

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0855.24

WARD: Cranham **Date Received:** 17th June 2024

ADDRESS: 123-125, Avon Road
Upminster

PROPOSAL: To extend period of approved change of use as a scooter sales room (Class Sui Generis) under approved planning application P0782.23 (Change of use of existing rear section of a retail unit (Class E) to a scooter sales room (Sui Generis) (Retrospective)) from 20th July 2024 to 20 July 2027.

DRAWING NO(S): 110
102
010

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

SITE DESCRIPTION

The site is situated to the north of Avon Road, comprising the rear section of a ground floor retail unit with a single storey flat roofed rear extension, which forms part of a three-storey parade of shops with residential accommodation to the upper floors. Located within the Cranham Local Centre, the area is mixed-use in character, including residential, commercial and retail properties.

The front retail unit to 123-125 Avon Road is in commercial use as a balloon shop entitled 'Balloons by Wonderland'. It is noted that planning permission was granted in 2023 for the change of use of the existing rear retail unit (Class E) to a scooter sales room (Sui Generis) (ref. P0782.23), which has since been implemented. Consent was given on a temporary basis.

DESCRIPTION OF PROPOSAL

The application seeks planning permission to extend the period of the approved change of use of the existing rear retail unit (Class E) to a scooter sales room (Sui Generis), approved under planning application P0782.23) from 20/07/24 to 20/07/27, an extension of 3 years.

RELEVANT HISTORY

123 Avon Road:

ES/HOR/1740/54 - of 34 shops - Approved.

ES/HOR/921/58'P' - Shopfront - Approved.

ES/HOR/340/52 - Shops and flats - Approved.

L/HAV/465/85 - Change of use shop to betting office - Approved.

A0100.86 - Illuminated hanging sign - Approved.

P0457.94 - Single storey rear extension - Approved.

125 Avon Road:

ES/HOR/1740/54 - of 34 shops - Approved.

ES/HOR/921/58'P' - Shopfront - Approved.

ES/HOR/340/52 - Shops and flats - Approved.

A0097.85 - Illuminated fascia sign - Approved.

P1817.85 - Single storey rear extension for external toilet - Approved.

P0164.99 - Change of use from retail shop to building contractors office and sales - Withdrawn.

123-125 Avon Road:

P0782.23 - Change of use of existing rear section of a retail unit (Class E) to a scooter sales room (Sui Generis) (Retrospective). Approved.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 15 nearby properties and no representations were received,

Environmental Health - no objections subject to the same conditions on application P0782.23 are imposed to protect the amenity of nearby residents.

RELEVANT POLICIES

Havering Local Plan 2016-2031 (HLP) - Policies 7 (Residential design and amenity), 13 (Town centre development), 24 (Parking provision and design),

London Plan 2021 (LP) - Policies D14 (Noise), SD 6 (Town centres and high streets), T6 (Car

parking)

National Planning Policy Framework (NPPF)

MAYORAL CIL IMPLICATIONS

The proposal is for an extension to an approved change of use, so it is not liable for Mayoral or Havering CIL.

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. Site photos were provided by the agent in support of the application. In determining this application, photos, Google Street View, aerial view images and submitted drawings were used to assess the site constraints.

The main issues in this case are whether the retention of the existing scooter sales room is acceptable in principle, the impact of its retention on the street scene and on residential amenity and potential impact on highways and parking.

PRINCIPLE OF DEVELOPMENT

The site forms part of Avon Road, Cranham Local Centre. The development seeks to retain the existing scooter sales room at the rear of the site for a further three years. It is considered that the proposed extension would not affect the main frontage to the Cranham Local Centre and would retain an existing business, and as such it is not deemed to be materially harmful to its vitality or viability.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy 26 of the Havering Local Plan sets out to promote high-quality design that contributes to the creation of successful places by supporting development proposals that, respect and complement the distinctive qualities, respect reinforce and complement the local street scene and respect the visual integrity and established scale, massing and rhythm of the building.

It is considered that the proposal would not adversely affect the street scene, as the scooter sales room is existing and is located to the rear of the site, with no external alterations proposed. It is noted that any external advertising would need to be the subject of a separate application or comply with deemed consent legislation under the advert regulations.

