
Appeal Decision

Site visit made on 23 February 2017

by Claire Victory BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2017

Appeal Ref: APP/B5480/W/16/3163964
236 Main Road, Romford, Havering RM2 5HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Trevor Howard against the decision of the Council of the London Borough of Havering.
 - The application Ref P0319.16, dated 2 March 2016, was refused by notice dated 13 June 2016.
 - The development proposed is the change of use of the ground floor of the premises from financial and professional (Use Class A2) to a micropub (Use Class A4).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the ground floor of the premises from financial and professional (Use Class A2) to a micropub (Use Class A4) at 236 Main Road, Romford, Havering RM2 5HA in accordance with the terms of the application, Ref P0319.16, dated 2 March 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Trevor Howard against the Council of the London Borough of Havering. This application is the subject of a separate Decision.

Procedural Matter

3. The Council has advised there was an error in the Decision Notice and that it should have read (with missing word in bold) "The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway **safety** and to the detriment of residential amenity through additional vehicular movement and on-street parking, contrary to Policies DC32, DC33 and DC61 of the LDF Core Strategy and Development Control Framework DPD." However as the appellant has addressed both highway safety and the residential amenity there would be no disadvantage in my determining the appeal on that basis.

Main Issues

4. The main issues in the appeal are therefore:
 - The effect of the proposal on highway safety in the vicinity of the site; and
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- The effect of the proposal on the living conditions of nearby residents, in regard to noise and disturbance.

Reasons

Effect on Highway Safety

5. The Council considers that the proposal would generate demand for a maximum of 7 spaces. There is no provision for car parking within the site, and on-street parking is restricted on Main Road by a pelican crossing and double yellow lines. However, there are bus stops nearby on Main Road, providing regular services to Romford, and the site is about ten minutes' walk from Gidea Park railway station. As such, a reduction in the parking standard from the maximum would be appropriate.
6. Although there are parking restrictions on Crossways, with single yellow lines restricting parking on the east side between noon and 13:00 on Monday to Friday and on the west side between 08:00 and 18:30 Monday to Saturday, on-street parking would be available during the evenings and weekends, and most of the houses on Crossways have off-street car parking. There is a Pay and Display parking bay on Crossways close to the junction with Main Road for about 4 cars, for which parking charges apply between 09:00 and 17:00, and there is a Pay and Display Car Park at Balgores Square, approximately five minutes' walk from the appeal property.
7. TRICS data submitted by the appellant suggests the peak parking demand for pubs without restaurants is around 18:00 and 21:00. Both of these periods are in the evening when parking restrictions on Crossways do not apply. The appellant has undertaken a parking survey carried out in July 2016 between 20:00 and 21:00, which indicates that there would be 49 available parking spaces within 200m of the appeal site, and 92 parking spaces within 500m of the site. These figures have not been contested by the Council. As such, there is nothing to suggest that customers arriving by car would not be able to find a parking space within a reasonable walking distance, or that the parking of cars in the vicinity would be likely to cause a hazard to pedestrians or other vehicles.
8. I therefore conclude that the proposal would not have an unacceptable impact on highway safety. There would be no conflict with policies DC32 and DC33 of the LDF Core Strategy and Development Control Framework DPD (DCP) (2008), which require development to have no adverse impact on the functioning of the road hierarchy due to on-street car parking, or on the safety and quality of the environment.

Living conditions of surrounding residential occupiers

9. 236 Main Road is a ground floor commercial unit located within a short parade of two storey buildings. There is a self-contained residential unit at first floor level, accessed by a staircase to the rear. The adjacent commercial units to either side also have residential premises above at first floor level.
10. The unit lies within the fringe of the Gidea Park Major Local Centre, where there are a range of evening uses, including the Unicorn Public House. The restaurant to the west of the site opens every day until 23:00 and the convenience store to the east is also open until 22:45 Monday to Sunday. The

appellant has submitted a Noise Impact Assessment¹ in support of the proposal. This measured the ambient noise level on the Main Road frontage outside the appeal site at a height of about 3 metres, and concluded that the level of noise is relatively high throughout the day and evening between 12:00 to midnight. This is predominantly due to traffic on the busy Main Road but would also include noise generated by people moving through the area and visiting the adjacent commercial units.

