



# Haverling

LONDON BOROUGH

## PLANNING COMMITTEE AGENDA

7.30 pm

Thursday  
26 September 2019

Council Chamber -  
Town Hall

Members 8: Quorum 4

**COUNCILLORS:**

**Conservative Group  
(4)**

Robby Misir (Chairman)  
Carol Smith (Vice-Chair)  
Philippa Crowder  
Matt Sutton

**Residents' Group  
(1)**

Stephanie Nunn

**Upminster & Cranham  
Residents Group'  
(1)**

John Tyler

**Independent Residents  
Group  
(1)**

David Durant

**Labour Group  
(1)**

Paul McGeary

**For information about the meeting please contact:  
Richard Cursons - 01708 432430  
richard.cursons@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100  
Before 5pm Tuesday 24 September 2019**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

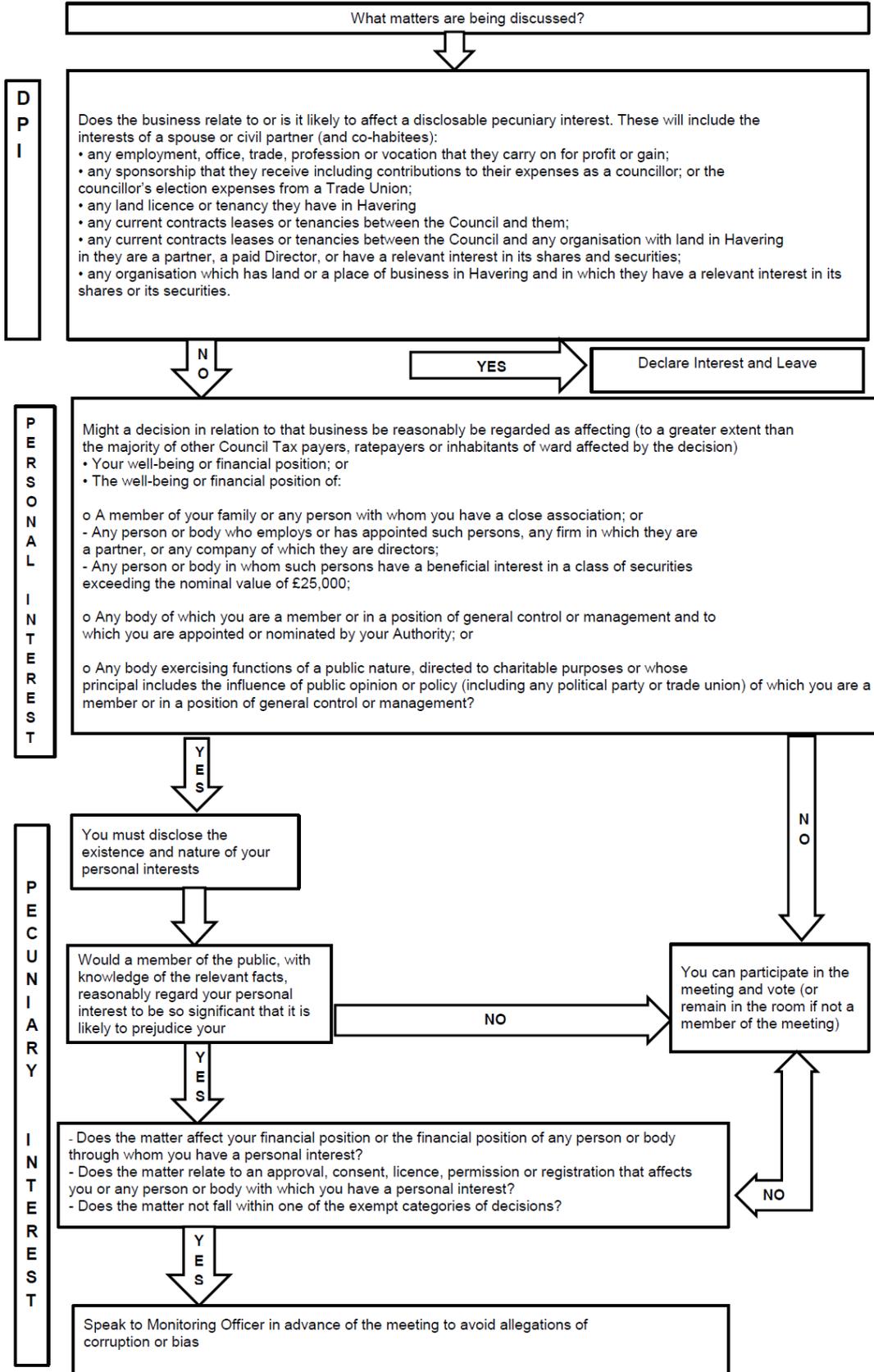
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

### **4 MINUTES (Pages 1 - 4)**

To approve as a correct record the minutes of the meeting of the Committee held on 1 August 2019 and to authorise the Chairman to sign them.

