



REGULATORY SERVICES COMMITTEE

27 June 2013

REPORT

Subject Heading:

**P0621.13 – 106 Hilldene Avenue,
Romford**

**Change of use from A1 to A5 and new
rear external extract duct.**

(Application received 17th May 2013)

Report Author and contact details:

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Policy context:

Local Development Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[X]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This application relates to a Council owned premises and proposes the change of use from an existing vacant retail (A1) unit to a hot food takeaway (A5) and the addition of a rear external extract duct. The planning issues are set out in the

report below and cover issues relating to the loss of retail space, impact on amenity and the design and appearance of the extractor flue. Staff consider the proposal to be acceptable.

RECOMMENDATIONS

That subject to the expiration of the consultation period on 5th July 2013 and any consultation responses received raising no new material considerations other than those already considered by Committee, it is recommended that the Committee delegate to the Head of Development and Building Control authority to grant planning permission. If new material considerations are raised, then the matter shall be remitted back to Regulatory Services Committee for its further consideration and resolution:

1) Time limit: 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).

2) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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 the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3) Flue details: Before any of the development hereby permitted is commenced, details of the colour and finish of the flue shall be submitted to and approved in writing by the Local Planning Authority and thereafter the flue shall be constructed with the approved materials.

Reason:

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

4) Hours of Use: The take-away use hereby permitted shall not be used for the purposes hereby permitted other than between the hours of 09:00 hours and 23:00 hours on Mondays to Saturdays, and 9:00 hours and 21:00 hours on 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.

5) Storage of refuse: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority. The approved details shall be implemented and retained for the life of the development

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6) Insulation scheme: Before the use commences, the premises shall be insulated in accordance with a scheme which shall previously have been approved in writing by the Local Planning Authority in order to secure a reduction in the level of noise emanating from it and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

Reason:

To prevent noise and odour nuisance to adjoining properties.

7) New plant or 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.

Reason:

To prevent noise nuisance to adjoining/adjacent properties.

8) Remove or disperse odours: 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 to be designed and certified by a competent engineer and after installation a certificate to be lodged with the

Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reasons:

To protect the amenity of occupiers of nearby premises.

9) Transmission of noise: 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.

Reason:

To protect the amenity of occupiers of nearby premises

10) Construction hours and deliveries: No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP4, DC16, DC33, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 2.15, 4.7 and 4.8 of the London Plan and the National Planning Policy Framework (NPPF).

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 dwelling house, is needed.

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.

REPORT DETAIL

1. Site Description

- 1.1 The site is located on the ground floor of a 4-storey terraced property on the south side of Hilldene Avenue. The parade forms part of the Harold Hill Minor District Centre. The application site (ground floor unit) is currently vacant but was last used as a retail shop and the first, second and third floors are in residential use.

2. Description of Proposal

- 2.1 This application relates to a Council owned premises and proposes the change of use from an existing vacant retail (A1) unit to a hot food takeaway (A5) and the addition of a rear external extract duct.
- 2.2 The proposed rear duct would run up the building attached to an existing refuse chute. The termination of the extract duct discharge would be approximately 1m above the top of the brick refuse chute.

3. Relevant History

- 3.1 P0693.98 - Sub division of bank in order to restore No. 106 Hilldene Avenue to self-contained shop unit and relocation of ATM - Approved
- 3.2 P1945.07 - Change of use from clothes shop to an art and tattooist - Refused
- 3.3 P0076.08 - Change of use from a clothes shop to a retail art shop and tattooist - Approved

4. Consultations/Representations

- 4.1 A site notice and a press advertisement have been displayed and the expiry date for these is 5th July 2013. Neighbour notification letters have also been sent to 67 local addresses. No letters of objection were received at the time of writing this report.
- 4.2 The Highways Authority has stated that the site has no parking spaces but is situated in close proximity to a 'Pay & Display' car park and has therefore no objection to the proposal.
- 4.3 Environmental Health was consulted and recommends various conditions in the event of an approval.

