

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1945.20

WARD : Emerson Park

Date Received: 22nd December 2020

ADDRESS: County Service Station
Essex Gardens
Hornchurch

PROPOSAL: Change of Use from Use Class B2 (General Industrial) to Use Class B8 (Storage or Distribution)

DRAWING NO(S): ESL EPS RM11 3EH PL02 'Existing Floor Plan'
ESL EPS RM11 3EH PL01 'Proposed Floor Plan'
ESL EPS RM11 3EH PL03 'Existing and Proposed East and West Elevations'
ESL EPS RM11 3EH PL04 'Existing and Proposed North and South Elevations'

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

SITE DESCRIPTION

The application relates to a former petrol filling station, known as the 'County Service Station'. The property is situated on south-eastern corner of Wingletye Lane and Essex Gardens in Hornchurch covering an area of 514sqm.

It was recently operating as 'Easy Pick Recovery' however appears to have been taken over by 'Lloyd's Motor Group' for use as a car dealership as of April 2021.

It is noted that the use of the premises may recently have changed. However, the LPA may only consider the use applied for under this planning application and no alternative subsequent use of the premises.

The surrounding area is predominately residential in character, albeit the site forms part of a small enclave of commercial premises to the east and a small shopping parade beyond which is known as the Essex Gardens Minor Local Centre.

In accordance with the current criteria for site visits, an in-person site visit was not undertaken by the planning officer, however an enforcement officer did visit the site and take photos. In determining this planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

DESCRIPTION OF PROPOSAL

Planning permission is sought for 'Change of Use from Use Class B2 (General Industrial) to Use Class B8 (Storage or Distribution)' to include drop off and pick up of commercial & normal vehicles.

The application form notes that there is 1 x full time and 1 x part time existing employees and also noted that the hours of operation are not relevant to this proposal. No detail has been given within the application regarding hours of operation.

Staff have however had regard to the evidence given by the planning enforcement team and representations made by surrounding owners/occupiers with regards to operating hours and

associated noise and parking concerns arising from the applicants occupation of the site These factors will be weighed up as part of the assessment of the application.

The application does not provide any further supporting information regarding the nature of the storage and distribution operation and there are no supporting technical assessments, such as noise impact assessments or highways assessment.

RELEVANT HISTORY

ENF/893/19

Alleged unauthorised change of use from a petrol station to car park for damaged vehicles

1. Alleged unauthorised material change of use to a vehicle repair & service and MOT centre.
2. Alleged illegal PVC banner advert to front
3. Alleged unauthorised operational development through the siting of metal containers

ENF/762/19 was a duplicate of above and so was closed.

P1751.14

- APPROVED on 17 February 2015

- Allowed 'Retrospective change of use from petrol filling station to private vehicle hire business, together with single storey extension at the back of the office building'.

P0151.07

- REFUSED on 5 April 2007

- Had sought 'Change of use from petrol filling station to car sales with erection of security fencing, and retention of canopy for temporary period only of three years'

- An appeal was lodged and DISMISSED.

A0020.92 - Illuminated pole sign (1), non -illuminated pump island spreaders (2) canopy edge 'Gulf' logo (2) Part Approved / Part Refused

L/HAV/259/83 - Alterations to opening hours - Refused 24.5.83

Appeal 16.2.84 (conditional amendment)

L/HAV/203/82 - New sales building and forecourt canopy, new storage tank - Approved 15.6.82

ES/HOR/1605/58 Petrol station service bay - Approved 11.11.59

CONSULTATIONS/REPRESENTATIONS

PUBLIC CONSULTATION

Letters were sent to neighbouring owner/occupiers. Seven (7) objections were recieved noting concerns relating to:

- Traffic impacts to surrounding streets
- No provision of staff parking or loading/unloading areas
- Safety of junction
- Noise, light and air impacts
- 24hr use
- Loss of privacy / use of security cameras
- Visual amenity
- Devaluation of properties
- Unsuitable use for residential location
- Discrepancies/inaccuracies on application:
 - > Ownership details

- > Trading since November 2020 when concerns have been raised prior to this in 2019
- > Operating hours not specified
- > Hazardous substances are stored on site

REFERRALS

Waste: The business should have a suitable waste collection/contract to meet the requirements of the business.

Environmental Health: Recommend refusal on noise grounds unless suggested conditions can be attached and enforced.

Street Management: No comment.

