



Havering

L O N D O N B O R O U G H

PLANNING COMMITTEE AGENDA

7.30 pm	Thursday 1 July 2021	Council Chamber Town Hall, Main Road, Romford
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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:

**Taiwo Adeoye - 01708 432430
taiwo.adeoye@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100
Before Tuesday 29 June 2021**

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 - 2)

To approve as a correct record the minutes of the meeting of the Committee held on 3 June 2021 and to authorise the Chairman to sign them.

5 APPLICATIONS FOR DECISION (Pages 3 - 6)

See attached document

**6 P0285.21 - NEW CITY COLLEGE HAVERING, ARDLELIGH GREEN CAMPUS
(Pages 7 - 22)**

Report attached.

7 P0450.21- 148A CHASE CROSS ROAD (Pages 23 - 34)

Report attached.

**Andrew Beesley
Head of Democratic Services**

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**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
Havering Town Hall, Main Road, Romford
3 June 2021 (7.30 - 8.15 pm)**

Present:

COUNCILLORS: 8

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

Residents' Group Stephanie Nunn

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

Labour Paul McGeary

An apology was received for the absence of Councillor David Durant.

Councillor Maggie Themistocli was also present for parts of the meeting.

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

51 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

52 MINUTES

The minutes of the meeting held on 8 April 2021 were agreed as a correct record and signed by the Chairman.

53 P0245.21 - HARROW LODGE PARK, HORNCHURCH ROAD

The Committee noted that the application had been called-in by Councillor Maggie Themistocli.

With its agreement Councillor Themistocli addressed the committee.

The Committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION** subject to the conditions contained in the report.

The vote for the resolution to grant planning permission was carried by 4 votes to 2 against with 1 abstention.

Councillors Nunn and Tyler voted against the motion.

Councillor Middleton abstained from voting.

54 **QUARTERLY PLANNING PERFORMANCE UPDATE REPORT**

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

Chairman

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 Adopted March 2021
 - 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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 Havering LONDON BOROUGH	Planning Committee 1 July 2021
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Application Reference:	P0285.21
Location:	NEW CITY COLLEGE HAVERING, ARDLEIGH GREEN CAMPUS, ARDLEIGH GREEN ROAD
Ward	SQUIRRELS HEATH
Description:	REVISED ACCESS ARRANGEMENTS, RELOCATED CAR PARKING, NEW CYCLE PARKING, INVOLVING DEMOLITION OF P BLOCK WITH ASSOCIATED LANDSCAPING
Case Officer:	RAPHAEL ADENEGAN
Reason for Report to Committee:	• Call-in application by ward councillor.

1. BACKGROUND

- 1.1 The application has been called-in by the local ward councillor, and as such is referred to the Planning Committee for decision in accordance with the Committee Consideration Criteria of the Constitution.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The application which seeks revised access arrangements and new car parking at the New City College Havering is being brought forward in order to facilitate the College's future Masterplan proposals. The application would not be detrimental to the character and appearance of the street-scene.
- 2.2 The site is not within the Metropolitan Green Belt and as matter of judgement there is no in principle objection to the land being brought forward for redevelopment to provide new parking area for the college in lieu of disposal of other part of the site for future development. The current development provides an opportunity to improve upon the ecological value of the land.
- 2.4 The proposed development is considered acceptable on its own merits, however with consideration given to the requirements of Paragraph 11 of the

National Planning Policy Framework, it is not considered that a decision to refuse permission could be substantiated as the level of harm viewed objectively would not outweigh the benefits of granting permission.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
1. agree the reasons for approval as set out in this report, and delegate authority to the Assistant Director Planning in consultation with the Director of Legal Services for the issue of the planning permission and subject to minor amendments to the conditions or the legal agreement to take comprehensive account of the elements in respect of which contribution is being made towards s278 Highway works.
 2. Any other planning obligation(s) considered necessary by the Assistant Director Planning.
- 3.2 That the Assistant Director Planning is delegated authority to negotiate the legal agreement indicated above and that if not completed by the 30th September 2021 the Assistant Director of Planning is delegated authority to refuse planning permission or extend the timeframe to grant approval
- 3.3 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions [and informatives] to secure the following matters:

Conditions

1. Time Limit
2. In Accordance With Approved Drawings
3. Material – permeable
4. Landscaping
5. Landscape Management Plan
6. Secured by Design
11. Boundary Treatments
14. External Lighting Scheme
15. Noise Protection
18. Surface Water Drainage
19. Sustainable Drainage Systems (SUDs)
21. Car Parking Plan
23. Electrical Charging Points
25. Cycle Storage
26. Travel Plan
27. Construction Management and Logistics Plan
28. Construction Hours
29. Highway Works

- 30. Wheel Washing
- 31. Visibility Splays
- 32. Biodiversity and the Urban Greening Factor
- 33. Existing and Proposed Ground Levels
- 34. Site Levels

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Permission is sought for the relocation of existing car parking, new cycle parking, revision to existing access arrangement with associated landscaping involving demolition of P Block.
- 4.2 It is proposed to undertake works at the northern route to become two way for the College. The southern route will continue to provide access and egress to Ardleigh House and some servicing for the College, where vehicles are delivering to A Block. All other deliveries will be from the northern point of access. The works will include new security barriers.
- 4.3 The new car park will extend into the eastern part of the campus onto an area which is currently used for informal recreation for students. 170 car parking spaces are proposed in the new car parking area. This will replace the 261 spaces to be lost as a result of the disposal of land part of the existing parking spaces to the southern end of the site fronting Nelmes Way.
- 4.4 The P Block extends to 258sq.m and is located adjacent to the northern vehicular route. It currently accommodates Engineering, which according to the applicant, will be relocated to the College's Rainham Campus in Spring 2021. The building will be demolished to make way for improvements at access and to facilitate the installation of new cycle parking of up to 70 spaces increasing cycle stands from 30 to 100 for use by both students and staff. The proposed cycle stand would comprise double stacked covered stands.
- 4.5 The proposed development includes 19 new lighting columns within the car park. In order to provide appropriate lux levels across the. This includes 11 columns at a height of 6m around the edge of the car park and 8 columns at 8m high are proposed within the central part of the car park.

