

APPLICATION NO:	P0547.12	
WARD :	Elm Park	Date Received: 10th May 2012 Expiry Date: 5th July 2012
ADDRESS:	25 Station Parade Elm Park	
PROPOSAL:	Change of Use to a nails/beauty salon	
DRAWING NO(S):	1:1250 Location Plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

SITE DESCRIPTION

The application site comprises the ground floor of a 3-storey terrace building and while vacant at the time of the site visit, was previously in an A1 shop use. The upper floors are in residential use. The site is within the Elm Park District Centre.

The surrounding area is of similar commercial with residential above to Station Parade. The railway line is to the north of the shop unit with the Railway Station and bridge at a higher level.

The change in levels here provide a bridge over the railway line.

DESCRIPTION OF PROPOSAL

The proposal is for a change of use from A1 to a Nail Bar/Beauty Salon. It is proposed that there would be 1 employee and that the opening hours would be 9am - 7pm Monday to Saturday and 10am - 4pm on Sundays and Bank Holidays.

RELEVANT HISTORY

None. Relevant is the scheme at 27 Station Parade approved in 2011:

P0543.11 - Change of use from retail (A1) to a beauty salon (sui generis)
Apprv with cons 27-05-2011

CONSULTATIONS/REPRESENTATIONS

30 adjoining and nearby occupiers were notified of the proposal. 10 letters were received objecting to the proposal on the following grounds:

- too many nail bars
- downgrading of the town centre as a shopping area by allowing non-conventional uses instead of conventional uses such as bakers, fishmongers etc.
- would result in competition with existing beauty salons including with one two shops down
- possible illegal use of Chinese powder to stick false nails on

The level of competition in a shopping centre is a matter for the market to decide and the applicant would have to decide whether setting up a nail bar here would be something that the market can bear. The possibility of illegal activities in connection with any use is a matter for the Police and is not a matter which can be considered as a planning issue under the Planning Acts.

RELEVANT POLICIES

None

LDF

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC33 - Car Parking

DC61 - Urban Design

OTHER

LONDON PLAN - 2.15 - Town Centres

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector

LONDON PLAN - 6.13 - Parking

MAYORAL CIL IMPLICATIONS

The proposal is for a change of use, as such no building works would be undertaken and the CIL liability would be zero.

STAFF COMMENTS

The main issues are the principle of development, its impact on residential amenity and parking/highways.

BACKGROUND

This application has been referred to Committee as it requires consideration to whether the proposal would be acceptable as an exception to Policy DC16 of the LDF Core Strategy and Development Control Policies DPD.

PRINCIPLE OF DEVELOPMENT

Policy DC16 of the LDF Core Strategy and Development Control Policies DPD indicates that in the district centres, including Elm Park, planning permission will be granted for A1 uses at ground floor level and service uses A2, A3, A4 and A5 will also be allowed in the retail core at ground floor level where criteria apply. Non-retail/service uses would be allowed in fringe areas providing certain criteria are met.

The proposal is for a nail bar to be provided in the retail core area. The proposed use would not provide any specifically retail element and would not fall within any of the A-Use Classes. It would be in a class of its own or "Sui Generis".

It is considered however, that the proposed use would provide a service appropriate to a shopping area and could therefore be appropriate development within a town centre. The purpose of the retail core area is to protect primary shopping frontages. Although in this instance the proposed use would not be retail it would provide a service, create a footfall and generally contribute to the vitality of the centre. As such, nail bars are usually found in town centre locations.

No details have been submitted in relation to the layout of the unit nonetheless nail bars normally consist of rows of nail desks and beauty salons may offer similar type treatment. While this could be described loosely as an active frontage and the nail bar/beauty salon would be open during shopping hours, there is already a beauty salon in this parade such that even if it were considered an appropriate service use, it would result in 2 non-retail uses in this group of 3 units (25 - 27 Station Parade) which would exceed 33 per cent of the frontage, contrary to Policy

DC16.

