

REGULATORY SERVICES COMMITTEE

7th June 2012

OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P1816.11	
WARD :	Romford Town	Date Received: 1st December 2011
ADDRESS:	Buddha Lounge 36-38 (ground floor) and 30-44 (first floor) North Street Romford	
PROPOSAL:	Temporary retention of smokers roof terrace and 13 benches, 4 oversized umbrellas, 4 infra-red directional heaters, 4 emergency light units, 4 corner lights & 11 planters & landscaping.	
DRAWING NO(S):	AL(08)01B Rev B	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

The application has been called-in by Councillor Barry Tebbutt on the grounds that it has previously been brought before Committee and that it was Members who decided to grant a temporary 3 year consent, that there is a streetscene issue relating to the control of the public entering and leaving the premises and it affects the surrounding dwellings and to enable a unification of existing temporary periods for planning permissions for this use.

SITE DESCRIPTION

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

The surrounding area is characterised by mainly two- and three-storey commercial development to this side of North Street with some residential accommodation above, also within the core retail area of Romford Town Centre. An 8-storey block of 24 flats (with commercial and residential parking on the ground floor) - 'Rubicon Court' is directly opposite the application site in North Street. To St Edward's Way is a large office block and 'Emma House' which has 24 flats with commercial on the ground floor. On the Eastern side of Market Link is a seven-storey 80-bed hotel and 24 residential units. To the south of the application site, planning permission was recently granted for the conversion of the upper floors of 7 Market Place into 4 flats which has an imminent start. In 2006 planning permission was granted for the redevelopment of 23-55 North Street for 86 flats and shops/restaurants to the ground floor fronting North Street; this is currently under construction although work has recently halted.

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

DESCRIPTION OF PROPOSAL

The proposal is for the temporary retention of the smokers roof terrace and landscaping and surrounding fencing. The supporting documentation indicates that the temporary period should be for three years and that the application also is for a change in the current hours for the smokers area to match those more recently approved for the night club itself.

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There are no specific hours for the smoking terrace such that they are no different to those for the club as a whole. The hours approved for the night club as a whole under planning approval P0781.11 until 01.10.14 are as follows:

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

RELEVANT HISTORY

There is significant history for the application site. The most relevant are as follows:
P0823.96 - Change of use of basement/ground floor entrance hallway, staircase and first floor area from Financial Use (A2) to Assembly and Leisure (D2) - Approved
P1756.08 - Retention of an extension of the existing fire escape staircase and the erection of roof-top fencing to enable use of the roof as a terrace in connection with the night club use - Approved for temporary period expiring on 04.12.11

CONSULTATIONS/REPRESENTATIONS

Adjoining and nearby neighbouring occupiers were notified of the proposal. A site Notice was displayed and a press notice was published in a local newspaper. Additional consultation (in line with earlier consultations) has been undertaken; this further consultation had not ended at the time of drafting this report and any further comments will be reported orally at Committee, nonetheless 2 objections have been received raising objections on the following grounds:

- the roof terrace is a nuisance
- the roof terrace is the source of constant loud noise (laughing, screaming, arguments, talking etc.) all night long
- the Buddha Lounge should not be allowed to operate right next to a residential building
- the Buddha Lounge should not have been granted a licence to operate when hundreds of flats are being built directly opposite the club
- the roof terrace will add to the misery of long-suffering residents (present and future)
- objections to planning applications and noise complaints are always ignored
- the late opening hours (until 4am) of the club mean that noise levels from smokers is too high for the small hours of the day
- noise from the club itself can be heard through closed windows with earplugs in
- club goers hang around up to an hour after closing time leading to more noise

The Metropolitan Police's Borough Crime Prevention Design Advisor advises that he has consulted with the Licencing Inspector for Havering Police and that the proposal for the retention of the smokers terrace does not raise significant crime prevention or designing for community safety issues.

STAFF COMMENTS

The main issues are whether the development is acceptable in principle and the proposal's impact on the character and appearance of the Romford Conservation Area and the setting of nearby Listed Buildings, visual impact in the streetscene and impact on existing and future residential amenity.

BACKGROUND

Around 155 flats and an 80-bed hotel will be located within about 100m of the application site in the near future, some of which (including Rubicorn House and Emma House) have already been completed, with the mixed commercial (ground floor) and 86 residential unit scheme on the opposite side North Street now under construction.