Site and Surroundings

- 4.6 The application site involves an open grassed area to the eastern part and Block P (258sq.m) located adjacent to the northern vehicular route which forms part of the Ardleigh Green Campus of Havering College in Hornchurch. The College site is located on the eastern side of Ardleigh Green Road to the north of its junction with Nelmes Way. The grassed area is available to students for games with an informal football pitch. The land is located adjacent to the rear

of residential properties facing onto Birch Crescent, Russets and Brindle frontages.

- 4.7 In respect of vehicular access, the campus is currently served by separate entrance and exit points on Ardleigh Green Road. The southern vehicular route serves both Ardleigh House and the College (students and staff); providing access and egress for Ardleigh House and access only for the College. The northern vehicular route provides egress for the College only. The college is abutted on all sides by residential properties and All Saints Church to the northern corner adjacent to the main entrance. Ardleigh House, which contains wooded land protected trees with preservation order is to the southwest of the college boundary. The application is not readily visible from the roadside and obscured by mature vegetation.
- 4.8 The surrounding area is characterised by two storey dwellings, a mixture of detached and semi-detached buildings. The campus has a PTAL rating of between 0.2 (poor).

Planning History

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

P0762.21 - Outline application for the erection of 3 detached houses with garages and access.
Awaiting Decision

P0755.21 - Erection of 2/3 storey 87 bedroom and suites care home for the frail elderly (Class C2 use) with ancillary and communal accommodation, together with associated landscaping, access arrangements, car and cycle parking, servicing, refuse and recycling.
Awaiting Decision

P0913.12 Extension of Time Limit on application P0683.09-Demolition of up to 6,550sqm of existing floorspace and the re-development of 9,450sqm new educational floor space (Class D1) together with associated landscaping and access – Outline
Approved 05-10-2012

P0752.11 - Extension of time to P1047.08 - for the provision of a basketball court, artificial 5- a-side football pitch with perimeter fencing and erection of acoustic boundary fence.
Approved 14-07-2011

P0683.09 - Demolition of up to 6,550sqm of existing floorspace and the re-development of 9,450sqm new educational floor space (Class D1) together with associated landscaping and access – Outline.
Approved 14-08-2009

5 CONSULTATION RESPONSE

5.1 The views of the Planning Service are expressed in section 8 of this report, under the heading "MATERIAL PLANNING CONSIDERATIONS".

5.2 The following consultees were invited to comment on the application:

Waste

No domestic waste involved

Highways

(Flood risk assessment) nothing to add to this, no issues with the proposal. Permeable paving with piped (private sewer) into Thames Water surface water sewer (drainage);

- That the developer enters into section s278 Highways Agreement given that it has been stated in item 4.3 of the Design and Access statement that '*it is proposed to undertake the works at the northern access route to enable it to become into two way for the college.*' No objections.
- The developer to liaise with the Street Lighting Engineer of the Local Authority (LA) about lighting issues.
- Issues relating to drainage were dealt with by the drainage engineer of the LA.

Overall, no objections relating to the development.

Ecology Advisor

No objection subject to securing biodiversity mitigation and enhancement measures. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013..

5.3 No objections were made from any of the above parties invited to comment, subject to suggested conditions and informatives as outlined in the preceding section of this report.

6. LOCAL REPRESENTATION

6.1 The application was advertised via a Press Notice and Site Notice displayed at the site for 21 days.

6.2 A total of 113 consultation letters were sent to neighbouring properties regarding this application

6.3 No of individual responses: 20, of which: 20 objected.

The following Councillor made representation:

Councillor Ramsey

Call in this application (as adjacent to my Ward) on the basis of detriment to the amenities of adjoining properties in my Ward.

Representations

Objections

6.4 It must be noted that officers can only take into account comments that concern relevant material planning considerations and not those based on personal dislikes, grievances, land disputes, values of properties, covenants and non-planning issues associated with nuisance claims and legal disputes, etc. The following issues were raised in the representations received:

- i. The proposed car park is too close to the boundary. This is unfair to the residents of Brindles in the Emerson Park Ward and Birch Crescent, Squirrels Heath Ward;
- ii. There is a perfectly adequate car park that is currently under used on a daily basis. I don't want a car park to now be moved to right outside my house;
- iii. I don't want to look out onto a car park from my garden;
- iv. The proposal will have a detrimental effect on our lives due to its location and siting;
- v. The planting of trees and shrubbery along the boundary fence would have a detrimental effect on the ground surrounding and therefore any structures on this ground as the ground in this area is soft London clay. This has been proved in the recent past when there were conifer trees all along the boundary - these were removed by the college due to the damage they were causing to the housing and grounds on Brindles;
- vi. A car park here will result in an increase in noise and smell from car fumes – noise and air pollution;
- vii. The current overflow parking is barely used. Few cars use the car park on Garland Way;
- viii. The college are losing 200 students to Rainham campus I cannot see the need for re-locating the car park at all as there are normally more than 180 spaces free;
- ix. The college has 476 at present and are proposing to lose only 76 leaving them with 400, from the evidence they need no more than 300. If they want some overflow to allow for peaks then 330 should do it;
- x. Most of the students travel to college by public transport so the proposed car park is not needed;
- xi. Traffic around the Ardleigh Green area is already extremely heavy, especially around school/college start and finish times, so students should be encouraged to use public transport instead of clogging up our local roads.
- xii. Object on the following grounds: - Light pollution - Anti-social noise - Hours of usage - Drainage concerns - Ongoing maintenance of proposed control measures I see no need for 6 metre high lampposts at the end of mine and adjoining properties as this will bring unwarranted light pollution affecting all residents in the immediate area;
- xiii. With night classes and early staffing, all adjacent residents would be subject to vehicle movements and associated disturbance for anything upwards of 18

hours per day which is completely unacceptable, especially as this would be close to rear bedrooms in what is quite a family occupied area;

