

REGULATORY SERVICES COMMITTEE
3rd November 2011
OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0974.11	
WARD :	Hylands	Date Received: 17th August 2011
ADDRESS:	Unit 15 177-181 Hornchurch Road Hornchurch	
PROPOSAL:	Change of Use from Class B8(storage) to nursery Class D1 additional block plan showing existing layout rcvd 16/8	
DRAWING NO(S):	Existing layout Ordnance Survey plan 177-185 Hornchurch Road, Romford, Essex, scale 1"=20' Unit 15 177-181 Hornchurch Road proposed layout Unit 15 177/181 Hornchurch Road existing layout	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

It is recommended that planning permission be granted.

SITE DESCRIPTION

The application site is Unit 15, 177-181 Hornchurch Road, which fronts onto Vicarage Road and comprises of a detached single storey building currently used for storage. Off street parking is provided to the west and south of the application site, which is accessed from Vicarage Road. There is a brick wall on the front boundary. There is a brick wall and corrugated sheeting on the southern boundary. There are eight other light industrial units in the immediate vicinity of the application site. Kims Hall is located north of the site. There are residential single and two storey dwellings located to the south and west of the site.

DESCRIPTION OF PROPOSAL

Permission is sought for a change of use from Class B8 (storage) to a nursery (Class D1).

There would be 20 children in total, 15 of which would have permanent places and the remaining 5 places would be for parents requiring child care at short notice. The age of the children would be from 0-5 years. The opening hours are proposed to be from 08:00 to 18:00 Monday to Friday. There would be one full time member of staff and three to four part time members of staff. There would be an outdoor play area to the front of the site.

RELEVANT HISTORY

No relevant planning history.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 32 properties. No letters of representation have been received.

London Fire and Emergency Planning Authority is satisfied with the proposals.

Environmental Health Recommend a contamination condition if minded to grant planning

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permission, although this is not considered necessary as there are no works involving ground break.

Childcare Services - The application states that the provision would be for 15 children. However, there are concerns of how financially viable a provision for children accessing the Educational Entitlement for 3 and 4 year olds would be. All early year providers must have access to an outdoor play area which can benefit the children. It is a statutory duty on the London Borough of Havering Authority to ensure sufficiency for all children accessing the Early Education Entitlement for 3 and 4 year olds. The Childcare Sufficiency Assessment states that we currently have full day care concentrated in Hornchurch. However, it is also reported that parents feel that there is insufficiency of provision in full day care for children 0 - 5.

Highway Authority - No objections

RELEVANT POLICIES

Policies to be considered are DC29 (Community facilities), DC33 (Car Parking) and DC61 (Urban Design).

Policies 3.18 (Education facilities) and 4.12 (Improving opportunities for all) of the London Plan 2011 are relevant.

STAFF COMMENTS

The main issues in this case are the principle of the change of use, the impact on the streetscene, the amenity of neighbouring occupiers and any highway and parking issues.

PRINCIPLE OF DEVELOPMENT

Nurseries are accepted as being community facilities, where there is a requirement for places within the borough. The Borough's Childcare Sufficiency Assessment 2011 recommends that the Local Authority continues to support provisions in offering more flexible places.

The Borough's Childcare Sufficiency Review 2010/2011 states that there is a particular gap in places for ages 3-4, which is covered by childminders. Several wards in the borough have a severe deficit of places, this includes Cranham (-197 places), Hylands (-206 places) and Havering Park (-171 places) for example. The nursery business here is able to make a small, but valid contribution to providing towards this deficit.

The Borough's Childcare Sufficiency Assessment 2011, states that in 2010 there were 13,560 under 5's for the whole borough. By 2015, the projected population figures for under 5's in Havering are set to increase. This will have a resultant impact on the demand and requirements for day care.

The Borough's Childcare Sufficiency Review 2010/2011 states that there is a particular gap in places for ages 3-4, which is covered by the nursery, Hyland's ward has a deficit of 128 places. An increase in the number of children within this nursery would contribute, albeit in a small way to providing for the significant shortfall of places.

