

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0300.25

WARD: Beam Park **Date Received:** 6th March 2025

ADDRESS: 1 Manser Road
Rainham

PROPOSAL: Retrospective application for change of use of outbuilding to moped repair company (Use Class B2)

DRAWING NO(S): 2504_ PL _ 01B
Design and Access Statement prepared by JAT Designs

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

SITE DESCRIPTION

The application site has a detached outbuilding at the bottom of the garden, with a long rear garden separating the outbuilding from the residential buildings on the street.

The application site is not within a conservation area or subject to any articles.

DESCRIPTION OF PROPOSAL

Retrospective planning permission is sought for a change of use of a detached outbuilding located to rear for use as a workshop for the repair and maintenance of vehicles including Mopeds (according to the supporting statement submitted with the application) - a change of use from Class E to Class B2.

Moped repair company (Bike Point) currently operates on site, providing mopeds repairs (B2 - General industrial use).

Operation: Repair and maintenance of vehicles predominantly mopeds (as stated in the application form)

Catchment areas: Rainham, Hornchurch and Romford Areas.

Hours of operation: 10:30 am - 7:00 pm. Monday to Friday, 10:30 am - 5:30 pm Saturday and Closed on Sundays.

Employees: details not provided.

Equipment: light use compressor is infrequently used within this business to inflate moped tyres, which takes some 30-40 seconds.

Use started : 01/01/2025

Site area: 50.83sq.m

RELEVANT HISTORY

ENF/194/23:

1. Alleged unauthorised business use from home and possible subdivision of the property into two self-contained dwellings-resolved 2023
2. Creation of 1b Manser Road, COU to business added 27/1/25

Conversion to separate unit enquiry was closed based on appeal allowed.

Business use enquiry was reopened based on further complaints received.

Conversion to separate unit enquiry was closed based on appeal allowed.

Business use enquiry was reopened

Enforcement officer visited site on 29.01.25, confirmed the use of the outbuilding as a garage for motorbikes and a Learner centre, and confirmed opened 2 weeks before the date of the visit; the business name is Bike point.

CONSULTATIONS/REPRESENTATIONS

16 representations were received in response to this application with their comments summarised below.

- Safety and fire hazard risk of lives
- Illegal Access via Service Alley - encroachment
- Similar illegal use occurred 3 years ago before it stopped
- Motorbikes delivered at 3am
- Business use in residential area, garden building should be ancillary residential use
- Smell of petrol, engine oil and dirt
- Pollution: noise from machinery and engines, and increased artificial light
- The height of the outbuilding is not PD
- Bad precedent
- Increase in traffic in Manser Road
- Block access to the alley for emergency vehicles
- Disposal of radiator fluid or oil - impact on the drainage system
- The proposed 7pm work time is too late in residential area.
- Adverse impact on existing businesses and tenants
- Grease and oil over pavements making it slippery on roads, this will also cause unnecessary

parked vehicles making it difficult for local businesses.

- Use of air-compressed tools, and shouting have become frequent disturbances, seriously affecting the quality of life for nearby residents
- "Outbuilding" is reportedly a timber shed, not an industrial-grade structure, and is being used to perform mechanical work involving flammable liquids
- Lack of Insurance and Compliance Checks
- Misleading Representations Claims made in support of the application appear to misrepresent the nature and scale of the business
- Community Opposition Local leaseholders and landlords who were previously cited in support of access have withdrawn any such permissions, and no known stakeholder in the alley supports the current arrangement.
- Rear garden of 1a is for business (barber)

The material planning consideration raised within the comments above will be taken to consideration when determining the application. The application under consideration is for the outbuilding structure; encroachment; and the lack of Insurance and Compliance Checks for the business use.

In addition, the use of the rear of 1A as business would not be considered under current proposal, the enforcement team is aware.

The following stakeholders were also consulted:

StreetCare Department - No domestic waste associated with this application. The business should have a suitable waste collection/contract to meet the requirements of the business.

Highway Authority - No comments received till date.

Public Protection Department - No objections on land contamination or air quality grounds. Concern with disposing of waste oil.

Given no noise report, therefore no comments received on noise ground.

RELEVANT POLICIES

Policies 7 (Residential design and amenity), 19 (Business growth), 23 (Transport connections), 24 (Parking provision and design), 26 (Urban Design), 34 (Managing pollution) and 35 (On-site waste management) of the Havering Local Plan (2016-2031) as well as the Havering Community Infrastructure Levy Charging Schedule.

Policies 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), T5 (Cycle), T6 (Car parking), T6.1 (Residential parking) and T9 (Funding transport infrastructure through planning) of the London Plan are relevant.

The National Planning Policy Framework is relevant.

MAYORAL CIL IMPLICATIONS

This application is not CIL liable given no new floor space created.