- xiv. We have an underground brook in the immediate vicinity which causes localised flooding problems;
- xv. The previous large development, Berkeley Homes, caused a considerable amount of distress due to untold flooding in my garden as my land is situated at a lower level and there is insufficient drainage. I strongly object to any structural change by Havering College in the belief that further damage will be caused to my property as there is insufficient drainage in the area caused by too much building;
- xvi. The selling of the car park for land acquisition and thus creating profit to the college, creates possible further residential construction in that area under offer, thus creating a further strain on the surrounding amenities and road infrastructure;
- xvii. The proposed planting of the boundary will take time to grow and also does not provide cover during the winter months from the lighting and noise;
- xviii. The proposal to widen the new entry to two lanes, Residents in Birch Crescent are worried this will be right up against their boundary;
- xix. This will have an adverse effect on my children's health with numerous car fumes being inhaled on a daily basis, lighting going very close to our bedroom windows when my young children are trying to sleep;
- xx. This will have a negative effect on my house price when there is currently the under used car park;
- xxi. The anti-social behaviour currently witnessed in the existing carpark will be brought close to the front of our property;
- xxii. Noise & disruption from demolition and building work;
- xxiii. The college should be doing more to discourage the use of cars by students;
- xxiv. Other important factor is the plan to plant trees close to the border of the houses in Brindles that it directly affects. Approximately 3 years ago, the college agreed to remove the trees that were planted on their ground immediately next to these houses. This was because there was clear proof that, over a number of years, the trees had caused structural damage to the houses. For some reason, this planning application has not taken this important factor into account.

6.5 Officer Comment: The matters raised have been address in the context of the report. Matters relating to value of property are not a matter of planning consideration.

7. Relevant Policies

7.1 The following planning policies are material considerations for assessment of the application:

LDF

DC32 - The Road Network

DC33 - Car Parking

DC48 – Flood Risk

DC59 – Biodiversity

DC60 – Trees and Woodland

DC61 - Urban Design

SPD3 - Landscaping SPD

OTHER

LONDON PLAN – D4 – Good Design

LONDON PLAN – T6 – Car Parking

LONDON PLAN – T6.5 Non-residential disabled person parking

LONDON PLAN – SI12 Flood Risk Management

LONDON PLAN – SI13 Sustainable Drainage

NPPF - National Planning Policy Framework

HAVERING EMERGING LOCAL PLAN

7 – Residential design and amenity

24 – Parking provision and design

30 – Nature conservation

MAYORAL CIL IMPLICATIONS

None.

8 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of development
- Local character/Design
- Impact on neighbouring amenity
- Ecological impacts/trees
- Flood risk
- Implications for highways, pedestrian access and parking

9 Principle of development

9.1 The applicant has advised that as part of the Masterplan for the campus to delivering an innovative education facility, the process led to the identification of underutilised parts of the campus which could be sold in order to secure a capital receipt for reinvestment in the campus. This includes modern fit buildings.

9.2 As part of the Masterplan process, the 476 car parking spaces currently provided has been assessed to be surplus to requirement to meet the needs of its students, staff and visitors. The southern part of the car park, along Nemes Way, has been identified as an area which could be released for alternative development and this plot is the subject of separate planning application for a care home and an outline application for three new self-build dwellings.

9.3 The submitted planning statement states that the Ardleigh Green Masterplan will provide high quality accommodation, including specialist provision for learners with SEND, Health and Social Care and Social Work and Policy. It will

enable the College to meet the skills requirements of the local community and the wider region in modern teaching and learning facilities through the delivery of qualifications from foundation level to higher education. And in order to achieve this and to match the fund secured from capital grant from the GLA through the Skills for Londoners Capital Funding Round, the identified areas as outline above are to be sold off to generate the needed fund to the planned improvements to the college. The creation of a new car park is the first phase of the Masterplan so as to release land on Nelmes Way for disposal.

- 9.4 Policy DC33 of Havering's LDF (Car Parking) states that car parking provision within new developments should not exceed the maxima set out in Annex 5 which are based on those provided in the London Plan. Annex 5 (Parking Standards) suggest 1 space per 2 staff plus 1 space per 15 students should be provided at colleges of further education.
- 9.5 The London Plan Policy T6 seeks to see an appropriate balance struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. This is reflected in Policy 24 of the emerging Local Plan requiring all development to provide sufficient parking provision in accordance with the maximum parking standards in the London Plan.
- 9.6 The London Plan does not set out a car parking standard for education institutions. Accordingly, paragraph 10.6.5 advises that *"Where no standard is provided, the level of parking should be determined on a case-by-case basis taking account of Policy T6 Car Parking, current and future PTAL and wider measures of public transport, walking and cycling connectivity."*
- 9.7 Paragraph 10.2.1 of the emerging Local Plan states that car parking for development should aim to strike an appropriate balance between meeting the essential parking needs of the site whilst neither acting as a discouragement to using public transport nor adding to demand for on-street parking... Travel Plans should be developed to minimise the need for car-based access. Developments should seek to provide the minimum realistic amount of car parking for the scheme, without undue risk of overspill parking onto surrounding streets. The allocation of car parking should consider the needs of disabled people, both in terms of quantity and location.
- 9.8 There is a current total provision of 476 formal car parking spaces, with 187 (39%) of these within barrier-controlled areas for staff use. A total of 19 of these spaces (4%) are currently suitable for disabled use. There are also 8 spaces for nursery drop-off and pick-up located immediately adjacent to the nurse building, and two contractor bays to the west of P Block.
- 9.9 According to the submitted Transport Statement dated February 2021, there are currently 394 staff (of which 144 are part-time) and 2,840 student (of which 1,175 are part-time). The parking survey results of February 2020 identified 331 spaces occupied at the highest peak, 11am. This peak level of demand is 70% of the existing 476 space capacity, with a significant 145 (30%) of spaces vacant at that time.

