

Regulatory Services Committee

25 August 2016

Application No.	Ward	Address
P0325.16	St Andrews	31 High Street, Hornchurch
P0472.16	Emerson Park	269 Wingletye Lane, Hornchurch
P0722.16	Brooklands	Crow Metals, Jutsums Lane, Romford
P0821.16	Hylands	156 Osborne Road, Hornchurch
P0907.16	Hacton	Hacton Primary School, Chepstow Avenue, Hornchurch
P0979.16	Mawneys	5-7 Collier Row Road, Romford

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 25th August 2016

APPLICATION NO. P0325.16
WARD: St Andrew's
ADDRESS: 31 High Street
Hornchurch
PROPOSAL: Demolition of former Mecca Bingo Hall
DRAWING NO(S): Red Edged Site Location Plan (Scale 1:1250)
"RJ Demolition Limited" Demolition Statement
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

Date Received: 3rd March 2016
Expiry Date: 28th April 2016

BACKGROUND

The application was deferred at the Committee meeting on 30 June 2016 in order for the applicant explore the potential for adjusting the demolition proposal, with Members placing particular emphasis on examining the scope of retaining the front facade of the building.

Staff can report that this matter has been given consideration by the applicant, Lidl, and an additional report has been prepared and submitted. In summary the report states the following:

Lidl have carefully considered the proposed development and the Council's wish to retain the facade. The report states that Lidl have come to the conclusion that it would not be viable to retain the facade due to the following key reasons:

- Loss of original heritage value (through previous alterations to the building)
- No statutory protection of the building
- Viability issues and implications for the scheme

Further detail is provided in the submitted report and the above points are explored in the following extracts:

"LOSS OF ORIGINAL HERTIAGE VALUE

According to the Heritage Statement provided by Montague Evans for the pending demolition application (Ref no. P0325.16), the following architectural description applies to the former Towers Cinema building:

'The facade was originally symmetrical with the entrance through double doors, beneath a canopy with glass booths flanking the steps. The first floor had a double height space with horizontal banded windows within recessed astylar set of $\frac{3}{4}$ columns. There was a banded detail on the top of the building which mirrored the location of a cornice on a classical building.

The name 'Towers' was inset into the upper part of the facade. The main facade on High Street

was clad in faience, and all of the other external walls retained their exposed brick appearance. Later works covered this lettering and it was only in the later twentieth century that the original letters were once again exposed during further building works.'

The former Towers Cinema building is neither a statutory listed or locally listed building and as such over the years a significant number of changes have been made to the external appearance of the original building. These changes include:

- Removal (potentially covered) of the glass booths on the building frontage
- Addition of a wheelchair ramp
- Addition of modern style entrance doors
- Removal/ covering of the original glazed faience tiles and other decorative architectural features above ground floor level
- Removal/ Recladding of the original cinema canopy
- Signage and painting of the building frontage

These alterations, additions and changes arguably detract from the true architectural merit and historic interest of the existing building. There is a distinct lack of existing features which link the building back to its historic 1930s roots and therefore the building has lost a great deal of its original character. The only remaining feature is the 'Towers' High Street facade, located centrally in the building frontage, however attention is detracted from this feature due to subsequent painting of the building frontage and addition of a modern fascia sign advertising the Mecca Bingo Hall. The remainder of the building showcases unsympathetic and austere brick eastern and western elevations.

Further to this, the building is not located within a designated Conservation Area according to the Local Plan, so the loss of this building facade will arguably have no impact on other buildings of similar or complementary architectural style within the vicinity of the building or in the wider urban area. We understand from the Officer's Report for the pending demolition application that the Council do not believe that removal of the building would create unnecessary harm to the character of the streetscape. It is clear therefore that the significance of the historic building has not been fully retained and historic quality has diminished."

The report goes on to cover the second key point, outlining the following:

"NO STATUTORY PROTECTION OF THE BUILDING

As previously stated, the building is subject to an Asset of Community Value listing and the building was added to the Council's 'Community Assets' list on 13 June 2016, after being nominated successfully by the Save the Towers Cinema Building Action Group. The principle legislation associated with Assets of Community Value is the Localism Act 2011 and the Asset of Community

Value (England) Regulations 2012. The Assets of Community Value Policy Statement September 2011 sets out greater clarity on key aspects of the regulations relating to Assets of Community Value.

While we understand that inclusion of a building on the list of 'Community Assets' is a consideration in determining of a planning application, the policy statement document clearly

states that 'the provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership.' The key point to be drawn on here is the limited weight that is given to the importance of the heritage of the building by the decision to list it as an Asset of Community Value as opposed to affording it 'Listed Building' status under the National Heritage List for England. The Asset of Community Value provision cannot prevent demolition of a building, rather it allows community members to identify a building of community importance and help them to secure a 'community right to bid' should the owner decide to dispose of the listed asset. As we have set out above, Lidl have acquired the site in full and currently have no plans to seek its disposal.

We understand that a formal request was made to Historic England to achieve listing on the building. As previously mentioned, to date the building remains unlisted and excluded from Historic England's 'Listed Buildings' and we understand from the Officer's Report that this decision was taken by Historic England on account that losses to the original design of the building have been so significant that it does not merit national listing. The fact that the building is not listed shows that statutory weight has not been awarded to protect the building and therefore there is no emphasis placed on the building holding any significant heritage value.

While we appreciate that the building may be viewed with affection by community members and hold a local historic interest, we believe that there is not a strong planning case for retention of facade due to the fact the building has not been recognised as a building of architectural merit and there is no listed building status in place to justify retention of the building frontage. Further to this, we believe that substantial wider public benefit is to be gained by bringing a site which is currently vacant back into use through developing a new food store which would substantially outweigh any deemed loss of a locally historic asset."

Lastly, the third identified issue is discussed and the following extract from the report states:

"VIABILITY ISSUES AND IMPLICATIONS FOR THE SCHEME

If Lidl were required to retain the building facade, it will have implications for the viability for the scheme and could potentially jeopardise the introduction of a new food store to the site. This would be regrettable given the fact that a new food store would draw in more trade to the town centre, provide local employment and enhance the existing retail convenience provision of the district centre.

Lidl wish to demolish the building including the facade in order for them to be able to deliver a store that suitably fits their business model. Lidl have developed a successful and proven retail format which reflects their operational characteristics of a 'hard' discount seller within the convenience retail market. Lidl offer high quality products at low prices and their stores are limited to the type of convenience goods and services they sell. They provide a relatively limited range of products to allow them to offer discounted prices and remain competitive. Therefore due to the nature and scale of provision at Lidl stores, it is important that Lidl can follow the strict operational requirements needed to allow them to viably provide customers with this niche type of retail offer."

CONCLUSIONS

The report concludes that the building does not hold substantial architectural and historic importance to justify its retention, which is demonstrated through the limited weight afforded to it in planning terms by way of its lack of Listed Building status (both nationally and locally) and its subsequent listing as an Asset of Community Value. The conclusion goes on to state that in policy terms an emphasis has been placed on a 'community right to bid' as opposed to statutory protection of the building's features and therefore there is no planning policy restriction on demolition or removal of the building facade.

The report contends that retaining the facade will have substantial operational and cost implications for successfully bringing forward the new Lidl food store which could potentially compromise the wider benefits to the community. The report outlines that the wider benefits would include the introduction of additional retail convenience provision for the district centre which enhances the vitality and viability of Hornchurch district centre and provides important local employment opportunities.

The report also outlines Lidl's willingness to salvage the 'Towers' lettering from the facade and create a public art installation at street level. Lidl raise the point that this would help to integrate a piece of the site's past history within the new scheme and would create a focal interest on the frontage of the new store. A revised demolition method statement has also been submitted which sets out the accompanying detailed method for the removal of the lettering from the facade and its storage ready for re-use in the subsequent redevelopment of the site. An indicative elevation drawing has also been prepared demonstrating how the 'Towers' lettering could be used as part of a new Lidl food store.

The report originally presented to the committee on 30 June is replicated below.

