

REGULATORY SERVICES COMMITTEE

25th April 2013

APPLICATION NO:	P0058.13	
WARD :	Cranham	Date Received: 28th January 2013 Expiry Date: 25th March 2013
ADDRESS:	2 Willow Parade Moor Lane Cranham	
PROPOSAL:	Change of use from A1 retail shop to D1 Childrens Day Nursery	
DRAWING NO(S):	Current floor layout Proposed floor layout Transport 1 Transport 2 The premises location	
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

The application is called in by Cllr. Steven Kelly if recommended for refusal. The reason for the call in is that the proposal is regarded as an area of special community need and, as such, should be given special consideration.

BACKGROUND

The application was deferred from the Regulatory Services Committee of 14 March 2013 in order for the application to be advertised as a departure from policy.

Although the press notice for the departure has now expired, the site notice has yet to expire at the time of drafting this report. Members will be verbally updated during the meeting of any further representations received. Irrespective of the resolution reached, provided that no further objections are received which raise any materially different issues to those covered by this report, it is recommended that the Committee's decision is delegated to the Head of Development and Building Control. If a materially different objection is received then the application will be reported back to the the Regulatory Services Committee.

Following the 14 March Committee, the applicant has also provided the following marketing information:

"The shop was for many years let to Cranham Furnishing who occupied the premises as a retail furniture shop. They vacated the property in July 2010 and the premises remained vacant until 26th August 2011 when the previous tenants moved in. During the period of vacancy, there was one other expression of interest in the shop but this did not proceed to completion. The second interested party during that year was the previous tenants.

The previous tenants found trading conditions very difficult and gave notice in August 2012 to bring their lease to an end. The business was closed from 30th November 2012.

The property was marketed from August 2012 and apart from your own interest, there have been no other expressions of interest in the shop."

No changes has been made to the following report as submitted to the Regulatory Services

REGULATORY SERVICES COMMITTEE
25th April 2013

Committee of 14 March 2013.

SITE DESCRIPTION

The application site comprises the ground floor of a vacant premises located on the eastern side of Front Lane. The ground floor of the premises is currently vacant and was previously used for retail purposes. The site is located within the Front Lane Major Local Centre and is surrounded by a mix of town centre uses.

The subject premises adjoins a financial adviser to the north and a chiroprapist to the south.

DESCRIPTION OF PROPOSAL

This full planning application proposes the change of use of the premises to a children's nursery (D2). The use will be established on the ground floor only.

The premises has a floor area of approximately 99m². The proposed use intends to operate between the hours of 7:30 and 18:30 from Mondays to Fridays.

The applicant has stated that there is a need for the proposed facility in the Cranham area as contained within the London Borough of Havering Childcare Sufficiency Assessment 2011 and that the proposed premises would enable the applicant to deliver quality childcare at a reasonable price.

No external alterations are proposed to the building. It should be noted that signage does not form part of this application and may need to be the subject of a separate application.

RELEVANT HISTORY

P1340.12 - Change of use from A1 retail to D1 childrens day nursery
Refuse 15-01-2013

P1534.10 - Change of use from A1 to Sui Generis (Beauty Salon).
Apprv with cons 06-01-2011

CONSULTATIONS/REPRESENTATIONS

The application was publicised by the direct notification of 59 nearby properties with 1 letter of objection and 1 letter of support received. The letter of objection relates to safety issues around the drop of point to the rear of the site as it is in constant use by delivery vehicles.

Environmental Health has suggested a recommendation for refusal on noise grounds unless a insulation condition can be added.

RELEVANT POLICIES

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

REGULATORY SERVICES COMMITTEE

25th April 2013

OTHER

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 8.3 - Community infrastructure Levy

NPPF - National Planning Policy Framework

STAFF COMMENTS

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

BACKGROUND

A previous application on the premises was refused permission for the following reason:

1. The proposed development would give rise to a concentration of non-retail uses which is inappropriate within the retail core of the Front Lane Major Local Centre, undermining its vitality and viability.