- 9.10 The proposal would result in the loss of some 246 parking spaces as a result of the disposal of land fronting Nelmes Way in the southern portion of the existing college car park, with 230 spaces remaining, which falls short of the existing peak demand. 170 spaces are proposed in the new car parking area which forms the basis of this planning application. The proposed re-provision of parking for staff and students within the college site accounts for peak demand and totals 400 spaces compared with the existing 476 spaces, resulting in a reduction of 76 spaces.
- 9.11 There are currently some 30 cycle stands for use by students and staff. It is proposed to increase this to provide 100 spaces. These will be located adjacent to the northern point of access in the area of the P Building to be demolished and will comprise double stacked covered stands.
- 9.12 It is noted that the current situation has been sufficient for the college usage up to this point. The proposal reduces the amount of car parking provided on the site by 76 spaces. The London Plan identifies that where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards.
- 9.13 Going by the Havering Core Strategy parking standards for colleges, this being at a rate of 1 space per 2 staff plus 1 space per 15 students and applying these standards to the student and staff numbers results in a standard provision of 386 space i.e. $394/2$ plus $2840/15$. The 400 spaces proposed is marginally beyond the standard provision and there will be ample space for bicycle storage, therefore meeting some of the objectives of the London Plan to reduce car usage in general across the city. Overall the number of car parking spaces proposed is considered to be sufficient to support the college's needs, while not providing excessive parking and providing alternative travel options such as the bicycle storage facilities to encourage active transport. The 400 spaces proposed provides a suitable balance between meeting the current peak demand of 331 spaces, whilst allowing for a level of contingency and also flexibility in the context of longer-term masterplan aspirations.
- 9.14 Both Havering's policy (DC33, Annex 5) and the London Plan 2016 (Policy T6.5, Table 10.6) recommend standards for disabled parking bays to be provided at 5% of the total capacity of the car park. As there would be 400 car parking spaces at the college, that would result in a minimum of 20 disabled parking bays (Designated Blue Badge parking bays) that should be provided.
- 9.15 The proposal includes 40 disabled parking spaces (20 disabled spaces, plus 20 enlarged bays), an increase of 21 from the current 19 accessible spaces to serve both the needs of staff and students at the campus. These spaces are proposed to adjacent at the site entrance, close to H Block and J Block, providing easy access to the campus for those people with disabilities, which is considered to be acceptable and in accordance with planning policy. A pre-commencement condition will be included that requires further information about design of the spaces to accord with the London Plan, which states that parking spaces designated for use by disabled people should be 2.4m wide by

4.8m long with a zone 1.2m wide provided between designated spaces and at the rear outside the traffic zone, to enable a disabled driver or passenger to get in or out of a vehicle and access the boot safely.

- 9.16 Based on the above and a Travel Plan to be secure by condition, the proposal is considered to be compliant with current policy guidance on transport and land use planning at national and local levels. The proposal is therefore acceptable in principle subject to other planning consideration. Notwithstanding the acceptability of the principle, the proposal would be subject to all other material planning considerations, in particular, harm that will be caused to the character of its locality, which are explored further in the report below.

10. Local character/Design

- 10.1 Core Strategy policy CP17 states that new development to 'maintain or improve the character and appearance of the local area in its scale and design'. Core Strategy policy DC61 states that 'Planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 10.2 It is proposed to amend the existing the main vehicular and pedestrian access into the college from Ardleigh Green Road on the norther end to provide new two way vehicular access with new security barriers. The existing boundary fence is to be brought back to widen pedestrian access with new hard surfacing. The works will involve removal of trees to provide additional soft landscaping to the right side of new parking to enhance the approach.
- 10 3 The potential impact on the environment from this proposal is the effect on the street scene, with the construction of the vehicular crossover. It is considered that due to the modest alteration to the existing access and the replanting of new trees in place of the removed trees, there will be no undue impact on the character of the area and locality nor any adverse or detrimental impact on neighbouring properties.
- 10.4 It is considered that the proposed widening of the existing drop kerb would not have a visual impact on the street scene especially due to the number of neighbouring properties within the surrounding area which have dropped kerbs onto their properties.
- 10.5 With regards to change to the visual character of the site from green space to parking, only 55% of the circa 1.3hactares existing greenspace will be developed. The rest (45%) of the landscaping will be maintained on the northern and eastern boundaries and additional landscaping, including evergreen trees, is proposed on the eastern boundary, thereby helping to mitigate any potential impact from the new car parking area. It is considered on balance that any impact on the visual character of the area will not be adverse enough to warrant refusal of the proposal .No objections are raised from a visual point of view, and as such accords with stated policies.