DESIGN/IMPACT ON STREET/GARDEN SCENE

During a site visit, the applicant advised that there would be no external changes to the building, so the proposal would have no impact within the street scene.

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IMPACT ON AMENITY

The total number of children that would be on the site is 20. There would be one full time member of staff and three to four part time members of staff. It is considered that the proposed nursery (D1) use would not result in a significant loss of amenity to neighbouring properties, as the building is detached. Environmental Health was consulted and it is not necessary to insulate the building in respect of noise. The play area would be approximately 5 metres from the southern boundary of the site. The brick wall and corrugated sheeting on the southern boundary would help to buffer any noise. In addition, the application building is currently a light industrial unit used for storage (Class B8) and there are eight other light industrial units in the immediate vicinity of the application site. As such, it is reasonable to assume, given the light industrial use of the application site, that levels of noise and activity would be slightly higher than that of neighbouring residential properties. Also, there would be a separation distance of approximately 9 metres between the southern flank of the application building and the northern flank of the nearest residential property at No. 5 Vicarage Road.

The opening hours are proposed to be from 08:00 to 18:00 Monday to Friday. It is considered that the opening hours are deemed to be acceptable, as they are concentrated during the day time, (as opposed to very early morning or late evening) and would comprise solely of week days and not at all on Saturdays, Sundays, Bank or Public holidays, which can be secured by condition.

Consideration has been given as to whether the proposed use would result in noise and disturbance from cars manoeuvring, car doors slamming, additional pedestrian movements and cars starting and moving off. It is considered that the proposed use would not result in a significant loss of amenity in terms of vehicular movements, traffic, noise, disturbance and fumes over and above existing conditions, given that there is an existing parking area for the light industrial units adjacent to the southern boundary of the site. Furthermore, the brick wall and corrugated sheeting on the southern boundary provides some screening and would help to mitigate noise and disturbance from vehicle movement. Overall, it is considered that there are no reasonable grounds to base a refusal on harm to residential amenity.

HIGHWAY/PARKING

The off street parking requirement for a Day nursery/creche is 1 space for each equivalent full time member of staff. There would be one full time member of staff and three to four part time members of staff, which equates to one and a half full time members of staff. The total number of spaces required is 2.5. No on site spaces are proposed.

It is noted that there are five parking spaces adjacent to the southern boundary of the site, although these have been allocated for use by Unit 6, which was granted planning permission for a change of use of a store/workshop to a D2 use (self defence training) in 2010 (application reference P0827.10). Condition 2 attached to this permission states that these 5 parking spaces shall be made permanently available for use unless otherwise agreed in writing by the Local Planning Authority. The ability of the applicant to comply with this condition has recently been challenged. However, as this condition exists, it is deemed to be unreasonable to take these 5 parking spaces into account for this planning application.

The dropping off area for the children would be the disc parking in Vicarage Road, (which operates between 8am and 6.30pm Monday to Saturday) which is deemed to be acceptable. The applicant has advised that they have two parking disc permits for Vicarage Road, which is in front of the proposed nursery. The applicant is willing to issue parking permits for all parents and staff. According to the Traffic and Engineering Department, there are no restrictions regarding the number of parking permits that can be purchased and they are valid for one year.

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Staff and parents would therefore rely on on-street parking and public transport. With the exception of the disc parking bay adjacent to the front of the site, there are no parking restrictions in Vicarage Road. There are parking restrictions in Hornchurch Road between 8am and 6.30pm Monday to Saturday.

Although the proposal does not have any provision for off-street parking, some weight has been attached to the fact that with the exception of the disc parking bay adjacent to the front of the site, there are no parking restrictions in Vicarage Road, there is a bus service in Hornchurch Road and there are London Underground Stations at Elm Park and Hornchurch. The Highway Authority also has no objection to the proposal.

Planning applications such as this usually have off street car parking. When determining planning applications for nurseries/creches, consideration is given to the fact that these types of applications are car dependent, generate traffic at peak times and vehicles need to park nearby to the site in order to drop off and pick up children. The proposal does not have any off street parking, with reliance entirely made upon on street parking. Members are invited to apply their judgement to this aspect of the proposal, balancing the lack of on site parking against the contribution the proposal would make in meeting the demand for childcare facilities. The proposal would also result in the creation of a new business which is supported via the Government's statement on Planning for Growth.