The current application is the same as the previous submission with the only difference being additional information submitted around parking provision.

Staff also acknowledge that the subject premises has previously been subject to a change of use application. Specifically, P1534.10 for the change of use to a beauty salon. Although this application was approved it became clear in the report that a mistake had been made in terms of the assessment of the application in terms of the guidelines contained within Policy DC16. Staff are of the opinion that the previous application has not set a precedent for the site due to irregularities in the officer's report.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Front Lane Major Local Centre where 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 Major Local Centres will be granted at ground floor level, subject to certain criteria being satisfied.

Whilst the proposed use does not provide a retail function, the type of use is not considered to be out of keeping with a major local shopping area. However, DC16 also states that planning permission for service uses will only be granted within District Centres at ground floor level where the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses or more than 33% of the length of the relevant frontage being in non-retail use.

The premises is currently bordered by non-retail uses to both sides. The proposal for a D1 use would therefore result in 3 non-retail uses next to each other contrary to policy DC16.

It is considered that the frontage runs between Nos. 1 and 12 Willow Parade. This frontage has a total length of 79.1m. There are twelve units within this parade. Six of the units are presently in non-retail use and have a total frontage measuring 38.77 metres, representing 49% of the total length of the parade in non-retail use. Therefore, prior to any decision on the subject application, staff note that the relevant frontage already includes more than 49% of the length being non-retail use.

Staff are of the view that the loss of the existing retail unit and the introduction of a further non-retail use within the parade would undermine its retailing function. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also

REGULATORY SERVICES COMMITTEE
25th April 2013

to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

Staff have given consideration to the National Planning Policy Framework which places a presumption in favour of sustainable development at the heart of the planning system. Although it is acknowledged that the proposal would contribute to pedestrian flows, be open during shopping hours and create activity within the town centre, staff are of the view that the introduction of a further non-retail use would give rise to a concentration of such uses within the relevant frontage, which would be inappropriate within the retail core of Front Lane, thereby undermining its vitality and viability contrary to Policy DC16.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that there are residential properties located on the upper floors of the parade.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. As there is no parking outside the premises, it is expected that patrons would park nearby and/or arrive on foot.

The application property lies within a row of commercial premises which forms part of the retail core of Front Lane Major Local Centre. From the site visit it was observed that Front Lane is a heavily trafficked road with high ambient noise levels. Given the nature of this road, there is no reason to believe that these observations are unusual. It is reasonable to assume, given the location of the application site that the ambient noise level would remain reasonably high in the evening, Sundays and Bank/Public Holidays.

Accordingly, it is Staff's view that the proposal would not result in significant noise and disturbance over and above existing conditions.

HIGHWAY/PARKING

Policy DC33 of the Submissions DPD is supported by Annex 5. Annex 5 indicates that the proposed use would be expected to provide 1 parking space per staff member and a drop off area. No spaces are proposed on site. Parking is available in a public car park approximately 70m from the application site. The applicant has also indicated that the nursery would operate a walk to school policy in-line with other local schools as there are good public transport links supported by bus services.

Concerns are being raised to the possibility of utilising the access road to the rear of the site for picking up and dropping off of children. The applicant has indicated that the rear access would only be used in the case of emergency pick up and drop off in the case of a child being unwell and will also be used if a disabled child requires drop off to the nursery.

Although there is a lack of on-site parking provision, Staff do not consider the parking requirement to be sufficient reason to refuse the application given the given the town centre location and the availability of public car parking nearby.

REGULATORY SERVICES COMMITTEE
25th April 2013

KEY ISSUES/CONCLUSIONS

For the reasons outlined within the report the proposed change of use is considered to be harmful to the retailing function of the town centre contrary to Policy DC16 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework. Refusal is recommended accordingly.

RECOMMENDATION

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

1. Reason for refusal

The proposed development would give rise to a concentration of non-retail uses which is inappropriate within the retail core of the Front Lane Major Local Centre, undermining its vitality and viability. The proposal is therefore contrary to Policy DC16 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework.
