

## Notice of Meeting

### THE DEVELOPMENT CONTROL BOARD VISITING SUB-COMMITTEE

**Monday, 6 October 2014 - 2:00 pm**  
**82 Amesbury Road Dagenham RM9 6AB**

**Members:** Cllr Sanchia Alasia (Chair); Cllr Faraaz Shaukat (Deputy Chair); Cllr Syed Ahammad, Cllr Edna Fergus, Cllr Moin Quadri and Cllr Phil Waker

**By Invitation:** Cllr Simon Bremner and Cllr Irma Freeborn

Date of publication: 30 September 2014

Graham Farrant  
Chief Executive

Contact Officer: Margaret Freeman  
Tel. 020 8227 2638  
E-mail: [margaret.freeman@lbbd.gov.uk](mailto:margaret.freeman@lbbd.gov.uk)

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## AGENDA

### Use Classes

- 1. Apologies for Absence**
- 2. Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

- 3. 82 Amesbury Road Dagenham - 14/00510/FUL (Pages 5 - 13)**

The Development Control Board at its meeting of 8 September 2014 agreed to direct the Development Control Board visiting Group to undertake an inspection of 82 Amesbury Road, Dagenham and to subsequently make a recommendation to the Board (minute 18 refers).

- 4. Any other public items which the Chair decides are urgent**
- 5. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

## **Private Business**

The public and press have a legal right to attend Council meetings such as the Development Control Board, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). ***There are no such items at the time of preparing this agenda.***

- 6. Any confidential or exempt items which the Chair decides are urgent**



## **Barking and Dagenham's Vision**

**Encourage growth and unlock the potential of Barking and Dagenham and its residents.**

### **Priorities**

To achieve the vision for Barking and Dagenham there are five priorities that underpin its delivery:

#### **1. Ensure every child is valued so that they can succeed**

- Ensure children and young people are safe, healthy and well educated
- Improve support and fully integrate services for vulnerable children, young people and families
- Challenge child poverty and narrow the gap in attainment and aspiration

#### **2. Reduce crime and the fear of crime**

- Tackle crime priorities set via engagement and the annual strategic assessment
- Build community cohesion
- Increase confidence in the community safety services provided

#### **3. Improve health and wellbeing through all stages of life**

- Improving care and support for local people including acute services
- Protecting and safeguarding local people from ill health and disease
- Preventing future disease and ill health

#### **4. Create thriving communities by maintaining and investing in new and high quality homes**

- Invest in Council housing to meet need
- Widen the housing choice
- Invest in new and innovative ways to deliver affordable housing