### **5 APPLICATIONS FOR DECISION (Pages 5 - 8)**

See attached document

**6 P0729.19 - 148A CHASE CROSS ROAD** (Pages 9 - 22)

**7 P0967.19 - 4 CARLTON ROAD, ROMFORD** (Pages 23 - 28)

**Andrew Beesley**  
**Head of Democratic Services**

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**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Council Chamber - Town Hall  
1 August 2019 (7.30 - 9.40 pm)**

**Present:**

**COUNCILLORS: 8**

**Conservative Group** Robby Misir (in the Chair) Carol Smith (Vice-Chair),  
Philippa Crowder and Matt Sutton

**Residents' Group** +Reg Whitney

**Upminster & Cranham  
Residents' Group** John Tyler

**Independent Residents  
Group** David Durant

**Labour Group** Paul McGearry

An apology was received for the absence of Councillor Stephanie Nunn.

+Substitute members: Councillor Reg Whitney (for Stephanie Nunn).

Councillors Christine Vickery, John Crowder, Ray Best, Christine Smith and Dilip Patel were also present for parts of the meeting.

65 members of the public were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

## **5 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

## **6 MINUTES**

The minutes of the meeting held on 20 June 2019 were agreed as a correct record and signed by the Chairman.

- 7     **P0729.19 - 148A CHASE CROSS ROAD, COLLIER ROW - S.73 APPLICATION - VARIATION OF CONDITION 8 (APPLICATION REF. P0729.99 DATED 07/08/1999) TO ALLOW FOR AN EXTENSION OF HOURS WHEREBY THE PREMISES SHALL NOT BE USED OTHER THAN BETWEEN THE HOURS OF 06:00~21:30 (OCTOBER TO FEBRUARY), 04:00~23:30 (MARCH TO SEPTEMBER).**

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant.

Councillor Christine Vickery had called-in the application and also addressed the Committee.

The Committee considered the report and on a vote of 6 votes to 2 **RESOLVED** to defer consideration of the item in order for officers to engage in discussions with the applicant regarding conditions attached to the planning permission.

Councillors Sutton and Whitney voted against the resolution to defer consideration of the item.

- 8     **P0646.19 - 79 ESSEX ROAD, ROMFORD - ADAPTION OF 79 ESSEX ROAD TO FORM A NEW ACCESS ROAD WITH A VISIBILITY SPLAY AND FIVE NEW DETACHED DWELLINGS TO THE REAR ON A FORMER GARAGE SITE**

Councillor Jason Frost had called-in the application.

Councillor Dilip Patel addressed the Committee on behalf of Councillor Frost.

The Committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION** subject to conditions and the prior completion of a legal agreement to secure the following planning obligations:

- A financial contribution of £30,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Assistant Director of Planning was delegated authority to negotiate the legal agreement indicated above.

That the Assistant Director of Planning was delegated authority to issue the planning permission and impose conditions and informatives to secure associated matters:

## 9 **QUARTERLY PLANNING PERFORMANCE UPDATE REPORT**

The Committee considered the report and **RESOLVED** to note the contents of the report.

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**Chairman**

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## Agenda Item 5

### Applications for Decision

#### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

#### Advice to Members

##### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan March 2016
  - Core Strategy and Development Control Policies (2008)
  - Site Allocations (2008)
  - Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

#### **Public speaking and running order**

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
- b. Registered Objector(s) speaking slot (3 minutes)
- c. Responding Applicant speaking slot (3 minutes)
- d. Ward Councillor(s) speaking slots (3 minutes)
- e. Officer presentation of the material planning considerations
- f. Committee questions and debate
- g. Committee decision

16. The items on this part of the agenda will run as follows where there are no public speakers:

- a. Where requested by the Chairman, officer presentation of the main issues
- b. Committee questions and debate
- c. Committee decision

### **Late information**

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

### **Recommendation**

18. The Committee to take any decisions recommended in the attached report(s).

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>26 September 2019</b>
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<b>Application Reference:</b>	<b>P0729.19</b>
<b>Location:</b>	<b>148A Chase Cross Road, Romford</b>
<b>Ward:</b>	<b>Havering Park</b>
<b>Description:</b>	<b>S.73 Application – Variation of Condition 8 (Application Ref. P0729.99 dated 07/08/1999) to allow for an extension of hours whereby the premises shall not be used other than between the hours of 06:00~21:30 (October to February), 04:00~23:30 (March to September).</b>
<b>Case Officer:</b>	<b>Aidan Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

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## **1. BACKGROUND**

- 1.1 This application was called in by Councillor Christine Vickery citing the following reasons: harm arising from noise and unacceptable highway impacts (car parking).
- 1.2 This application went to committee on 1 August 2019, where it was deferred to enable staff to:
  - Preparation of possible additional condition to cover maximum number of worshippers and adaption of already recommended condition to further restrict the hours of use to 6 no. 1 hour slots throughout the day (post meeting observation: the sixth slot would be specific to a Friday)
  - Officers to discuss with the applicant whether these conditions are acceptable

The report is now brought back to Members, updated with further information on the above matters.