It is important to consider the above in conjunction with the advice contained in the NPPF. The NPPF (March 2012) indicates that retail vitality should be protected such that Local Plans should "define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations"

A nail bar is a use which is more suited to a town centre location and it is acknowledged that the unit at 25 Station Parade is currently vacant. Although no marketing information has been submitted with the application at the site visit it was noted that a large proportion/length of frontage of the units in this part of the town centre were vacant. Staff therefore consider that the proposal would not undermine retail vitality and viability within the retail core of Elm Park Minor District Centre. Members may place different weight on this issue and consider that the proposal would be likely to cause harm to the retail element of Elm Park, contrary to Policy DC16 of the LDF Core Strategy and Development Control Policies DPD.

DESIGN/IMPACT ON STREET/GARDEN SCENE

This proposal is for a change of use only such that no issues arise.

IMPACT ON AMENITY

The proposal is for use which would provide a service within an existing established shopping area. The proposed opening hours are not considered to be unacceptable such that although there are residential units above the shops, the level of noise and activity created by the proposed nail bar/beauty salon use would not be likely to be greater than for other commercial uses.

HIGHWAY/PARKING

While there is a requirement for a unit of this size to provide parking, Annex 5 of the LDF indicates that in town centre locations where public parking is provided, this would not have to be provided separately. There is public parking on street close to the application site which would be acceptable.

There are no highways objections to the proposed change of use.

KEY ISSUES/CONCLUSIONS

The proposal is for a change of use to a non-A Class Use within the Core Retail area of Elm Park Minor District Centre. It is recognised that nail bars and beauty salons, while not falling within an A-Class Use, do provide a service which is compatible with a town centre location. Staff therefore consider that the proposal would be acceptable as an exception to retail policy DC16.

There are no other issues raised by the proposal. As a matter of judgement, Staff consider that the proposal can be considered as an exception to Policy DC16 of the LDF Core Strategy and Development Control Policies DPD as the proposal would not, in Staff's view, have an adverse impact on retail vitality and viability in the town centre.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC4 (Time limit) 3yrs
2. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 19:30 on Mondays to Saturdays and between the hours of 10:00 and 16:30 on Sundays and Bank Holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)
 4. SC58 (Storage of refuse)
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INFORMATIVES

- 1 **Reason for Approval**
Reason for Approval

The proposed development would not be in accordance with the aims, objectives and provisions of Policy DC16 of the LDF Core Strategy and Development Control Policies Development Plan Document, nonetheless it is considered to be an acceptable exception to Policy as it would not result in any adverse impact on retail viability or vitality.

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.

APPLICATION NO:	P0598.12	
WARD :	Upminster	Date Received: 9th May 2012 Expiry Date: 8th August 2012
ADDRESS:	223-225 St Marys Lane Upminster	
PROPOSAL:	Erection of a 40 bed residential care home for the elderly, associated amenity space, access, parking and a reconfigured seating area.- Outline additional Information received 16.07.2012	
DRAWING NO(S):	995/001 Rev F 2017/E/2 Rev A; 1:200 Topographical survey; 1:1250 Location Plan; 995/002; -003;-004; -005; -006; -007; -008; -009; -010;	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report.	

CALL-IN

The application has been called in by Councillor Van Den Hende who supports the scheme on the grounds that the proposal would be of size and of a traditional design which would be an asset to the streetscene in St Mary's Lane.

SITE DESCRIPTION

The site is that of the former Upminster Police Station and its parking area located to the northern side of St Mary's Lane. The 2-storey building has recently been demolished to make way for development. At the time of the site visit there were trees to the western side of the application site. There is also a public seating area to the western side of the site fronting onto St Mary's Lane.

The existing vehicular access to the site is to St Lawrence Road and there is currently no direct access onto St Mary's Lane although members of the public on foot would previously have approached the Police Station from St Mary's Lane. The site area is 0.192 hectares.

