

RE: 29 Main Road, Romford RM1 3DD

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

BREACH OF CONDITION NOTICE

SERVED BY: London Borough of Havering herein after referred to as "the Council".

TO:

**The Company Secretary Redeemed Christian Church of God ('RCCG'),
Jubilee House for all Nations, 29 Main Road, Romford, Essex RM1 3DD
(Company No. 07230076)**

ISSUED BY: London Borough of Havering

1. **THIS NOTICE** is served by the London Borough of Havering ("the Council"), under section 187A of the above Act, because it appears to the Council that there has been a breach of a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council considers that you should be required to comply with the conditions specified in this notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

The land and property known as **29 Main Road, Romford RM1 3DD**, (registered under title no. EGL13005) and shown outlined in bold black on the attached plan ("the Land").

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted on appeal by the Planning Inspectorate on 1 November 2010 for the change of use of the Land from office use to use as a place of worship (application reference number P0486.10) a copy of which is attached.

4. THE BREACH OF CONDITION

The following conditions have not been complied with:

Condition Number 2 –

'No amplified music or speech shall be relayed on the site, including within the building, nor shall drums be played unless details and specifications of the equipment to be used have first been submitted to,

and agreed in writing by, the local planning authority. At no time shall any amplified music or speech or drums be played while windows and / or doors are open.'

Condition Number 3 –

'The premises shall not be used other than between the hours of 0930 to 2100 hours Mondays to Fridays and 1000 to 1600 hours on Saturdays, Sundays and Public Holidays without the prior consent in writing of the Local Planning Authority.'

Condition Number 5 –

'Provision is to be made within two months of the date of this letter for the storage of refuse awaiting collection in accordance with details which shall previously have been agreed in writing by the Local Planning Authority.'

It appears to the Council that Condition No. 2 has not been complied with in that:

- (a) amplified drumming and speech have been relayed on the Land without details and specifications of the equipment being used for the said purpose having been first submitted to, and agreed in writing by the local planning authority; and
- (b) amplified drumming and speech have been relayed on the Land while windows and doors to the premises have remained open.

It appears to the Council that Condition No. 3 has not been complied with in that the Land is being used as a place of worship outside the permitted hours of use without the prior written consent of the local planning authority.

It appears to the Council that Condition No. 5 has not been complied with in that no scheme for the storage of refuse has been submitted to the local planning authority for approval.

The relevant planning permission (application reference number P0486.10) contains condition Nos. 2, 3 and 5 for the purpose of ensuring the protection of the amenity of the residents of nearby properties. The conditions accord with policies DC55 and DC61 of the Local Development Framework Core Strategy and Development Control Policy (Development Plan Documents).

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breaches of conditions specified in paragraph 4 of this notice, you are required to secure compliance with the stated conditions by taking the following steps:

- (1) Submit details and specifications to the local planning authority of the equipment being used for the relaying of amplified drumming, music and speech on the Land;

- (2) Limit the use of the Land as a place of worship between 0930 to 2100 hours Mondays to Fridays and 1000 to 1600 hours on Saturdays, Sundays and Public Holidays.
- (3) Submit details of a scheme to the local planning authority for the storage of refuse awaiting collection on the Land;
- (4) Agree, implement and maintain a scheme with the local planning authority for the storage of refuse on the Land awaiting collection.

and ceasing the following activities:

- (5) relaying all amplified drumming, music and speech on the Land in the absence of the prior written approval of the local planning authority;
- (6) Cease using the Land as a place of worship outside the permitted hours of use being between 0930 to 2100 hours Mondays to Fridays and 1000 to 1600 hours on Saturdays, Sundays and Public Holidays in the absence of the prior written approval of the local planning authority.

6. WHAT YOU ARE REQUIRED TO DO

You must comply with the requirements of this Notice within 30 days of this Notice taking effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **26 July 2012**.

Dated: **26 July 2012**

Signed:

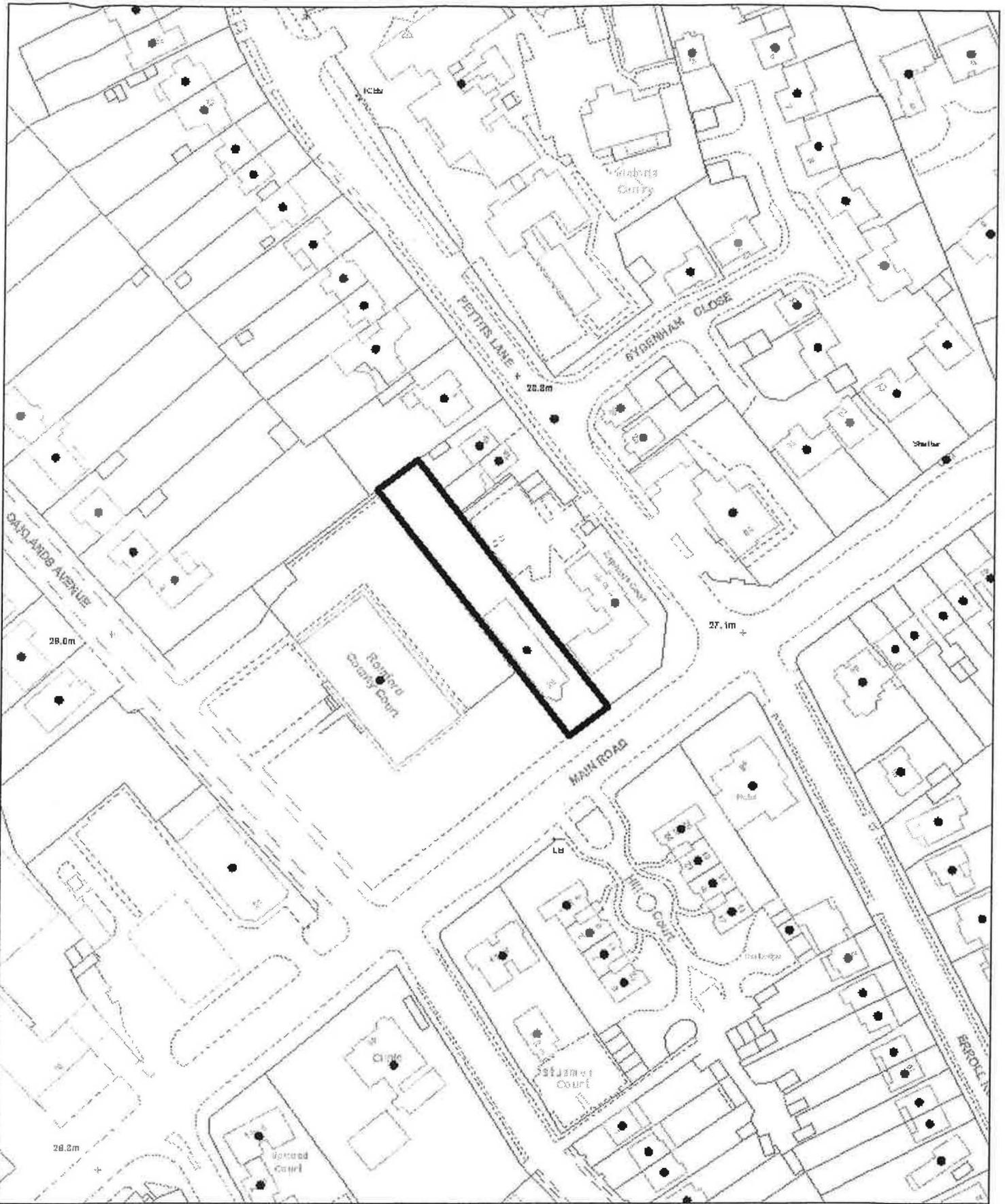


Authorised Officer

On behalf of: London Borough of Havering
Town Hall, Main Road, Romford, RM1 3BD

Nominated Officer - Simon Thelwell
Planning Control Manager
(Projects and Compliance)

Telephone Number 01708 432685



Map Reference: TQ5189SE



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NATIONAL
STREET
DIRECTORY



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Survey
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Scale @ A4 1:1250
Date: 25/07/2012

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Havering
LONDON BOROUGH

London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343

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Appeal Decision

Site visit made on 15 October 2010

by **D Roger Dyer BA, DipArch, RIBA,**
FCI Arb, Barrister

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
1 November 2010

Appeal Ref: APP/B5480/A/10/2130818

St George's House, 29 Main Road, Romford RM1 3DD

- 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 RCCG Jubilee House against the decision of the Council of the London Borough of Havering.
- The application Ref P0486.10, dated 1 April 2010, was refused by notice dated 3 June 2010.
- The development proposed is "Retrospective application for the change of use of office building to a place of worship."

Decision

Appeal Ref: APP/B5480/A/10/2130818

1. The appeal is allowed and planning permission is granted for the continued use of a hall attached to an office building as a place of worship at St George's House, 29 Main Road, Romford RM1 3DD in accordance with the application, reference P0486.10, dated 1 April 2010 and the plans submitted therewith subject to the conditions set out in the attached schedule.

Main issue

2. The principal consideration in this appeal is whether the use of the appeal site as a place of worship would preserve the residential amenities of neighbours in terms of noise.

Reasons

3. The appeal site lies on the edge of Romford town centre where the character of the area is partly commercial but predominantly residential. Adjoining the site on one side is a modern building used as the Romford County Court but on the other side there is a block of 11 flats and there is a similar development on the other side of Main Road.
 4. It appears that planning permission for change of use from residential to offices was granted on appeal in 1978. The Council says the premises have been used as a church since 2007, and in view of the long established commercial use its officers see no objection in principle to the proposal provided its environmental impact is shown to be acceptable. Policy DC26 of the Council's Local Development Framework, which was adopted in 2008, requires new community facilities to be accessible by a range of transport modes including walking and
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cycling and to those groups who rely on public transport. The policy also seeks on-street parking that can be accommodated without detriment to pedestrian and highway safety. Car parking on site is addressed in policy DC33 with a standard of one space for every 4 square metres for church use. That provision would show a need for 66 spaces but there is only room for 14 vehicles at present. Otherwise, the Council recognises that the site is within walking distance of the town centre which is well served by public transport. The site itself is on several bus routes and can be reached by bicycle.

