The proposal is therefore considered to be subservient to the main dwelling and compliant with the requirements as set out in the SPD on Residential Extensions and Alterations.

It was noted that the attached neighbour has a conservatory towards the rear. The proposal would however be set in from the shared boundary by 500mm and this in conjunction with the subservient depth and mono-pitched roof is considered to present an acceptable relationship with this neighbour. There would be a similar separation distance to the boundary at the east. The proposal is therefore not considered to result in any overshadowing and is not considered to appear overbearing as seen from neighbouring properties.

No flank wall windows are proposed and as such, the development would not result in any overlooking to neighbouring properties.

HIGHWAY/PARKING

The existing parking space within the front garden would be retained and no spaces would be replaced or lost. There is no change to the existing vehicular access to the highway. There are therefore no highways or parking issues in relation to this proposal.

KEY ISSUES/CONCLUSIONS

The scheme does not comply with Policy DC45 of the LDF Development Plan Document, in terms of proposed increase in cubic capacity. However, all aspects taken into consideration, on balance it is not considered that the proposed extensions would cause harm to the open character of this part of the Green Belt. For this reason, it is considered that in this instance a volume increase of 78% would be acceptable as it would not have a detrimental impact on the character of the Green Belt, would not significantly exceed the volume of the current situation and is not considered to be a disproportionate addition to the main dwelling.

The proposal is therefore considered to be acceptable and it is recommended that planning permission be granted, subject to conditions.

RECOMMENDATION

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

REGULATORY SERVICES COMMITTEE
4th August 2011
OUTSIDE STATUTORY PERIOD

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

4 INFORMATIVES:

1. The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of those extensions which have already taken place and/or been granted permission, it should not be assumed that further extensions will be agreed.

2. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45 and DC61 of the LDF 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.