11. The front part of the appeal property is currently vacant, and the proposed Class A4 use would inevitably generate more noise than that associated with a Class A2 office use, particularly during evenings and weekends. However, the micropub would only operate from the front of the premises, with a single room for customers and a small room for the storage and serving of drinks, and no use of amplified music or external seating areas are proposed. Although some customers might go outside for short periods, for example to smoke or make a telephone call, customers from the adjacent restaurant are likely to do the same, and no complaints relating to noise and disturbance have been reported in this regard.
12. Given the modest scale of the proposal, the additional footfall to and from the building is not expected to lead to a significant increase in noise levels in the vicinity of the site, and the premises would close at the same time as the neighbouring restaurant. The appellant has indicated that a Management Plan will be produced to reduce noise breakout, and this could be secured by condition.
13. External plant would be required to provide cooling for the beverages sold on the premises. This would operate on demand on an intermittent basis 24 hours a day. Although there are habitable windows within the first floor rear elevation of the terrace, with the nearest window approximately 6 metres from the proposed location of the plant, noise emissions could be limited to no greater than 10 dB lower than the background noise level in this location, and thus there would be no harm. I also note that the Council's Environmental Health officer does not object to the proposal, subject to the imposition of appropriate conditions to address noise breakout and external plant.
14. With regard to noise transfer between the ground floor and residential unit above, the Noise Impact Assessment² demonstrates that sound insulation between the ground and first floor would be required and this could also be secured by condition.
15. The second reason for refusal also refers to the effect on the living conditions of residents living in surrounding streets from the lack of on-site parking. Customers arriving or leaving by car might park on Crossways or other nearby residential streets, but I have found for the reasons set out above that there would be adequate capacity for on-street car parking in the locality to serve the proposed development. Moreover, there is no evidence to suggest that noise generated by the modest number of customers that would travel to the premises by car would be significantly greater than that generated by other people visiting the Major Local Centre during the evening to visit other establishments located there.

¹ Noise Impact Assessment – Written Statement (24 August 2016) Technical Report R6429-1 Rev 1

² Paragraph 6.15

16. The Council has pointed out that the allowed appeal in Bournemouth³ referred to by the appellant was for a change of use from Class A3 to Class A4, and thus that premises was already in use during the evenings and weekends, which is not the case in the present appeal. I also note that the property subject of the appeal at Sunnyside was a single storey building with greater separation from the nearest residential properties. Nevertheless, I have determined this appeal on its own merits and for the reasons I have set out above I consider the proposal would avoid significant adverse impacts on health and quality of life, in accordance with the requirements of the National Planning Policy Framework.
17. Taking all of the above into account, I conclude that there would be no unacceptable impact on the living conditions of neighbouring occupiers, and thus the proposal would not conflict with DCP Policies DC55 and DC61. These state that planning permission will not be granted where there is an unreasonable adverse impact by reason of noise impact, or if it would result in exposure to noise above acceptable levels affecting a noise sensitive development.

Conditions and Conclusion

18. I have found that the proposal would be acceptable subject to certain conditions, having regard to the Planning Practice Guidance. I shall specify the approved plans for certainty, and have imposed conditions restricting the hours of operation, and preventing the playing of amplified music or provision of external seating within the forecourt area to safeguard the amenities of surrounding occupiers. Details of a scheme to control noise emissions from the site, including between the ground floor and first floor, and a Management Plan are also necessary for the same reason.
19. The Council has suggested a condition requiring details of external smoking areas, but as no public areas are proposed to the rear and external seating to the forecourt will be restricted, I do not consider this condition is necessary. However I have imposed a condition preventing any changes of use from Class A4 as the development is only acceptable on the basis of the evidence submitted for the proposed Class A4 use.
20. For the reasons set out above, I conclude that the appeal should be allowed.

Claire Victory

INSPECTOR

³ Ref. APP/G1250/W/16/3156039

Schedule of Conditions

- 1) The development to which this permission relates must be commenced not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: 1995-01b & 1995-02.
- 3) No external seating shall be provided in the forecourt area outside of the premises for use by customers in connection with the approved use as a drinking establishment.
- 4) No amplified music shall be played at the premises in connection with the use of the premises as a drinking establishment.
- 5) The premises shall not be used for the purposes hereby permitted other than between the hours of 12:00 and 23:00 Monday to Sundays, Bank and Public Holidays.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015(or any Order revoking and/or re-enacting that Order) the use hereby permitted shall be A4 only and shall be used for no other purpose(s) whatsoever including any other use as set out in Schedule 2, Part 3 of the Order.
- 7) Before the development hereby permitted commences details of a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site including appropriate noise insulation between the ground and first floors in the rooms where the Class A4 use will operate as shown on drawing 1995 – 01b, and a Management Plan to control noise breakout from the building. Such scheme as may be approved shall be implemented prior to the first occupation and thereafter retained in accordance with such details.
- 8) 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.