



Havering
LONDON BOROUGH

**Planning Committee
21 October 2021**

Application Reference:	P0998.21
Location:	4 Carlton Road, Romford
Ward:	Romford Town
Description:	Installation of a kitchen extraction system with ducting fitted to the rear elevation
Case Officer:	Adèle Hughes
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 SUMMARY OF KEY REASON FOR RECOMMENDATION

- 1.1 It is considered that the proposal would integrate satisfactorily with the streetscene and would not adversely affect neighbouring amenity. This application is recommended for approval subject to conditions.

2 RECOMMENDATION

- 2.1 That the Committee resolve to grant planning permission subject to conditions.
- 2.2 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time limit – The development must be commenced no later than three years from the date of this permission.
2. Materials – The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 14 of the application form unless otherwise agreed in writing by the Local Planning Authority.
3. Accordance with plans – The development should not be carried out otherwise than in complete accordance with the approved plans.
4. Odours & odorous material - Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme submitted to and

approved in writing by the Local Planning Authority in consultation with the Havering Public Protection Service. The approved equipment shall be installed on site and certification provided by a competent engineer. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

5. New plant & machinery- Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.
6. Noise & vibration - Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Informatives

1. Approval – No negotiation required
2. Fee informative
3. Environmental Health informatives
4. Non standard informative

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The proposal is for the installation of a kitchen extraction system with ducting fitted to the rear elevation of the building.

Site and Surroundings

- 3.3 The application site relates to a mid-terrace unit within an existing two storey, flat roof building on the south side of Carlton Road. The building comprises a parade of commercial units at ground floor and residential flats at first floor. The site is located within the Carlton Road Minor Local Centre. The premises were formerly used as a newsagent and are vacant.

Planning History

- 3.4 E0058.20 - The use of the ground floor commercial unit as Use Class E (Commercial, Business and Service) – Planning permission not required.

P1521.19 - Change of use from Newsagent to A5 Take Away, with flu pipe cased with matching brickwork at rear and new front door to access flat above – Refused. Appeal dismissed.

P0967.19 - Proposing the change of use on ground floor from A1 to A3 with flue pipe installation at rear, and first floor rear extension to enlarge the existing 1 bed flat to 2 bedrooms – Refused. Appeal dismissed.

4 CONSULTATION RESPONSE

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 Public Protection Department– Recommend three conditions regarding suitable equipment to remove and/or disperse odours and odorous material, a scheme for any new plant or machinery and a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed and informatives if minded to grant planning permission.
- 4.3 The StreetCare Department wish to ensure that there is adequate refuse storage facilities.

Officer note – The proposal is not for the use of the premises, just for extract equipment, therefore, the adequacy of refuse arrangements cannot be secured through this application.

5 LOCAL REPRESENTATION

- 5.1 A total of 102 neighbouring properties were notified about the application and invited to comment.

- 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 19 (which consists of 11 objections and 8 letters of support). A petition objecting to the application was submitted with 15 signatures.

- 5.3 The following Councillor made a representation:

This application has been called in by Councillor Joshua Chapman on the grounds that two applications of the same nature have been refused by the council at the same site in the very recent past:

P0967.19 (seeking to change the use to a restaurant with extraction system).

P1521.19 (change of use to a take away)

The proposal by reason of the increase in comings and goings at the site, particularly arising from the proposed late evening hours of operation, together with increased parking congestion arising from lack of nearby parking, would cause significant harm to residential amenity from noise, disturbance and activity contrary to Policy DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

The council has already decided the location is not suitable for a takeaway, yet the extractor is being sought, as per the application form, 'for the purpose of cooking in a takeaway restaurant'.

Since the last two applications, the applicant has also sought permission for and developed a flat on top of the site. With that in mind, the ducting itself will

have a much greater impact on residential amenity given the smell and the proximity to the new dwelling. In addition, the upper floor of the entire row of shops is residential and the impacts are similar.

Officer note: This planning application seeks consent for the installation of a kitchen extraction system with ducting fitted to the rear elevation of the building. The Use Classes Order was changed on 1st September 2020, which enabled some premises to change their use to a restaurant without planning permission being needed.

By virtue of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the lawful use of the newsagent premises at 4 Carlton Road has changed from A1 (shops) to Class E (Commercial, Business and Service), which includes restaurants. An existing Certificate of Lawfulness was issued for the use of the ground floor commercial unit as Use Class E (Commercial, Business and Service) on 15th April 2021. Therefore, the premises can be used as a restaurant without planning permission being required. However, the use of the premises as a takeaway would still require planning permission.

The agent has confirmed that the premises will be a restaurant and that the reference to a takeaway was an error.

Representations

- 5.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Food smells/cooking odours/fumes.
- Impact on residential amenity.
- The proximity of the flue to residential dwellings.
- Air quality.

Non-material representations

- 5.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Reference was made to the previous planning applications for the site and the use of the premises as a restaurant & takeaway.
- Vermin.
- This is not in a suitable location.
- Traffic.
- Highway safety.
- Parking.
- Access.
- There is no need for any more restaurants and takeaways.
- Refuse.
- Graffiti.

- Disturbance.
- Crime.
- Increased pedestrian movements.
- Anti-social behaviour.
- Concerns regarding the opening hours of the premises.

6 MATERIAL PLANNING CONSIDERATIONS

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

- The impact on the streetscene and impact on amenity arising from the proposed development.

Impact on the streetscene

6.2 The extract ducting would project approximately 1.2 metres above the main roof ridge of the building. It is considered that the extract ducting would not be materially harmful to the character and appearance of the streetscene, as it would be located on the rear elevation of the building and the premises are set in from Junction Road. In addition, the depth and proportions of the extraction flue are relatively modest in size. The application form states that the ducting would be stainless steel and this is deemed to be acceptable and will be secured by condition if minded to grant planning permission.

Impact on residential amenity

6.3 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, vibration and fumes between and within developments.

6.4 The application site comprises a two storey mid-terrace property with residential accommodation at first floor. The remaining terraced properties comprise of commercial uses at ground floor and residential accommodation above. There is a block of flats at Deer Mead Court to the south east of the site. Although the extract duct would be visible in the rear garden environment, it is considered that it would not result in an adverse visual impact, as its height and overall proportions are relatively modest. It is considered that the stainless steel extract duct would not appear visually intrusive. The Council's Public Protection Department was consulted and did not object to the application subject to the provision of three conditions regarding suitable equipment to remove and/or disperse odours and odorous material, a scheme for any new plant or machinery and a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed if minded to grant planning permission. Subject to these conditions, it is considered that the extract ducting would not result in a significant loss of amenity to neighbouring properties.

6.5 Officers consider that in terms of the amenity of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policy DC61 of the Local Development Framework.

Conclusions

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