STAFF COMMENTS

There is an enforcement case as highlighted above, which is pending.

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 planning application photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

The main issues in this case are the principle of the change of use, the impact of the proposal on the gardenscene/streetscene; on residential amenity and any highway or parking issues.

PRINCIPLE OF DEVELOPMENT

The proposed business use has not been adequately justified within the supporting statement. Although, there appear to be a long standing history of unauthorised business use of the outbuilding on and off at different times, however, the applicant and the enforcement officer confirmed the current use of site as a repair and learner centre since on 01/01/2025, hence the complaint which led to the submission of current application to retain the use. Therefore, given there is no protection of an existing business use at the location, therefore, in this case the principle of the proposed change of the existing timber structure use to Class B2, would not be considered acceptable in land use terms.

DESIGN/IMPACT ON STREET/GARDEN SCENE

No changes proposed to the existing structure according to the submitted plans.

However, it is noted from the photos submitted by the applicant that there are parked bikes outside the timber shed and access is from the side alley to no.1A, which is not included in the redline area of the application site. Although it says it a shared access, but almost all the objectors states that the application site have no right of way and the applicant has not submitted any land registry title plan to support their claim, therefore, it would be considered that the proposed access would be a concern, as this cannot be addressed via condition.

The submitted plan indicates bike repair areas, mechanic area and the reception with W.C with storage and shelving area. Given the height of the structure, it might be judged only to be for bike and not including cars, although this is unclear as the supporting statement states the use as 'the repairs and maintenance of vehicle and predominantly mopeds'. Therefore, further clarifications would be required if minded to approve. Given that the recommendation is to refuse, no additional detail was requested from the applicant.

The business use of an outbuilding in a rear garden setting, of the nature proposed (see amenity comments below) would be out of character. It is recognised that there are commercial uses immediately to the south on New Road, but the character of this site and its neighbours is residential dwellings with gardens. A commercial use with comings and goings and noise associated with the repair of vehicles would be wholly out of character in this context.

IMPACT ON AMENITY

The Planning Statement states, "a light use compressor is infrequently used within this business to inflate moped tyres which takes some 30-40 seconds to do, as the applicant has purchased equipment which emits low noise". Given the level of details submitted with the application the mechanical equipment for the repair and maintenance proposed have not been submitted with the application. It is not clear the level of noise from the equipment proposed, it is in addition not clear whether the repairs will take place with the doors closed or opened.

In addition, with the existing business adjoining the application site, which the applicant confirmed to be a high level noise generating business, officer would raise concern with an additional business in close vicinity of residential properties without a noise impact assessment.

It is acknowledged that there is a separation distance between buildings of approximately 27m away from the outbuilding and the surrounding residential properties to the east on Manser Road, to the south on New Road and to the west on Spencer Road. However the building is adjacent to the rear residential garden of 3 Manser Road and other gardens, where a reasonable level of amenity should be expected. However, given the existing noise from the existing business and the noise from the very busy New Road, any noise generating use from the site would require careful consideration.

The application was submitted as a result of noise complaint from neighbouring property, which would mean that the noise impact cannot be ignored. Almost all the objectors are concerned about the resulting noise from the increased use of the alleyway by bikes, cars and noise from the repair business. It is apparent that the building is not substantially built (wooden structure) and the ability to adequately soundproof the building may be limited. Therefore, the proposals would be unacceptable without a noise impact assessment to confirm the level of noise the business would generate. It would be considered to have adverse impact on the amenity of the neighbouring residential occupiers.

In terms of the proposed hours of operation till 7pm Mondays to Fridays, and 5:30pm on Saturdays would be considered too far into the evening at this location, given the location of site at the bottom of residential properties, the intensity of use of the outbuilding would increase above the usual outbuilding use and at 5:30pm on Saturdays, and 7pm Mondays to Fridays, adjoining residents would expect to enjoy reasonable level of peace and quiet from their surroundings, therefore, the proposals would be considered to impact on the amenity of nearby residents in terms of noise and general disturbances associated with the use.

It would be expected that the applicant would provide record of the level of activities as it currently operates on site, in terms of how many bikes allowed on site per day, whether they are by appointment or not and whether the bikes are dropped off and collected when ready or customers wait to collect their bikes; oil disposal etc. These details are lacking from the planning statement,

which will not allow the impacts resulting from the level of activities to be adequately determined. From one of the objectors, bikes are regularly dropped off to site by low loaders, and some bikes dropped off at 3am, as against the working hours proposed. Therefore as proposed without further clarifications would not be acceptable.