The surrounding area is mixed with residential properties to the north and east (mainly two-storey houses) with commercial properties to the west and south on the opposite side of St Mary's Lane which are within Upminster Major District Centre. The commercial property immediately to the west of the application site is on two-storeys. Further to the east on the opposite side of the St Mary's Lane is the entrance to Clockhouse Gardens.

DESCRIPTION OF PROPOSAL

The proposal is in outline only with Access, Appearance, Layout and Scale to be determined at this stage with Landscaping reserved for later consideration. It is for the erection of a 40-bed residential care home for the elderly, associated amenity space, access, parking and a reconfigured public seating area.

The building would be located 1.33m from the shared boundary with No. 227 St Mary's Lane to its east, 7.8m Min/9.95m max from the boundary with No.s 54-60 St Lawrence Road to its north and approximately 2m from the boundary with No.s 209-213 St Mary's Lane (west). The building

would be set back between 3m and 6m from the rear edge of the highway to St Mary's Lane although the proposed 8.5m wide balcony would be less than 1m at its closest point.

The proposed building would be 49m wide with a maximum depth of 17m with a dummy pitched roof with a maximum ridge height of 12.1m. It would comprise on 4 levels and a basement level, 40 bedrooms (all with en suite), kitchen, laundry, staff kitchen and lounge facilities, storage, a "Celebrations" room, hairdressers/therapy room, managers and admin rooms, dining rooms, residents lounges, assisted bathrooms, cinema, staff training room and roof garden. There would be a ground level amenity area to the eastern side of the application site with a path way circumnavigating the building. As Landscaping is a reserved matter no details of planting are indicated for either the amenity area or the roof garden, nonetheless the plans indicate that around 14 trees would be removed.

11 parking spaces would be provided along the shared boundary with No.66 St Lawrence Road/No. 227 St Mary's Lane, in a similar position to those for the now demolished Police Station. A turning head would be provided adjacent to the entrance to the care home building which faces St Lawrence Road where the existing vehicular access would also be retained. A pedestrian access would be provided onto St Mary's Lane at the far eastern end of the application site. A section of the site fronting onto St Mary's Lane which is currently in use as public highway with seating would be stopped up, nonetheless a small seating area would be provided on an area which would remain as public highway.

The building is proposed to be in a mock-Tudor style with brick at ground floor with render and timber detailing and some tile hanging on the floors above.

The following documentation has been submitted in support of the application:

Phase 1 Desk Top Contamination Report
Flood Risk Assessment
Ecoogy Appraisal & Protected Species Report
Arboricultural Report
Transport Assessment
Travel Plan
Waste Management/Minimisation Statement
Community Involvement Statement
Thermal Model Report
BREAAAM Pre-Assessment
Mechanical and Electrical Report

RELEVANT HISTORY

D0030.12 - Certificate of lawfulness for demolition of former police station building,
outbuildings and one metal container
PP not required 20-03-2012

CONSULTATIONS/REPRESENTATIONS

139 adjoining and nearby occupiers were notified of the planning application. A site notice was displayed and a press notice was posted in a local paper. 12 letters of support have been received, together with three letters objecting to the scheme on the following grounds:

- height resulting in significant overlooking
- possible noisy facilities close to existing residential properties
- out of keeping with the visual appearance and character of the area

- this is an area of residential properties and the proposal out of proportion with existing development both in terms of height and overall size
- there would be noise and other disturbances during the 2-year construction period
- construction traffic would need to be via small residential streets resulting in an increase in traffic and a road safety hazard for residents
- increase in traffic volumes
- possible on-street parking
- loss of trees resulting in loss of endangered wildlife and increase in CO2
- lighting columns with floodlights would have a visual impact in the day and light would add to existing light pollution at night; nuisance would be caused if they are activated by motion sensors
- overshadow adjoining garden
- loss of natural daylight
- possible damage to existing properties
- possible affect on house prices
- the design of the building has no architectural merit and would be incongruous with the surrounding area
- overlarge development for the plot giving very little surrounding grounds; of which most would be for parking
- ground level external recreation areas would be very limited although a roof garden is shown
- construction hours must be strictly adhered to
- the proposal is a profit-making commercial enterprise, rather than a housing scheme; lower-density housing would be much more appropriate here

The London Fire and Emergency Planning Authority have written to indicate that the Brigade is satisfied with the proposals.