KEY ISSUES/CONCLUSIONS

Staff consider that the proposal for a change of use from Class B8 (storage) to a nursery (Class D1) is acceptable. There would be no external changes to the building, so the proposal would have no impact within the street scene. It is considered that the change of use would not result in any significant adverse impact on the amenity of neighbouring residents. The judgement in this case is whether the lack of on site car parking is acceptable. Taking into account the circumstances detailed above, Staff have concluded that the lack of parking is acceptable in this case. However, Members are invited to apply their judgement to this aspect of the scheme.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 18:00 on Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. S SC19 (Restricted use)

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4. S SC19 (Restricted use)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be used for a day nursery only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. S SC28 (Number of children)

The number of children accommodated within the premises hereby approved shall not exceed 20 at any one time, including the applicants own children without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control and to avoid disturbance to adjoining residents, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

1 **INFORMATIVES:**

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC29, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. The applicant is advised that a metal security fence above the existing brick wall on the front boundary of the site will require separate planning consent.

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

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APPLICATION NO:	P1176.11	
WARD :	Harold Wood	Date Received: 3rd August 2011
ADDRESS:	93 Shepherds Hill Harold Hill Romford	
PROPOSAL:	Demolish single storey rear extension and garage. Two storey rear extension , bay windows, external alterations & garage	
DRAWING NO(S):	MDP.SH/01 Revision D MDP.SH/02 Revision E	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

It is recommended that planning permission be granted.

SITE DESCRIPTION

Two storey detached dwelling located between the Shepherd & Dog public house and a two storey semi-detached dwelling. Shepherds Hill slopes downhill from east to west. The site is within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is to demolish a single storey rear extension and garage and erect a two storey rear extension, Juliet balcony, bay windows, external alterations and garage.

During the site visit, it was noted that the garage has been demolished.

The two storey rear extension would have a depth of 3 metres, a width of 8.5 metres and a height of 7.4 metres.

The two bay windows would have a width of 2.1 metres, a depth of 1 metre and a height of 3.3 metres.

The external alterations include timber cladding to the first floor of the dwelling, which has commenced. The first floor window on the front façade of the dwelling has been replaced with a larger window, which serves a landing. A first floor window would be added to the eastern flank, which would serve a bathroom.

The garage would have a width of 4 metres, a depth of 5 metres and a height of 3 metres.

RELEVANT HISTORY

P1659.10 - Demolish a single storey rear extension and garage. Two storey rear extension, Juliet balcony, bay windows, external alterations, conservatory, garage and car port - Refused. Dismissed on appeal.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 8 neighbouring properties. One letter of representation was received outlining some queries. One letter of objection was received with detailed comments

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that have been summarised as follows:

- Strongly objects to the white eternit type cladding that was not detailed on the planning forms and was fitted to the dwelling prior to the application being determined. The cladding is not traditional sawn soft wood feather edge board.
- Work has commenced on the two projecting bays and there are few projecting bays on the surrounding buildings.
- The drawings do not indicate the relationship between each other and the boundaries. The overall site plan is not dimensioned.
- Permission for access during construction will not be given.
- There is no dimension between the rear building line of the dwelling and the front of the garage.
- The front elevation contains a stained glass window which is not shown on the plans.
- Does the construction of large dog kennels and breeding pens at the end of the garden require planning permission?
- Despite changes to the latest application, the overall footprint has not decreased significantly and appears to be contrary to Policy DC45 and PPG2 in respect of the 50% increase in overall volume.

Highway Authority No objection.

In response to the above comments, the fact that some of the development has commenced prior to the application being determined is not a material planning consideration. The application will be assessed on its individual planning merits. Comments regarding access during construction are civil matters and are not material planning considerations. The dog kennels being constructed in the rear garden are subject to investigation by the Enforcement Team. The plans do not have dimensions as they are to scale. There would be a separation distance of approximately 3 metres between the rear facade of the two storey rear extension and the front facade of the proposed garage. Replacing windows on part of an original dwelling does not require planning permission. The remaining issues are addressed in the following sections of the report.