SITE DESCRIPTION

The application relates to the former Mecca Bingo hall at 31 High Street, Hornchurch. The building, formerly known as the Towers Cinema, was constructed in 1935 and operated as a cinema until 1973 when it was converted to a bingo hall. The building has been vacant since late 2015. The site comprises the large former cinema building with a characteristic 1930's Art Deco frontage facing onto High Street. The building is set within the south western corner of the plot with an associated car park located to the north and east. The main access to the site is from High Street.

The land is designated in the LDF as being within the fringe area of the Hornchurch Major District Centre, although the site is also surrounded by residential accommodation to the north, south and west.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the demolition of the former Mecca Bingo hall at 31 High Street, Hornchurch.

Planning permission is required for the demolition of the building because the Council has issued an Article 4 Direction which removes Part 11, Class B permitted development rights, which ordinarily allow demolition without planning permission, subject to prior approval process.

At this stage no further details of any proposed redevelopment of the site have been provided and it is just the demolition of the existing building and the subsequent cleared site remediation works that are being considered.

An accompanying demolition method statement has been submitted which outlines that the site would be secured with hoardings prior to demolition. The demolition process would commence using high reach machines with hydraulic attachments. Excavators would be used when the building is at a safe height and the building would be brought down to ground level foundations. Concrete and brick would be crushed and left on site.

The applicant has stated that works would be carried out between the hours of 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday, with no works taking place on Sunday.

RELEVANT HISTORY

- F0004.15 - Determination whether prior approval required for the demolition of the building at 31 High Street, Hornchurch.
Non standard dec 05-10-2015
- P1349.12 - New shopfront and roller shutter.
Apprv with cons 04-06-2013
- P0842.10 - Extension to existing smoking area including new giant umbrella and associated external upgrading works.
Apprv with cons 02-08-2010
- P0789.07 - To erect a side smoking shelter
Apprv with cons 18-06-2007
- P1150.96 - Paving works to front entrance area
Apprv with cons 15-11-1996

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 110 properties and 6 letters of objection and 6 letters of support have been received. The comments raising objections can be summarised as follows:

- A huge shame to lose such a historic part of Hornchurch. The 1930's Art Deco building is a part of Hornchurch, it would be awful to lose it completely.
- Access into Fairkytes Avenue would cause more congestion.

The comments in support of the application can be summarised as follows:

- The building has served its purpose and presents an opportunity to enhance the area.
- To leave the building as it is will invite vandalism, attract vermin, promote illegal drug use and generally create a stain on the face of Hornchurch and the redevelopment of the site to a supermarket would regenerate this end of High Street.
- We would much rather see a flourishing shop than a derelict building.
- The building is an eyesore.

The Cinema Theatre Association - object to the proposed demolition due to its architectural quality and heritage significance including both internal and external features in excellent condition. The building should be added to Havering's schedule of buildings of Local Heritage Interest and the Langtons Conservation Area should be extended to include and protect it. Through the Borough's corporate well-being role, the Council should pro-actively seek appropriate new uses for this fine, prominent building.

Twentieth Century Society - object to the proposed demolition as the building and maintain that it is a non-designated heritage asset of local importance and considerable architectural significance. The building is a fine example of a streamline modern style, with bold pilasters, carved panels and casement windows providing vertical contrast to the fluid cornicing and string courses which run horizontally across the facade. Internally the auditorium retains much of its original decoration. The proscenium arch remains in situ and is flanked on either side by full height niches with decorative grilles and balconettes. There is rich arabesque detailing to the skirting and dado, as well as strong horizontal moulding bands and detailing to the ceiling panels. So much of the original circle seating remains as do a number of polished walnut doors and brass fittings throughout. The comments go on to state that the Twentieth Century Society are concerned that the proposed demolition has not been supported by robust justification, or evidence that alternative retention and reuse strategies have been explored as required by the NPPF.

Greater London Archaeological Advisory Service (GLAAS) - the proposal is unlikely to have significant effect on heritage assets of archaeological interest. No further conditions are therefore necessary.

Local Highway Authority - no objection, recommended conditions relating to vehicle cleansing.

Environmental Health - no comments.

RELEVANT POLICIES

LDF

- CP04 - Town Centres
- CP08 - Community Facilities
- CP17 - Design
- CP18 - Heritage
- DC27 - Provision of Community Facilities
- DC32 - The Road Network
- DC55 - Noise
- DC61 - Urban Design
- DC67 - Buildings of Heritage Interest
- SPD02 - Heritage SPD

OTHER

LONDON PLAN - 2.15 Town Centres

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LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.8 - Heritage assets and archaeology

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is for the demolition of the existing building only so there is no increase in floorspace. As such the proposal is not liable for any Mayoral CIL payments.

STAFF COMMENTS

The main considerations relate to the loss of a characteristic 1930's art deco building, the impact on the character and appearance of the streetscene and the implications for the amenity of neighbouring occupiers during the proposed demolition process.

It is important to note that this application is solely considering the proposed demolition of the existing building and the subsequent site clearance works. At this stage no further details of any proposed redevelopment of the site have been provided.

BACKGROUND

The building, formerly known as the Towers Cinema, was constructed in 1935 and operated as a cinema until 1973 when it was converted to a bingo hall. In 2015, the building and associated land was sold to the Lidl supermarket group and the bingo hall ceased operation shortly afterwards. The building is currently vacant.

In September 2015 an application was submitted by the Lidl group seeking determination as to whether prior approval is required for the demolition of the building. In response the Council issued an immediate Article 4 Direction on 2 October 2015, removing permitted development rights for demolition, as there was an imminent threat the building could be lost at the same time that it was being considered by Historic England to be added to the List of Buildings of Special Architectural or Historic Interest.

On 13th November 2015, Historic England confirmed that the Secretary of State for Culture, Media and Sport had decided not to list the building based upon a the findings of a Historic England advice report, which assessed the building's historic interest and found that the criteria for listing were not fulfilled.

Nevertheless, in view of the level of detail submitted with the application for demolition and the potential for a significant adverse impact on local residents it was considered that prior approval of the method of demolition and site restoration would be required.

Notwithstanding this, permitted development rights for demolition of the building were removed by virtue of an Article 4 Direction, issued on 2 October 2015.

PRINCIPLE OF DEVELOPMENT

Policy DC27 seeks to protect community facilities from redevelopment stating that community buildings provide important facilities in which people can meet and interact. The policy recognises that they need to be close to places where people live to serve local communities. Policy CP8 sets out that the Council will ensure that a suitable range of community facilities are provided to meet existing and forecast demand. However, crucially the policy does not identify a Bingo Hall use as a community facility.

In terms of use class; the building at 31 High Street has a D2 assembly and leisure use. In its current guise there is no permitted change under the use class order to a community facility and as such planning permission would be required to change the use of the building to a recognised D1 community use.

Whilst it is acknowledged that the former Bingo Hall served a valuable leisure purpose within the local community for many years, ultimately Mecca Bingo was a commercial venture that decided to close and the building has remained vacant since November 2015. In planning terms the former Bingo Hall is not therefore regarded with the same significance as for example a community hall or education/health facility.

Taking into account the current landuse at the site and the relevant LDF policies, the proposed demolition of the former Bingo hall would not result in the loss of a community facility from a planning perspective. As such there is no objection in planning policy terms and the demolition of the building is considered to be acceptable in principle subject to the consideration of other key factors discussed later in the report.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The existing building at 31 High Street comprises a large and conspicuous detached structure, with a grand frontage and considerable scale and bulk. As such the former Bingo Hall forms a prominent feature in the streetscene along this section of High Street.

In terms of the site surroundings the building stands significantly taller than the two-storey parade of shop units immediately to the west of the site at 23-27 High Street. In addition the former Bingo Hall is considerably larger in terms of height and bulk in comparison to the shop units to the east at 35-37 High Street, which lie beyond the main car park entrance.

The wide car park entrance currently provides a sense of openness between the buildings and serves to break up the continuous built form which stretches out along High Street from Hornchurch town centre. Whilst it is recognised that the loss of the substantial building in this location would change the appearance of the streetscene significantly, Staff are of the view that its removal in terms of physical presence would not be unduly harmful to the character of the streetscene. Given that there is already an element of spacing between the buildings in this part of High Street it is not considered that the loss of the former Bingo Hall would unduly harm the rhythm of the built environment or result in an incongruous amount of spacing between the remaining buildings on High Street.