The London Fire Brigade have written in respect of water supply to indicate that 1 private fire hydrant should be installed.

The Metropolitan Police's Crime Prevention Design Advisor has written to advise that crime prevention measures have been considered in the design of the proposed development and he asks that a suitably-worded Secured by Design Condition and informative are attached to any grant of planning permission, together with conditions requesting further details of boundary treatment, cycle storage, external lighting and CCTV.

RELEVANT POLICIES

LDF

- DC3 - Housing Design and Layout
- DC32 - The Road Network
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC36 - Servicing
- DC5 - Specialist Accommodation
- DC53 - Contaminated Land
- DC55 - Noise
- DC56 - Light
- DC61 - Urban Design
- DC62 - Access
- DC63 - Delivering Safer Places
- DC72 - Planning Obligations
- SPD1 - Designing Safer Places SPD

LDF

SPD9 - Residential Design SPD

OTHER

LONDON PLAN - 3.5 - Quality and design of housing developments
LONDON PLAN - 3.8 - Housing choice
LONDON PLAN - 5.7 - Renewable energy
LONDON PLAN - 5.8 - Innovative energy technologies
LONDON PLAN - 6.10 - Walking
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 6.5 - Funding Crossrail and other strategically important transport
LONDON PLAN - 6.9 - Cycling
LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.5 - Public realm
LONDON PLAN - 7.6 - Architecture
LONDON PLAN - 8.3 - Community Infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 2,202.6m² x £20 per sq.m which amounts to £44,052.

STAFF COMMENTS

The scheme is in outline with Landscaping reserved until later consideration. For consideration now are Access, Appearance, Layout and Scale.

The main issues are the principle of the development, the impact of the matters to be considered now on visual amenity in the streetscene, their impact on residential amenity and their impact on highways/parking/servicing. It should be noted that the area available for landscaping is directly affected by the outline proposal.

PRINCIPLE OF DEVELOPMENT

The proposal is for the redevelopment of the former Upminster Police Station to a 40-bedroom residential care home with ancillary facilities and parking. Policy CP2 of the LDF indicates that sustainable, attractive, mixed and balanced communities will be created by, in part, "ensuring that the needs of those households with special needs, including the elderly, are met". Policy DC5 of the LDF specifically relates to specialist accommodation and indicates that health and non-health social service residential projects are acceptable, subject to meeting specific criteria as follows:

- the proposal is located within a residential area unless the scale and nature of the facility is such that it would be inappropriate in a residential setting
- the site has reasonable pedestrian and cyclist access to shops and services
- the site is well served by public transport
- where the proposal involves the conversion of an existing residential property that policy DC4 is satisfied
- with regard to policy DC61, the proposal is of a high standard of urban design and does not result in overshadowing, loss of sunlight, unreasonable noise and disturbance, overlooking or loss of privacy to existing and new properties and responds to distinctive local building forms and

patterns of development and respects the scale, massing and height of adjoining buildings

- residents/visitors are able to park without detriment to highway safety taking account of the availability of on and off street parking with regard to the standards set out in policy DC33 and DC35.

The criteria are addressed in more detail below, nonetheless the proposal for a care home is considered to be acceptable in principle in accordance with Policy DC5.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Staff consider that the predominate building scale on the northern side of St Mary's Lane is two storeys in height. Many of the properties incorporate dormer windows suggesting some use of the roofspace but this has only a limited impact on the overall height of the buildings, which rise to a typical full 3-storey height only in the immediate vicinity of the junction between Station Road and Corbets Tey Road.