#### **5. Maximise growth opportunities and increase the household income of borough residents**

- Attract Investment
- Build business
- Create a higher skilled workforce

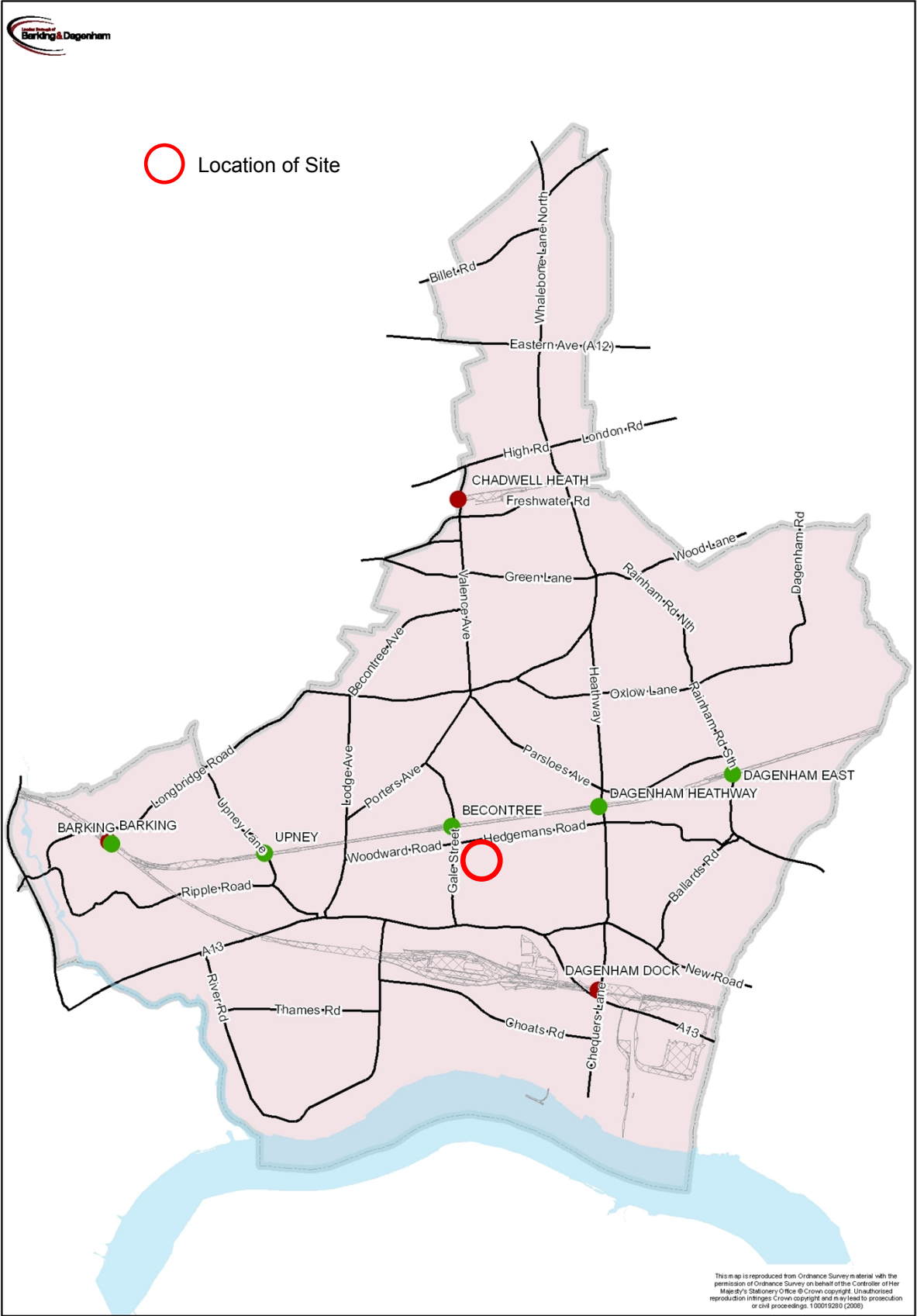
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<b>Use Classes Order 1987 (as amended)</b>		
<b>Use Class</b>	<b>Use/Description of Development</b>	<b>Permitted Change</b>
<b>A1 Shops</b>	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.	State funded school for single academic year – <u>see footnote 2.</u> Some temporary uses – <u>see footnote 4.</u> A1 plus two flats above C3 residential use - <u>see footnote 5</u> Bank, building society, credit union or friendly society (A2) but not for other purposes falling within A2 – <u>see footnote 6</u>
<b>A2 Financial and professional services</b>	Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies and betting offices.	A1 (where this is a ground floor display window) plus two flats above A2 plus two flats above State funded school for single academic year – <u>see footnote 2.</u> Some temporary uses – <u>see footnote 4.</u> C3 residential use - <u>see footnote 5</u>
<b>A3 Restaurants and cafés</b>	For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.	A1 or A2 State funded school for single academic year – <u>see footnote 2.</u> Some temporary uses – <u>see footnote 4.</u>
<b>A4 Drinking establishments</b>	Public houses, wine bars or other drinking establishments (but not night clubs).	A1, A2 or A3 State funded school for single academic year – <u>see footnote 2.</u> Some temporary uses – <u>see footnote 4.</u>
<b>A5 Hot food takeaways</b>	For the sale of hot food for consumption off the premises.	A1, A2 or A3 State funded school for single academic year – <u>see footnote 2.</u> Some temporary uses – <u>see footnote 4.</u>
<b>B1 Business</b>	a) Offices, other than a use within Class A2 (Financial Services) b) Research and development of products or processes c) Light industry appropriate in a residential area	B8 (where no more than 500 sqm) B1a - C3 subject to prior approval - <u>see footnote 1.</u> State funded school for single academic year – <u>see footnote 2.</u> State funded school or registered nursery subject to prior approval - <u>see footnote 3</u> Some temporary uses – <u>see footnote 4.</u>
<b>B2 General industrial</b>	General industry: use for the carrying out of an industrial process other than one falling in class B1. (excluding incineration purposes, chemical treatment or landfill or hazardous waste).	B1 or B8 (B8 limited to 500 sqm) State funded school for single academic year – <u>see footnote 2.</u>
<b>B8 Storage and distribution</b>	Storage or distribution centre. This class includes open air storage.	B1 (where no more than 500 sqm) State funded school for single academic year – <u>see footnote 2.</u>
<b>C1 Hotels</b>	Hotel, boarding house or guesthouse, where no significant element of care is provided. (Excludes hostels).	State funded school for single academic year – <u>see footnote 2.</u> State funded school or registered nursery subject to prior approval - <u>see footnote 3</u>
<b>C2 Residential institutions</b>	Hospital, nursing home or residential school, college or training centre where they provide residential accommodation or care to people in need of care (other than those within C3 dwelling houses).	State funded school for single academic year – <u>see footnote 2.</u> State funded school or registered nursery subject to prior approval - <u>see footnote 3</u>
<b>C2A Secure residential institution</b>	Secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital,	State funded school for single academic year – <u>see footnote 2.</u> State funded school or registered nursery subject to prior approval - <u>see footnote 3</u>