5. Relevant Policies

- 5.1 Policies CP4 (Town Centres), DC16 (Core and Fringe Frontages in District and Local Centres), DC33 (Car parking) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents.
- 5.2 Policies 2.15 (Town Centres), 4.7 (Retail and town centre development) and 4.8 (Supporting a successful and diverse retail sector) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF).

6. **Mayoral CIL Implications**

- 6.1 The proposal would not result in an increase to the floor area and is therefore not CIL liable.

7. **Staff Comments**

- 7.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council.

7.2 Principle of Development

- 7.2.1 The application site falls within the Harold Hill Minor District Centre where Policy DC16 states that planning permission for Class A2 - A5 (Services) will be granted throughout the retail core where:

- (a) the use provides a service appropriate to a shopping area
- (b) the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- (c) within the retail core, the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 33% of its total length, and
- (d) an active frontage is maintained and the use is open for a significant number of core retailing hours.

- 7.2.2 In the retail core the policy seeks to restrict the number of non-retail uses and also to prevent their grouping, as this could interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole. It is important however that proposed uses compliment and consolidate the district centre's retail function.

- 7.2.3 In this instance the relevant frontage would be considered as Nos. 94 to 120 Hilldene Avenue. At present, this parade consists of mostly retail uses with the only unit not in retail use being No. 116 (A2), 102/104 (A2) and 120 (A2).

- 7.2.4 The proposal is also in accordance with the provisions of Policy DC16 in that the proposal would not result in three adjoining non-retail uses. The proposal would result in a 35% non-retail use to this parade of shops. Although this would result in the relevant frontage exceeding 33% of non-retail uses, the excess is of such a small nature that it would be unreasonable to recommend refusal on this basis alone.

7.2.5 It is considered that the proposed use would provide a service appropriate to a shopping area and is therefore appropriate development within a retail core of a Minor District 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. It should further be noted that the proposal has an active frontage, is open during shopping hours and is not considered to significantly harm the character, function and vitality and viability of the centre.

7.2.6 For these reasons Staff consider the proposal to be acceptable in principle.

7.3 Design and Impact on Local Character and Street Scene

7.3.1 The proposal would involve no alterations to the external appearance of the building and would therefore pose no adverse or detrimental issues to the character of the street scene. The flue proposed to the rear is considered acceptable in the rear service yard environment and would not have an unacceptable impact on visual amenity due to the commercial nature of the rear of the building.

7.4 Impact on Amenity

7.4.1 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, hours of operation, vibration and fumes between and within developments.

7.4.2 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 some residential properties are located on the upper floors of the parade

7.4.3 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 location 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. Any potential impact on residential is therefore considered acceptable.

7.4.4 The applicant has requested opening hour from 12:00 to 00:00 Monday to Sunday and on Public Holidays. Given that there are no other take-away within this parade Staff are proposing opening hours from 09:00 to 23:00 Monday to Saturday and 09:00 to 21:30 on Sundays and Bank Holidays. It is considered that these opening hours would be reasonable and would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located within a town centre environment with arguably higher ambient noise levels throughout the week.

7.4.6 Staff consider the extract flue to the rear to be acceptable and suitable conditions would be attached in respect of odour and noise.

7.5 Highways / Parking Issues

7.5.1 Highways have no objections to the proposal as the premises is situated in close proximity to a 'Pay & Display' car park. Staff do not consider the lack of on-site car parking to be unacceptable given the Town Centre location and the existing parking situation.

8. Conclusion

8.1 The proposed change of use and provision of flue is considered to be in accordance with the aims, objectives and provisions of Policies CP4, DC16, DC33, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 2.15, 4.7 and 4.8 of the London Plan and the National Planning Policy Framework (NPPF). Subject to there being no adverse comments from consultees or the general public, and the aforementioned conditions, it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues.

Legal implications and risks:

The application site comprises land which is in Council ownership

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application forms and plans received on 17th May 2013.