Despite the variation in the shop fronts on premises within the Town Centre itself, the north side of St Mary's Lane also has a degree of consistency and simplicity in its built form that is lacking on the south side. On the south side buildings vary in terms of their design and form and the heights vary from single storey to 4 storeys. There is a clear distinction where the character changes from commercial to more residential and this can be seen from Tudor Gardens and the Waitrose building onwards, where building heights decrease to 2-storeys. There is therefore, Staff's opinion, a distinct difference in character between the north and south side of St Mary's Lane.

The proposal is for a single building of 49m in width fronting onto the northern side of St Mary's Lane and set back from it by between 3m and 6m with a balcony which would be set back by less than 1m. The building would appear three-storey from St Mary's Lane although accommodation and a roof garden would be provided in the roof space such that to the rear, gables would have 4 storeys.

The building would have a break at the mid-point where a 3m wide section would be set back and is also defined by a change to the ridge height from 12.1m to 11.1m. For comparison purposes the house directly adjacent to the site in St Mary's Lane has a ridge height of 8.5m above ground level and the flat roof commercial building (in the District Centre) has a height of 8.7m above ground level.

The 11.1m high section would also have a significantly overhanging roof such that the nearest point would be less than 1m from the shared side boundary. The dummy pitch roof would rise 5.3m above its eaves level and have a flat section (with the roof level accommodation) which is 5.7m deep.

Given the siting of the building close to the plot boundaries, and the design approach adopted, Staff consider that the proposed building would be of a significantly larger scale and bulk than existing development. Staff consider that the development would appear cramped and visually intrusive, such that it would be out of character in the area and have an adverse impact upon visual amenity in the streetscene.

In relation to the garden scene, the proposal would clearly cover more of the site and be higher and bulkier than the former police station which appeared as a detached 2-storey house. The proposed building would be located between 8m and 10m from the back fences/shared boundaries of the adjoining 2-storey residential properties which front onto St Lawrence Road.

Staff consider that in particular the rear gables with their heights of 9.8m /11.5m and overall ridge height of 12.1m and bulk of the building that it would appear visually intrusive and overbearing in the rear garden environment.

IMPACT ON AMENITY

The nearest residential properties are No. 227 St Mary's Lane to the east of the application site and No.s 54 -60 and No.66 (evens) St Lawrence Road. No's 60 and 66 are to either side of the existing vehicular access to the application site.

The proposed development would not be deeper than the adjoining residential property at No. 227 St Mary's Lane which has a rear section which is full two-storey with a gable to the rear. There are a number of windows to the side elevation of this adjoining property but given the location of the entrance door to the side of the property, these appear to be secondary windows with the main windows to the front and rear of the property. It is considered that, due to the additional height of the building compared to that of the Police Station that there would be some additional loss of light to the garden area of this property. Nonetheless, as a north facing garden and given that the Police Station was located to the eastern side of the application site, Staff consider that the proposal would not result in so significant a loss that significant harm would be caused to this occupiers amenity. No windows would be proposed in the elevation facing No. 227 St Mary;'s Lane and it is not therefore considered there would be any loss of privacy or overlooking arising from the proposed development in relation to this neighbouring occupier.

In relation to the occupiers to the properties fronting onto St Lawrence Road, the proposed development would have windows at 3rd floor level looking out towards the rear of these properties. With garden depths of 15m to the St Lawrence properties and with the proposed care home building at least 8m from the rear boundaries, the total minimum separation distance would be 23m. Staff consider that while there would be some perceived overlooking, the proposed development would not result in actual overlooking or any significant loss of privacy. Members may place different weight on this issue, nonetheless Staff consider that no significant harm would arise.

