

REGULATORY SERVICES COMMITTEE
10 January 2013

APPLICATION NO:	P1238.12	
WARD :	Gooshays	Date Received: 24th October 2012 Expiry Date: 19th December 2012
ADDRESS:	Pentowan Farm Church Road Noak Hill Romford	
PROPOSAL:	Erection of replacement storage barn.	
DRAWING NO(S):	3217/1; -2; -3; -4; -5; -6	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The site comprises an existing open-sided barn building used currently for the storage of pallets, sacks and other items in association with an existing established potato business which operates from an adjoining building. Potatoes grown at other sites nearby are brought to this site for storage and on-going distribution. At the site visit it was noted that the barn also provided hay storage.

The site forms part of a larger area known as Pentowan Farm with the remainder of the site being in mainly in agricultural use, although an MOT/car repairs use was issued with a Certificate of Lawful Existing Use in 2004.

The surrounding area is a mixture of residential (including some farmhouses) and community buildings mainly to the Church Road frontage with farms and some other commercial uses with open/cultivated fields behind.

DESCRIPTION OF PROPOSAL

This application is for the replacement of the currently open-sided barn with an enclosed barn. The proposed barn would be 11.7m wide, 18.4m long and have a shallow pitched roof with side gables with a ridge height of 7.7m above ground level (eaves at 6.1m above ground level).

The external materials are concrete panels below grey cladding with the roof being in grey fibre cement panels. A roller shutter door would be provided facing into the existing court-yard area (north-eastern elevation). The internal details indicate that there would be shelving to the side and rear walls but otherwise there would be single-height storage. It is proposed that potato storage can then take place in the building which currently cannot provide such storage as it is open-sided.

It is not proposed that there would be any increase in car parking spaces or staff numbers from the existing.

A supporting document is submitted indicating the following special circumstances case as summarised:

- the building would not be inappropriate development in the green belt in accordance with the NPPF as it is a replacement building which is not materially larger than the one it replaces
- the LDF is out of date in respect of replacement buildings in the green belt and the NPPF should take precedence

- economic growth should be supported in rural areas in line with the NPPF
- the new barn is needed as the existing building is old and insecure, providing limited storage in connection with the existing potato business
- the new building will enable a fixed temperature to be set for the storage of potatoes to keep them fresher longer (increasing flexibility in purchase and supply)
- the proposed three-stage racking will enable the storage of pallets of potatoes and packaging materials
- reduction in theft of the produce and loss of pallets and other packaging materials, including branded sacks

RELEVANT HISTORY

E0027.04 - Repair and servicing of motor vehicles (B2 Use Class)
PP not required 08-11-2005

P1253.92 - To use part of existing worksh op as Class 7 MOT test bay
Refuse 17-03-1993

CONSULTATIONS/REPRESENTATIONS

16 neighbouring occupiers were notified of the proposal, a press notice was issued and a site notice was posted. There were no replies.

RELEVANT POLICIES

LDF

- CP14 - Green Belt
- CP17 - Design
- CP3 - Employment
- DC11 - Non-Designated Sites
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design

OTHER

- LONDON PLAN - 4.4 - Managing industrial land and premises
- LONDON PLAN - 6.13 - Parking
- LONDON PLAN - 7.16 - Green Belt
- LONDON PLAN - 7.3 - Designing out crime
- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is for a storage building in excess of 100 sq.m (210 sq.m). However it is a replacement building and overall the increase would be 70 sq.m. The Mayoral CIL is not therefore liable.

STAFF COMMENTS

The issues arising from this application are the principle of the development, its impact on the Metropolitan Green Belt, impact in the streetscene, impact on residential amenity and highways/parking. If harm is identified very special circumstances to outweigh the presumption against inappropriate development in the Green Belt must exist.

PRINCIPLE OF DEVELOPMENT

Policy DC45 and the NPPF indicate that the use of buildings in the green belt as warehousing and/or offices is inappropriate development in the green belt. However, the NPPF also states at paragraph 89 that.."A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

The proposal is to demolish the existing Dutch-barn building which is 140 sq.m and replace it with a larger building of 210 sq.m. It is proposed that the replacement building would provide a storage facility ancillary to and in connection with the existing potato business. Whilst the building would be used for the storage and distribution of potatoes which are grown at farms in the locality, the site itself is not considered to be in agricultural use. The supporting information indicates that the farm land was sold off in the 1970s and although the potato business was pre-existing prior to that such that it may have benefited from its agricultural use, following the sale of the farm land, the building appears to have been used solely as storage within Class B8 of the Use Classes Order. This is not a lawfully defined use of this site which can only be formally determined through the submission of and receipt of a Certificate of Lawful Development, nonetheless it appears to be the case. The applicant has not relied on this being in agricultural use in his supporting statement.

