



Appeal Decision

Site visit made on 4 November 2011

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 25 November 2011

Appeal Ref: APP/B5480/C/11/2155463

9 Bridge Close, Romford, Essex RM7 0AU

- The appeal is made by Mr S Olushanu under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/278/09/RT and AP2217) issued by the Council of the London Borough of Havering on 12 May 2011.
- The breach of planning control alleged in the notice is "the material change of use of use [sic] of the said Land from Class B1 (offices) and Class B8 (storage and distribution) to a place of worship and assembly Class (D1)".
- The requirements of the notice are as follows: -
 - "1. Stop using the Land as a place of worship and assembly."
 - "2. Remove from the Land all equipment including seating, audio and amplified equipment and musical instruments associated with the unauthorised use."
 - "3. Restore the Land back to its authorised use for B1 (offices) and B8 (storage and distribution) use."
- The period for compliance with these requirements is three months.
- The appeal is proceeding on the ground set out in section 174(2)(a).

Decision

1. It is directed that paragraph 3 of the enforcement notice be corrected by deleting "of use" where it is included for the second time.
2. Subject to this direction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the use of 9 Bridge Close, Romford, Essex RM7 0AU as a place of worship and assembly, subject to the following conditions: -
 1. The use of the premises as a place of worship and assembly shall cease on or before 31 December 2014.
 2. The use of the premises as a place of worship and assembly shall not take place other than between the hours of 0700 and 2300 on any day.
 3. The existing parking areas at the front, side and rear of the premises shall be retained and shall be kept available at all times for the parking of vehicles used by the occupiers of the premises and their visitors and shall not be used for any other purpose.
 4. The existing sound insulation against internally-generated noise shall be retained and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order

revoking, re-enacting or modifying that Order), no doors, windows or other openings shall be constructed in the premises.

5. The existing apparatus for the control of sound-amplification equipment shall be retained and shall be operated whenever sound-amplification equipment is in use. Sound-amplification equipment shall not be operated within the premises so as to generate noise that is audible within any residential curtilage in Waterloo Road.
6. If, within one month of the date of this decision, details of the facilities to be provided within the site for the storage of refuse and recycling containers have not been submitted in writing to the local planning authority for their written approval and if the facilities are not provided in accordance with the approved details within three months of the local planning authority's approval, the use of the premises as a place of worship and assembly shall cease until such time as the facilities are approved and provided. If no details are approved within twelve months of the date of this decision, the use of the premises as a place of worship and assembly shall cease until such time as the facilities are provided in accordance with the approved details. The facilities provided shall be retained as approved.
7. If, within one month of the date of this decision, details of the facilities to be provided within the site for the storage of cycles have not been submitted in writing to the local planning authority for their written approval and if the facilities are not provided in accordance with the approved details within three months of the local planning authority's approval, the use of the premises as a place of worship and assembly shall cease until such time as the facilities are approved and provided. If no details are approved within twelve months of the date of this decision, the use of the premises as a place of worship and assembly shall cease until such time as the facilities are provided in accordance with the approved details. The facilities provided shall be retained as approved.

Reasons for the decision

Correction of the notice

3. I have corrected the drafting error in the notice.

Ground (a)

4. The main issues in assessing whether planning permission should be granted for the use of the premises as a place of worship and assembly are (a) the effect of granting permission on the objectives of the Romford Area Action Plan, (b) whether the use would be detrimental to pedestrian or highway safety and (c) whether nearby residents would be likely to be disturbed by noise.
5. The Action Plan identifies the Bridge Close employment area as a site suitable for residential redevelopment with some commercial uses, and a site in single ownership is being assembled for redevelopment. In view of the likely timescale for the implementation of this proposal, the Council consider that granting temporary planning permissions can be appropriate in this area. The appellant is seeking a temporary permission and the Council have indicated

that they would want the permission to be limited to three years, if the appeal were allowed. This would allow the future use of the premises to be kept under review in the light of the redevelopment proposals.