RELEVANT POLICIES

Residential Extensions and Alterations Supplementary Planning Document

LDF: CP14, CP17, DC33, DC45, DC61

Policies 3.5 (quality and design of housing developments), 6.13 (parking), 7.4 (local character) and 7.16 (Green Belts) of the London Plan July 2011 are relevant.

Other: PPG2 Green Belts

PPS1 (Delivering Sustainable Development) and PPS3 (Housing)

STAFF COMMENTS

The issues to be considered in this case are the impact upon the Metropolitan Green Belt, design/street scene issues, amenity implications and any highway and parking issues.

It is noted from planning records that the garage was not built at the same time as the dwelling and therefore, it has not been included in the volume of the original dwelling. For the purposes of this application, the Planning Officer's calculations have been used to determine this application.

This proposal follows a previous planning application, P1659.10, to demolish a single storey rear extension and garage. Two storey rear extension, Juliet balcony, bay windows, external alterations, conservatory, garage and car port that was refused planning permission for the following reasons:

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1. The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. The Local Development Framework and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new building will only be permitted outside the existing built up areas in the most exceptional circumstances. The proposed development would, increase the volume of the original dwelling house by approximately 81% and would result in disproportionate additions over and above the size of the original building, which by virtue of excessive bulk and depth and position close to the boundaries of the site materially harm the character and openness of the Green Belt. No very special circumstances have been submitted in this case to justify such inappropriate development or the harm arising to the character and openness of the Green Belt at this point. The proposal is therefore contrary to Policy DC45 of the LDF Development Control Policies Development Plan Document, and PPG2 (Green Belts).

2. The two storey rear extension would, by reason of its roof form, excessive depth, scale, bulk and mass, appear dominant, overbearing and visually intrusive in the rear garden environment to the detriment of residential amenity contrary to the Draft Residential Extensions and Alterations SPD and Policy DC61 of the Local Development Framework Development Plan Document.

3. The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the Local Development Framework Development Plan Document.

4. The garage and car port would cumulatively, by reason of their excessive depth, scale and position close to the boundaries of the site, appear as a continuous development of substantial massing and bulk, which would be overbearing, dominant, visually intrusive and oppressive in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the Local Development Framework Development Plan Document.

In this respect, the current application differs from the refused scheme in the following key areas:

- The conservatory and car port have been removed from the proposal.
- The depth of the two storey rear extension has been reduced from 5 metres to 3 metres.
- The width of the garage has reduced from 4.8 metres to 4 metres. The depth of the garage has been reduced from 11 metres to 5 metres. The height of the garage has reduced from 3.7 metres to 3 metres.
- The roof over the two storey rear extension has changed from a crown roof with a hipped end to a twin hipped roof.

GREEN BELT IMPLICATIONS

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

In this instance the original dwelling had a volume of 305 cubic metres.

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The proposed extensions would amount to a total volume increase of 58% (or a volume of 177 cubic metres, as per staff calculations) over and above the original dwelling, contrary to Policy DC45 of the LDF Development Control Policies DPD. Although the volume of the proposal is contrary to Policy, it is deemed to be acceptable for the following reasons. The depth of the two storey rear extension has been reduced from 5 metres to 3 metres and the conservatory has been removed from the proposal, thereby minimising the impact of the proposal on the open nature and character of the Green Belt. The roof of the two storey rear extension has changed from a crown roof with a hipped end to a twin hipped roof, which has contributed to the reduction in volume of the proposal but also significantly improved its design. In comparison with the previous application, the volume of the proposal has reduced from 227 cubic metres (74% increase) to 177 cubic metres (58% increase). It is Staff's view that given the above amendments, the proposed extensions would not result in disproportionate additions over and above the size of the existing building, thereby overcoming the previous reason for refusal and dismissal.

It is noted that the garage has significantly reduced in size. The width of the garage has reduced from 4.8 metres to 4 metres. The depth of the garage has been reduced from 11 metres to 5 metres. The height of the garage has reduced from 3.7 metres to 3 metres.