11. Impact on neighbouring amenity

- 11.1 London Plan Policy D4 (Good Design) and the emerging Local Plan Policy 7 (Residential Design and Amenity) seek to ensure, inter alia, that new developments fit within their context and maintain an appropriate relationship with neighbouring uses, particularly residential.
- 11.2 The application site is located in a residential. Consideration has been given to the residents located adjoining the proposed car park along Birch Crescent, Russets and Brindles to the east and south east of the site.
- 11.3 Representations have been received, raising comments regarding the noise and fumes of cars in such close proximity to the residents along the named streets adjoining the proposed carpark.
- 11.4 The existing landscaping will be maintained on the northern and eastern boundaries and additional landscaping, including evergreen trees, is proposed on the eastern boundary, thereby helping to mitigate any potential impact from the new car parking area. In response to this, a condition has been included that stipulates a landscaped boundary treatment between the car park and residential properties (in addition to the existing fencing) to mitigate some of the amenity impacts of noise and fumes. The Environmental Health team have no concerns regarding air quality.
- 11.5 Although there would be some light pollution from vehicle headlights in the evening, Officers do not consider this to be unacceptable given that there is an existing timber fence and hedgerows between the car park and the houses. New shrubs and trees are proposed along the boundaries of properties most affected to mitigate any adverse effect of the development. The car park is approximately 8m setback from the side boundary of housing along Brindles and a minimum of 9m setback from the actual dwellings. It is set approximately 15m from the rear boundary of housing along Birch Crescent and a minimum of 35m setback from the actual dwellings. The nearest property on Russets is set some 37m away.
- 11.6 The noise generated from the car park during the day around college hours would not increase to a degree that would be considered unacceptable or unusual for housing located adjoining an educational establishment.
- 11.7 Having regard to all of the factors above, the impact of the proposal on the amenity of these neighbouring properties are considered to be within acceptable limits.
- 11.8 The closest of the 6m high proposed lighting would be located to the south-eastern part of the site and would therefore be approximately 12m and 13m away from the adjoining residential properties of Brindles and 40m from the residential properties on Birch Crescent.

- 11.9 Given the separation distances and the method of lighting, officers consider that the proposal would not have an unduly harmful impact on the residential amenities of those adjoining occupiers.
- 11.11 The submitted Ecology Response (Quadrant Town Planning Ltd, May 2021) confirms that the car parking does not affect any trees and that a Lighting Management Plan would set out operational measures to control lighting and avoid unnecessary use when the car park is not used.
- 11.12 In order to safeguard the residential amenities of adjoining occupiers, conditions have been included requiring details of floodlighting and a lighting management strategy to be submitted and agreed in writing by the Local Planning Authority. A further condition is included to restrict hours of operation.
- 11.13 For these reasons and subject to conditions, officers consider that the proposal would accord with the relevant policies with regards to safeguarding residential amenity.

12 Ecological impacts/trees

- 12.1 A full Arboricultural Report was undertaken with regards to the presence of trees on the site. The revised access arrangement and new car park will result in 7 trees being removed. All the 7 trees are Category C trees. To mitigate the loss of the 7 trees, replacement tree planting across the site is proposed in the new landscaping plan for the site. There are no tree preservation orders (TPO) imposed upon the site. The TPOd trees located at the northern access point (within the grounds of the neighbouring church) and on the eastern boundary (within the rear garden of 64 Birch Crescent) will not be affected by the proposals.
- 12.2 In addition a full ecological survey was commissioned with a walk-over study undertaken which encompassed the site in its entirety including the land adjacent to the site to the west forming the grounds of Ardleigh House. The findings of the consultant were that the development was expected to have no, or only minor adverse impacts on ecology and biodiversity and some gains subject to the recommendations set out in the assessment being met, enforced and monitored.
- 12.3 Arboricultural Impact Assessment and Method Statement (Tracey Clarke, Feb 2021) states that no detailed decay investigations of trees have been carried out to inform this report, the Preliminary Ecological Appraisal (RPS, May 2021) indicates that all trees to be removed on site were classified as having negligible roosting potential for bats. Whilst the assessment undertaken as part of this submission finds the area of the site to which the permission relates to be of relatively low immediate ecological value and capable of being protected through measures to be secured by planning condition this does not discharge the applicant from responsibilities under the Wildlife and Countryside Act 1981, the contravention of which would be a criminal offence. An informative would be placed on any approval setting out the responsibilities of the applicant.

- 12.4 Whilst the proposal does not appear to affect any nationally designated geological or ecological sites or landscapes or have significant impacts on the protection of soils, nonetheless, it is important that the proposed enhancements for the site are maximised in terms of their benefit for biodiversity, and consideration should be given to wildlife friendly landscaping to help enhance the ecological biodiversity of the site. Consideration should also be given to the incorporation of bat boxes and species specific bird boxes on or built into the fabric of new buildings.
- 12.5 Notwithstanding the above conditions to ensure that the development undertakes the relevant surveys and incorporates appropriate ecological enhancement on site is recommended. in accordance with LDF Policies DC59, DC60 and the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended) and Policy 30 of the emerging Local Plan.

13. Flood risk

- 13.1 Local Plan Policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised, whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed.
- 13.2 The Council's Strategic Flood Risk Assessment maps show that the site is not located in a higher risk flood zone London Plan policies SI12 and SI13 state that development should utilise sustainable urban drainage systems (SUDS) and should aim to achieve greenfield run-off rates and this objective is reiterated in Policy DC48.
- 13.3 The submitted Flood Risk Assessment (FRA) and Drainage Strategy proposes sustainable drainage systems (SuDS) in order to achieve a greenfield runoff-rate. This will be achieved through the use of a permeable surface for the car park. Representations have been received regarding flooding of nearby homes from the college and likely flooding of these properties as a result of the proposal. The proposed SuDS features will ensure flood water will be safely contained within the site boundary up to and including the 1 in 100 year event plus 40% climate change. In this regard, and subject to the imposition of suitable conditions, the proposal would give rise to no conflict with the above stated policies.
- 13.4 The Local Lead Flood Authority were invited to comment on the current proposals over the impact of the development in terms of Flood Risk for the proposed development, associated landscaping and adjacent land uses and did not raise an objection. It is on that basis that it is not considered that there are any grounds with which to withhold permission on those matters.