- 1.3 The agent has responded on behalf of his client the Iqra Educational & Cultural Centre (IECC) and the following requirements are required which will meet their needs throughout the year:

#### **Daily Prayers**

- Five 1 hour slots for daily prayers with additional 1 hour for Friday prayers.
- Limit the number of worshippers to 15 for the Morning Prayer, 30 for the rest of the prayers and 60 worshippers per session for Friday midday prayer.

#### **Ramadan**

- Additional 1-hour slot is required for 5<sup>th</sup> prayer in month of Ramadan and limit number of worshippers to 60.

#### **Eid Prayers**

The two Eid prayers on which these prayers are conducted in large congregations are;

- **Eid al-Fitr**, celebrated after the fasting in the holy month of Ramadan.
- **Eid al-Adha**, celebrated on the main day of the Hajj pilgrimage season.

3 hours slot is required for each Eid prayer and worshippers limited to 60 per session.

#### **Educational Requirements**

To meet Islamic educational need of children in local community, the IECC require the following fixed hours:

Monday to Sunday 5 pm to 7 pm and Saturday, Sunday 11 am to 1 pm throughout the year.

- 1.4 Further to the response received from the agent on behalf of IECC, staff sought further clarity.

- 1.5 A full year timetable was provided for the daily prayer timetable for winter months (October to February) and summer months (March to September)

- 1.5.1 Five daily prayers are performed at times determined essentially by the position of the Sun in the sky.

- Dawn Prayer (Fajr): it is performed before sunrise.
- Midday Prayer (Dhuhr): The time interval for offering the Dhuhr prayer starts after the sun passes its zenith.
- Late Afternoon ('Asr): In the late afternoon
- Evening (Maghrib): Just after the sun goes down.
- Night ('Isha): Before retiring for the night

- 1.5.2 During the winter the sunrise is late and sunset is earlier, where in the summer the sunrise is earlier and the sunset late.
- 1.6 It was confirmed by the agent on behalf of the IECC that the one-hour slots for prayers and two hours for educational purposes sufficient for members to arrive, prayer/education and depart the site will be sufficient.
- 1.7 The Imam will not stay on site; he will travel to and from site during prayer and educational sessions.
- 1.8 The following table has been formulated from the information provided to providing the prayer times and the opening of the centre 20 minutes before prayer time and the closing of the centre after 30 minutes of prayer time.

	FAJR		DHOHR		ASR		MAGHRIB		ISHA	
	(Dawn Prayer)		(Midday Prayer)		(Late Afternoon Prayer)		(Evening Prayer)		(Night Prayer)	
	Start	Finish	Start	Finish	Start	Finish	Start	Finish	Start	Finish
January	06:25	07:30	12:40	13:30	14:25	15:45	15:45	17:22	18:40	19:30
February	05:40	07:15	12:40	13:30	14:55	16:30	16:33	18:12	18:40	20:00
March	04:40	06:30	12:40	13:30	15:40	18:15	17:24	20:05	19:10	21:45
April	04:25	06:15	13:10	14:00	17:25	18:45	19:17	20:55	20:55	22:30
May	03:55	05:15	13:10	14:00	17:55	19:30	20:07	21:40	21:40	23:00
June	03:55	04:45	13:10	14:00	18:40	19:30	20:51	21:55	22:20	23:20
July	03:55	04:45	13:10	14:00	18:40	19:30	20:33	21:54	22:10	23:20
August	03:55	05:30	13:10	14:00	17:40	19:30	19:32	21:21	21:20	23:00
September	04:55	06:30	13:10	14:00	16:40	18:15	18:25	20:20	19:55	21:45
October	05:40	07:00	12:40	14:00	14:40	17:30	16:18	19:11	19:10	20:45
November	05:40	07:00	12:40	13:30	14:25	15:30	15:39	17:06	18:55	20:00
December	06:10	07:30	12:40	13:30	14:25	15:15	15:34	16:34	18:40	19:30

KEY - Start time includes arriving 20 mins before prayer time / Finish time includes prayer time and and departure from centre

- 1.9 However, this may overlap with the time required to educate the children in local community in respect to the Islamic faith.