IMPACT ON AMENITY

The existing building is substantial and lies close to residential properties. As such the demolition has the potential to have a significant adverse impact on residential amenity.

The main impacts would be from noise and dust, but there could also be impacts from traffic moving materials from the site. There is currently no planning application for the redevelopment of the site following the demolition of the building, therefore, the site would need to be restored to a tidy state prior to the determination of any future planning application for new development.

The submitted demolition statement outlines that noise levels on site will be kept to a minimum

through the use of shears and concrete pulverisers. The concrete and brick would then be crushed and left on site, which would not result in additional traffic movement in the form of tipper trucks or heavy vehicles.

In addition the demolition works would be limited to between the hours of 8am to 6pm on Monday to Friday and 8am to 1pm on Saturday, with no demolition works carried out on Sunday. The use of Fairkytes Avenue for demolition works traffic will also be restricted to ensure any vehicle access is taken from High Street.

It is also noted that the demolition process would be undertaken over a temporary period and as such any disruption to the amenity of neighbouring residents would be for a relatively short period whilst the works are completed.

Demolition works aside, it is noted that the existing building is substantial and the proposal to demolish it would result in the removal of a significant mass within the rear garden environment for the properties along Fairkytes Avenue. It could therefore be argued that the removal of the building would improve outlook and amenity for these residents. Conversely, it is also recognised that residents may regard the building's long standing presence, its function and design to be a benefit as they are not currently overlooked from the site.

Taking above analysis into account, it is considered that the proposals would not adversely impact upon residential amenity.

HIGHWAY / PARKING

As the application is for the demolition of a building the proposal raises no immediate issues in relation to off-street car parking provision.

In terms of the impact on the surrounding highway network resulting from demolition vehicles, it is noted that the former Bingo Hall occupies the south west corner of the site, with the remaining area comprising a relatively flat tarmacked car parking area. It is considered that the site therefore offers a considerably generous amount of spacing to accommodate vehicles and materials associated with the demolition process.

OTHER ISSUES

HERITAGE CONSIDERATIONS

As mentioned previously, the building was assessed by Historic England in November 2015. After examining all the records and other relevant information and having carefully considered the architectural and historic interest of the building, the criteria for listing were not deemed to be fulfilled.

Whilst Historic England consider that the former Towers Cinema possesses local architectural and historic interest, it was not of the quality or intactness to merit national listing. In summing up their assessment Historic England stated that they already have a good understanding of cinemas of this period nationally and comparison with listed contemporaries demonstrates that the former Towers Cinema is not of their calibre despite the survival of some original features (most notably in the auditorium). However, in Historic England's view, losses to the original design are significant.

Therefore the building was not added to the statutory List.

Nevertheless, Historic England's accompanying assessment report does state that it is clear from responses to the listing case consultation that the building is viewed with affection by members of the local community. For this reason, and as an example of Kemp and Tasker's design for a local chain, the building may be considered to have local architectural and historic interest, despite the fact it does not meet the criteria for listing from a national perspective.

A series of buildings of local heritage interest are recognised by Havering as heritage assets, and are valued by the community for their contribution to the history, appearance, character and cultural role of Havering. Whilst it is noted that the former Bingo Hall includes characteristic 1930's Art Deco features and detailing, the building is not currently included in Havering's register of buildings of local heritage interest. As such it currently has no special protection as a locally listed building, but given the comments made by Historic England, it could reasonably be recognised for its value as a non-designated heritage asset.

The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The NPPF also sets out useful guidance with regard to proposed development that would lead to the total loss of a designated heritage asset. Whilst it is not directly applicable in this instance, given the non-designated status of the former Bingo hall building, it does set out a series of criteria for Local Authorities to consider. Of particular note is the consideration as to whether the loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or the harm or loss is outweighed by the benefit of bringing the site back into use.

The site has been vacant since the Bingo Hall closed in November 2015 and given its unique characteristics it would not necessarily be easily adaptable to another commercial or retail use. It is also recognised that there is a likelihood for the building to remain unoccupied in the short to medium term, which could pose additional risks with the building suffering from deterioration, vandalism and the potential to attract anti-social behaviour. Consequently, these issues could result in a significantly negative and problematic impact on the quality of the local environment.

Although no further details of any proposed redevelopment of the site following demolition have been provided, it is acknowledged that the site has been purchased by the Lidl group, and the removal of the former Bingo Hall building would therefore appear to be critical to the future redevelopment of the site and associated car park area. As a result it is considered that the demolition of the former Bingo Hall would be the first stage in a process towards the comprehensive redevelopment of the site and could aid the potential for unlocking further regeneration benefits for the this part of Hornchurch town centre.

In addition, it is noted that the building is not within a Conservation Area. Had the building been located within one, then knowledge of what would replace the existing building would be a material consideration in judging whether demolition could be supported. As this building is outside of any Conservation Area, a similar assessment is not appropriate. In Staff's view, this limits the extent to

which Members could insist on seeing such details upfront. It is recognised however that this is a matter of judgement which Members may wish to consider.

ASSET OF COMMUNITY VALUE (ACV)

The Localism Act 2011 introduced a new right for the community to nominate to the Council certain local publicly or privately owned buildings (or land) for recognition as being an Asset of Community Value (ACV).

A building or land can be listed as an ACV if:

- The current primary use of the building/land or use of the building/land in the recent past furthers the social well-being or social interests (cultural, recreational or sporting interests) of the local community.
- It is realistic to think that now or in the next five years there could continue to be primary use of the building/land which will further the social well-being or social interests of the local community (this does not have to be in the same way as before - though it can be).

An application was received by the Council in February 2016 to list the former Bingo Hall building as an ACV. The application was made by an unincorporated group of 21 local people.

The Council has recently determined that it will accept the application and list the building as an ACV. What this listing does in practice is to put in place provisions to ensure that the community have an ability to express an interest and prepare a business plan/finance if the current owner (Lidl) decides to sell the building. There is an overall moratorium of 6 months involved if the owner decides to sell. The owner can sell to whoever they choose at the end of this 6 month period but they can sell to a community group at any time before then.

It is important to note that the ACV in itself does not prevent or stop demolition of the former Bingo Hall and the ACV only becomes effective if the owner decide to sell the building on.

At present, the listing of an ACV is not automatically treated as a material consideration when determining planning applications relating to the building/land. The Department of Communities and Local Government (DCLG) Guidance advises that it is a matter for the local planning authority to decide as to what degree of weight should be attached to any listing when assessing a planning application involving the building or land.

In this instance Staff are of the view that given the site has been purchased by the Lidl group, there is limited scope that the building will come up for sale again in the immediate future. As such the opportunity for the nominating community group or others to acquire the building for a future Bingo Hall, cinema or other versatile community group venue appears to have passed and as a result of these factors, Staff are of the opinion that the ACV listing should be given limited weighting in the overall assessment of whether the demolition of the building is acceptable in planning terms.

Staff recognise that this issue is a matter of judgement and invite Members to consider this issue carefully.

KEY ISSUES / CONCLUSIONS

In presenting this report, it is recognised that certain elements of the community have lobbied for the building's retention.

The building serves as a very visible local landmark and has architectural merit as well as a historical legacy for recreational use. This function has now ceased and attempts to have the building formally protected through listing due to its architectural and historic quality have not been supported.

In conclusion, Staff consider there is not an overwhelming planning case for the retention of the building when balancing this against the regeneration prospects for the town centre through a redevelopment of what is currently a vacant site. Staff neither consider that the demolition of the building would have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable and it is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. SC57 Wheel washing (Pre Commencement)

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted demolition statement (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC62 (Hours of construction)

All demolition operations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. No access from Fairkytes Avenue

Fairkytes Avenue shall not be used by any works traffic during the demolition of the building hereby approved.

Reason:-

To protect the amenity of neighbouring residents and in the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 25th August 2016

APPLICATION NO. P0472.16
WARD: Emerson Park Date Received: 31st May 2016
Expiry Date: 2nd September 2016
ADDRESS: 269 Wingletye Lane
Hornchurch
PROPOSAL: Extension and conversion of garage.
DRAWING NO(S): Land Registry Site Plan - NGL 104943
2016:083:01
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

A call in has been received from Councillor Glanville on the grounds that there is no clear description as to what the workshop will be used for, which may give rise to noise and other pollution, and the French doors which open towards the adjacent property may also be a source of noise.