The proposed building would increase from 140 sq.m to 210 sq.m and would therefore be 50% larger floorspace than the building it replaces. In terms of volume, the existing building is approximately 925 cubic metres and the new building would be approximately 1,490 cubic meters, a 565 cubic metre increase which equates to a 61% increase in overall volume. It is therefore considered that the proposed building would be materially larger than the building it replaces and while the proposal would continue in the same use as existing in line with the NPPF, Staff consider that the proposal would be inappropriate development in principle and therefore result in "in principle" harm to the Metropolitan Green Belt and the reasons for including land within it.

As such and in line with the NPPF, if in principle harm together with other harm is identified, very special circumstances must exist if the presumption against inappropriate development in the green belt is to be considered acceptable. Before considering any special circumstances, consideration is given below to whether any other harm arises from the proposed development.

GREEN BELT IMPLICATIONS

The proposed building would be approximately 60% larger by volume and 50% larger floorspace than the building it would replace. It would retain the same building line to the north-east as the

existing building and would extend to the south-west to just inside the shared boundary. It would also be higher at its ridge point than the existing building by about 0.6m, however the existing building has a rounded roof and Staff consider that the proposed shallow-pitched, triangular roof would appear less bulky at roof level than the existing building.

The building would retain the current North-West South-East orientation of the existing building and be in the same materials as the other existing, but newer, barn used for potato storage. However, given that the overall increase in the volume of the building would be 60% larger than the building it replaces, Staff consider that there would be harm to the open character of the green belt in this location, although this is somewhat limited by the already built up nature of the site and its immediate surroundings.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The existing barn is visible from the public highway at Church Road.

Staff consider that as the proposed barn would be located some 25m or so from the public highway and to the rear of structures in the adjoining property which lies between the barn and the highway, that the proposed barn, while closer to the highway than the existing building and slightly higher, it would not have any significant adverse impact on visual amenity in the streetscene.

The nearest garden area is located to the rear of the former farmhouse. While the building would be closer to the boundary of the neighbouring property, it would be further from the garden area than the existing potato storage barn. Staff consider that as the building would replace the existing high-sided barn and would be only marginally closer to the garden area, that it would not have any significant adverse impact on the rear garden environment.

IMPACT ON AMENITY

The nearest residential property is approximately 17m away from the proposed building .

It is considered that as there is no proposed change to the use of the building that if the building were provided with suitable sound insulation and that any plant and/or machinery was acceptable and a condition was attached restricting hours of use that there should not be any significant adverse impact on the existing occupiers next door to the rear (west) of the proposed building.

HIGHWAY/PARKING

Annex 5 of the LDF indicates that B1 Uses/B8 Uses should provide 1/100 sqm and 1 lorry space per 200 sq.m or 1 lorry space plus 1 lorry space per 500 sq.m. In relation to this application 2 parking spaces and 1 lorry space would be required for the new building. There are 8 existing car parking spaces and lorries enter and existing the site in forward gear currently. It is not proposed to change this current arrangement and the new building would not alter the parking or turning arrangements.

It is considered that the parking area provided would meet the needs of the occupiers and that no additional provision is necessary for parking/loading or unloading.

OTHER ISSUES

The Case for Special Circumstances:

The applicant has submitted special circumstances which he wishes to be taken into account which are summarised as follows:

- the building would not be inappropriate development in the green belt in accordance with the NPPF as it is a replacement building which is not materially larger than the one it replaces
Staff comment: The proposed building would be 50% larger by footprint but 60% larger by volume it is not therefore considered that the proposal amounts to not being materially larger

- the LDF is out of date in respect of replacement buildings in the green belt and the NPPF should take precedence

Staff comments: The NPPF, adopted in March 2012 is a more recent document than the LDF adopted in 2008, nonetheless both documents consider that the proposal would be for inappropriate development in the green belt

- economic growth should be supported in rural areas in line with the NPPF

Staff comments: The proposal would not increase work opportunities but could provide economic growth in terms of greater profit for the owner of the business and represents an investment in an existing business