The Council has been working with local operators and the police to manage the night time economy. Three nightclubs have closed in recent years (Hollywood's, Secrets and Tokyo Blue) and these sites {have been} redeveloped, or have planning permission (for residential development in the town centre).

In dismissing the appeal against the 2006 condition restricting the extended hours at the night club to a temporary period consent (Ref: P1838.05), the Planning Inspector stated that "this is an example of a case in which the Council's detailed local knowledge and experience - backed up by advice from the Metropolitan Police - is best placed to judge what precise controls are necessary in order to protect local residential amenity" and that she was not "inclined to delete (or vary) the temporary planning condition."

This current application has been submitted following temporary consent. The temporary consent was implemented to enable new occupiers to have occupied new developments in North Street and the vicinity and for them to have the opportunity to comment on how their residential amenity would be affected. While the largest of the approved residential redevelopment schemes for 86 flats (at 23-55 North Street) has now been started, the development has stalled but it is hoped that works may begin again shortly. Objections have been received from current occupiers and are addressed within this report.

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

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

A Premises Licence can be revoked at any time if there are any problems including noise and disturbance. The proposal is for temporary retention of the roof garden for smokers only for 3 years.

On 5th April 2012 an Abatement Notice in respect of Noise Nuisance was served on the Buddha Lounge for "Amplified music played at an excessive volume and amplified voices"

PRINCIPLE OF DEVELOPMENT

The NPPF indicates that it is the vitality and viability of town centres which is of paramount importance and that the main town centres uses are for retail, sport facilities, offices and arts culture and tourism as well as including night-clubs. In addition, housing is considered to be an important element in most mixed-use, multi-storey developments in town centres. It further indicates that planning policies help manage the evening and night-time economy and that there should be an integrated approach so that they complement the Statement of Licensing Policy and the promotion of licensing objectives under the Licensing Act 2003.

Romford Action Area DPD Policy ROM8 indicates that

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

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

Staff consider that any application which potentially may affect residential amenity must be considered in the light of either prejudicing the Council's housing policy and/or its impact on both the existing and future residential amenity.

Extensions to existing non-retail uses in the retail centre are acceptable in principle. However, control is to be exercised to ensure that it would not result in disturbance and loss of amenity to other uses, including residential.

The proposed development would therefore be acceptable in principle.

CONSERVATION AREA

The proposal is clearly visible in the street scene both from ground level in North Street (Conservation Area) and from ground level in The Mews, adjoining the Listed Building, St Edward's Church. The proposal is for roof level development. Whilst the fencing is 2.5m high, the fenced area is located back from the parapet edge of the building and the trellis allows views through so that it is somewhat permeable from ground level views. Opposite the site is a 10 storey high flatted development and other development has been approved which would be significantly taller.

Staff consider that while the materials chosen appear somewhat flimsy, the proposal does not result in harm to the visual amenities of the street scene nor does it have an adverse impact in the Conservation Area or on the setting of the Listed Building to the rear.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Staff consider that, as the roof garden's railings and lighting is visible in the streetscene, that it would have material impact on visual amenity in the streetscene. Nonetheless, it has previously been considered that the impact in respect of the streetscene. There is no change to the physical appearance of the roof garden and therefore this consideration carries forward.

IMPACT ON AMENITY

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

The Police have indicated that they have no concerns with the proposal which removes club goers who smoke from being on the public street outside the club facility.

The objections received particularly raise issues of noise and disturbance due to the use of the roof as a smokers terrace and general roof garden and by club-goers leaving the club up until

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5am in morning.

Staff consider that some noise and disturbance from the night club is inevitable and that anyone choosing to live near the night club would be aware of these consequences. The roof garden appears to cause some of the noise and disturbance identified by the objections.

While some issues have been raised by adjoining residential occupiers, as a previous temporary consent was granted to enable all the residential development in the vicinity to have been completed, it needs to be taken into account that the major residential development opposite the site for 86 residential units has not yet been completed. Development is underway and it is expected despite a current halt to the works that this will be completed in the next couple of years.

In addition, Environmental Health officers have specifically confirmed that the use of the roof top smoking area is not causing the noise problem which resulted in the service of the Noise Nuisance Abatement Notice and that there are no noise or other environmental health objection to extending the temporary planning permission.

