



Appeal Decision

Site visit made on 3 December 2020

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021.

Appeal Ref: APP/W5780/W/20/3252088

Somerville Hall, 148 Somerville Road, Chadwell Heath, Romford RM6 5AT

- 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 Martin Court (on behalf of Saint Chads Church) against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0706/19, dated 17 January 2019, was refused by notice dated 27 November 2019.
 - The development proposed is for 5 no. new dwelling houses consisting of 2 no. 3 bedroom houses and 3 no. 4 bedroom houses.
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Decision

1. The appeal is allowed and planning permission is granted for 5 no. new dwelling houses consisting of 2 no. 3 bedroom houses and 3 no. 4 bedroom houses at Somerville Hall, 148 Somerville Road, Chadwell Heath, Romford RM6 5AT in accordance with the terms of the application, Ref 0706/19, dated 17 January 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposal would result in the unacceptable loss of a local community facility.

Reasons

3. Paragraph 92 of the National Planning Policy Framework (the 'Framework') makes clear that in order to provide the social, recreational and cultural facilities the community needs, planning policies and decisions should, amongst other things, guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
4. Policy LP17 of the Redbridge Local Plan March 2018 (LP) says that proposals involving the loss of infrastructure will only be supported where it is clearly demonstrated that there is no longer a need, within the local community for the existing use or for reuse of the building or site for any other community use; or, the building is no longer suitable; or, the facilities in the building are being re-provided elsewhere in the borough. I note that it is only necessary to demonstrate compliance with one of the three criteria in order to satisfy the requirements of the policy.

5. I understand that the existing building on the site was opened in 1957 for use by St Chad's Church, including nursery activities. Community events took place in the 1970s and early 1980s, followed in the late 1980s by children's parties and use by uniformed groups. In more recent decades the appellant states that the use of the hall has declined to the extent that the venue is now closed, with the last event being a party in December 2018.
6. I note that the site is registered as an Asset of Community Value and I am aware of the considerable local feeling to the proposal, both in support and against the scheme. I am also cognisant of the extent of disagreement between certain parties concerning the facts of the matter.
7. What was apparent at my site visit is that the building and surrounding land would need investment to renovate the property for community purposes. The appellant's building survey has indicated that such costs would be in the region of £250,000-£300,000; this is a considerable sum and I have not been provided with any compelling evidence to the contrary.
8. The appellant states that following the use of the hall for parties a number of complaints were received from local residents regarding noise, rubbish left outside of the hall and impacts on local parking. Moreover a Sunday free-church attracted noise complaints in 2013. Whilst these assertions are disputed by the local action group, I consider that had there been uncertainty as to the veracity of the evidence the Council would no doubt have indicated this in its appeal statement, as such matters would be the subject of Environmental Health records.
9. In 2017 there were three local community groups using the hall and I understand that these groups have found alternative accommodation within a 1-mile radius of the site. In this respect I note and sympathise with the comments of the Somerville Pre-School regarding re-use of the building. However, whilst they state that should the hall remain they would be "very happy to return there", to my mind this does not demonstrate a pressing need for the venue to remain.
10. The Council states that at the Planning Committee a local group attended who felt that they could inspire a new use for the building with accompanied fund-raising. Whilst I appreciate this view, the group concedes in its appeal representation that presently it does not have sufficient funds to buy the property if it were for sale. Moreover, there is nothing before me to indicate that any tangible fund-raising has taken place, or that potential grants and sponsorship have been sought or secured. Had there been substantive community backing for the retention of the hall I would have expected to see more progress on this issue.
11. I note that the appeal site has a public transport accessibility level (PTAL) of 1b, which represents a low level of accessibility, and the range of community facilities within a 1-mile radius of the appeal site; these matters are not disputed by the Council in either the Committee report or appeal statement.
12. I appreciate the impact of the pandemic lockdown and the contribution that community facilities can make to the lives of local residents. However, taking into account my findings above, overall I consider that there is no substantive evidence to demonstrate that there is a need within the local community for the existing use or for reuse of the site for any other community use.

Furthermore, evidence before me suggests that facilities in the building are being re-provided elsewhere in the borough.