## 2 ADDITIONAL LOCAL REPRESENTATIONS

- 2.1 Since the last committee meeting, additional representations were received and these have been summarised below.

- Noise from children playing and shouting on a Sunday at IECC.
- Concerned that the application site is being used on Sundays.
- Why the numbering of the site has changed and no notification.
- No reference was made to the withdrawn Lawful Certificate application.
- The language and abuse received during the previous meeting.
- Concerned regarding two air conditioning units and their position.

- 2.1.1 In response to the above, any noise related issues should be reported to the Council's Public Protection Team so the matter can be investigated.

- 2.1.2 In response to the second point and the building being used on a Sunday, the building has got consent for a D1 use which falls within a use for a place of worship as per the original planning consent P0729.99 and mindful that the

premises can already operate between the hours of 6.00am and 3.00pm on Sunday as per condition No.8 of the original consent P0729.99.

- 2.1.3 In response to the third point, an application was not shown on the history section of the committee report for a Lawful Certificate Application E0011.17. This application was withdrawn, as there was insufficient evidence provided to come to an informed decision and that the premises were being used outside of the hours allowed under condition No.8 of P0729.99 for over a 10 year period.
- 2.1.4 Residents raised concerns that the planning department did not notify residents of a change of numbering to the premises at the rear of No.148 Chase Cross Road which forms part of this application. It should be noted that the numbering of a property is not a planning consideration and does falls within the parameters of a planning application. The agent has been requested to feed back that the numbering of the site would need to be formalised if applicable with the Council's Street Name and Numbering Department.
- 2.1.5 The matter has been highlighted to Democratic Services in preparation for the next committee meeting.
- 2.1.6 Finally, the matter regarding the air conditioning units has been investigated and Staff are liaising with the agent for the air conditioning units to be removed in the current position and for a planning application to be submitted to relocate them somewhere else within the site.
- 2.1.7 The Committee is invited to consider the information above in the context of their debate on this item at the last Planning Committee meeting on 1<sup>st</sup> August. The Officer recommendation continues to be one of approval for a temporary period of 18 months. The original committee report remains unchanged and is attached as Appendix A.

### **3 RECOMMENDATION**

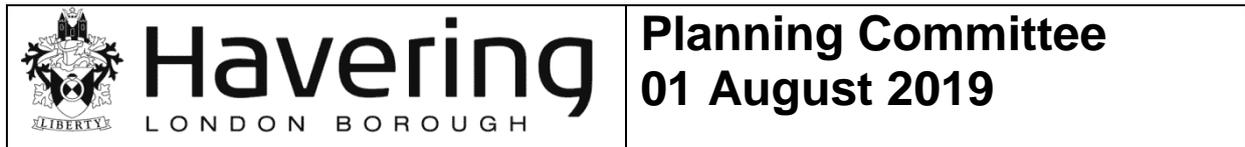
- 3.1 That the Committee agree to vary the Hours Condition on a temporary basis for 18 months subject to a review at 12 months.
- 3.2 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

**Conditions**

1. Review at 12 months
2. Restriction of D1 use
3. Hours of Operation ( vary for a temporary 18 month period)
4. Amplified Music and Sound – Extended Hours restriction
5. Noise insulation (performance)
6. Access way (compliance)

**Informatives**

1. No negotiation required
2. Review after 12 months



<b>Application Reference:</b>	<b>P0729.19</b>
<b>Location:</b>	<b>148A Chase Cross Road, Romford</b>
<b>Ward:</b>	<b>Havering Park</b>
<b>Description:</b>	<b>S.73 Application – Variation of Condition 8 (Application Ref. P0729.99 dated 07/08/1999) to allow for an extension of hours whereby the premises shall not be used other than between the hours of 06:00~21:30 (October to February), 04:00~23:30 (March to September).</b>
<b>Case Officer:</b>	<b>Aidan Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

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**1. BACKGROUND**

- 1.1 This application was called in by Councillor Christine Vickery citing the following reasons: harm arising from noise and unacceptable highway impacts (car parking).
- 1.2 This application has been submitted to vary condition No.8 of consent reference P0729.99. The application has been invited by the Planning Enforcement Team following a complaint received from a local resident.
- 1.3 It should be noted that the Iqra Educational & Cultural Centre has been using the hall at 148A Chase Cross Road for the last 18 months and during the hours sought by this application.
- 1.4 Planning permission, reference P0729.99 was granted on 5 August 1999 for a single storey building with car parking and entrance drive for use as meeting room. Condition No.7 of this consent restricts the use of the premises for a place of worship only and for no other purpose including uses falling within D1 of the Town and Country Planning (General Development) Order 1995 as amended.