Shadow projections for May to September indicate that there would be no overshadowing of the existing gardens. During the winter months the building is likely to cast longer shadows nonetheless, based on the details submitted, Staff consider that the proposed building is unlikely to cause shadowing of the rear elevations of these residential properties to the degree that it would cause significant harm to residential amenity.

The proposed car parking area would be provided in the same location as for the Police Station and with 11 spaces is not considered likely to result in any increase in traffic noise or activity over and above that of the Police Station.

Any noise arising from plant or machinery or extract ventilation could be controlled through the use of suitable conditions. Nonetheless Staff consider that general noise and activity associated with the care home is unlikely to result in harm to existing residential amenity.

The proposed design would leave a landscaping area of between 3m and 6m in depth to the St Mary's Road Frontage and a depth of 8 - 10m to the rear in a north-facing garden. The shadowing details submitted show that the rear area which would be the most private would be in shadow for most of the year and as such offers a low level of amenity. The area to the front of the building would be semi-private and offers limited scope for planting, in part due to the footpath circumventing the building. The ground level amenity area is supplemented by a

proposed roof garden which would be accessible by lift and stairs and other amenity areas are provide inside the building, such that Staff consider the level of amenity provided to future occupiers of the proposed care home would be acceptable.

HIGHWAY/PARKING

The proposal would provide 11 parking spaces with a turning head provided adjoining the entrance to the care home (located to the rear of the building relative to St Mary's Lane) and using the existing vehicular access from St Lawrence Road. A new pedestrian access gate would be provided to the eastern corner of the application site to St Mary's Lane.

Annex 5 of the LDF indicates that 1 space should be provided for each 4 resident bedspace in nursing homes. With 40 bedrooms the proposed care home would be expected to provide 10 parking spaces. The proposal therefore meet this requirement.

The Waste Management/Minimisation Statement indicates that refuse and recycling facilities would be provided and a suitable condition could be attached to any grant of planning permission.

A Travel Plan has been submitted with a commitment to provide a Travel Plan Co-ordinator to encourage the use of other non-car forms of transport including walking, cycling and public transport use as well as car sharing with a view to monitoring and reviewing the provision and use. As part of this it is proposed to provide a high quality secure, sheltered cycle store for 8 cycles. There would be 13 staff at peak (day) time with a further 8 at night. This level of cycle provision is considered to be acceptable as it is expected that 1 space would be provided for each 3 staff (Annex 6 of the LDF). Staff cycle storage can be provided through the attachment of a suitable condition if planning permission is granted.

Highways indicate that they have no objections to the proposal in terms of parking provision or technical highways or servicing grounds. They indicate that part of the highway would need to be stopped up and welcome the provision of a replacement seating area.

TREES

Trees would be removed from the application site. Since landscaping is not a matter to be determined at this stage, details of their replacement together with other planting have not been submitted. However, as a pathway is shown all around the building it is unlikely that there would be any direct replacement of the removed trees. They are however not subject to a Preservation Order and their loss is therefore acceptable.

SUSTAINABILITY/ENERGY EFFICIENCY

Details submitted with the application indicate that it would be able to meet the "Excellent" BREEAM Rating which would exceed that required by Policy DC49 of the LDF.

SECURED BY DESIGN

The Secured by Design Officer has requested that conditions are attached to any grant of planning permission but that the outline scheme is acceptable in relation to crime prevention aspects provided.

KEY ISSUES/CONCLUSIONS

The proposal for a care home is considered to be acceptable in principle. However, Staff consider that the proposed scale and bulk of the building which would be located relatively

closely to its boundaries would result in it being overly dominant and overbearing such that it would adversely affect visual amenity in the streetscene and rear garden environments.

RECOMMENDATION

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

1. Refusal non standard Condition

The proposed care home would, due to its height, bulk, length of continuous frontage and closeness to its site boundaries result in a cramped form of development which would have an adverse impact on visual amenity in the streetscene and be overly-dominant in the rear garden environment contrary to Policies DC5 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and SPD on Residential Design.