13. I conclude that the proposal would not result in the unacceptable loss of a local community facility. The proposals would accord with policies LP17 of the LP and 3.16 of the London Plan 2016 which relate to existing public and community premises and allow for redevelopment where there is clear evidence that the premises are no longer needed or suitable replacement provision is made.

Other Matters

14. I note the third-party objections to the proposal in relation to, amongst other things, the living conditions of the occupiers of neighbouring buildings in respect of loss of light and privacy and the covenant that restricts use of the site to "ecclesiastical use" only. However, these issues have been addressed in the planning officer's report or the appellant's submissions. I am satisfied that the proposal would not result in an overdevelopment of the site and the dwellings would assimilate with surrounding properties. Planning conditions could be used mitigate other potential impacts.
15. Therefore, whilst I can understand the apprehension of third parties, their concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these grounds.
16. The Council's decision notice did not give the absence of a unilateral undertaking or S106 agreement as a refusal reason. This notwithstanding, the need for an obligation has been raised by the Authority in its appeal statement to ensure the resources from the appeal scheme are to part-fund the enhancements to St Chad's Church.
17. The appellant has submitted a Unilateral Undertaking agreeing to link the appeal development with community benefits and new facilities at St Chad's Church. The Undertaking is dated, signed and witnessed and I am satisfied that it would meet the requirements for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010).

Conditions

18. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. In addition to the standard implementation condition, the approved plans are listed for certainty. To ensure a satisfactory appearance I impose a condition requiring the submission of external materials to the dwellings and hardstanding areas.
19. Conditions relating to accessibility for those with impaired mobility, cycle parking, refuse and recycling storage, water efficiency measures and sustainable drainage systems are necessary to ensure provision of such elements on the site.
20. I have imposed the condition suggested by the Council on the need to restrict parking permits but reworded it to include the retention and control of the use of the parking spaces within the site. Given the size of the individual plots and the close relationship between themselves and surrounding dwellings, removing Classes A, B and E PD rights is both reasonable and necessary in

serving the interests of protecting the living conditions of neighbouring occupiers and in safeguarding the character of the area.

Conclusion

21. Based on the above, the appeal is allowed.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CHADH-1-001, CHAD-H-101, CHAD-H-102, CHAD-H-110, CHAD-H-111, CHAD-H-112, CHAD-H-120, CHAD-H-122, CHAD-H-123, CHAD-H-124, SHTCP-DEC18, SCHTRP-DEC18.
- 3) Except for demolition, no development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the buildings and s hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details.
- 4) The dwellings shall be designed and constructed to comply with the full requirements of Approved Document M - Access to and use of buildings; Volume 2 - Buildings other than dwellings of the Building Regulations 2010. Thereafter the units shall be permanently retained in this form thereafter.
- 5) The development shall not be occupied until details of the proposed bicycle parking facilities have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details prior to occupation of the units and retained thereafter.
- 6) The development shall not be occupied until details of the proposed refuse and recycling storage facilities have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details prior to occupation of the units and retained thereafter.
- 7) The dwellings shall not be occupied until the Building Regulations Optional requirement G2 – Water efficiency (2015 edition) - has been complied with. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 8) Except for demolition, no development shall take place until surface water drainage works have been submitted to the LPA for its written approval, and the development hereby permitted shall not thereafter be occupied until the approved surface water drainage works have been fully implemented. Before any

details are submitted to the local planning authority an assessment shall have been carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall then be provided to the local planning authority with the proposed scheme of surface drainage works. Where a sustainable drainage scheme is to be provided, the submitted details shall:

(a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

(b) include a timetable for its implementation; and,

(c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

9) No extension, enlargement, alteration or provision within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the LPA.

10) There shall be no occupation of any part of the buildings for residential purposes until a scheme (the parking control scheme) for the control of parking arising from the approved use has been submitted to and approved in writing by the LPA. The parking control scheme shall:

a) Provide for the retention and control of the use of the proposed parking spaces solely for parking by the residential occupants of the buildings and their visitors; and

b) Prevent occupancy of the buildings by any person not allocated one of the proposed spaces unless and until provision is made to ensure that residential use of the buildings does not take place by any person who has applied for, or otherwise obtained, a parking permit (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation).

The development shall be occupied at all times in accordance with the parking control scheme.