- 1.5 The centre known as the Iqra Educational & Cultural Centre is principally used for community purposes including religious instruction and prayer meetings. Internally the building comprises of a multi-purpose hall which is used for prayer, meetings, and community events.
- 1.6 The most important Muslim practises are the Five Pillars of Islam. The Five Pillars of Islam are the five obligations that every Muslim must satisfy in order to live a good and responsible life according to Islam. These pillars are the declaration of faith, performing ritual prayers five times a day, giving money to charity, fasting during the month of Ramadan and a pilgrimage to Mecca (at least once). Carrying out these obligations provides the framework of a Muslim's life, and weaves their everyday activities and their beliefs into a single cloth of religious devotion.
- 1.7 The five daily prayers referred to above are obligatory and they are performed at times determined essentially by the position of the Sun in the sky. It is for this reason that the Prayers take place at different times throughout the year and throughout the world.
- 1.8 The five prayers are undertaken as follows as specified within the Quran:

The Dawn Prayer (Fajr) - dawn, before sunrise  
The Noon Prayer (Zuhr) - after the sun passes its highest point  
The Afternoon Prayer (Asr)  
The Sunset Prayer (Maghrib) - just after sunset  
The Night Prayer (Isha) - between sunset and midnight

On a typical day this means that the five Prayer meetings are held around 0700, 1330, 1630, 1800 and 2030. On a Friday, there is a second prayer session at 1415 due to number of members attending and due to the limitation of space within the place of worship.

- 1.9 The applicant has submitted a planning application to vary the condition which prevents the use of the centre other than the hours of 6.00am and 3.00pm on Sunday and from 6.00pm to 9.00pm on Monday.

### **SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The Iqra Educational & Cultural Centre having been using the hall for the last 18 months during the hours requested as part of this application.

### **3 RECOMMENDATION**

- 3.1 That the Committee agree to vary the Hours Condition on a temporary basis for 18 months subject to a review at 12 months.
- 3.2 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

7. Review at 12 months
8. Restriction of D1 use
9. Hours of Operation ( vary for a temporary 18 month period)
10. Amplified Music and Sound – Extended Hours restriction
11. Noise insulation (performance)
12. Access way (compliance)

### **Informatives**

3. No negotiation required
4. Review after 12 months

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 Planning permission is sought to vary condition 8 (Application Ref. P0729.99 dated 07/08/1999) to allow for an extension of hours whereby the premises shall not be used other than between the hours of 06:00~21:30 (October to February), 04:00~23:30 (March to September).

### **Site and Surroundings**

- 4.2 The application site is located on the east side of Chase Cross Road on land rear off No.148 Chase Cross Road and backing onto a private road Known as Cardiff Close. The site contains a single storey building which is finished in face brick.
- 4.3 There is parking in the site for approximately nine vehicles without hindering access to and from the site onto Chase Cross Road as approved on the original consent P0729.99. The surrounding area is characterised by single and two storey dwellings of various styles and designs.

### **Planning History**

- 4.4 The following planning decisions are relevant to the application:

P0166.99 - Single storey building with car parking and entrance drive for use as meeting room – Outline – Approved.

P0729.99 -Single storey building with car parking and entrance drive for use as meeting room - detailed – Approved.

## **5 CONSULTATION RESPONSES**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 The following were consulted regarding the application:
- 5.3 Highways: No objection to the proposal.

- 5.4 Environmental Health: The Public Protection team have highlighted that the variation of hours will increase the amount of noise due to the extended hours.
- 5.5 It has been highlighted to the Public Protection Team that the 18 months that the Iqra Educational & Cultural Centre have been in operation, only one complaint was received last year and further to a request from their department to complete evidence but was non was forthcoming and the case was closed by Public Protection.
- 5.6 In light of this and the recommendation above, Public Protection would have no objection to a temporal approval and that if at the expiry consent and no complaint arises, then we would have no further objections for a permanent approval.

**6 LOCAL REPRESENTATIONS**

6.1 During the consultation process, residents were re-notified on two separate occasions with a revised description for clarity and transparency and for a better understanding for residents but also to extend the number of residents notified. In addition, the Council also put up a site notice to notify passer-by's of the planning application. It should be noted that the Council are only required to notify the neighbouring properties/addresses abutting and immediately fronting the site. In this instance, the Council have gone beyond the normal parameters of notification for that proposal and in line with current guidance. Furthermore, a resident can make comments on a planning application even though they have not been notified regarding it by the Council.