SITE DESCRIPTION

The application site comprises of a two storey semi-detached dwelling location within Sector 3 of the Emerson Park Policy Area. The application dwelling is constructed of red face brick with a detached garage set to rear of the house, of a similar finish. Parking is available to the front and side of the dwelling. The ground level slopes downhill from north east to south west within the site.

The site is bounded by a close board fence on either side at the rear of the property and the neighbouring property at No.267 has conifer trees within their garden along the boundary. A similar arrangement exists along the rear boundary of the site with 54 Sylvan Avenue. The surrounding area is characterised by single and two storey dwellings of various style and designs.

DESCRIPTION OF PROPOSAL

The application has been submitted seeking planning permission for an extension and conversion of the existing garage. The proposed extension would measure approximately 6m deep, 2.75m wide with an eaves line of 2.35m and an overall height of approximate 4.25m to the top of the pitched roof.

Two roof lights are proposed in the roof of the extension with glazed elevation to the rear. The converted garage and extension would be used for storage, a workshop and a study area with a toilet within the proposed extension.

RELEVANT HISTORY

ES/HOR 1077/52 - 1 of 33 houses - Approved.

CONSULTATIONS / REPRESENTATIONS

Neighbours were notified regarding the application. At the time of drafting this report, the neighbour consultation period had yet to expire but it is noted that one letter of representation was received with the comments summarised below. Members will be updated verbally at the Committee of any additional representations received.

- Overall size of the proposal and will be extremely dominant within the small plot.
- Suitable use for the plot - out of proportion.
- Proposal is out of character.
- Design, position and size of proposal will impact on the visual amenity and by the noise created.
- Loss of privacy.
- Noise and/or smell pollution.
- Foliage which would screen the proposal is bare three quarters of the year.
- Garden space is an area which should be enjoyed by all.
- Sense of enclosure from proposal and other extensions approved to other neighbouring properties.
- Will there be enough parking within the site once the garage has been converted.
- Plans show the proposal suitable for work or business in a residential location.
- Also, proposal could be used at a later stage as an annexe or living accommodation.
- Basic rights should be retained for residents and not just applicants.
- Reference to other planning applications and their impact.
- Outlined why was proposal not built closer to the house which would minimise the impact.

In response to the residents comments, all the comments will be taken into consideration, however, Staff are only able to assess the impact the proposal submitted and the other planning applications previously approved cannot be considered as part of this assessment. As with all planning applications, each application is determined on their individual merits.

Consequently, issues relating to noise, smells, disturbance or parking demand are not relevant to consideration of this application.

The Council's Highways Department has no objections to the proposal.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC61 - Urban Design
- DC69 - Other Areas of Special Townscape or Landscape Character
- SPD04 - Residential Extensions & Alterations SPD
- SPD05 - Emerson Park Policy Area SPD

OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture
- NPPF - National Planning Policy Framework

STAFF COMMENTS

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposed converted garage would retain a garage door which would be visible from the street. It is considered the proposed garage conversion would not impact on the street scene.

The proposed extension to the garage would be to the rear of the existing garage and therefore would not be visible from the street scene but would be noticeable within the rear garden environment. The proposed extension to the garage would be on the same alignment and to the same height as the existing garage, 6m deep with an eaves line of 2.35m rising to an overall height of 4.25m.

The boundary adjacent to No.267 Wingletye Lane tapers and as result, although the existing garage is close to the boundary at the front the proposed rear elevation would be set off the boundary to the rear by approximately 0.8m. In addition, the proposed garage extension would be set off the rear boundary adjacent to No.54 Sylvan Avenue by a minimum of 7m.

From inspection of the site and its surroundings, it is noted that there are various styles and designs of sheds and garages along Wingletye Lane and the neighbouring gardens within Emerson Park Policy Area as a whole. Staff consider that the building, though quite long in combination with the original garage, satisfactorily integrates with its surroundings and is not unduly obtrusive. No objections are therefore raised to the development from the visual impact point of view.

IMPACT ON AMENITY

The proposed extension and conversion of garage would be located close to the boundary of No.267 Wingletye Lane, however, the proposal would be screened by the fence and neighbouring conifer trees. In addition, the proposed extension would be set off the boundary with No.271 Wingletye Lane and No.54 Sylvan Avenue by a minimum of 7m.

No flank windows are proposed and the half glazed timber door on the side elevation adjacent to No.271 would be sufficiently removed from the boundary not to have any adverse impact. Furthermore, there is a close boarded fence along the common boundary.

The proposed extension would have a fully glazed rear elevation which would look onto the rear boundary of the site adjacent to No.54 Sylvan Avenue. The proposal would be set off this neighbour's boundary by a minimum of 7m. It is considered the boundary treatment, the separation and distance and the foliage would be sufficient to mitigate the impact of the proposal.

As previously stated, the outbuilding has an eaves line of 2.35m rising to an overall height of 4.25m high. The roof of the outbuilding would be hipped away from both of the neighbouring properties on either side which reduces the potential impact on the neighbouring rear gardens in terms of light loss or overshadowing.

Staff consider the proposed conversion and extension of the existing garage would not unacceptably impact on the neighbouring properties and is acceptable from the neighbourliness point of view.

Safeguarding conditions to prevent the formation of any flank windows and to ensure the development is only used for ancillary use to the dwelling house and not for any trade or business are recommended in the event that planning permission is granted for this development.

HIGHWAY / PARKING

Although, the use of the garage will be lost, parking is available to the front and side of the dwelling house which will allow the Council guidelines for a minimum of two parking spaces for a property of this size to be comfortably met.

The Council's Highways Department has no objections to the proposal and no highway or parking issues are raised as a result of the proposal.

OTHER ISSUES

Concerns have been raised regarding the intended use of the proposed garage conversion and extension to the existing garage. The Council, as with all applications, accept any submission in good faith and assess them in respect to the information provided as part of the application.

Part of the existing garage would be used for storage and the other converted part as a workshop with the extension being used as a study which would be ancillary to the main dwelling house.

The applicant has highlighted on his application form that the proposal is to create an office space to store files and have a desk to enable working from home. The proposal will also be used for pleasure but it is clearly indicated on the application form that no clients will be visiting the property.

KEY ISSUES / CONCLUSIONS

The design of the proposed conversion and extension to the existing garage would be acceptable. Staff consider the proposal would not unacceptably impact on the amenity of the neighbouring properties and no loss of privacy would result.

The proposal is considered to be in accordance with the aims and objectives of the Residential Extensions and Alterations and Emerson Park Supplementary Planning Documents and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD and an approval is recommended accordingly.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. S SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC33 (Incidental Use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage(s)/workshop(s)/utility room(s)/ outbuilding(s) hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Reason:-

To restrict the use to one compatible with a residential area, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific 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 order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Non Standard Informative 1

The applicant is advised that this planning permission does not grant permission for any part of the development to encroach onto any property not within the applicant's ownership.

2. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development

Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 25th August 2016

APPLICATION NO. P0722.16
WARD: Brooklands **Date Received:** 18th May 2016
Expiry Date: 17th August 2016
ADDRESS: Crow Metals
Jutsums Lane
Romford
PROPOSAL: Construction of a platform office
DRAWING NO(S): Location Plan - Drawing No. 2912_PL01
Existing Site Plan - Drawing No. 2912_PL02
Existing Floor Plans - Drawing No. 2912_PL03
Existing Elevations - Drawing No. 2912_PL04
Proposed Site Plan - Drawing No. 2912_PL05
Proposed Floor Plans - Drawing No. 2912_PL06
Proposed Elevations - North & East - Drawing No. 2912_PL08
Proposed Elevations - South & West - Drawing No. 2912_PL09
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application has been called in by Councillor Persaud on the basis that this site and use causes numerous problems to nearby residents including, but not limited to, parking issues in Crow Lane and Jutsums Lane; and general amenity impacts.