- the new barn is needed as the existing building is old and insecure, providing limited storage in connection with the existing potato business

Staff comments: The need for a better storage facility for a product which degrades is considered to amount to a very special circumstances as is the need to reduce the likelihood that the product nor packaging is the subject of theft, the proposed storage barn would reduce crime in line with Policy DC63

- the new building will enable a fixed temperature to be set for the storage of potatoes to keep them fresher longer (increasing flexibility in purchase and supply)

Staff comments: The open sided barn is not suitable for the purpose for which it is being used and the proposal would enable the product to have greater longevity resulting in a more consistent product supply to meet demand

- the proposed three-stage racking will enable the storage of pallets of potatoes and packaging materials

Staff Comments: Being able to store the product and packaging on multiple levels will enable more supplies to be stored at this site ready for dispatch on demand

- reduction in theft of the produce and loss of pallets and other packaging materials, including branded sacks

Staff Comments: See above

As outlined above, Staff consider that there are some very special circumstances that exist in relation to the proposed development. These very special circumstances need to be weighed against the inappropriateness in principle to the proposed building in the Green Belt which is materially larger and the harm to the openness to the Green Belt. As a matter of judgement, given the existing built up nature of the site, the proposed positioning and size of the building, Staff consider that the very special circumstances are sufficient to outweigh the harm identified.

Given the very special circumstances advance, it is considered necessary to attach a condition that the building only be used in connection with the storage and distribution of potatoes.

SECTION 106

The proposal is not for residential development and no Planning Obligation is therefore required.

KEY ISSUES/CONCLUSIONS

The proposal is to replace the existing open-sided barn building so that it can be used for additional secure storage in connection with the existing potato supply business.

Staff consider that the circumstances indicated amount to the very special circumstances needed to outweigh the "in principle" and other harm in connection with the proposed building which is for an inappropriate use in the green belt.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

3. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the building hereby permitted shall only be used in connection with the storage and distribution of potatoes and shall be used for no other purpose(s) whatsoever including any use in Class B8 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.

4. SC22 (Hours of operation) ENTER DETAILS

Deliveries to and from, and work within, the building hereby approved shall only take place between the hours of 07:00 and 18:00 Mondays to Fridays, 08:00 and 16:00 on Saturdays, and at no time on Sundays, Bank or Public Holidays.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. SC32 (Accordance with plans)

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

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since

6. SC42 (Noise - New Plant) (Pre Commencement Condition)

Prior to the commencement of any works which involve the provision of plant or other machinery in connection with the proposed barn, details of any new plant or machinery shall be submitted to the Local Planning Authority and approved in writing. Once approved any plant or machinery shall be implemented in accordance with the approved details and maintained in perpetuity.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

7. SC60 (Contaminated land condition No. 1) (Pre Commencement)

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B Following completion of the remediation works a Validation Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, Land Contamination and the Planning Process .

2. Non Standard Condition 31

Unless otherwise agreed in writing by the Local Planning Authority, the proposed building shall be constructed and finished in external materials as stated in Section 9 of the application form.

Reason: To ensure that the development would complement existing similar barn buildings within the locality in accordance with Policies DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1 Standard Green Belt Informative

The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of the increase in the size of the replacement building over the size of the building to be replaced, it should not be assumed that any further extensions or buildings will be agreed.

2 Approval - No negotiation required

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

3 Reason for Approval

Reason for Approval

The proposed building is considered to be materially larger than that existing and is considered to be inappropriate development in the Green Belt which harms its openness. However, there are considered to be sufficient very special circumstances to outweigh the harm identified, in accordance with the NPPF and Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

REGULATORY SERVICES COMMITTEE
10 January 2013

APPLICATION NO:	P1310.12	
WARD :	Pettits	Date Received: 26th October 2012 Expiry Date: 21st December 2012
ADDRESS:	2B Moray Way Romford	
PROPOSAL:	Change of Use from A3 to A5 (fish and chips restaurant and takeaway) with the extension of hours to 9pm	
DRAWING NO(S):	OS Map Existing plan and elevations	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

This application was called to Committee by Cllr Barry Tebbutt in order that committee can consider what appropriate opening hours are and to consider whether bringing a vacant unit back into use should be accorded any weight.