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

No of individual responses:	173 that object.
	280 that support.
	1 Petition
	5 Comments

6.3 The following Councillor made representations:

Councillor Christine Vickery wishes to call the application in on the grounds of the hours of operation and the associated impact on the residents living within the local area with the increase in traffic congestion, noise, car doors opening and closing and car engines starting up outside residents houses in Chase Cross Road and the surrounding roads.

**Representations**

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

Comments in objection to the application

- Anti-social hours and impact on neighbouring amenity.
- Issues relating to noise, light and air pollution from vehicles.
- Hours are considerably longer than the current consent on P0729.99.
- Parking issues including lack of on-site parking and parking over drives.
- Traffic / Parking congestion and impact on public highway.
- Lack on notification to neighbouring residents.
- The site notice was too small and should have been larger.
- An alternative site should be sought which is not in a residential area.

Comments in support of the application

- Lack of facilities within the borough to worship.
- No other place of worship has restricted hours.
- There is no evidence that the extension of hours would have a significant increase of noise or traffic.
- Other places of worship are located close to similar residential settings.

## **7 MATERIAL PLANNING CONSIDERATIONS**

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

- Any physical Impacts of the proposal.
- The impact of the proposal on neighbouring amenity
- Highways and parking issues
- Conditions to be brought forward

### Physical Impacts

7.2 The proposal would not result in alterations to the appearance of the premises. The proposed additional operating hours would have no impact upon the existing environment.

### Impact on Amenity

7.3 As explained above, the proposed variation of operating hours between allowed on planning application P0729.99 of 6.00am to 3.00pm on Sunday and from 6.00pm to 9.00pm on Monday to 0400 and 2330 on any day for the months of March to September and 0600-2130 October to February would enable the centre to offer the five obligatory Prayers on any day. The present operating hours prevent the Morning Prayer and Night Prayer from taking place at the centre on a number of days throughout the year when sunrise is early in the morning and sunset is late in the evening.

- Consideration should therefore be given to the potential impact on neighbouring amenity for the additional hours requested.
- In order to reach a conclusion as to whether the additional opening hours would be harmful to residential amenity, it would be helpful to understand the number of Centre members involved and how the Centre would be used during these hours.

- The agent has provided a statement that the Centre has a membership of approximately 100 members. The Dawn Prayer is typically attended by between 5 - 15 people and the Night Prayer typically by between 10 and 20 people. Members usually arrive within 15 minutes before the start of a prayer session with the sessions lasting no longer than 20 minutes.
- Residential properties are located immediately to the north and north east on Chase Cross Road and to the properties to the south along the private road of Cardiff Close. The entrance to the centre is located on the north elevation of the building fronting to Chase Cross Road. Although it is acknowledged that the ambient noise levels in the locality are generally lower during the additional periods of operation being sought, than during the daytime, the site is located on a busy road.
- Further to the enforcement complaint being received, officer's visited the site during Friday prayer time and it is noted that there was not excessive noise created by the worshippers. In addition, the Planning Department contacted the Public Protection Health team to clarify if any noise complaints were received in the last 18 months of Iqra Educational & Cultural Centre acquiring ownership with only, one noise complaint being received.
- The complaint was received in July 2018 in relation to noise from prayers. The complainant was asked to supply supporting evidence by the way of a noise incident diary as per our standard investigative procedure. No such evidence of an ongoing nuisance was received and the case was subsequently closed in October 2018.

7.4 Given the limited amount of people that would attend the Centre during the early morning and late evening and that the busiest prayer period is Friday midday. It is considered that the additional noise and disturbance created would not be to an unacceptable degree given the surrounding noise from a busy road. A condition preventing amplified music or speech during the additional hours of operation can be attached if minded to grant planning permission.

#### Parking and Highway Implications

7.5 The application site presently has off street parking for nine vehicles to the front and side of the building. The Highways Department have not objected to the proposal. It is not considered that the extended hours would give rise to any significant harm or a marked increase in trip generation.

#### Conditions to be brought forward

7.6 An application made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission, if approved has the effect is to issue a new planning permission. Central government advises:

*To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.*

The following conditions from the original planning permission (P0729.99) are considered relevant and should be brought forward to the new planning permission.

- Condition 7 (USE) – Restriction of the use of the premises to a place of worship
- Condition 9 – Noise insulation (performance condition)
- No access way obstructions (compliance condition)

## **8 OTHER MATTERS**

### **Equalities and Diversity**

- 8.1 Section 149 of the Equalities Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the ‘positive equalities duties’ found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A) (1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.
- 8.2 The Public Sector Equality Duty (PSED) under section 149 of the EA requires the Council, when exercising its functions, to have due regard to:
- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
  - (iii) foster good relations between those who have protected characteristics and those who do not.
- 8.3 The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.4 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for the Council. As long as the Council is properly aware of the effects and has taken them into account, the duty is discharged. Depending on the circumstances, regard should be had to the following:
- (i) the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision;
  - (ii) the need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;

- (iii) the need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. For example, meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities;
- (iv) the need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low); and
- (v) the need to tackle prejudice and promote understanding.