BACKGROUND

This application was presented to Members at the last Regulatory Services committee meeting on the 4th August 2016. Members resolved to defer determination to allow additional information to be presented. In this regard Members requested further information on the site yard and if the proposed office would in any impact on internal vehicle circulation.

Staff have reviewed the existing planning permission for the site use (application ref: P0962.11), and note that a swept path analysis was submitted with this application. Looking at the plans approved, as part of application ref: P0962.11, compared to the site now, it is noted that two original projections/extensions to the building, along the west facing elevation, have since been removed/demolished. The office proposed by this application would however be located where previously one of these projections used to be. The provision of an office, in this location, therefore in no way impacts on the internal vehicle circulation previously approved. The provision of the office would not accordingly result in a loss of space in the yard, when compared to the extant planning permission, and as such should not specifically give rise to vehicles waiting on the public highway to access the site. In respect of this, noting the partial demolition of the building which has taken place since planning permission was granted for the use, there is effectively more yard space in the site than originally deemed acceptable when planning permission was first granted.

In view of the above additional information and clarification presented, staff maintain the

recommendation that planning permission should be granted subject to conditions. Accordingly, the report as presented to Members previously is replicated below.

SITE DESCRIPTION

The application site benefits from planning permission allowing the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) - refer to the 'Relevant History' section of this report.

In respect of this and the site itself, the site is located off Jutsums Lane, on the junction with Crow Lane. The site is approximately 0.4ha in size and comprises a main building to the west, with a number of material storage bins along the northern and southern boundaries. The main entrance to the site is on the western side of Jutsums Lane.

Whilst this site forms part of a Secondary Employment Area within the Proposals Map accompanying the LDF, residential properties are located approximately 20m from the site on the opposite side of Jutsums Lane.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the provision of a platform office on-site. The office would measure 9m by 12.5m and would be 3.5m high. The office would however be elevated 4m above above ground, giving an overall height of 7.5m. The office would be supported by an external staircase providing access and is proposed to be constructed in metal cladding, as per the other building on-site. The corner of the office would be cut-off, on the corner where the office would overlook the site, to facilitate the creation of a triangular shaped balcony area. The office is proposed to be supported by windows on all four elevations, constructed in grey aluminium.

RELEVANT HISTORY

Enforcement Update: The Council has a number of active enforcement cases on this site relating to compliance with the current planning permission (ref: P0962.11) - noting that the variation of condition application, detailed below, has not been implemented (ref: P0993.12). With regard to this, enforcement action is being pursued with regard to the site layout and the provision of the temporary office buildings on-site, as existing; the staff car parking area; and the car wash which has been established. The Council's enforcement team are also, as part of these investigations, looking into complaints with regard to the use operating beyond the permitted opening hours.

A0028.16 - Advertisement consent for 6 x fixed rigid PVC signs

Awaiting Decision

P0993.12 - Variation of Condition 2 of P0962.11- relocation of vehicle access, including part removal of building, and changes to the external appearance of a building.

Apprv with cons 12-11-2012

P0962.11 - Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges.

Apprv with cons 14-06-2012

CONSULTATIONS / REPRESENTATIONS

Anglian Water - No comments received.

Environment Agency - No comments to make.

Essex and Suffolk Water - No comments received.

Highway Authority - No objection.

London Borough of Havering Environmental Health - No objection.

National Grid - No comments received.

Thames Water - It is the responsibility of the developer to make proper provision for drainage to ground, waters courses or a suitable sewer. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

Public consultation: 9 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. Two letters of representation have been received, with one being signed by three residents of differing addresses. The letters of representation received raise objections to the development on the following grounds: a bigger office means more staff, more staff means more cars and additional parking issues; added on-site congestion; overlooking; and that the site has never been operated as originally permitted.

Staff comment: As will be noted above, within some of the representations received comments have been raised about the existing site use and compliance with the existing planning permission. Indeed one resident sought to re-submit the comments made when planning permission for the site use was first granted, back in October 2011. Whilst these concerns are noted, this application has to be assessed and determined on its individual merits. An update with regard to current enforcement action being pursued by the Local Planning Authority can nevertheless be found in the 'Relevant History' section of this report.

RELEVANT POLICIES

LDF

CP02 - Sustainable Communities

CP03 - Employment

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP17 - Design

DC10 - Secondary Employment Areas

DC32 - The Road Network

DC33 - Car Parking

DC52 - Air Quality

DC53 - Contaminated Land

DC55 - Noise

DC56 - Light

DC61 - Urban Design

W5 - General Considerations with regard to Waste Proposals

OTHER

LONDON PLAN - 4.4 - Managing industrial land and premises

LONDON PLAN - 5.16 - Waste net self-sufficiency

LONDON PLAN - 5.17 - Waste capacity

LONDON PLAN - 5.21 - Contaminated land

LONDON PLAN - 6.1 - Strategic approach

LONDON PLAN - 6.3 - Assessing effects of development on transport capacity

LONDON PLAN - 6.13 - Parking

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.14 - Improving air quality

LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes

LONDON PLAN - 8.3 - Community infrastructure levy

NPPF - National Planning Policy Framework

NPPW - National Planning Policy for Waste

PPG - Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Not applicable.

PRINCIPLE OF DEVELOPMENT

As previously alluded, the principle of this site use has been accepted with the granting of planning permission ref: P0962.11. With regard to this, the applicant has put forward this application stating that the new office would seek to improve on-site functionality and management. The provision would solely seek to support the existing use and would not introduce a new use to the site or specifically increase on-site activity. Accordingly, staff do not consider, in principle, that there is a land-use/designation reason to refuse this development from coming forward.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 of the Core Strategy and Development Control Policies DPD details that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

This site forms part of a Secondary Employment Area and it is considered that the area is strongly defined by warehouse style buildings; signage; and a heavy presence of parked vehicles. That being said the area is broken up by a number of nearby residential properties and Jutsums Park. The boundary steel palisade fencing and noise attenuation wall surrounding this site clearly seek to define the use of the site. It is considered that the site as existing exhibits general characteristics of a waste management site and a use linked with a high number of vehicle movements and activity.

Disregarding the temporary office buildings on-site as existing, noting that these do not benefit from planning permission, the office proposed as part of this application would facilitate a central hub for the site operator to co-ordinate operations. In terms of the design, the office building is proposed in metal cladding, similar in appearance to the existing building on-site and a number of buildings nearby. Staff accordingly have no objection to the proposed material palette for the office building. With regard to scale, it is considered that the office is of a modest size for the size of the site and the number of personnel on-site.

From a street scene perspective, and views from nearby areas, it is noted that the office building is proposed 4m above ground which effectively results in the building extending to some 7.5m (above ground level). With regard to this, whilst the office building would not be higher than the existing pitch of the building on-site, it would be higher than the building adjacent, along Crow Lane, and accordingly the top of the office building would therefore be visible. The building would also be visible from Jutsums Lane, noting the height of the noise attenuation wall and the existing style of entrance gates to the site.

Staff have reviewed this impact and do not consider that the development would significantly detract from the existing street scene of Crow Lane or Jutsums Road. It is accepted that the development would be visible from the aforementioned roads but in context of the site use and the scale and material palette of the development staff do not, on balance, consider the impact to be so sufficient to warrant refusal. Without prejudice, it is considered that a condition could be imposed requiring the windows on the southern elevation, those that would be visible from Crow Lane, to be either tinted or covered with a dark film to reduce the visibility of the proposed glazed elements. However, overall whilst it is not considered that the development necessarily enhances or improves the character and appearance of the local area, it is not considered that the development would significantly detract from it.

IMPACT ON AMENITY

Policy DC61 of the Core Strategy and Development Control Policies DPD, in addition to the above, details that planning permission will not be granted where a proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy and/or unreasonable effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments. In view of the proposed location of the office, the existing site use and the proximity to nearby residential development, it is not considered that the development would give rise to significant amenity impacts.

In respect of this, staff have reviewed guidance contained within the Council's Residential Extensions and Alterations SPD for an insight in terms of potential overlooking and loss of privacy. Although no actual figure is detailed within the SPD, in terms of an acceptable separation distance, it is noted that the proposed office would be circa 70m from the residential properties on Jutsums Lane. Whilst views from the office and balcony area may exist, as alluded above, it is not considered that any overlooking would be so severe as to be deemed contrary to policy and warrant refusal in context of this distance.