It is recognised that conditions may be attached to any grant of planning permission to overcome some planning issues. It is recognised that noise on an open rooftop can travel some distance outside the boundaries of the site. The management of the club have submitted a Management Scheme for the rooftop area which includes restricting smokers to a maximum of 30 people at any one time and the length of stay to 10 minutes per person with staff patrolling the smokers terrace and the prevention of club goers bringing alcoholic beverages onto the roof. A suitable condition can be attached to ensure that the Management Scheme is adhered to, nonetheless staff consider that upto 40 people would not result in an unacceptable level of noise and disturbance and a separate condition therefore indicates that this would be the maximum number.

Given the Management Scheme outlined and the lack of Police or Environmental Health objection, it is considered that a further consent period is appropriate. Staff therefore consider that a further temporary period of 3 years would be sufficient to enable at least some people to have occupied the 86 flats and to then consider whether the proposal would have a significant adverse impact on residential amenity.

HIGHWAY/PARKING

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

KEY ISSUES/CONCLUSIONS

Extensions to existing non-retail uses in the retail centre are acceptable in principle. However, control is to be exercised to ensure that it would not result in disturbance and loss of amenity to other uses, including residential.

The proposal would be acceptable in terms of its impact in the street scene and on the character and appearance of the Conservation Area/setting of the Listed Buildings. It is considered as an open air night club facility open until 3 or 4 am, that noise could occur, however providing the Management Scheme is adhered to, this should be limited to a degree.

In part as building works have now begun at the site on the opposite side of North Street, Staff

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consider that in order to confirm that the rooftop smokers terrace would not result in significant harm to future residential amenity, that a period of 3 years would be needed to enable further evaluation of the use of the roof top for club goers who smoke.

It is therefore considered that the proposed retention of the rooftop terrace and access to it would be acceptable for a temporary period in accordance with the NPPF, the LDF Core Strategy and Development Control Policies Development Plan Document and the Romford Area Action Plan Development Plan Document Policies.

RECOMMENDATION

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

1. M SC16 (Temporary permission) INSERT DATE

This permission shall be for a limited period only expiring on 7th June 2015 on or before which date the use of the roof terrace area hereby permitted shall be discontinued and any works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity.

2. Non standard condition

The total number of people using the terrace area hereby approved shall not exceed 40 persons at any one time without the prior written consent of the Local Planning Authority.

Reason:- To enable the Local Planning Authority to retain control in the interests of amenity.

3. Non standard condition

The Management Scheme identified in the supporting documentation under "Potential Intrusion and Management Control" shall be implemented in strict accordance with the approved details unless otherwise agreed by the Local Planning Authority. The Management Scheme includes details of:

- a) measures to control the maximum number of people using the terrace area at any one time as per the requirements of condition no. 2;
- b) measures to prevent alcoholic beverages being taken onto the terrace area;
- c) measures to limit the access to a 10 minute period for each smoker accessing the smokers terrace

Reason: To enable the Local Planning Authority to retain control and in the interests of residential amenity.

1 INFORMATIVE

Reason for approval

This decision to grant planning permission has been taken:

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(i) having regard to Policies DC23, DC55, DC61 and DC63 of the LDF Development Control Policies Development Plan Document, Policy ROM8 of the Romford Area Action Plan, Policies 2.15, 4.6, 4.7, 7.3, 7.8 and 7.15 of the London Plan and the NPPF.

(ii) for the following reason: The proposed development would cause no significant material harm upon the character and appearance of the Romford Conservation Area or the adjoining Listed Building. Whilst the terrace would enable patrons of the club to gather outside during the early hours of the morning to smoke, subject to the conditions detailed above it is considered that the potential for harm arising to adjoining residential occupiers would be outweighed by the contribution of the club to the vitality and viability of the Romford Town Centre's evening economy, which without the roof terrace would have difficulty meeting its legislative obligations.

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APPLICATION NO:	P0075.12	
WARD :	Hylands	Date Received: 23rd February 2012
ADDRESS:	199 - 209 Hornchurch Road Hornchurch	
PROPOSAL:	Change of use of the ground floor unit from office (B1 use) to Nursery (D1 use)	
DRAWING NO(S):	HRMRD-P101; -P102; -E002; -E001; -S101; -S001; -P102; -P101; -P002; -P001; -E102 HRMRD-L000 Rev A; L101 Rev A; L001 Rev A Letter dated 18/5/12	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

199-209 Hornchurch Road is located on the southern side of Hornchurch Road, opposite Cheviot Road and approximately 470 metres east of Roneo Corner, Hornchurch. The application site relates to the ground floor only of a 2-storey flat-roofed office building within B1 Use Class, known as Rodwell House. The site wraps around to the east such that there is one vehicular access to Vicarage Road. The ground floor was vacant at the site visit, nonetheless the first floor appears to be in use as a Business Centre addressed as 2A Vicarage Road.