Overall, it is considered that the proposal would not compromise the open nature and character of the Green Belt, although this is a matter of judgement for members.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The Residential Extensions and Alterations SPD states that large front extensions are generally unacceptable in Havering due to the adverse effect they can have on the appearance of the original house and the character of the street. In the exceptional circumstance of a front extension being acceptable, for example, in the case of a detached house set well back from the street or where the street comprises of an irregular building line, it must not project more than one metre forward of the main building line and must be designed to appear as part of the original house through employing matching finishing materials and roof style.

In this instance, the bay windows have a depth of 1 metre, which adheres to guidance. It is considered that the bay windows have been designed in sympathy with the dwelling and would appear in keeping with the streetscene.

It is considered that the cladding integrates well with the existing dwelling and would not appear visually intrusive in the streetscene.

It is considered that the two storey rear extension would not appear unduly prominent in the streetscene, as it would only be visible from an oblique angle.

It is Staff's view that the garage would not be harmful to the streetscene, as it has a pitched roof, has a relatively low height of 3 metres and would be set back a minimum of 23 metres from the southern boundary of the site.

IMPACT ON AMENITY

The Residential Extensions and Alterations SPD states that in most instances, an extension which closely matches the design of the original property in terms of roof style, materials and window size is likely to be the most appropriate design solution, particularly where the extension can be seen from the front or side of the property. In addition, the SPD states that for all two storey rear extensions, the roof should be pitched, set at right angles to the main roof and

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generally finished with a hipped end. In this instance, the storey rear extension has a twin hipped roof, which complies with guidance.

The SPD states that two storey rear extensions should project no more than 3 metres. In this instance, the depth of the two storey rear extension adheres to this guidance.

It is noted that the Shepherd & Dog Public House is located to the west of the application site. It is considered that the proposal would not adversely affect the Public House given its commercial use and its position to the rear of the application dwelling.

It is considered that the two storey rear extension would not result in a loss of light to No. 95 Shepherds Hill, as it would be approximately 3.5 metres from the eastern boundary, there is favourable orientation as the rear of the property faces North and the rear of No. 95 would project beyond the rear of No. 93 Shepherds Hill.

The Planning Inspector stated that the Juliet balcony would effectively amount to no more than a full-height window with railings across it. There would be no external surface to stand on, and thus no opportunity for overlooking in a sideways direction, towards No. 95 Shepherds Hill or any other neighbouring property. The Planning Inspector concluded that this feature would therefore not give rise to any greater degree of overlooking than a conventional window. Therefore, it is considered that the Juliet balcony would not result in undue overlooking and loss of privacy of adjacent occupiers.

The proposal features a new window and door on the eastern flank of the dwelling, although it is considered that they would not result in any undue overlooking as there is a concrete wall and timber paling fence on the eastern boundary.

The proposal features two first floor windows on the eastern flank of the dwelling, which serve a bathroom and en-suite. As such, a condition can be placed to obscure glaze and fix shut these windows with the exception of top hung fanlights if minded to grant planning permission.

The previous proposal included a car port and garage. In this instance, the car port has been removed from the proposal. In addition, the width of the garage has reduced from 4.8 metres to 4 metres. The depth of the garage has been reduced from 11 metres to 5 metres. The height of the garage has also been reduced from 3.7 metres to 3 metres. Taking into account the Planning Inspector's comments and the fact that the garage has been significantly reduced in size, it is considered that the garage would not result in a loss of amenity to neighbouring occupiers including No. 95 Shepherds Hill.

HIGHWAY/PARKING

The Residential Extensions and Alterations SPD states that a sufficient distance must be provided from the edge of the public highway boundary to the front of the garage to enable the garage door to be opened with a car standing in front of it. This will vary from a minimum of 6 metres for a traditional door or an up and over garage to a minimum of 4.8 metres for a roller door. In this instance, the garage would be set back a minimum of 23 metres from the public highway which is acceptable. It is considered that the proposal would not create any highway or parking issues.