HIGHWAY / PARKING

With regard to access and parking, access to this site would be unaffected by the development and there would not be any loss of existing parking provision. The development would not result in

an intensification of the use or any additional employees. Accordingly, it is not considered that it would be reasonable for the Local Planning Authority to require the applicant to supply additional on-site parking.

It is accepted that this site is not currently being operated as per the existing planning permission (ref: P0962.11) but it is not considered that this renders it impossible or unacceptable to determine this application. Without prejudice, should planning permission be granted, an informative would be included which specifically states that the permission issued relates solely to the provision of a platform office on-site. The site layouts as shown on the submitted drawings are not to be read as approved with the site expected to operate as per the details and conditions attached to the parent permission for the site use.

KEY ISSUES / CONCLUSIONS

In context that the design of the development is deemed acceptable and that it is not considered that the development would significantly harm the character of the area or immediate street scene and/or give rise to significant amenity impacts, it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. Time limit (3yrs)

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. Materials

All external finishes, for the development hereby approved, shall be as outlined in section 9 of the planning application form, dated 18/05/2016, and detailed on drawings titled 'Proposed Elevations - North & East', drawing no. 2912_PL08; and 'Proposed Elevations - South & West', drawing no. 219_PL09, to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the site and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

4. Window tinting (south elevation)

The windows on the south elevation of the platform office, hereby approved, and as shown on drawing titled 'Proposed Elevations - South & West', drawing no. 219_PL09 shall be tinted by at least 50% and thereafter maintained as such.

Reason:-

To safeguard the the character of the immediate area, and in-particular the street scene along Crow Lane, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Hours of construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Approved plans informative

This decision notice relates solely to the provision of an platform office on-site. The approved drawings in no other way amend the approved details, site layout and existing conditions of planning permission ref: P0962.11. It would be expected that this decision notice would be read alongside the decision notice issued pursuant to application ref: P0962.11.

2. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 25th August 2016

APPLICATION NO. P0821.16

WARD: Hylands

Date Received: 16th June 2016

Expiry Date: 2nd September 2016

ADDRESS: 156 Osborne Road
Hornchurch

PROPOSAL: Single Storey Extension

DRAWING NO(S): 2351501/01
23515
2351501/02 Revision Letter: B

RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

A call in has been received by Councillor Ganly on the grounds that it is in breach of the original planning permission that was granted for the extension. On the original application decision, it states clearly that no other windows or doors can be added, specifically, to the flank wall and there should be no deviation from the plans. It is going to effect the neighbours privacy, and could also lead to the new extension being used as a separate dwelling.

SITE DESCRIPTION

Residential, two storey semi-detached dwelling finished in a mixture of pebble-dash and face brick.

Parking for two vehicles on the driveway. Ground level slopes downhill from northwest to southeast within the site. The site is bounded by a mesh fence and vegetation adjacent to No.154 and by a close boarded fence and vegetation adjacent to No.158. The surrounding area is characterised by two storey dwellings of various styles and designs.

DESCRIPTION OF PROPOSAL

This is a re-submission of a previously approved application P0183.16 for a single storey rear extension which would measure 4m deep, 5.83m wide with a pitched roof with a side eaves line of approximately 2.67m rising to a ridge height of 3.8m.

The extension was under construction and the flank door had been added by the time the site was visited.

RELEVANT HISTORY

P0903.16 - Single Storey Rear Extension

Withdrawn - Invalid 14-06-2016

N0032.16 - Non material amendment to P0183.16 - side door on the extension

Withdrawn - Invalid 27-05-2016

P0183.16 - Single Storey Rear Extension

CONSULTATIONS / REPRESENTATIONS

Three e-mails of representation were received, two from the same resident with their comments summarised below:

- The flank door should not be allowed.
- Concerns the semi-detached property has been created into terrace.
- Havering's heritage need to be safeguarded, reference to 1930's housing stock.
- No resident should be able to block access into their own garden.
- Did not object to the first proposal, even though it has had an impact on their property.
- The flank door would have an impact.
- Loss of privacy from the flank door.
- The new door way is not similar to original side gate way entrance.
- The side access has been reduced by the proposed extension which restricts access to other property.
- Concerned that the access and privacy issues will affect the properties desirability when selling.
- Application form is incorrect regarding applicant's address and has work started on site.

The above comments will be taken into consideration during the Impact on Amenity Section of the report.

It should be noted that a number of properties along Osborne Road have had extensions to the rear of the their properties and it should be noted that some of these extensions have been added under permitted development and as such the Council would have no control to these changes.

Comments made regarding the the safeguarding the Havering's heritage in relation to this 1930's stock is noted, however, these properties are not listed or within a conservation area and certain types of development can completed under permitted development and therefore would not require planning consent.

Neighbours were re-notified on the 25th July due to a technical issues with the initial consultation letters which were sent out. At the time of drafting this report, the neighbour re-consultation period had yet to expire. Members will be updated verbally at the Committee of any further representations received.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Application is not CIL liable.

STAFF COMMENTS

This application is a resubmission of a previously approved planning application P0183.16 and the principle of development itself has been granted by the previous planning consent. This application has been submitted to regularise the changes below, in particular the inclusion of a flank door.

Similarly and concerns regarding the position of the boundary or disputes regarding boundary would not be a planning consideration but a civil matter.

This application differs from the previous scheme in the following key areas:

1. The inclusion of a new flank door adjacent to No.154 Osborne Road.
2. The removal of the parapet walls with gutters being provided on either side of the extension instead.
3. The width of the extension has been marginally reduced from 5.91m to 5.83m.

The effect of these changes will be assessed in the context of the following:

DESIGN / IMPACT ON STREET / GARDEN SCENE

No impact upon the street scene as the single storey rear extension would be mainly be visible from the rear garden. No objections are raised from a visual point of view as the proposal relates acceptably to the existing property.

IMPACT ON AMENITY

The depth of the extension complies with Council guidelines, however the height at 3.8m is higher than normally permissible. In this particular instance, there are mitigating circumstances that can be taken into consideration when assessing this application.

It is considered the proposal would not unacceptably impact on the amenity of Nos.154 and No.158 Osborne Road due to the following reasons. The 3.8m height is only achieved at the central ridge line and reduces down to an eaves level of approximately 2.67m either side. This is further mitigated by the separation distance to the boundary with No.154 Osborne Road which would be approximately 0.55m. The roof of the extension would be slope away from both neighbours and the previously proposed parapet walls have been removed to reduce the height closest to the boundaries.

Given these circumstances and mindful of the particular relationship to the neighbouring properties any light loss or overshadowing to the neighbouring property is considered to be modest and acceptable.

The flank door has been added prior to obtaining the relevant consent, the applicant mistakenly

believing that it could be added as a minor amendment. However, this is not the case as condition No.4 of previous consent prevents the addition of flank windows and doors without the prior consent of the Council.

However, this should not be interpreted as suggesting that any such opening would be unacceptable, rather that the potential impact upon amenity needs to be assessed in each instance. In this case the side access is shared between Nos.154 and 156 Osborne Road. It is staff's opinion that no material harm to amenity arises from the flank door as the glazing in the door is obscure glazed and there is a 1.8m gate and taller vegetation on the boundary of No.154 Osborne Road which prevents any overlooking. Staff consider that a refusal on a loss of privacy would be difficult to substantiate on appeal.

In relation to the concerns raised that the provision of a flank door to the rear extension would allow for proposal be used as a separate dwelling, separate planning consent would be required for the property to be divided into a separate unit of accommodation.

In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

HIGHWAY / PARKING

The application site has a PTAL of 1b and there is parking available on the front driveway for potentially two vehicles. The proposal does not increase the number of bed spaces so parking demand is not affected. No highway or parking issues would arise as a result of the proposal.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be in accordance with the above-mentioned policies and guidance and approval is recommended.

RECOMMENDATION

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

1. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

2. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development

accords with Development Control Policies Development Plan Document Policy DC61.