14. Implications for highways, pedestrian access and parking


- 14.1 The proposal would result in a reduction in parking spaces than the current situation thereby reducing vehicle movement to or from the site. A three-fold increase in the number of cycle parking on site is also proposed enhancing other modes of transport to the college.

- 14.2 In any event and whilst comments made by residents are noted, Highways have not raised an objection to the parking and access arrangements. Officers therefore do not consider the proposal to be unacceptable in terms of parking and impact on the Highway and there are no matters with which to withhold permission on matters of Highways/Parking.

15. Conclusion

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

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 Havering LONDON BOROUGH	Planning Committee 1 July 2021
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Application Reference:	P0450.21
Location:	148a Chase Cross Road
Ward:	Havering Park
Description:	Variation of condition no. 8 of planning permission P0729.99 dated 07/08/1999 to extend hours of use to Monday to Friday 12:00-19:30, Saturday, Sunday and Bank Holidays 12:00-17:30
Case Officer:	Habib Neshat
Reason for Report to Committee:	<ul style="list-style-type: none">• A Councillor call-in has been received which accords with the Committee Consideration Criteria.

BACKGROUND

- 1.1 In recent years there have been two refusal for planning applications seeking to vary a condition which restrict the hours of operation. The first application required to change the hours of use to 6am to 9pm (between October to February) and from 4:30 am to 11:30 pm (between March to September) on any day of the week with the subsequent appeal being dismissed on appeal. A further application to slightly reduce the hours of use between 7am and 9pm (Monday to Friday), 8am to 5:30pm (Saturday and Sunday) and 9am-1pm on Bank Holidays has also been refused.

THE SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.2 This application now seeks to extend the hours of the operation between 12 noon and 7:30, (Monday to Friday) and 12 noon to 5:30pm on Saturday, Sunday and Bank Holidays. It is considered that subject to other conditions curbing the activities of the community centre, the extended hours of use would be acceptable in relation to any impacts upon the amenities of the neighbouring properties and all other respects.

2. RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to the suggested planning conditions.

Conditions;

1. The premises shall at all times operate in complete accordance with the Management Plan submitted with the application, which details the activities of the community centre as well as measures to curb any potential antisocial behaviour as follows;
 - Educate the attendees to park responsibly.
 - Distribute flyers of **DOs and DONTs** of parking near dropped kerbs.
 - Nominate parking marshals.
 - The visitor numbers arriving by cars to be monitored (so logged by the venue daily) and reviewed after six then every 12 months thereafter, with a new survey of visitors travel modes.
2. No amplified music or speech shall be relayed on the site including within the building.
3. The premises shall only be used for a place of worship and religious instruction as set out in the Management Plan and no other purpose including uses falling within Class F1 of the Town and Country Planning (General Development) Order 1995 as amended.
4. Until 1 March 2022, the hours of operation of the premises shall be limited to 1200 to 1930 Monday to Friday and 1200 to 1730 Saturdays, Sundays and Bank Holidays. After 1 March 2022 the hours of operation of the premises shall be limited to 0600 to 1500 on a Sunday and from 1800 to 2100 on a Monday, with no operation at all on any other day of the week.
5. Parking for nine cars shall be retained on the site in accordance with drawing numbers 99091.1 and 99091.3 approved as part of planning permission P0729.99. No vehicle parking shall take place other than for those attending the premises during the authorised hours of operation.

3. PROPOSAL AND LOCATION DETAILS

- 3.1 Variation of condition no. 8 of planning permission P0729.99 dated 07/08/1999 (Single storey building with car parking and entrance drive for use as meeting

room-detailed) to extend hours of use to Monday to Friday 12:00-19:30, Saturday, Sunday and Bank Holidays 12:00-17:30.

3.2 The applicant's agent has provided the following information as part of the proposal;

1. IECC is a registered charity and offers a long list of facilities and services, not only to promote and teach Islam within the Muslim community but also to offer support and guidance to people in need around them, regardless of their beliefs and liaise with neighbours to address their concerns.
2. The Centre offers many services and facilities to the local community, both Muslim and non-Muslim, including:
 - Family and social support - providing religious and emotional support and guidance in times of crisis, illness and bereavement, including support for elderly people living alone
 - Offering to counsel for those affected by domestic violence, family disputes, etc.
 - Islamic education and teaching children Quran.
 - Participate in the Havering Interfaith Forum - promoting cohesion and religious harmony, enhancing communication between faith communities and other agencies
 - Host local primary school visits to educate children about Islam
3. In respect of IECC's use of the premises, the nature of Islamic worship means five obligatory prayers per day. Although the current proposed timing will not allow to observe five prayers daily, because Prayer times are determined by the position of the sun in the sky, but it would allow to pray any prayer that comes in between the allowed time.
4. Typically each prayer lasts no more than 10-15 minutes. Even allowing time for worshippers (approximately 2 to 20 regular attendees) to arrive and leave, it is unusual for a prayer visit to extend beyond 30 minutes.
5. For Islamic education we will have a 1.5 hour session on Saturdays and Sundays between 2pm and 3.30pm for children aged between 6 and 12. They will be taught reading Quran in Arabic and Cultural manners. There will be between 15 and 20 attendees.
6. The car park at IECC is sufficient for regular daily prayers. IECC have nominated individuals to monitor and control the flow of the traffic during prayers to eliminate traffic problems.

7. The steps taken by IECC to eliminate traffic problems.
- Educate the attendee's to park responsibly.
 - Distribute flyers of **DOs and DONTs** of parking near dropped kerbs.
 - Nominate parking marshals.

Site and surroundings

- 4.1 The application site is located on the east side of Chase Cross Road on land to the rear of 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 facing brick.
- 4.2 There are car parking spaces on 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.
- 4.3 The building was constructed in the early 90s following the grant of planning permission subject to conditions including one that restricted the hours of operation. The building has been used for religious purposes for a considerable period of time. The building is currently occupied as a place of worship for the Islamic faith.