SITE DESCRIPTION

The application site comprises a roughly rectangular parcel of land situated at the western end of a short parade of shops with flats above. This parade is identified in the LDF Core Strategy and Development Control Policies DPD as the Moray Way Minor Local Centre. The parade is located at the junction of Moray Way and Havering Road. There is presently a parking lay-by at the front of the parade and a service road at the rear. The existing parade is of a straightforward design, three storeys high and has a pitched roof with gable ends. The flats on the upper floors of the parade are accessed from the rear service road which also serves some garages on its southern side.

The site itself contains a newly constructed end of terraced building with A3 use at ground floor and residential above. The area surrounding the application site is predominantly residential in character with mainly two storey detached and semi detached houses. The Havering Road Methodist Church is situated opposite the site.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for a change of use from A3 to a takeaway(A5) and extending the opening hours.

No building works are proposed to the premises and as a result the total area of the unit would remain 60m². Proposed opening hours would be from 11:00 to 21:00 Mondays to Saturdays. The proposed take-away would be closed on Sundays and Bank Holidays.

No additional ducting is required from that which was previously approved under P0472.11.

It is indicated that the use will employ 2 full-time and 2 part-time members of staff.

No details are provided in terms of off-street parking or refuse storage areas.

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This application does not involve any changes to the shop front or new advertisement signs and only relates to the change of use and the increase in opening hours

RELEVANT HISTORY

- P1038.12 - Demolition of existing garages and erection of 2no. 2 bed properties
Refuse 26-11-2012
- P1514.11 - Variation of opening hours from those granted in application No. P0472.11
Refuse 01-12-2011
- P0472.11 - Construction of an end of terrace three storey building, comprising A3 commercial unit at ground level with No.1 x 3 bed flat on first and second floor. Associated storage and refuse provision.
Apprv with cons 27-05-2011
- P1375.08 - Construction of 1 no.commercial unit with separate 3 bedroom flat above
Apprv with cons 09-10-2008

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent out to 40 neighbouring properties and 5 letters of objection were received (2 from the same person) raising the following concerns:

- proposal would increase noise, smell and traffic pollution
- increase in safety concerns with the possibility of youths hanging around the shop
- rubbish from takeaway business will end up in the street
- already too many restaurants and take-aways in the area
- parking problems
- flue would result in unacceptable smells
- noise generated by late night opening hours

Highways did not raise any objection to the proposal as there are on street 'Disc' parking outside the development.

Environmental Health did not raise an objection to the proposal providing that suitable conditions be added for insulation, noise and vibration control, odour control and limit hours for construction and deliveries.

The Borough Crime Prevention Design Adviser did not raise any objection to the proposal.

RELEVANT POLICIES

LDF

- CP4 - Town Centres
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design
- DC63 - Delivering Safer Places

OTHER

- LONDON PLAN - 2.15 - Town Centres

OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There is no CIL implications as there will be no additional floor space created.

STAFF COMMENTS

The issues arising from this application are the principle of change of use, the proposal's visual impact, impact on amenity, parking and highway issues.

PRINCIPLE OF DEVELOPMENT

The application site is designated as being within a Minor Local Centre. Policy DC16 states that planning permission for retail uses (Class A1) and other uses, appropriate to a shopping area (Classes A2, A3, A4, A5) in the borough's Minor Local Centres, will be granted at ground floor level. As such, the principle of a A5 unit in this location is therefore considered to be acceptable in terms of retail policy.

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.

It is considered by Staff that the proposed use would be appropriate to a shopping area as it would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows and would display many similar characteristics to some Class A1 uses in terms of the general level of activity and expenditure, particularly as it would be open during core shopping hours.

For these reasons Staff consider that the proposal to be acceptable in principle in land use terms. The existing use is A3, no loss of retail would therefore result.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed use would involve no alterations to the external appearance of the building at the front and would therefore pose no adverse or detrimental issues to the character of the street scene in Moray Way. Any changes to the shop front or advertisements would be assessed by a separate application(s).

The extract duct would be towards the rear. A similar extract duct was approved as part of a A3 use application at 2 Moray Way, Staff therefore do not have any concerns regarding the current proposal. If permission were to be granted, a condition would be recommended requiring additional details of the extract equipment.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that the wider area is predominantly in residential use, despite the relatively small parade with ground floor commercial uses. Consequently, the use is in a relatively noise sensitive

location.