3. SC34 (Obscure glazing)

The glazing in the flank door as shown on drawing no. 23515/02 Revision Letter: B shall be permanently glazed with obscure glass.

Reason:-

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

4. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific 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 order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. Non Standard Informative 1

The applicant is advised that this planning permission does not grant permission for any part of the development to encroach onto any property not within the applicant's ownership.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 25th August 2016

APPLICATION NO.	P0907.16	
WARD:	Hacton	Date Received: 14th June 2016 Expiry Date: 9th August 2016
ADDRESS:	Hacton Primary School Chepstow Avenue Hornchurch	
PROPOSAL:	External canopy measuring 39m by 4m and up to 3.5m in height	
DRAWING NO(S):	Annotated version of drawing titled 'Ground Floor Plan' Annotated version of drawing titled 'Landscape areas - Option One' Annotated version of drawing titled 'Proposed site layout - area around the building and hard play area'	
RECOMMENDATION	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report	

SITE DESCRIPTION

Hacton Primary School is located to the south of Chepstow Avenue/Central Drive, east of Goodwood Avenue, west of Plumpton Avenue and north of Fontwell Park Gardens, approximately 1.2km to the south of the centre of Hornchurch. The school has three access points from Chepstow Avenue/Central Drive, Plumpton Avenue and Goodwood Avenue. Beyond all of the boundaries of the site are residential properties and their associated gardens. The school site is not however located within a conservation area and the school is not listed.

In December 2015, as detailed in the 'Relevant History' section of this report, planning permission was granted for the re-development of existing Hacton Primary School to allow construction of new school buildings (Use Class D1) of approximately 3,324sqm GIA, with associated facilities and works including vehicular and pedestrian access and landscaping, and the phased demolition of existing school buildings at the site (application ref: P0984.15). Works with regard to this are ongoing, with it anticipated that the school will be ready to be occupied in December 2016.

DESCRIPTION OF PROPOSAL

This is an application for an external canopy measuring 39m by 4m and up to 3.5m in height. The canopy would extend across just over half of the southern facing elevation of the new school building. The canopy would not connect to the building but instead would be free-standing, supported by aluminium posts, powder coated in white. The canopy is proposed with a polycarbonate lean-to style roof, 3m at its lowest point and 3.5m at its highest.

An essential OFSTED requirement for Early Years pupils in Nursery and Reception is for children to have access to outdoor learning environments in all weathers. The applicant has suggested that the justification for the canopy, in this instance, stems from this requirement.

RELEVANT HISTORY

Q0231.15 - Discharge of Conditions 2, 5, 11, 12, 20, 21, 24 and 25 of P0984.15

Non standard dec 25-02-2016

P0984.15 - Redevelopment of existing Hacton Primary School to allow construction of new school buildings (Use Class D1) of approximately 3,324sqm GIA, with associated facilities and works including vehicular and pedestrian access and landscaping, and the phased demolition of existing school buildings at the site

Apprv with cons 02-10-2015

P2056.04 - Temporary car-parks

Part aprvd part ref 10-01-2005

P0279.02 - Alterations to existing fence.

Apprv with cons 12-04-2002

CONSULTATIONS / REPRESENTATIONS

12 properties were directly notified of this application. One letter of representation has been received. This letter raises objection to the development on grounds of loss of privacy, the unsightly appearance of the canopy and increase in noise. Comment is also raised about the construction of the replacement school and the impact of this on house prices, although, to confirm, house prices alone are not a material planning consideration.

RELEVANT POLICIES

LDF

CP08 - Community Facilities

CP10 - Sustainable Transport

CP15 - Environmental Management

CP17 - Design

DC26 - Location of Community Facilities

DC27 - Provision of Community Facilities

DC29 - Educational Premises

DC32 - The Road Network

DC33 - Car Parking

DC49 - Sustainable Design and Construction

DC55 - Noise

DC56 - Light

DC61 - Urban Design

DC62 - Access

Designing Safer Places SPD

Landscaping SPD

Sustainable Design and Construction SPD

Planning Obligation SPD

LONDON PLAN

3.16 - Protection and enhancement of social infrastructure

3.18 - Education facilities

5.3 - Sustainable design and construction

6.1 - Strategic approach

6.3 - Assessing effects of development on transport capacity

6.11 - Smoothing traffic flow and tackling congestion

6.12 - Road network capacity

6.13 - Parking

7.4 - Local character

7.6 - Architecture

7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

8.3 - Community Infrastructure Levy

National Planning Policy Framework

National Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

As this application is for development providing education floorspace, as a school or college, the development is exempt from the Mayoral CIL.

STAFF COMMENTS

The NPPF, at paragraph 6, states that the purpose of the planning system is to contribute to the achievement of sustainable development. Specifically in relation to educational facilities (paragraph 72), it is noted that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with school promoters to identify and resolve key planning issues before applications are submitted.

Replicating this, policy 3.18 of the London Plan details that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.

The canopy proposed by this application is in response to a particular need identified by the School and OFSTED. In consideration of this, and that the development would facilitate outdoor learning in all weathers, no principle objection is raised to the development coming forward. That being said, this is nevertheless subject to the proposal meeting and satisfying all relevant policy and guidance in respect of design, highways, amenity and any specific individual site constraints. An assessment of the aforementioned can be found below.

Policy CP17 of the LDF Core Strategy and Development Control Policies DPD details that the appearance, safety and accessibility of Havering will be maintained and, where possible, enhanced by requiring new development to:

- maintain or improve the character and appearance of the local area in its scale and design;
- provide a high standard of inclusive design so it is accessible to those who require access to it; and
- be safe and secure in its design and contribute to community safety.

Expanding on this policy DC61 states development must (only criteria relevant to this application have been detailed) harness the topographical and ecological character of the site, including the retention of existing trees and landscape features while providing appropriate landscaping; respond to distinctive local building form and patterns of development and respect the scale, massing and height of the surrounding physical context; complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings; provide structure by utilising and protecting existing views, vistas, panoramas and landmarks and creating new ones; be designed and oriented around the needs of pedestrians, cyclists and connectivity to the public transport network; and be durable flexible and adaptable.

The canopy proposed by this application would extend 39m along the south facing elevation of the school building. The canopy would be 4m deep and project to a maximum height of 3.5m. Staff consider this to be a relatively modest extension/new provision to the school site. It is considered that the canopy would have an acceptable relationship with the main elevational treatment of the school building and not detract from the design qualities or character of this. The proposed materiality of the canopy it is considered seeks to blend with the school whilst being relatively neutral, with a polycarbonate roof, in terms of dominance and presence.

With regard to the comments raised in the letter of public representation, policy DC61 of the LDF, in addition to that detailed above, states that planning permission will not be granted where a proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy and/or unreasonable effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments. Policies DC55 and DC56 furthermore seek to ensure that development proposals do not give rise to undue levels of noise or vibration or unacceptable light intrusion. Given the existing school use and the location of the proposed canopy it is not considered that the development would result in any amenity impacts at a level to warrant refusal.

The area proposed for the canopy is above the Nursery and Reception play areas, so whilst the canopy would facilitate some use of these areas during all weather conditions, it is not considered that the provision, in itself, is specifically bringing a noisy activity closer to the nearby residential properties than already permitted. It is furthermore not considered that the privacy of any nearby residential properties would be unduly impacted as a direct result of the canopy.

HIGHWAY / PARKING

It is not considered that this development gives rise to any issues in terms of highway efficiency or safety. The canopy would not result in additional teaching staff and/or vehicular movements to or from the School site and no change is proposed, as part of this application, to the School access or parking provision.

KEY ISSUES / CONCLUSIONS

It is considered that there is clear policy support within the NPPF, London Plan and Havering LDF for improved or new education facilities. The canopy, to which this application relates, would allow the School to meet OFSTED requirements and provide for outdoor teaching and learning all year round.