RELEVANT POLICIES

The London Plan 2021

- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D14 Noise
- E4 Land for industry, logistics and services to support London's economic function
- T4 assessing and mitigating transport impacts
- T6 Car parking

LDF

- CP17 - Design
- DC32 - The Road Network
- DC33 - Car Parking
- DC36 - Servicing
- DC52 - Air Quality
- DC53 - Contaminated Land
- DC55 - Noise
- DC56 - Light
- DC61 - Urban Design

OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is not CIL liable as the application concerns a change of use and does not create additional floorspace.

STAFF COMMENTS

The main considerations relate to the the principle of the proposed change of use, the impact on the surrounding streetscene area and residential amenity, as well as any implications for highways and parking.

PRINCIPLE OF DEVELOPMENT

In terms of the Local Plan the site lies outside the Metropolitan Green Belt, designated employment areas, commercial areas, Romford Town Centre and district centres.

The site is within a predominantly residential area adjacent to the Essex Gardens Minor Local

Centre, which is formed of a small shopping parade beyond the adjacent enclave of commercial premises to the east. As such the application site is contiguous with other commercial uses along this section of Essex Gardens leading up to the junction with Wingletye Lane.

Policy DC11 (Non-designated sites) generally resists changes of use to industrial and business uses where these would conflict with housing or environmental policies, and also notes that where redevelopment to housing is not possible, the Councils main concern will be to encourage environmental improvements with the commercial redevelopment of the site.

The commercial use at the site has long since been established, since its former use as a petrol/fuel filling station which would have been considered to fall into the category of a 'Sui Generis' use.

The most recent approval under P1751.14 for 'Private Hire Business' of motor vehicles would have also been considered under Sui Generis, rather than use Class B2 as stated in the description of development.

Use Class B2 (General industrial) is defined as 'Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)'. Staff note that Class E(g) relates to uses that can be carried out in a residential area without detriment to its amenity.

The application has sought to allow a change of use to Class B8 (Storage or distribution) which 'includes open air storage'. Staff consider however that the application does not provide sufficient clarity regarding the nature of the proposed use of the site as to be fully satisfied that the development falls squarely within the B8 use class.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

No new buildings, development works or advertising consent is apparently sought as part of this application. However Staff note that the plans show a different existing and proposed building on the elevation drawings. This has not been specifically included in the description of development.

However, as the changes to the building are relatively minor and in consideration of the fact that this application is recommended for refusal it is not considered this has materially affected the Local Planning Authority's ability to determine this application..

Whilst the premises forms a prominent feature in the streetscene along this section of Essex Gardens, it is considered that any visual impacts from the change of use relate primarily to the nature of the use, given that buildings and structures on site appear largely to have existed for some time. As stated, the application does not provide clarity regarding the details of the storage and distribution use. However, enforcement investigations and representations from local residents indicate that the site was being use as a vehicle recovery and storage unit, with photographs taken by planning enforcement showing a number of vehicles, including low-loader recovery vehicles parked within the site. This, of itself, is not considered such visual harm as to justify refusal. However, there are concerns regarding the visual impacts that could be caused by a general storage and distribution unit, depending on what is being stored on site, where and to what height. The lack of detail and clarity within the application makes potential visual amenity impacts difficult to assess.

IMPACT ON AMENITY

The site is overlooked by residential properties to the front on the opposite side of the road at No.1a Essex Gardens and to the rear, beyond an access way, backs onto residential accommodation at No.390 Wingletye Lane.

The previous permission for a Private Hire business allowed operations between the hours of 08:00-19:00 on Monday to Friday, 08:00-16:00 on Saturday and 08:00-16:00 on Sunday and Bank Holidays which is considered to be acceptable given the positioning adjacent to a Minor Local Centre. As such any residents living adjacent to the commercial premises in this part of Essex Gardens can reasonably expect to experience an element of noise and disturbance from vehicles entering and leaving the premises and parking than residents living in a purely residential area.

However, in accordance with Policy DC55 of Havering's Development Plan, planning permission will not be granted if it will result in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation, schools and hospitals. In addition, Policy DC61 states that planning permission would not be granted for development that results in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

On this basis it would be expected that any planning application would be accompanied by an acoustic report demonstrating that the proposed use, number of vehicles on site and equipment used would not result in harm to the amenity of surrounding residences by way of noise. This would take into account the background noise levels throughout the day and the proposed hours of operation. The acoustic assessment would be referred to the Environmental Health department for review and scrutiny to determine the acceptability of the proposal from an acoustic perspective.

No such reports were submitted with the planning application.