It is noted that the site had been previously investigated for car repairs, however, the conclusion of the investigation was that the car repairs at that time was only carried out on the car of the occupier of no. 1, as a hobby and not as a business, therefore it is considered likely that there were far less levels of activity and associated noise, disturbance and vehicular and pedestrian movements associated with the use of the outbuilding as a personal car repair as at when need, than which would be generated by repair and maintenance of vehicles, predominantly mopeds including training learners on site.

Other associated disturbance from the use area engines idling, fumes and emissions, odour etc, details which have not been adequately provided.

The Public Protection Department was consulted and provided the following comments. Concern regarding oil disposal. Given that there was no noise report submitted with the application no noise comments was received.

In light of the above, officers would conclude that insufficient information has been provided to demonstrate that the noise and general disturbance associated with the proposed development will not cause a loss of amenity to the occupiers of the nearby residential properties, nor have suitable mitigation measures been suggested to overcome these concerns.

HIGHWAY/PARKING

In paragraphs 10.6.5 and 10.6.18 of the London Plan, it states that where no standard is provided, the level of parking should be determined on a case-by-case basis taking account of Policy T6 Car parking, current and future PTAL and wider measures of public transport, walking and cycling connectivity. With the proposals, car-parking requirement is not set, and with the level of details submitted with the application, the type, level and nature of use cannot be determined at this stage, therefore the lack of car parking details for staff at least cannot be determined, however this will not on its own warrant a refusal. Although it is noted that the site is located within a PTAL 2, which is poor, therefore, further details would be required if minded to approve.

Manser Road is not within a CPZ; therefore, the few available parking bays appear to be heavily used, according to a Google image, and it is not clear whether the road would accommodate additional parking on the street, without a parking survey.

In terms of highway impact, it is not clear how the bikes would be dropped whether individually or collectively, and whether by car or by loaders. Given the level of details provided, and the shared alleyway access to the site which is in use by all others with right of way, officers would conclude that, it has not been demonstrated that the proposed use would not adversely impact on the highway network, and impact on the safety of other road users, therefore it would be considered to be unacceptable and contrary to Policy 24 of the Local Plan Policy and Policy T6 of the London Plan.

In addition, the lack of details regarding the oil disposal would be a concern, as an objector had mentioned an instance of an oil spillage on the road, which would be dangerous for other road users and likely contamination of land, if not properly disposed.

The proposals would fail to comply with the requirement of Policy T6.5, which requires the provision of at least one disabled parking to all uses, therefore unacceptable.

Details of waste disposal has not been provided with the application, contrary to policy 35 of the Local Plan.

KEY ISSUES/CONCLUSIONS

It is considered that the change of use from an ancillary outbuilding to repair and maintenance of vehicle and predominantly mopeds would, by reason of its location and relationship to neighbouring properties, be out of character and result in an unsatisfactory relationship by way of noise and disturbance caused by levels of activity, delivery and movements and associated plant and machinery within the premises and combined with the proposed hours of use, be unacceptably detrimental to the amenities of occupiers of adjacent residential properties, contrary to Policies 7, 34 and 35 of the Havering Local Plan and the guidance in the National Planning Policy Framework.

Inadequate level of details to determine the highway impacts of the proposal.

Upon full assessment of the submitted material supporting the application, taking into account all material considerations, it is considered that the objectives of the development plan have not been met, and it is therefore recommended that permission be REFUSED.

RECOMMENDATION:

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

1 Refusal non standard

In the absence of a noise report, sufficient evidence of the exact character and nature of the use, it can be concluded that the proposal would, by reason of its location and relationship to neighbouring properties, result in an unsatisfactory relationship by way of noise and disturbance caused by levels of activity, delivery and vehicle movements and associated plant and machinery within the premises and combined with the proposed hours of use, be unacceptably detrimental to the amenities of occupiers of adjacent residential properties. Furthermore, the nature of the business proposed and location in residential environment would be detrimental to the character of the area. In this respect, the proposal is contrary to Policies 7, 34 and 35 of the Havering Local Plan and the National Planning Policy Framework.

2 Refusal non standard

The proposal fails to demonstrate adequate levels of off street parking and the ability of the shared access to accommodate the level of use proposed. The proposed shared alleyway access, combined with the insufficient details regarding the scale and level of proposal is considered likely to lead to increased vehicle use of the access and overspill, which would contribute unacceptably to existing levels of parking stress and limited on-street spaces within the locality to the detriment of the amenity of surrounding occupiers. The absence of any

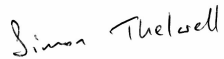
compelling evidence otherwise, such as a parking stress survey, means that it has not been demonstrated that there would not be conflict with Policy 24, London Plan T6 and Para 115 of the National Planning Policy Framework 2024.

INFORMATIVES

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, it was necessary to issue a decision as close to the statutory timeframe as possible as opposed to seeking amendments which would have significantly delayed the application.

Authorising Officer:



Simon Thelwell

16th May 2025