It is considered the canopy fits comfortably on the school site and with the currently being constructed school building. It is not considered that the provision of the canopy would have, in any way, altered the original recommendation to approve planning permission for the re-development of the school site overall and with this in mind it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. Time limit (3yrs)

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. Materials

The development hereby approved shall be constructed in materials to match those outlined in response to question 9 of the planning application form, dated 26/05/2016, to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the development and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

4. Hours of construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. **Approval - No negotiation required**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 25th August 2016

APPLICATION NO. P0979.16
WARD: Mawneys **Date Received:** 10th June 2016
Expiry Date: 5th August 2016

ADDRESS: 5-7 Collier Row Road
Romford

PROPOSAL: Change of use of from retail shop (A1) to restaurant (A3). External flue to the rear. New shopfront.
The proposed opening hours are:
10:00 - 22:30 Mondays to Saturdays,
10:00 - 22:00 Sundays including Bank Holidays.

DRAWING NO(S): Rear Elevation (As proposed)
Front Elevation (As Proposed)
G/F Plan (As Proposed)
Section AA (As Proposed)
Site Location Plan
Front Elevation (As existing)
G/F Plan (As existing)
Section AA (As existing)
Rear Elevation (As existing)

RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

CALL-IN

This application has been called in by Councillor Linda Trew for the following reasons.

- Collier Row has become less and less a retail high street
- Colier Row is evolving into a Caf  /Coffee/Restaurant environment
- Vacant shops are unattractive and harmful to the centre

SITE DESCRIPTION

The application site comprises of an A1 retail unit at ground floor, with residential units over and is situated in the Retail Core of the Collier Row Minor District Centre. The property backs onto a service yard which serves the parade.

The surrounding area includes variety of commercial uses at ground floor with residential over.

DESCRIPTION OF PROPOSAL

The Local Authority are in receipt of an application which seeks consent for a change of use from A1 (Retail) to A3 (Restaurant) and the erection of an external flue to the rear elevation.

A minor alteration to the shop-front is proposed, with the relocation of the main access to a position to the r/h side of the principal elevation. No other alterations to the shop-front are proposed.

This application is a resubmission of an earlier application, P0549.16 which sought a change of use from A1 to A3 and similar shop-front alterations. This application was refused due to it conflicting with policy. The resubmission shows little in the way of changes, save for alterations to the extract equipment and an increase in the internal seating/proposed covers.

RELEVANT HISTORY

P0549.16 - Change of use of from retail shop (A1) to restaurant (A3). External flue to the rear. New shopfront.
Proposed opening hours:
10:00 - 22:30 Mondays to Saturdays,
10:00 - 22:00 Sundays including Bank Holidays.
Refuse 01-06-2016

CONSULTATIONS / REPRESENTATIONS

The application was publicised by the direct notification of 80 nearby properties and 10 letters of objection were received. Some matters expressed are not considered to be material considerations however those relevant are listed below.

- Parking
- Noise and odour
- Excessive number of eateries
- Refuse

In addition to letters of objection, one letter of support was received which focused primarily on the difficulties in operation an A1/Retail use in the centre as a result of increased overheads and competition from chains.

Highways - no objection

Environmental Health - no objection subject to implementation of conditions

RELEVANT POLICIES

LDF

- DC16 - Core and Fringe Frontages in District and Local Centres
- DC23 - Food, Drink and the Evening Economy
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design
- DC63 - Delivering Safer Places

STAFF COMMENTS

The issues arising from this application are the principle of the change of use, impact on amenity, and parking and highways issues.

Submitted plans show discrepancies relating to the extract equipment shown to the rear elevation.

PRINCIPLE OF DEVELOPMENT

The application site forms part of the Retail Core of the Collier Row Minor District Centre. Policy DC16 as set out in the Core Strategy and Development Control Policies Development Plan Document seeks to restrict the number of non-retail uses and also to prevent their grouping within the relevant frontage of which it forms part.

Policy DC16 states that planning permission for service uses, A2, A3, A4 and A5, will only be granted at ground floor level where the use provides a service appropriate to a shopping area, where the proposal would not result in the grouping of 3 or more adjoining A2-A5 uses and will not result in the proportion of non-retail uses exceeding 33% of the relevant frontage.

The change of use would provide a service appropriate to a shopping area and would not result in a grouping of three or more non-retail uses in a grouping, however it is observed that the relevant frontage comprises of only three units, two of which are double fronted.

Staff observed from site inspection and review of historic detail that the relevant frontage comprises currently of an A2 use, an A1 use and the application premises which is currently in A1 use. The percentage of non-retail uses within the relevant frontage amounts to 30%. Given the length of the frontage of the application unit, within the context of what is a relatively short parade it is clear that the change of use of 5-7 Collier Row Road would amount to a disproportionate percentage of the relevant frontage in non-retail use. Staff calculate this figure to be in the region of 83%. Staff acknowledge that this is a literal interpretation of the relevant frontage, however this is indicative of the wider centre as a whole which has become saturated with non-retail uses. Were the area of consideration to be broadened to the next run of commercial uses, the proposed change of use would still exceed the 33% threshold.

The applicant's supporting statement advises that the existing use has become economically unviable, owing to competition from other larger A1 uses (Tescos and the new Aldi are cited as examples), however little in the way of substantive evidence has been provided to demonstrate that the premises is unmarketable as an A1 use, particularly if it were subdivided. During site inspection, staff observed that the vacancy rate of units within the centre as a whole is fairly low. The applicant advises that he has marketed the business over the last year but nothing further has been provided to support this claim or that any other A1 uses have been actively targeted.

Whilst there is presumption in favour of new business and sustainable economic growth within the NPPF, a measured approach must be taken in order to ensure the vitality and viability of a town centre is not harmed as a result.

In light of the concentration of other non-retail uses within not only the relevant frontage, but the southern side of Collier Row Road as a whole it is the opinion of staff that the introduction of another such use, particularly of the scale sought, would have a negative impact on the vitality and viability of the town centre and set a harmful precedent. The proposals are therefore contrary to Policy DC16 of the LDF Core Strategy.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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.

The alterations proposed to the shop-front are minor and in keeping with the locale, therefore no objections are raised as to the resultant visual appearance of the application unit when viewed from the street.

It is considered that the extraction flue would not adversely affect the street scene, as it would be located to the rear of the parade. Staff observed during site inspection that air-conditioning units and other externally mounted equipment in situ, such that the flue would not appear incongruous.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties, consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that there are residential properties located on the upper floors of 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, particularly given that there are late night uses in close proximity. Staff are of the view that a use such as that proposed is more suitably located within a town centre 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 limited parking outside the premises, it is expected that patrons would park nearby and/or arrive on foot.

The application property lies within a relatively short parade of commercial premises which forms part of the retail core of Collier Row Minor District Centre. Collier Row Road is a heavily trafficked road with high ambient noise levels and 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.

Staff consider the proposed hours of operation to be in keeping with that of the local area/other uses within the parade and as such raise no objections on these grounds.

Whilst no externally mounted extract equipment is in situ to the rear of the relevant frontage, industrial air-conditioning units and other equipment are present on the rear elevation. The operating noise was noted on site to be fairly high and windows at first floor level are single pane. The design of the extract equipment is such that it would discharge above eaves level. Whilst it would be located adjacent to the bathroom and kitchen window it is not considered that this would be of such harm to warrant a reason for refusal.

HIGHWAY / PARKING

The application site lies within an established row of shops within a town centre, sharing existing parking facilities with other shops in the surrounding area. The proposal is unlikely to have a

significant detrimental impact on the safety and efficiency of the local highway network, given there is currently metered parking along both sides of Collier Row Road in the town centre area.

No objections were raised by the Highway Authority.

KEY ISSUES / CONCLUSIONS

Whilst staff acknowledge the presumption in favour of new business and sustainable economic growth, LDF Policy is intended to ensure the vitality and viability of a town centre is not harmed by excessive groupings of non-retail uses. Little by way of substantive evidence has been provided by the applicant of attempts to market the property so likewise, there is little to justify a departure from policy.

For the reasons outlined within the report the proposed change of use is considered to be harmful to the retailing function of the town centre and therefore contrary to Policy DC16.

Refusal is recommended accordingly.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Refusal non standard condition

The proposed A3 use would contribute to a saturation of non-retail uses within the relevant frontage and within the wider Collier Row Minor District Centre, thereby significantly harming the character and function of the area and undermining the vitality and viability of the parade. The proposal is therefore contrary to Policies DC16 and DC23 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent in writing July 2016.