8.5 The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998 (the HRA). This planning application engages certain human rights under the HRA, which prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

8.6 This application has the legitimate aim of amending the hours of operation for a place of worship. The rights potentially engaged by this application, including the right to the peaceful enjoyment of one's possessions, and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## **9 Conclusions**

9.1 All other relevant policies and considerations have been taken into account, planning permission should be granted to vary the hours of operation (Condition 8) for an 18 month period subject to any other relevant conditions brought forward from the previous consent (P0729.99) for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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 <b>Havering</b> LONDON BOROUGH	<b>Planning Committee</b> <b>26 September 2019</b>
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<b>Application Reference:</b>	<b>P0967.19</b>
<b>Location:</b>	<b>4 Carlton Road (Khetia Newsagents), Romford</b>
<b>Ward:</b>	<b>Romford Town</b>
<b>Description:</b>	<b>Proposing the change of use on ground floor from A1 to A3 with flue pipe installation at rear, and first floor rear extension to enlarge the existing 1 bed flat to 2 bedrooms.</b>
<b>Case Officer:</b>	<b>Aidan Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

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## **1. BACKGROUND**

1.1 This application was called in by Councillor Joshua Chapman citing the following reasons:

- The noise impact from the change of use will be significant affecting those residents above the proposed restaurant and all along the top floor of the row of buildings.
- The application site is within a residential area (with no other restaurant or take away present). The noise will also affect other residents in the surrounding area, including those in the 40-bed retirement complex at the back of the development.
- The lack of parking (and increased volume of cars arising from this proposal) will have an impact on the surrounding area, whose roads are already stretched.
- The impact from the ventilation system on the street scene and the neighbouring residents in the retirement complex.

- Lack of a suitable refuse solution for the proposal.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposing the change of use on ground floor from A1 to A3 with flue pipe installation at rear, and first floor rear extension to enlarge the existing 1 bed flat to 2 bedrooms is acceptable in principle. It is considered that the proposal would not adversely affect the street scene or neighbouring amenity. The Local Planning Authority considers that there are insufficient grounds to refuse this application on parking grounds and therefore, this application is recommended for approval.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.2 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

### **Conditions**

1. SC04 – Time Limit of 3 years to implement.
2. SC10C – Materials as per application form.
3. SC27 – Hours of use
4. SC32 – Accordance with plans.
5. SC46 - Standard Flank Window Condition
6. SC58 – Refuse
7. NSC01 (Noise Emanation)
8. NSC02 (New Plant & Machinery)
9. NSC03 (Sound Insulation)
10. NSC04 (Ventilation System Noise)
11. NSC05 (Extract Ventilation – Odours)

### **Informatives**

1. No negotiation required

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 Planning permission is sought for a change of use on ground floor from A1 to A3 with flue pipe installation at rear, and first floor rear extension to enlarge the existing 1 bed flat to 2 bedrooms.

## **Site and Surroundings**

- 4.2 The application site is located on the southern side of Carlton Road at the junction with Junction Road. The premise is within the Carlton Road Minor Local Centre. It comprises a 2-storey mid-terrace property with a newsagent (A1) at ground floor and residential accommodation at first floor.

## **Planning History**

- 4.3 The following planning decisions are relevant to the application:

2211/80 – New shopfront retail newsagent & tobacconist – Approved.

A/101/80 – Shop fascia Sign – Approved.

285/81 - New shopfront retail newsagent & tobacconist – Approved.

A/55/81 – Double sided illuminated box sign – Approved.

## **5 CONSULTATION RESPONSES**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 5.2 The following were consulted regarding the application:

Highways: No objection to the proposal.

Environmental Health: The Public Protection team have no objections subject to the provision of conditions being adhered to.

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

StreetCare Department - Domestic waste and recycling sacks need to be presented on the boundary of the boundary of Carlton Road on the scheduled collection day. Domestic waste and trade waste would need to be stored separately.

## **6 Representations**

- 6.1 Neighbour notification letters were sent to neighbouring occupiers. Fourteen letters of objection were received which included one petition with twenty six signatures. Seven letters of support were received and it is noted that a number of representations were not from residents within the borough.

The content of the representation have been summarised as follows:

- Smells, noise, parking, vermin and rubbish issues.
- Street already busy with cars and there is no space for additional parking.
- Air and noise pollution.
- Anti-social behaviour from the users of the off licence.
- Use of drugs in the area.