	secure local authority accommodation or use as a military barracks.	
<b>C3 Dwelling houses</b>	Use as a dwelling house by a single person or by people living together as a family or by not more than 6 residents living together as a single household	Article 4 direction removes permitted development right to convert to C3 House in Multiple Occupation. State funded school for single academic year – <u>see footnote 2</u>
<b>C4 Houses in multiple occupation</b>	Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.	C3 (dwelling houses) State funded school for single academic year – <u>see footnote 2</u>
<b>D1 Non-Residential Institutions</b>	Clinics & health centres, crèches, day nurseries & day centres, museums, public libraries, art galleries & exhibition halls, law court, non-residential education & training centres. Places of worship, religious instruction & church halls.	Some temporary uses – <u>see footnote 4.</u> State funded school for single academic year – <u>see footnote 2.</u>
<b>D2 Assembly &amp; Leisure</b>	Cinema, concert hall, bingo hall, dance hall, swimming bath, skating rink, gymnasium, or area for indoor or outdoor sports or recreations, not involving motor vehicles or firearms.	State funded school for single academic year – <u>see footnote 2.</u> State funded school or registered nursery subject to prior approval - <u>see footnote 3</u> Some temporary uses – <u>see footnote 4.</u>
<b>Sui – Generis</b>	A use on its own, for which any change of use will require planning permission. Includes, theatres, nightclubs, retail warehouse clubs, amusement arcades, laundrettes, petrol filling stations, casinos, taxi businesses, waste management facilities, and motor car showrooms.	Casino to Class D2