Access to the site is from Hornchurch Road with 6 parking spaces at the front of the premises directly from Hornchurch Road and there is a rear delivery access from Vicarage Road. There is also a rear access door to the St Mary's School car park area.

The application site also comprises St Mary's School grassed playing area and an area to the front of 237 Hornchurch Road. The latter currently comprises an area of hardstanding surrounded by concrete panelling which is used for vehicle parking in front of a small front garden area to the residential property itself. To the rear of No.s 237 is a small yard with rows of garages/lock-ups (which also extend to the rear of the attached residential property No.239 Hornchurch Road. The access road to the garages/lock-ups also circulates around the two residential properties with two vehicular access onto Hornchurch Road.

The surrounding area is mixed to Hornchurch Road with St Mary's Church, Presbytery, School and playing fields immediately to the west of the application site and a church opposite (Holy Cross) with a Hall and commercial works to the eastern corner of Vicarage Road (where planning permission has recently been granted for one building to change use to a day nursery), but is otherwise mainly residential with a mix of flats and houses to Hornchurch Road, Vicarage Road and Cheviot Road.

DESCRIPTION OF PROPOSAL

The application is for a change of use from Office (B1) of the ground floor to a Children's Day Nursery (within Use Class D1) for up to 44 children, partly to replace the Orchid Montessori and Parklands centres (both at Dukes Hall, Hornchurch) which are imminently to close; these latter currently provide 56 child spaces.

The internal layout of the unit would consist of 2 separate classrooms either side of a large

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communal area, a reception, open storage areas, Kitchen, toilets and communal facilities.

Proposed opening hours would be from 8am to 6pm on Mondays to Fridays only and there would be 8 full-time employees.

No external alterations are proposed.

The proposal includes access via a rear emergency fire door and the adjoining School's staff car park to the School's playing fields.

The applicant indicates that the proposal is by a community interest group which operates in the area and it is their intention to serve the residents of the Hylands Ward. They indicate that the Council's "Child Care Sufficient Assessment" establishes there is a lack of childcare facilities with a current gap of 128 places for 2-5 years olds. The adjoining school does not have an existing nursery.

It is proposed to provide child care on a sessional basis: morning, afternoon and early evening (after school).

The plans show 6 parking spaces to the front which are proposed to be used for drop-off/pick-up only for the youngest children and 8 parking spaces to the front of No. 237 Hornchurch Road for staff only.

The applicants also indicate that they expect that 35-40% of staff and parents at the existing adjoining school have younger children who could transfer to this nursery and that other children would be drawn mainly from the immediate locality such that walking and use of public transport would predominate as means of transport.

The design and access statement also mentions that the applicants intend to operate a breakfast and after school club, however no further details are provided as to how this would operate on top of the 44-place nursery and as this is not included within the description of development, it does not form part of the current consideration and would require a separate planning application.

The main differences between this and the earlier refused scheme are:

- Reduction in number of children to be accommodated from a maximum of 86 (starting with 40) to a maximum of 44 children
- inclusion of the adjoining playing fields in the application site boundary
- Arrangement for off-site staff parking at 237 Hornchurch Road

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters have been sent to 26 local addresses. No objections were received.

STAFF COMMENTS

The issues arising from this application are the principle of change of use and the impact on this part of Hornchurch, the impact on residential amenity and parking/servicing/highways considerations.

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BACKGROUND

Whilst recent planning permission (P0835.10) has been granted for conversion of the ground floor of the building to a college within Use Class D1 this has not been implemented. It should be noted that a restrictive condition was attached to this application to prevent it moving to any other use within Use Class D1.

Planning Application P1513.11 was refused last year on the following ground:

"The proposed development would, by reason of the inadequate on site car parking provision for both the retained offices at first floor level and the proposed nursery at ground floor level, together with the lack of a suitable off street dropping off area, result in unacceptable overspill of vehicles onto the adjoining roads to the detriment of highway safety, the free flow of traffic and residential amenity contrary to Policies DC32 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document."