5. Relevant Planning History;

- 5.1 On 5th August 1991 planning permission (Ref;P0729.99) was granted for the erection of a single storey building with car parking and entrance drive for use as a meeting room 1999. A condition was imposed restricting the hours of the operation between **the hours of 6.00am and 3.00pm on a Sunday and from 6.00pm to 9.00pm on a Monday**. The reason given for the condition is: In order to minimise the impact of the use on the surrounding residential area.
- 5.2 On 27.04.2017 a Lawful Development certificate (E0011.17) was applied for the use of the property as a church on Sundays 6.00 - 21.00, Saturdays 8.00 - 21.00 and Weekdays 12.00 - 21.00. Some evidence was produced to show the long term use of the premises aligned with the above description. However, the application was subsequently withdrawn on 24.July.2017.
- 5.3 On 1st October 2019 planning permission (Ref; P0729.19) was refused to extend the hours of operation .to hours of the hours of 06:00~21:30 (October to February), 04:00~23:30 (March to September) for the following reason;

The cumulative impact of extending the hours of use of the premises which would result a greater intensity and frequency of use, and the location of the existing building, would result in unacceptable levels of noise, disturbance and light pollution associated with vehicles manoeuvring, harmful to the residential amenity of neighbouring properties contrary to Policies DC55 and DC61 of the LDF Development Control Policies DPD and the National Planning Policy Framework.

- 5.4 The subsequent appeal Ref: APP/B5480/W/19/3243037 to the scheme was dismissed on 14th May 2020.
- 5.5 On 03.02.2021, planning application (Ref P1850.20) was refused for the "Variation of condition no. 8 of planning permission P0729.99 dated 07/08/1999 (Single storey building with car parking and entrance drive for use as meeting room-detailed) to extend opening hours to Monday to Friday 0700-2100, Saturday and Sunday 0800-17:30 and Bank Holidays 0900-1300, for the same reason as with respect to the previous proposal.
- 5.6 On 22.10.2019 a retrospective planning application was submitted for the retention of an air condition unit on the east elevation of the premises. Following negotiation with the applicant, the Air Condition Unit was relocated to the west elevation at the ground level for which planning permission was granted on 14.May.20121.
- 6 Consultation;**
- 6.1 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:
- 6.2 Number: Individual responses: 60 that object, 68 that support and 10 Comments.
- 6.3 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 including safety.
- Lack of notification to neighbouring residents and multiple letters sent.
- The site notice was too small and should have been larger.
- Reference to correct name of the charity.

- An alternative site should be sought which is not in a residential area.
- Reference to the air conditioning units.
- Further alterations to the hours will be requested should consent be given.

Comments in support of the application:

- Lack of facilities within the borough to worship and growing Muslim population.
- No other place of worship has restricted hours.
- Other places of worship are located close to similar residential settings.
- Community inclusion, food bank and well-being.
- There is no evidence that the extension of hours would have a significant increase in noise or traffic.
- . The Centre is within walking distance of many of worshipers
- . All other such facilities are located at a significant distance requiring use of private motor car or by taxi.

6.4 The application had also been called into committee by Councillor Ray Best for the following reasons;

- Although the hours have been reduced from the two previous applications, they are still excessive and are now 7 days a week and not as currently stands at Sunday and 3 hours on Monday evening.
 - This will still produce hundreds of traffic movements each day causing excessive parking problems in Chase Cross Road, and all of the surrounding roads.
 - These increased numbers 365 days a year are not suitable in this area with a very limited parking area, and from past complaints from the residents in the surrounding properties, the visitors park wherever they like, over people's drive, and onto pavements as well.
 - Previously the applicant has been challenged by the council for completely disregarding the existing opening times and using the premises as if there are no opening restriction times at all, opening during the week on many occasions. A serious breach of the planning agreement.
 - The council has instructed the applicant to move the outdoor air conditioning unit from one end of the building to the opposite end but this clearly has not been complied with. Another breach of the planning instructions.
 - The complaints about noise coming from the vehicles car doors banging, engines revving and light pollution from the multiple headlights have

been a constant source of complaints over the years. These are from meetings outside the allotted times of opening. Another serious breach of the planning instructions.

- In essence, it appears that the applicant has never abided by the existing opening times they had from 1999, and therefore see no reason to assume that they will ever abide by any other opening times that the council may impose on them.

On this basis I am completely in support of the local residents who are completely against any extension of the existing hours, and recommend refusal of this application. Many thanks.

- 6.5 In response to the above comments, the information submitted has been accepted in good faith. The details of the Iqra Educational & Cultural Centre being a registered charity is not a material planning consideration. The application under consideration is for the changes of hours as on the application form and as described on the notification letters. A separate application with respect to the air conditioning units (P1619.19) is now resolved and the AC has now been relocated to a location agreed by officers and no objections were raised by the local neighbours.
- 6.6 It should be noted that the Local Planning Authority cannot prevent an applicant or agent from submitting a further planning application where there is a material difference between the previously refused scheme and the subsequent application, which is the case in this instance. Any decision that the Council may make is in respect to planning policy and guidance and in addition, to any material consideration such as an appeal decision.
- 6.7 With respect to the comment “no other place of worship is subject to restricted hours”, it should be noted that each planning application is considered on its own merit. It should be noted that other places of worship are not in such close proximity to residential premises as in the case of this site.
- 6.8 In addition, it is noted that the Council's Highways and Environmental Health Department have not objected to the proposal. However, these issues would be further discussed below.

7. MATERIAL PLANNING CONSIDERATIONS

- 7.1 This site is located in a sensitive location. The 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. The main planning issues raised by the application that the

committee must consider are, the impact on neighbouring amenities and highways safety conditions.