#### Footnotes

<b>1</b>	B1a (Offices) can change use to C3 (Dwelling houses) provided development commenced before 30/06/16. Need to apply to Council for prior approval to confirm no significant transport and highway impacts, contamination risks and flood risks.
<b>2</b>	State funded schools can open without planning permission for a single academic year without planning permission from any existing use within the Use Classes Order. School must be approved by Secretary of State and school must notify Council before they open. School must revert to its previous use at end of year. Does not apply to listed buildings.
<b>3</b>	B1 (business), C1 (hotel), C2 (residential institution), C2A (secured residential institution) and D2 (assembly and leisure) can convert to a state funded school or registered nursery providing early years childcare without planning permission. Need to apply to Council for prior approval to confirm no significant transport and highways impact, noise impacts and contamination risks.
<b>4</b>	A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (pubs), A5 (takeaways), B1a (offices), B1b (light industry), B1c ( R&D), D1 (non-residential institutions) and D2 (assembly and leisure) can change to A1, A2, A3, B1a,b & c without planning permission. Change of use must be less than or equal to 150 square metres. Applies for single continuous period of two years. Can change to other permitted use within two year period. Must revert to original use at end of two year period.
<b>5</b>	A1 (shops) and A2 (financial and professional services) can change to C3 (residential). Building operations and partial demolition works that are “reasonable necessary” are also permitted. Prior approval required for transport and highways impact, contamination, flooding, the design and external appearance of the building and undesirable impacts on shopping facilities. This right only applies to buildings of 150 square metres or less and does not apply in Conservation Area or to listed buildings.
<b>6</b>	Does apply in Conservation Areas but not to listed buildings.



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**82 Amesbury Road, Dagenham**