PRINCIPLE OF DEVELOPMENT

LDF Policy CP8 aims to retain and re-provide community facilities where a need exists. Community facilities include, amongst others, day care nursery facilities. The provision of community facilities forms a vital component in improving quality of life and therefore in line with PPS1 and the London Plan, Policy CP8 seeks to reduce social inequalities and address accessibility both in terms of location and access. The proposed use will provide a day nursery which would introduce a use which will have a positive contribution to the community, and provided it has no harmful impact on the amenities of neighbouring occupiers or parking and highway implications, is acceptable in principle.

The proposal would further be subject to Policy DC26 of the LDF document. New community facilities will only be granted where they:

- a) are accessible by a range of transport modes
- b) do not have a significant adverse effect on residential character and amenity
- c) are where practicable provided in buildings which, are multi-use, flexible and adaptable

The proposed use is considered to provide a service which will contribute to the wellbeing of the community and local residents and is therefore acceptable in principle, subject to the details also being acceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal does not involve any external alterations or extensions and would therefore have no impact on the character and appearance of this part of the Hornchurch Road street scene.

IMPACT ON AMENITY

The application site is located on Hornchurch Road which is a busy road with high volumes of traffic and some commercial uses further down the road both in an eastern and western direction. The neighbouring site to the west is St Marys Catholic Church with the St Marys Catholic Primary School adjacent to the church. To the east is a block of residential flats known as Golden Jubilee Court. To the north and south of the site, the area is generally characterised by residential dwellings. The existing building is nonetheless within a commercial use class.

A suitable condition could be attached to any grant of planning permission to ensure that noise does not emanate from the building. It is not considered that this aspect would result in any loss of residential amenity.

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It is considered that the activities involved, if accessed solely from Hornchurch Road, would not result in any significant impact on residential amenity.

Noise would arise from the use of any outdoor area. However, the outdoor area is within the School grounds where outdoor play and activity occurs throughout the day. The proposed hours are between 8am and 6pm on week days only. It is therefore considered that there would be no significant increase in noise and disturbance given that this is an existing playing field.

It is considered that the amount of staff parking and the drop-off facility would be sufficient for the proposed 44 place nursery such that there should be no unacceptable levels of parking in Vicarage Close which would be to the detriment of adjoining residential occupiers.

The residential property at 237 Hornchurch Road has a small front garden and the proposed parking is located beyond the front wall of the garden area which is made from concrete panel fencing. The area is currently in use for parking and, given standard size parking spaces could only provide 6 spaces in tandem. As this is an existing parking area and there are garages/lock-ups to the rear with a possibly high number of traffic movements, it is considered that the use of the front parking area would not result in any significant harm to these occupiers' residential amenity.

HIGHWAY/PARKING

Parking standards are set out in Appendix 5 of the Development Control Policies DPD. The parking requirement for D1 uses is 1 space per member of staff and a drop-off area for parents. There would be 8 full-time staff. The Design and Access Statement indicates that the proposal would provide 6 parking spaces to the front as a drop-off facility only. It is proposed to provide Staff Parking for 8 vehicles at 237 Hornchurch Road.

The site has a PTAL rating of 1-2 with low levels of access to public transport. It is acknowledged that Hornchurch Road is served by three busses (the 248, 365 and 648) and that cycle storage could be provided. The site is however not close to a train station and there are no public car parks within close proximity. No formal transport assessment has been submitted.

The proposed Staff parking would be located to the front of a residential property (which also has a large number of garages/lock-ups to its rear) approximately 200m from the application site which is considered to be an acceptable distance to walk along a public highway. Documentation has been provided regarding the parking of staff vehicles at 237 Hornchurch Road, which is also within the ownership of the landlord of 199-209 Hornchurch Road. Nonetheless the parking area could only accommodate 6 standard parking spaces in tandem, such that 2 staff parking spaces would need to be provided to the front of Rodwell House (No.199 - 209 Hornchurch Road). This would leave 2 spaces for drop-off/pick-up and two spaces for the office use.

Highways have indicated that they would find the provision of 9 on site parking spaces to be acceptable providing they are retained for the continuous use of the ground floor nursery, however they express reservations that providing only 1 space for the Office Use at first floor level or any future use of the first floor would be unlikely to be acceptable.

It is considered that the development would provide sufficient parking provision and that it would not result in unreasonable levels of on-street parking or highway congestion on adjoining roads.

There is no designated area for refuse bin or cycle storage, however access appears to be acceptable and the nursery would need to have commercial waste storage and collection and

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cycle provision. Suitable conditions can be attached to any grant of planning permission.