5. The Council's main concern is noise generated during services, mainly on Sundays but with some meetings during evenings in the week. Musical instruments and amplification equipment are said to be used regularly. In that respect the proximity of the adjoining residential properties has led the Council to regard the proposal as unacceptable and contrary to policy DC61 of its LDF.
6. Inspection of the premises shows that the building is poorly insulated against transmission of sound. In particular the roof construction does not provide any void suitable for the insertion of insulating materials. The ceiling, which is finished in timber boarding, follows the general profile of the roof and incorporates a continuous vertical roof light. Ceiling joists are exposed internally. The windows, although double glazed, are set in aluminium frames so that the fenestration gives little protection against sound generated from within the building.
7. Inside the building are an electronic keyboard and a drum kit. There are several microphones and two substantial wall-hung amplifiers. This equipment has the potential to produce a significant amount of sound.
8. The appellant has produced a report by acoustic consultants. The report recommends remedial and new work to reduce the sound issued from inside the building. The proposed work includes secondary glazing and the installation of additional layers of plasterboard and a 100mm thick layer of sound absorbent material over a new ceiling finish. The consultant considers that such action would reduce sound escaping to a level that would be acceptable in the rooms of the nearest flat 14 m away. However there are omissions from the report such as any indication of the positions from which monitoring was adduced or the results of noise monitoring. Nor does it convey background noise levels.
9. The Council has considered granting a temporary permission and imposing conditions requiring the submission of a scheme for sound insulation. It says it is reluctant to do so because the appellant has indicated its intention to move to another site and because there is little reasonable prospect of carrying out the investment in sound insulation necessary to bring the building to a suitable standard to prevent noise disturbance to nearby residents.
10. If the building is to continue to be used for church services, as is likely, whether in the short term or for a longer period, it must be insulated to protect neighbouring residents against noise. In those circumstances it is necessary to achieve that objective by the use of suitable conditions. The Council has indicated that, save for the question of noise nuisance, it considers the use of the premises as a church does not have an adverse effect on the character of the area. Having regard to these matters the appeal should be allowed subject

to appropriate conditions related directly to the suppression of noise and others associated with that end.

Conditions

11. In order to protect the amenities of nearby residents it is necessary to impose conditions on the permission granted. These include a limit on the numbers of people accommodated within the premises and a limit on the hours within which the church may conduct services. In relation to the congregation the Council seeks a limit of 40 but that is too low. The hours of use should admit the evening classes that are said to form part of the appellant's function.
12. Nevertheless it is not necessary to impose all of the conditions suggested by the Council. The grant of a temporary condition need not be considered if the appellant puts in place proper measures for the reduction of sound. Equally, having regard to the space available on site and the relatively short duration of the appellant's activities, there need be no formal provision made for cycle storage. As to vehicles on site, the car park is already marked out.

Conclusions

13. It is desirable that members of the church should be free to worship subject to the protection of the amenities of local residents. The location of the premises is suitable in relation to its proximity to the town centre and having regard to access by public transport as well as on foot or by cycling. Subject to the conditions to be imposed the appeal succeeds. In reaching my decision I have taken careful note of all other matters brought to my attention in writing but I have found nothing that outweighs the main planning considerations in this case.

D Roger Dyer

INSPECTOR

Schedule of conditions

1. The use of the premises as a place of worship with associated prayer and/or education facilities Use Class D1 shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within two months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within three months of the date of this decision there shall have been submitted to the local planning authority a scheme for sound insulation of the building including a time-table for its implementation;
 - (ii) within 11 months of the date of this decision the said scheme shall have been approved by the local planning authority or, if the local planning authority fail to approve such scheme, or fail to give a decision within the prescribed period, an appeal shall have been

lodged and accepted by the Secretary of State for Communities and Local Government;

(iii) in the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the scheme shall have been approved by the Secretary of State;

(iv) all work comprised in the scheme as approved shall be implemented and completed within the time-table set out in the approved scheme;

2. No amplified music or speech shall be relayed on the site, including within the building, nor shall drums be played unless details and specifications of the equipment to be used have first been submitted to, and agreed in writing by, the local planning authority. At no time shall any amplified music or speech or drums be played while windows and/or doors are open.
3. The premises shall not be used other than between the hours of 0930 to 2100 hours Mondays to Fridays and 1000 to 1600hours on Saturdays, Sundays and Public Holidays without the prior written consent of the local planning authority.
4. The total number of people accommodated within the premises shall not exceed 50 at any one time without the prior consent in writing of the local planning authority.
5. Provision is to be made within two months of the date of this letter for the storage of refuse awaiting collection in accordance with details which shall previously have been agreed in writing by the local planning authority.

ANNEX

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7.

**THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE
AGAINST THIS NOTICE.**

It is an offence to contravene any requirement stated in paragraph 5 of this notice after the end of the compliance period.

If you then fail to comply with the temporary stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £1,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited.

If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Simon Thelwell, Planning Control Manager, Mercury House, Romford RM1 3SL 01708 432685.

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.