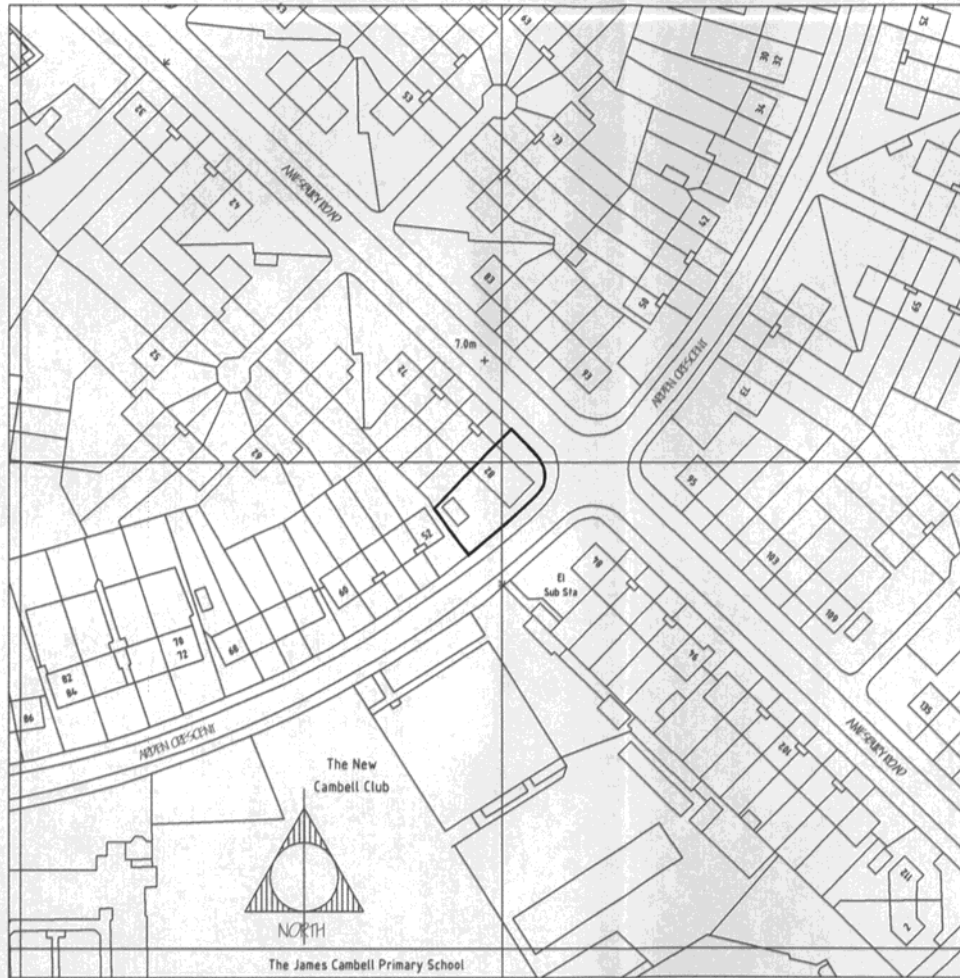
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<b>Barking and Dagenham Council Development Control Board</b>		<b>Date:</b> 8 September 2014
<b>Development Control Board Visiting Group site visit</b>		
<b>Application No:</b>	14/00510/FUL	<b>Ward:</b> Goresbrook
<b>Reason for Referral to DCB as set out in Section I of the Council Constitution:</b>	In order for the Board to consider directing the Visiting Group of the Development Control Board to undertake an inspection of the site.	
<b>Address:</b>	82 Amesbury Road, Dagenham	
<b>Development:</b>	Use of dwelling as children's nursery.	
<b>Applicant:</b>	Heritage Day Nursery	
<b>Summary:</b>		
<p>The site is an end of terrace house at the junction of Amesbury Road and Arden Crescent.</p> <p>The proposal is to change the use of the dwelling to a nursery, day care, and after school club for children aged 5 - 8 years. The applicant intends to accommodate up to 32 children and a total of 7 staff at any one time.</p> <p>The Council's Constitution states that one of the functions of the Development Control Board is to appoint at the commencement of each municipal year a Visiting Group to undertake inspections of buildings and sites as directed by the Board and to make recommendations to the Board.</p> <p>It is considered that it would be beneficial for the Visiting Group of the Development Control Board to undertake a site visit in respect of the application and to report back to the October Development Control Board meeting.</p> <p>It is also the intention that an officer recommendation regarding the application will be made to the October Development Control Board meeting.</p>		
<b>Recommendation(s)</b>		
That the Development Control Board direct the Visiting Group to undertake an inspection of the site and to make a recommendation to the Board.		
<b>Contact Officer</b> Simon Bullock	<b>Title:</b> Principal Development Management Officer	<b>Contact Details:</b> Tel: 020 8227 3803 E-mail: <a href="mailto:simon.bullock@lbbd.gov.uk">simon.bullock@lbbd.gov.uk</a>

## Background information

1. Concerns have been expressed by residents and consultees regarding the suitability of the site for the proposed use, in relation to potential noise nuisance and road safety. It is considered that a site visit would help Members to assess the issues and better understand the context of the site.
2. Consultation letters were sent to 28 neighbouring dwellings and in response a 20 signature petition and 1 letter have been received objecting to the proposed change of use of on the following grounds:
  - Additional on street parking would be likely to block driveways
  - Noise from the play area
  - Reduction in house prices (*NOTE: this is not a planning consideration*)
  - Constant stream of traffic for drop off and pick up of children
  - Residents permit parking is not enforced
  - Traffic already generated locally by the James Cambell Primary School and the tuition centre (referral centre)
  - Cars of parents visiting the school are often parked in front of driveways
  - There are already 5 nurseries within walking distance of the site therefore another nursery is not needed
3. In addition to the objections a petition in support signed by 13 neighbouring residents has been submitted, the closest of which is 2 doors away. This was procured by the applicant and submitted with the application along with some individual letters from parents utilising the applicant's existing nursery (Heritage Day Nursery, Oxlow Lane) stating that a good standard of care and service is provided.
4. The environmental health officer is concerned that noise from the use of the garden as a play area would be a nuisance to neighbouring residents and cannot be mitigated. The house is on a corner plot at a cross roads and therefore additional parking or waiting of vehicles in this location could create a hazard and congestion. The transport officer objects to the application and states that there is no dedicated space for drivers to drop off and pick up children.