KEY ISSUES/CONCLUSIONS

The proposed change of use is considered to be acceptable in principle. The development would not involve any changes to the external appearance of the building and would therefore not have a detrimental impact on the street scene. The proposed use would not result in any harm to residential amenity and sufficient off-street parking would be provided.

Staff therefore recommend that planning permission is granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

2. SC19 (Restricted use) ENTER DETAILS

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

Reason:-

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

3. SC05A (Number of parking spaces) ENTER NO.

Before the building(s) hereby permitted is first occupied, provision shall be made within the site at No.s 199-209 Hornchurch Road for 2 staff car parking spaces and two spaces for drop-off pick up and 6 staff car parking spaces shall be made available at No. 237 Hornchurch Road; thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

4. SC06 (Parking provision)

5. SC28 (Number of children) ENTER DETAILS

The number of children accommodated within the premises hereby approved shall not exceed 44 at any one time, without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control and to avoid disturbance to

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6. SC59 (Cycle Storage)

7. SC27 (Hours of use) ENTER DETAILS

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

Reason:-

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

8. SC32 (Accordance with plans)

9. SC37 (Noise insulation)

10. SC58 (Storage of refuse)

2 The applicant is advised that the day-nursery will need to be registered as a food establishment. Guidance is provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety www.food.gov.uk/foodindustry/
- Occupational safety & health www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced

1. provision of suitable outside bin storage
2. vehicle and pedestrian routes when loading and unloading
3. vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:

online.havering.gov.uk/officeforms/licence_food_business.ofml .

3 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC26, DC27, DC28, DC32, DC33, DC36, DC55 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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APPLICATION NO:	P0389.12	
WARD :	St Andrew's	Date Received: 23rd March 2012
ADDRESS:	124 Upminster Road Hornchurch	
PROPOSAL:	Change of Use from A1 to day nursery(D1) Revised plans Received 23.05.2012	
DRAWING NO(S):		
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The site comprises a ground floor unit to a semi-detached building which is situated in the Upminster Bridge Minor Local Centre. The property has a vacant retail use at ground floor and flat at first floor. Parking is available for 3 vehicles on a hardstanding to the front of the ground floor unit. The immediate surrounding area consist of similar commercial units at ground floor with residential flats above.

DESCRIPTION OF PROPOSAL

The application is for a change of use from A1 to D2 (day nursery) in order to use the premises for a day nursery for up to 25 children with 3 full time carers.

No external changes are proposed to the front of the building. Artificial grass would be added to the rear garden area in order to be utilised as an outdoor play area.

A 1.8m high close boarded fence is proposed to the rear of the commercial unit in order to separate access to the first floor flat from the outdoor play area.

The proposed nursery would be open from 8:00am to 6:00pm, Monday to Friday. The applicant intend to offer places to children between the ages of 2 and 5 years.

A drop off area is proposed in an adjacent road, Highfield Road. Parking is available in this road for 30 minutes except between 10:30am and 11:30am.

RELEVANT HISTORY

There is no relevant recorded history for the subject site.

CONSULTATIONS/REPRESENTATIONS

Notifications were sent to 33 neighbouring properties and no letters of objection were received.

Highways have not raised an objection in principle to the parking and drop-off provision however the provision of 3 spaces to the front of the commercial unit would require extending the crossover to allow access to these spaces. Highways has safety concerns over a lamp column being positioned between two crossovers and would therefore require it to be relocated along with the litter bin. This would be at the applicant's cost.

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STAFF COMMENTS

The issues for Staff to consider relate to the impact that a change of use from A1 to D1 would have upon the character and vitality of the retail core of Elm Park, amenity of neighbouring occupiers, highway and parking.

PRINCIPLE OF DEVELOPMENT

Government Policy states that Local Authorities can play a part in rebuilding the economy. When determining planning applications Authorities should support enterprise and facilitate development where it could create jobs and business productivity.

Policy DC16 states that planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough s Minor Local Centres will be granted at ground floor level. Exceptions may be made where the applicant can demonstrate, through twelve months marketing information, that the premises have proved difficult to dispose of for any such use. All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

The policy does not mention D1 uses, however, and in support of the application, the applicant has submitted a letter from a local estate agent, stating that the unit has been unsuccessfully marketed for A1 tenants since 2010 with it only briefly occupied by a bathroom store.