7.2 This application is a resubmission of two previously refused schemes which requested a significantly longer period of operation.

7.3 The key issue in this case therefore is whether the revised proposal overcomes the previously stated concerns. The previous applications were refused planning permission for the following reason:

The cumulative impact of extending the hours of use of the premises which would result a greater intensity and frequency of use, and the location of the existing building, would result in unacceptable levels of noise, disturbance and light pollution associated with vehicles manoeuvring, harmful to the residential amenity of neighbouring properties contrary to Policies DC55 and DC61 of the LDF Development Control Policies DPD and the National Planning Policy Framework.

7.4 The subsequent appeal to the above decision was dismissed on appeal. In considering the appeal APP/B5480/W/19/3243037 for the refused planning application (P0729.19), the Planning Inspector commented that it is noted "that while worship in the Islamic faith is performed in silence, the premises could also be utilised for worship by a different faith which could result in different impacts". The Planning Inspector dismissed the option for a temporary consent for 18 months on the basis as "it would leave residents exposed to noise and disturbance both early in the morning and late at night for the duration of such a permission".

7.5 The Planning Inspector commented that "the early morning and late-night would be times when residents could reasonably expect peaceful enjoyment of their homes. There is a good amount of parking at the site and although many worshippers may travel to the premises on foot, it is likely that some worshippers arrive and leave by car".

7.6 The inspector's chief concern was with respect to the disturbance to the amenities of the local residents appears to be the early and later operation suggested in the scheme i.e. 4am in the morning and 11:30pm in the evening, with the following comments;

The early morning and late-night would be times when residents could reasonably expect peaceful enjoyment of their homes. There is a good amount of parking at the site and although many worshippers may travel to the premises on foot, it is likely that some worshippers arrive and leave by car.

The disturbance is likely to have been greater during the summer months, when residents would be likely to have their windows open, which will have aided noise transferral. The summer months also correspond with the earliest and latest operating hours sought.

- 7.7 The Council had suggested temporary permission as part of the suggested conditions for the appeal APP/B5480/W/19/3243037 should the application be approved; however, the Planning Inspector commented that " I do not consider that a temporary revision to operating hours on the basis of those sought would be acceptable as it would leave residents exposed to noise and disturbance both early in the morning and late at night for the duration of such a permission or "that conditions relating to noise insulation for the building, the restriction of the number of worshippers on the premises at any one time, or a condition relating to the use of the premises in time slots would mitigate the harm I have identified".
- 7.8 Mindful of the comments above made by the Planning Inspector as part of the appeal APP/B5480/W/19/3243037, although it was noted that the subsequent reduction in hours in the follow up application was an improvement, due to the site's location and proximity to the neighbouring properties, it was considered that the cumulative impact of extending the hours of use of the premises and greater intensity and frequency of use, and the location of the existing building would result in unacceptable levels of noise, disturbance and light pollution associated with vehicles manoeuvring, harmful to the residential amenity of neighbouring properties.
- 7.9 In terms of the latest proposal, officers are content that the hours submitted as part of this application represents a significant improvement on the previously refused applications which were refused and in particular reference to that it was dismissed on appeal. The venue would open at noon and would close at 7:30 pm on Monday to Friday and at 5:30pm on Sundays and Bank Holiday. It is now considered that the proposed opening times as mentioned above do not include the previously proposed "anti-social hours" as part of the earliest scheme or the latter scheme. During these afternoon/early evening hours, the background noise level due to general activities would be higher and disturbance caused by general level of activity, comings and goings to/from the site would likely be less obvious.
- 7.10 Whilst the proposal is for more restrictive and less anti-social hours than previously sought, there is a concern with respect to possible greater intensification of use, combined with the close location of the site to residential properties, could result in unacceptable levels of noise and other disturbance/inconvenience. There has been claims of anti-social behaviour by individual attendees, in particular with reference to unauthorised parking, and

blocking of access-ways. Whilst the alleged antisocial behaviour have not been verified, officers consider that the planning permission should be granted only on a temporary basis to ensure the applicant would adhere to the proposed mitigating measures outlined above and to assess any impact over that period as part of a further application to vary the temporary condition.

Highway issues;

- 7.11 The Highways Department has no objection in respect to the proposal. Furthermore, it should be noted that the Planning Inspector as part of the appeal APP/B5480/W/19/3243037 that "the Council has raised no concern relating to highway safety and I have no reason to disagree".
- 7.12 There are also bus stops very close by and those cycling can leave their bikes inside the building. The venue has an off road bespoke car park that accommodates nine vehicles. However, it is important that the visitor numbers ought to be monitored (so logged by the venue daily) and reviewed after six and then 12 months, with a new survey of visitors travel modes. Hence, it is considered that there would be further reason for granting a temporary permission to test the operation of the site.

8. Public Sector Equality Duty;

- 8.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 ('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.
- 8.2 The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 "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.

8.4 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.

8.5 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.

8.6 As part of the appeal APP/B5480/W/19/3243037 , the Planning Inspector "had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal requests an extension of the operating hours of the premises for the purposes of Islamic

worship, the attendees are persons who share a protected characteristic for the purposes of the PSED".

- 8.7 However in dismissing the appeal the Planning Inspector commented that "the opportunity to worship on the premises would be limited. However, it does not follow from the PSED that the hours should be increased to the extent of those sought. Whilst I note that the National Planning Policy Framework at paragraph 92 states that planning decisions should look positively on the provision and use of community facilities, I must also have appropriate regard to the significant harm to the living conditions of nearby occupiers that I have identified in coming to my decision".

Summary and Conclusion

- 9.1 It is considered that subject to the conditions set above the proposed revised hours of operation would not likely have an unacceptable impact upon the amenities of the adjoining occupiers, subject to a review having enabled a temporary operation of the revised hours.