- Existing flats users leave a lot of rubbish already as there are no proper bins.
- The problem should not be exacerbated further than the current issues.
- The proposal would bring more customers to the parade of shops.
- Proposal would provide a service to residents of the area.
- No need for this use, no enough parking and close to a busy junction.
- Proposal is within a residential area.
- Opening hours are anti-social.
- Proposal would provide a more usable flat and provide employment.
- Unable to use neighbouring gardens due to smells that will occur.
- Works have commenced on site.
- Proposal will be out of character with the area.

The above comments will be assessed in the following sections of this report.

## **7 MATERIAL PLANNING CONSIDERATIONS**

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

- The principle of the use of the building for non-A1 use within the Minor Local Centre
- Density/ Site Layout
- Physical Impacts of the proposal.
- The impact of the proposal on neighbouring amenity
- Highways and parking issues

### **Principle of Development**

7.2 The application site is located within the Carlton Road Minor Local Centre. Policy DC16 of the LDF states that planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough's Minor Local Centres will be granted at ground floor level. 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. The applicant has attempted to market the premises as an on-going A1 use but without success.

7.3 The change of use from a newsagent (A1) to a restaurant (A3) use is deemed to be acceptable in principle in accordance with Policy DC16. The existing shopfront would be retained and opening hours are during the day such that it would be active and maintain the impression of visual and functional continuity.

### **Density/Site Layout**

7.4 The extended flat would create a 2 bedroom flat. The floor area of the first floor flat as extended would be 68m<sup>2</sup> which would meet the DCLG Technical Housing Standard of 61m<sup>2</sup> required for a two bedroom 3 person unit. As a result, the size of the proposed bedrooms and the flat do meet the DCLG Technical Housing Standards.

- 7.5 The flat does not have any amenity space provision currently. However, when reviewing the merits of this application, consideration was given to the fact that the flat on the first floor of the building does not have any amenity space provision, which is not unusual given the constraints and location of the site and with unit being above a shop. Therefore, it is considered that there are insufficient grounds to refuse planning permission based upon the lack of amenity space provision for the flat.
- 7.6 It is considered that the flat would have a reasonable outlook and aspect.

### **Physical Impacts**

- 7.7 It is considered that the extract ducting would not be materially harmful to the street scene, as it would be located on the rear facade of the building and would be enclosed by brick work to have the appearance of a chimney. The flue would be located below the main roof ridge of the building, which would help to mitigate its impact. In addition, the height and proportions of the extraction flue are relatively modest in size. The Public Protection Team of the London Borough of Havering does not object to the proposals, subject to planning conditions as set out.
- 7.8 No objections are raised to the proposed first floor storey rear extension from a visual point of view as it would only be visible from the rear garden and the proposal would relate acceptably to the existing property.

### **Impact on Amenity**

- 7.9 Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.
- 7.10 The application site comprises a two storey mid-terrace property with residential accommodation at ground and first floor. The remaining terraced properties comprise of commercial uses at ground floor and residential accommodation above. While it is a matter of judgement, occupiers of residential properties above or close to an established row of shops would not expect the same level of amenity which would be expected in a quiet residential-only street.
- 7.11 It is considered that the first floor extension to the flat would not unacceptably impact on the amenity of the adjacent neighbours, mindful of the separation distance between the extension and the neighbouring properties.
- 7.12 With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours, smells and noise and disturbance.

- 7.13 Although the extract duct would be visible in the rear garden environment, it is considered that it would not result in an adverse visual impact, as it would be attached to a first floor flat which is set well back from a narrow footpath at the rear. Consideration has been given to the siting of the extraction duct and its impact on the outlook of the first floor flat, which is deemed to be within acceptable limits given its limited depth, its position fixed to a wall and its limited protrusion from the window of the flat.
- 7.14 The application site is surrounded on either side by commercial properties with a variety of shops and residential dwellings and apartments. There are also living accommodations above some of these premises.
- 7.15 The proposed opening hours are between 1100-2300 Monday to Saturday and 1100-2230 on Sundays and Bank Holiday which are the same opening hours as Carlton Food and Wine at No.2 Carlton Road. The Local Planning Authority considers that the proposed opening hours would be acceptable and would not result in a significant loss of amenity to the neighbouring properties.

### **Parking and Highway Implications**

- 7.16 The site does not have any off street car parking provision. There is resident permit parking and also, there are is on street car parking in bays nearby. The Highway Authority has no objection to the proposal. Taking all the above factors into account, it is considered that there are no highway or parking issues as a result of the proposal.

## **8 Conclusions**

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