KEY ISSUES/CONCLUSIONS

The proposed extensions would extend the cubic capacity of the original dwelling by 58%, which is moderately above the 50% volume criteria stated in Policy DC45 of the LDF Development

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Control Policies DPD. However, it is considered that amendments to the scheme have addressed the previous reasons for refusal and brought the scheme within the realms of acceptability. It is considered that the proposal would not result in disproportionate additions over and above the size of the existing building, nor would it compromise the open nature and character of the Green Belt. It is considered that the proposal would not be harmful to the streetscene or to the amenity of neighbouring occupiers. It is considered that the proposal would not create any highway or parking issues. For the reasons outlined above, it is recommended that planning permission be approved.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC10 (Matching materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. SC34B (Obscure with fanlight openings only)

The proposed first floor windows on the eastern flank of the dwelling shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. S SC08 (Garage) - restriction of use
7. M SC45A Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, no development under Classes A, B, C, D and E shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In the character and openness of the Metropolitan Green Belt

2 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP14, CP17, DC33, DC45 and DC61 of the LDF Core

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Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations SPD.

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

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APPLICATION NO:	P1292.11	
WARD :	Mawneys	Date Received: 17th August 2011
ADDRESS:	6 Collier Row Road Romford	
PROPOSAL:	Change of use of existing retail shop (A1 Class use) into take-away/restaurant (A3/A5 Class use) and extraction flue system to rear. Additional Plans Received 19.10.201	
DRAWING NO(S):	130.11/04 Revision A Proposed ground floor with site plan 130.11/02 130.11/04 Ordnance Survey map 130.11/01 130.11/03 130.11/05	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

This application has been called in by Councillor Ower due to concerns regarding the impact of noise and parking on local residents.

RECOMMENDATION

It is recommended that planning permission be granted.

SITE DESCRIPTION

Three storey mid-terrace with a vacant retail shop at ground floor and residential above. Surroundings: Commercial row of shops with dwellings above. The site is located within the retail core of Collier Row Minor District Centre.

DESCRIPTION OF PROPOSAL

The application is for a change of use from retail (A1) to a takeaway/restaurant (A3/A5 use) and extraction flue to rear. It is proposed to use the premises for a pie and mash shop.

Opening hours are proposed to be 08:00 to 23:00 Monday to Saturday and 09:00 to 22:30 on Sundays and Bank Holidays.

The application is accompanied by indicative floor plans which indicate the provision of a seating area, service bar, kitchen, toilets and cold room.

In order to provide suitable extraction to the kitchen area an extraction duct is proposed on the flat roofed single storey rear projection of the building. Part of the ducting would overhang the flat roof of the building and would be supported by brackets. The duct would have dimensions of 5.4 metres in depth by 0.3 metres in width by 1 metre in height.

RELEVANT HISTORY

No relevant planning history.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 40 local addresses. Six letters of objection was received (two of which were from the same address) including a letter from Councillor Trew with detailed comments that have been summarised as follows:

- Lack of parking. The alley way to the rear of the property is congested with delivery lorries and vans.
- Litter.
- Noise.
- There are too many takeaway/restaurants in the immediate area.
- The Council should encourage different types of businesses into the area.
- Anti-social behaviour issues.
- Commented that Council checks are less rigorous for mixed restaurant and takeaway uses.
- Queried as to why opening hours and the type of food to be sold are not stipulated.
- The Council focuses on business rates, as opposed to assessing planning applications.
- Detrimental impact on community shops and services due to additional competition.

In response to the above, comments that the Council should encourage different types of businesses into the area and comments regarding business rates are not material planning considerations, as each planning application is determined on its individual planning merits. The opening hours have been provided by the agent. Comments regarding the type of food sold are not material planning considerations. The remaining issues are covered in the following sections of the report.

Crime Prevention Design Advisor There are no material objections concerning any crime or community safety issues that may be raised by this application.

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

Highways Authority - No objection. There is currently available uncontrolled on street parking in the immediate vicinity and a Pay & Display car park within a short distance of the site, which is adequate.

RELEVANT POLICIES

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

STAFF COMMENTS

The issues arising from this application are the principle of the development, including the impact of the proposed change of use on the retail vitality and viability of the Minor District Centre, impact on residential amenities and highways/parking.