The applicant has indicated an intention to open until 21:00 from Mondays to Saturdays and not at all on Sundays and Public Holidays. The issue, therefore, is whether the hours of opening and the nature of the proposed use would give rise to unacceptable worsening of amenity to residents in the surrounding area.

The application premises is the end unit to a parade of 9 shops. The rest of the shops within the parade have varied opening hours with the earliest opening time at 07:00 and the latest closing time at 18:00.

There are a number of independently accessed residential properties above neighbouring commercial premises within the parade as well as residential development in Havering Road to the rear of the site and in the immediate surrounding area. The application premises currently has a A3(etail) use with opening hours from 09:00 to 18:00 Mondays to Saturdays and not at all on Sundays and Public Holidays. The issue, therefore, is whether the change of use to a hot food take away and restaurant and opening hours till 21:00 would give rise to unacceptable worsening of amenity to residents above the parade and in the surrounding area.

A5(take-away) uses often attract a high proportion of car-borne customers, who will generally seek to park as close as possible to the premises. In an area characterised by a number of residential properties, such as this, this can often lead to excessive disturbance to local residents by way of noise from car engines, the running of engines, the closing of vehicle doors and music from radios. There is also the potential for such uses to attract people who may be likely to congregate outside such premises. Although such activity may be less intrusive during the day, the nature of an A5 use and their opening hours is such that this would take place during the evening.

It is considered that the evening activity in a predominantly residential area would give rise to unacceptable noise and disturbance from additional levels of vehicle and customer activity during the evening within this predominantly residential environment. This is considered likely to be materially harmful to residential amenity. Furthermore, it is considered that a closing time of 21:00 would be an unreasonably onerous restriction on a take away, which may compromise the viability of the enterprise and would be likely to result in subsequent applications for extended opening hours.

It is considered that the proposed change of use in this instance, due to the very nature of takeaway uses, and given the evening operating hours, would have an adverse impact upon the amenity of the occupiers of neighbouring residential properties in terms of noise and disturbance. This is of particular concern as there are several independent residential properties above the neighbouring commercial premises. While it is accepted that the site is located close to a relatively busy road with arguably higher ambient noise levels, it is considered that the later opening hours, when the ambient levels would be lower, would result in unacceptable noise and disturbance to neighbouring properties.

It should be noted that the Council has recently refused planning permission for a change of use at 6 Moray Way to a hot food take away (Class A5) on the grounds of harm to neighbouring residential amenity (application P1043.12). Proposed opening hours at no. 6 (21:30 finish, 7 days a week) were similar to that proposed here (in this case a 21:00 finish Mondays to Saturdays).

permission as part of a previous application.

HIGHWAY/PARKING

Policy DC33 states that planning permission will only be granted if new developments provide car parking spaces to the standards provided in Annex 5. The application proposes a new commercial unit (Class A5) at ground floor level. Annex 5 outlines that for a Class A5 use 1 space should be provided per 10 square metres of floor space. The proposed restaurant unit would have a floor area circa 60m² resulting in a requirement for 6 parking spaces.

At the present time many of the retail units and upper floor flats within the parade do not benefit from their own allocated parking. On street car parking in the roads surrounding the application site is largely unrestricted with users of the ground floor shops utilising the lay-by to the front of the parade for short stay parking. The application site is located adjacent to Havering Road which is served by several main bus routes serving Collier Row and Romford town centres. In view of the above Staff consider that a shortfall in car parking would be acceptable in this instance.

The service road is currently utilised for access to the rear of all of the properties in the parade including the application site. The proposed access arrangements are considered to be acceptable.

KEY ISSUES/CONCLUSIONS

The use to be retained would be acceptable in principle in a Minor Local Centre. However, the proposed takeaway is located close to residential properties and would potentially result in an unacceptable level of noise and disturbance and anti-social behaviour which would have an adverse impact on these occupiers amenities. The proposal is therefore contrary to the NPPF, Designing Safer Places SPD and Policies DC16, DC55, DC61 and DC63 of the LDF Core Strategy and Development Control DPD.

RECOMMENDATION

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

1. Reason for refusal - Business in residential area

The use as a takeaway, due to its days and hours of operation and proximity to adjoining residential accommodation, would be likely to give rise to unacceptable levels of noise, disturbance and anti-social behaviour, adversely impacting on local residential amenity contrary to the National Planning Policy Framework, the Designing Safer Places SPD and Policies DC16, DC55, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

1 Refusal - No negotiation

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of NPPF