SITE LOCATION MAP (1:1250)

Revisions:

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April 2014    Scale: 1:100  
 DWG No: Y2K14/RM96AB/AR03

**Applicant:**  
 HERITAGE DAY NURSERY

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**Address:**  
 UNIT 3, 280 OXLOW LANE, DAGENHAM RM10 BLP.

**Propose:**  
 CHANGE OF USE OF FAMILY DWELLING TO NURSERY/DAY CARE CENTRE.

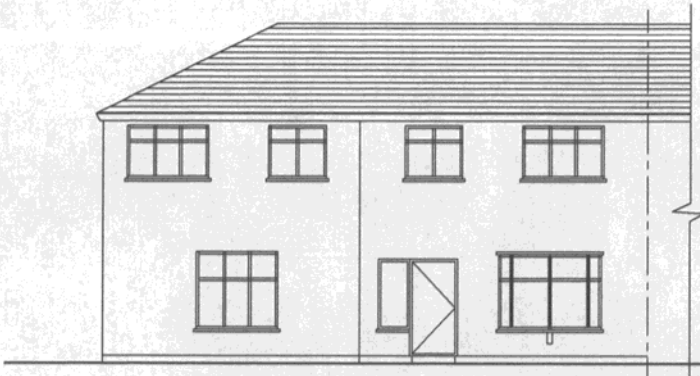
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**Application Site Address:**  
 Page 9 82 AMESBURY ROAD, DAGENHAM RM9 6AB.

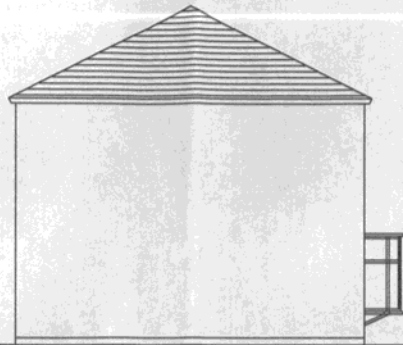
**Agents Details:**  
 KIRSTEN ASSOCIATES, 179 ROBIN HOOD LANE, WALTERSLADE, KENT ME5 9NJ.

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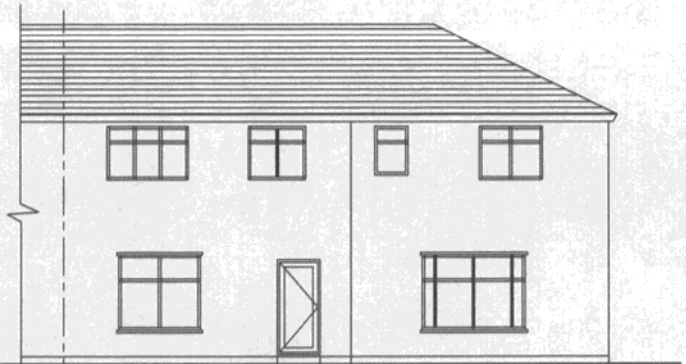
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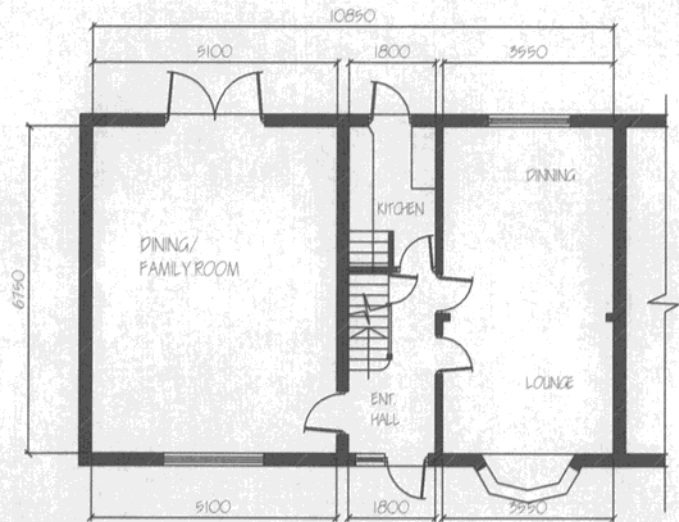
EXISTING FRONT ELEVATION