IMPACT ON AMENITY

The NPPF expects developments will function well and add to the overall quality of the area, aiming to ensure places are safe, inclusive and accessible with a high standard of amenity.

Policy D14 (Noise) of the London Plan states that proposals should avoid significant adverse noise impacts on health and quality of life and reflect the Agent of Change principle as set out in Policy D13.

Policy SI1 (Improving air quality) of the London Plan states that development proposals should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retrofitted mitigation measures.

Policy 7 of the Havering Local Plan seeks to protect the amenity of existing and future residents the Council will support developments that do not result in: i. Unacceptable overlooking or loss of privacy or outlook; ii. Unacceptable loss of daylight and sunlight; and iii. Unacceptable levels of noise, vibration and disturbance.

The application property lies to the rear of a row of commercial premises which forms part of the Cranham Local Centre. The application site is located in an area which is characterised by commercial premises and this appears to be an established service road, where a certain level of activity and associated noise is to be expected. There would already therefore be an expectation of a certain level of vehicle and other activity in this locality and it requires to be judged whether the perpetuation of its use as a showroom would materially exacerbate any amenity impacts.

As established within the officer report for the previous permission (ref. P0782.23) and subject to the imposition of conditions regarding the hours of deliveries and hours of use, securement of the use as a scooter showroom and sales area only, and prohibit servicing, repairs and test driving of scooters, as requested by the Environmental Protection team, it is considered that the extension to the permission for the scooter sales room would not have a significant adverse impact on health or quality of life, having particular regard to residential amenity, complying with Policies D14 and SI1 of the London Plan and Policy 7 of the Havering Local Plan.

It is noted that the business has been in operation for over a year and there are no reports of complaints and notably no representations received in response of this applicaiton. This would further support the conclusion that the use, subject to appropriate planning conditions, is capable of operation without material harm to neighbouring residential amenity.

The previous consent enable operation on Tuesdays through to Saturdays only. The applicants supporting statement confirms that opening hours are Monday to Saturday. Given the use is not demonstrably causing any harm to amenity, the condition has been altered from the previous consent to enable the operation of the business on a Monday as well.

HIGHWAY/PARKING

There is parking provision to the front of this parade of shops. It is considered that the scooter sales room does not create any highway or parking issues. Delivery hours of scooters will however be controlled by condition.

KEY ISSUES/CONCLUSIONS

Taking into account that the previous one-year temporary permission has expired, it is considered reasonable to grant a further consent. A three year temporary period has been requested by the applicant and this is considered to be acceptable. Subject to conditions, the use is considered acceptable in this locality and a further permission is considered appropriate.

RECOMMENDATION:

It is recommended that **planning permission be GRANTED** subject to the following condition(s)

1 SC16 (Temporary permission) INSERT DATE

This permission shall be for a limited period only expiring on 24h September 2027 on or before which date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control.

2 SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 17:00 Monday to Saturday and not at all 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.

3 SC32 (Accordance with plans)

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

Reason:-

For the avoidance of doubt and to ensure that the development is carried out as approved.

4 Non Standard Condition 31

No deliveries or external movement of stock shall be taken at or despatched from the site outside the hours of 08.00-19:00 Monday - Friday and 09.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect amenity of the area.

5 Non Standard Condition 32

The premises shall only be used for the purposes of the display and sale of scooters and not for any other purpose or use, and specifically not for purposes including the servicing, repair and test driving of scooters.

Reason: To protect the amenity of neighbouring noise sensitive premises by reason of noise and disturbance.

6 Non Standard Condition 34

No vehicle repairs or servicing shall occur on site.

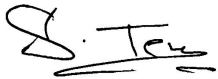
Reason: To protect the amenity of neighbouring noise sensitive premises from noise from vehicle repairs or servicing.

INFORMATIVES

1 Approval - No negotiation required

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework.

Authorising Officer:

A handwritten signature in black ink, appearing to read 'S. Terry', with a horizontal line underneath.

Suzanne Terry

24th September 2024