6. Policy CP8 of the Havering Core Strategy and Development Control Policies Development Plan Document (DPD) seeks to ensure that a range of community facilities is provided to meet demand and that they are in accessible locations. Policy DC26 of the DPD deals with the location of community facilities and identifies Romford as a preferred location. It indicates that community facilities should only be located where they are accessible by a range of transport modes and any on-street parking can be accommodated without detriment to pedestrian and highway safety, and that they should not significantly harm residential amenity. (It also states that, where practicable, they should be provided in buildings that are multi-use, flexible and adaptable, but this is not a concern that has been raised in relation to 9 Bridge Close.)
7. The premises are close to the centre of Romford and are highly accessible by a range of transport modes. The appellant states that they have been used as a place of worship and assembly since 2009 without causing on-street parking problems and the Council have not supplied me with any information which shows that any have occurred: their case is based on the likelihood of this occurring.
8. Policies CP8 and DC26 do not require community facilities to have off-street parking spaces and the parking standards referred to in DPD Policy DC33 do not refer to places of worship. The DPD parking standard for church halls is a maximum of one space per 4m² and for places of assembly it is a maximum of one space per six seats. The Council indicate that, after taking into account the size, location and accessibility of the premises, at least twenty to twenty-five parking spaces should be provided.
9. There are parking areas at the front, side and rear of the premises. The appellant states that these provide spaces for thirty to forty vehicles, but this number can only be accommodated by marshalling the vehicles in rows as shown on the photographs. The spaces are not marked out but it appears to me that there is room for at least twenty vehicles, which is enough to satisfy the Council's requirement. Provided these spaces are retained, the use of the premises as a place of worship and assembly should not result in on-street parking detrimental to pedestrian or highway safety.
10. I now turn to the third main issue – whether nearby residents would be likely to be disturbed by noise. The premises are in an employment area and back onto a railway embankment, but there are houses nearby in Waterloo Road. The Council have received calls from occupiers of these houses stating that they have been disturbed by noise from the premises in the late evening.
11. The appellant denies that disturbance has been caused to residents and states that no complaints have been received. Steps have been taken to mitigate the outbreak of noise by installing internal cladding to the walls and windows of the premises and technical controls exist for regulating the output from the amplification equipment. Residents in Waterloo Road experience a relatively high level of background noise due to the location of the houses on a main road and the proximity of the railway line and the employment area.

12. DPD Policy DC55 states that planning permission will not be granted if it will result in residents being exposed to unacceptable noise levels and Policy DC61 indicates that development must not result in unreasonable adverse effects on the environment by reason of noise impact and hours of operation. These policies will be complied with if noise from within the premises is kept to a level where it is not audible at residential premises and the hours of use are limited to prevent the noise of people and vehicles outside the premises causing a disturbance at unsociable hours.
13. I consider that all the concerns arising out of my assessment of the main issues in the appeal can be controlled by planning conditions, to the extent that the use of the premises as a place of worship and assembly would comply with the DPD policies to which I have referred. The considerations now are different to those that pertained when similar proposals relating to 1 and 13 Bridge Close were rejected on appeal in 2009 and 2010 (refs: APP/B5480/A/09/2105463 and APP/B5480/A/10/2121533). In the former, a temporary permission was found to be inappropriate at that time and only six off-street parking spaces were available; in the latter, the off-street parking spaces then available were significantly less than the Council's minimum requirement; and Policies CP8 and DC26 were not referred to in either of the decisions.
14. I have therefore decided to allow the appeal and to grant planning permission subject to the range of conditions set out in paragraph 2 above. The reasons for these conditions are as follows – 1 to allow the future use of the premises to be kept under review in the light of the redevelopment proposals; 2, 4 & 5 to protect residential amenities; 3 to maintain pedestrian and highway safety; and 6 & 7 to ensure that satisfactory provision is made for the storage of refuse and recycling containers and cycles.
15. These conditions do not incorporate all the conditions suggested by the Council in the event of the appeal being allowed, and revise some of the suggestions. I have not required the restoration of the premises to their former condition on the expiry of the permission, in view of the redevelopment proposals. The use has not been limited to a place of worship with associated prayer/education facilities, because I am not satisfied that other uses within Class D1 would be unacceptable. Plans, etc, have not been referred to because there are none, this being an enforcement appeal. The suggested hours of use have been extended to strike a reasonable balance between the appellant's needs and the protection of residential amenities. I have dealt with sound insulation and amplified music by requiring the existing mitigation measures to be retained and prohibiting new openings, and by protecting residents from noise that may be audible within their curtilages. A limit on the number of people who could be present in the premises at any time has not been imposed, because its enforcement would require excessive supervision by the Council. I have not required a transport scheme to be submitted for approval, since the proposals comply with Policy CP8 and DC26.
16. The appeal has therefore succeeded, planning permission has been granted and the notice has been quashed.

D.A.Hainsworth

INSPECTOR