The site is surrounded by residential dwellings which are susceptible to noise generated from the use. The application is significantly lacking in terms of detail of the nature of the storage and distribution use. However, having regard to the enforcement evidence regarding use of the site and representations received, it appears that the applicant has been operating the site (although potentially this is not currently the case) as a 24 hour vehicle recovery site. Representations from residents make clear that the use of the site for this purpose has given rise to issues of noise and disturbance, including activity at unsocial hours of the day, as well as other issues from lights and noise from vehicles during the evening, issues of fumes and pollution. Whilst it is acknowledged that the LPA could consider a control on operating hours, it is not necessarily considered reasonable for the operation of the premises to do so. The application is silent on the hours required and given anecdotal evidence in representations requires operation at unsociable times of day. There is further indication that the size of site and degree of operational activity gives rise to conditions which create congestion and obstruction to the highway, vehicles and nearby driveways, leading further to harm to residential amenity.

The proposal is therefore not supported due to land use conflict with the residential dwellings directly adjoining the site and surrounding the site. Appropriate acoustic assessment is also required, and further acoustic treatments may be required on the site to overcome this issue, as confirmed by the Environmental Health referral response. That said, this would not necessarily overcome issues arising from the likely late hours of operation of the site and noise and disturbance from vehicle and employee activity. It is not considered a condition could reasonably be imposed which would overcome the amenity impacts arising from the proposal.

HIGHWAY/PARKING

No changes are proposed to the existing access and parking arrangements on site.

Vehicles enter and leave the site via a gated access on to Essex Gardens and the site provides secure parking in the forecourt area - effectively making use of the previous access arrangements for the petrol filling station and private hire business.

Details relating to the number of vehicles expected on the site has not been provided. Nor is there information about space left to park within the site or what is to be stored within the site. This is required to enable consideration of the impacts of the proposal on the local traffic network. Swept path analysis drawings should also be provided to demonstrate that the total number of vehicles intended for the site can move around the site with ease without adversely impacting the public highway. In addition, operating hours need to be confirmed.

Staff consider that a transport and traffic assessment should be provided to demonstrate that the proposal would not adversely impact the local traffic network and nearby amenity. Based on representations received, it appears that the use of the site has given rise to localised highway impacts and has had a detrimental impact on the amenity of local residents. In the absence of further details of the operation of the storage and distribution use, including numbers of vehicles, access and waiting arrangements etc, it is considered that there exists sufficient potential for harm to the functioning of the highway and residential amenity to justify refusal.

LAND CONTAMINATION

The site has a potential contaminated land alert applying to it based on the former petrol station use at the site.

However as no physical development of the site or groundbreak is proposed, it is not considered that there are any relevant land contamination conditions or requirements.

KEY ISSUES/CONCLUSIONS

On balance it is considered that the extension shown in the elevation drawings presents no harm to the visual appearance of the site and is relatively sensitive to the mixed residential and commercial setting of the adjacent Minor Local Centre.

However, the change of use applied for, together with the lack of supporting information regarding noise, parking, and servicing is not considered acceptable. There are concerns that the operations would be harmful to neighbouring residential amenity and create adverse impacts on the functioning of the highway and also adversely impact on local amenity..

The proposal is therefore in recommended for REFUSAL.

RECOMMENDATION

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

1. Reason for refusal - Parking Deficiency

The proposal fails to provide detailed information regarding parking, manoeuvring, access and waiting requirements of vehicles visiting to the site and the detailed nature and operation of the storage and distribution use applied for. In the absence of this information, it is considered that the proposal, by reason of increased activity and demand for parking, together with the likely overspill impacts of vehicles waiting and parking on the street, results in harm to the functioning of the highway and creates conditions detrimental to neighbouring residential amenity, contrary to Policies DC32

and DC61 of LDF Core Strategy.

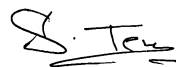
2. Reason for refusal - Noise and Disturbance

The proposal fails to provide sufficient detail regarding the nature of the use and the hours of operation. In the absence of such information and having regard to representations received it is considered that the use would, by reason of the nature of the proposal, the intensity of noise and activity and the likely excessive hours of operation in such close proximity to residential properties create unacceptable levels of noise and disturbance to the detriment of residential amenity, arising from vehicle movements, and the general activities and processes associated with this uses. The proposal is therefore contrary to Policies DC55 and DC61 of LDF Core Strategy.

1 Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reasons for it was given to the agent via email on 7 September 2021.

Authorising Officer: Suzanne Terry



09-09-2021