Although in this instance the proposed use would not be retail it would provide a service, retain an active frontage, is open during shopping hours and is not considered to significantly harm the character, function and vitality and viability of this Minor Local Centre. The proposal would also contribute to the London Plan objective of supporting town centres and a mixture of uses.

Nurseries are accepted as being community facilities, where there is a requirement for places within the borough. The Borough s Childcare Sufficiency Assessment 2011 recommends that the Local Authority continues to support provisions in offering more flexible places. The Borough's Childcare Sufficiency Review 2010/2011 states that there is a particular gap in places for ages 3-4, which is covered by childminders. An increase in the number of children within this nursery would contribute, albeit in a small way to providing for the significant shortfall of places.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The applicant advised that there would be no external changes to the front of the building, so the proposal would have no impact within the street scene.

Changes to the rear would include the provision of artificial grass and a 1.8m high close boarded fence to the rear of the commercial unit in order to separate the access to the first floor flat from the outdoor play area.

These proposed changes to the rear are minor and would not result in an unacceptable impact on the rear garden environment.

IMPACT ON AMENITY

Policy DC26 supports community uses which do not have a significant adverse impact on residential character and amenity. In particular, care should be taken to ensure that no adverse noise and disturbance is caused to neighbours resulting from the arrival and collection of children from early in the morning to early evening.

The proposal would result in some degree of noise and general disturbance to the adjoining

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properties from noise being carried from within the building. However, given the day time opening hours and the safe use of the attached ground floor unit, Staff do not consider any noise to be of such a nature as to warrant a refusal.

Noise would also be generated by outdoor play activity. Care should be taken to ensure the levels of noise and disturbance to occupiers of nearby properties is not significantly greater than that which is generated by the existing uses in the surrounding area. Given the commercial nature of the area, Staff do not consider the additional noise that will be created at certain limited times during the day as a result of outside play will be to an unacceptable degree. It should also be noted that there has not been any objections to the proposal from neighbouring occupiers.

The existing size of the property and the number of children proposed are considered sufficient to accommodate the nursery without a significant impact on neighbour's amenities. It is therefore not considered that the relationship of the application site with adjoining and nearby residential properties is one for concern.

HIGHWAY/PARKING

Policy DC26 requires community uses to be accessible by a range of transport modes including walking, cycling and public transport and sufficient on street car parking should be provided.

For D1 use, which includes day nurseries and creches, 1 car parking space per member of staff should be provided. There is also a requirement for a drop off area.

The scheme proposes parking on site accommodating 3 vehicles to the front of the building. A drop off area is proposed in an adjacent road, Highfield Road. Parking is available in this road for 30 minutes except between 10:30am and 11:30am.

Highways have not raised an objection in principle to the parking and drop-off provision however the provision of 3 spaces to the front of the commercial unit would require extending the crossover to allow access to these spaces. Highways has safety concerns over a lamp column being positioned between two crossovers and would therefore require it to be relocated along with the litter bin. This would be at the applicant's cost.

Although the peak time early morning and late afternoon traffic caused by parents dropping off/picking up children would cause an increase in activity in this part of the Borough and Highfield Road, it is not considered that this would be of such magnitude as to warrant refusal of permission.

KEY ISSUES/CONCLUSIONS

In conclusion, it is considered that, given the scale of the property and the size of day nursery proposed, the change of use could be accommodated within this site. Staff do not consider that the increase in activity in the early mornings and early evening would adversely affect neighbouring amenity.

The use of this premises would be acceptable and reasonably located to avoid adverse impact to neighbours amenities and the character of the area. It is considered that the use has an acceptable relationship with adjoining properties. The property does not undermine the character of the area given the limited external alterations and nature of use. It is recommended that planning permission be granted in this instance.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs

2. S SC19 (Restricted use)

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

Reason:-

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

3. S SC28 (Number of children)

The number of children accommodated within the premises hereby approved shall not exceed 25 at any one time, including the applicants own children without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. S SC32 (Accordance with plans)

5. S SC27 (Hours of use)

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

Reason:-

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

6. SC58 (Storage of refuse)

7. SC59 (Cycle Storage)

8. Non Standard Condition 1 (Pre Commencement Condition)

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development required by condition 9.

Reason:

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To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61

9. Non Standard Condition 2 (Pre Commencement Condition)
The use shall not commence until vehicular/pedestrian/cycle access from the public highway has been provided in accordance with the approved plans.

Reason:

To ensure highway safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61

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

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

- 5 The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
- 6 Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
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