PRINCIPLE OF DEVELOPMENT

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

- The use provides a service appropriate to a shopping area;

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- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Not more than 33% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

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

The proposed restaurant and takeaway would provide services appropriate to this Minor District Centre of Collier Row Road and therefore would contribute to the vibrancy and vitality of the locality.

The proposed use would not result in a group of three or more adjoining A2-A5 uses or other non-retail uses. In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between Nos 2 and 24 Collier Row Road. The frontage begins at the Special Moments Bridal & Evening Wear (No. 2 Collier Row Road) and ends at Barnardos charity shop at No. 24 Collier Row Road. This frontage has a total length of 66 metres.

There are 12 units within this parade. The three non-retail uses comprise No. 8 Chop Suey Centre Chinese takeaway, No. 16-18 - Lloyds TSB Bank and No. 20 Bairstow Eves estate agent. These three non-retail uses with a frontage measuring 20 metres, represents 31.8% of the total length of the parade in non-retail use. The proposed change of use at No. 6 Collier Row Road (with a frontage of 5.1 metres) would result in 39.6% of the total length of the parade in non-retail use, exceeding the 33% given in policy.

The agent has advised that as landlords, they took possession of the property from Carlos Cycles Ltd in February 2011. The property has been marketed to let since then. The majority of applicants for lease have been catering companies requiring premises for A3/A5 use. As the premises are within A1 use class, the agent has rejected their approaches. The agent stated that it has become increasingly difficult to attract applicants within use class A1.

Although the change of use would be contrary to Policy DC16, it is considered that on balance, the A3/A5 use would be acceptable, particularly as it would be bringing a vacant A1 retail unit back into use, which would contribute positively to the vitality of Collier Row Minor District Centre. The proposed use would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open seven days a week during normal shopping hours. For the above reasons, the change of use is a matter of judgement for members.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the extraction flue would not adversely affect the streetscene, as it would be located on the flat roofed single storey rear projection of the building.

IMPACT ON AMENITY

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.

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

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

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

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

In this instance, opening hours are proposed to be 08:00 to 23:00 Monday to Saturday and 09:00 to 22:30 on Sundays and Bank Holidays.

It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located on a relatively busy main road with arguably higher ambient noise levels throughout the week. Consideration has been given to a closing time of 22:30 on Sundays and Bank Holidays, although this time is comparable with other premises in the vicinity of the site.

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 located on the flat roofed single storey rear projection of the building. Whilst the layout of the ducting is unusual, it is considered that the extract ducting would not result in a significant loss of amenity to neighbouring properties, as the flue itself would be approximately 10 metres from the residential properties on the first floor of the building. In addition, a condition from Environmental Health will be placed in respect of odours.

HIGHWAY/PARKING

There are two parking spaces for staff to the rear of the site, which are accessed from Hampden Road. The application site has no off-street car parking facilities for customers. There is

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currently available uncontrolled on street parking in the immediate vicinity and a Pay & Display car park within a short distance of the site, which is adequate. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. It is considered that the proposal would not result in any highway or parking issues. Servicing would take place from the rear of the unit.

KEY ISSUES/CONCLUSIONS

Although the change of use would be contrary to Policy DC16, it is considered that on balance, the A3/A5 use would be acceptable, particularly as it would be bringing a vacant A1 retail unit back into use, which would contribute positively to the vitality of Collier Row Minor District Centre. It is considered that the opening hours are deemed to be acceptable. It is considered that the proposal would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 23:00 on Mondays to Saturdays and 09:00 and 22:30 on Sundays and Bank Holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. S SC58 (Storage of refuse)
5. Non standard condition
Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

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6. Non standard condition

Before the use commences, the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building.

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

7. Non standard condition

Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

8. Non standard condition

Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

3 INFORMATIVES:

1. Reason for approval:

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

2. The applicant should have regard to the following guidance and issues:

Guidance is provided in:

* The Food Industry Guides to Good Hygiene Practice:

* Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

* Further information is available at the following web sites:

* Food safety www.food.gov.uk/foodindustry/

* Occupational safety & health www.hse.gov.uk

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Food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our website:
online.havering.gov.uk/officeforms/licence_food_business.ofml.

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