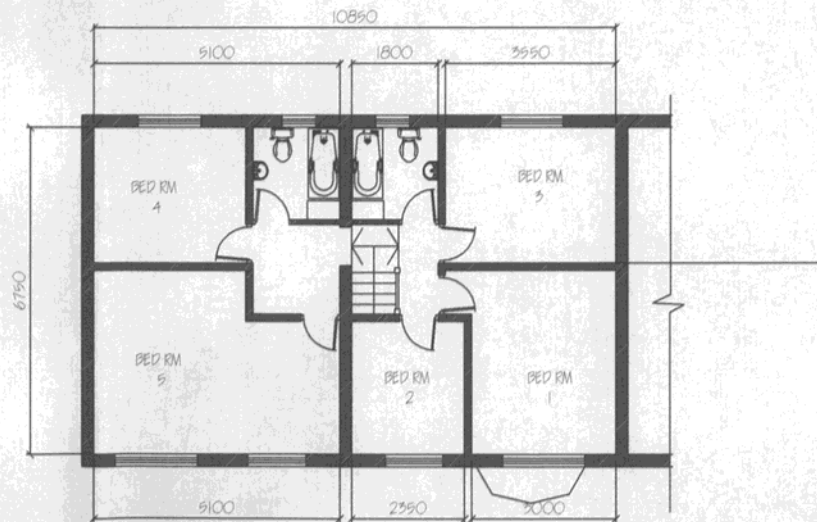
EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION



EXISTING GROUND FLOOR LAYOUT



EXISTING FIRST FLOOR LAYOUT

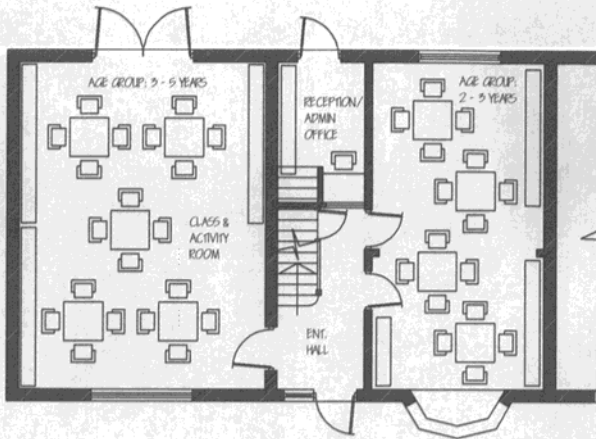
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April 2014 Scale: 1:100  
DWG No: Y2K14/RM96AB/AR01

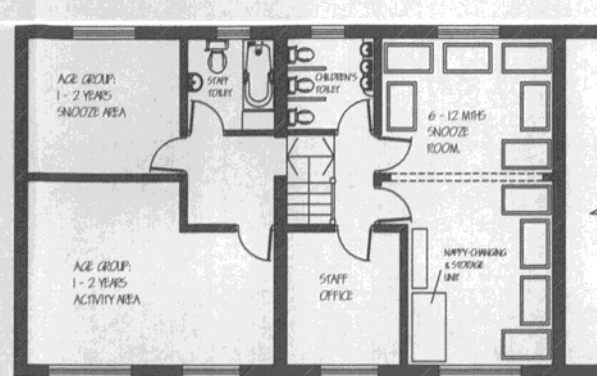
Applicant: **HERITAGE DAY NURSERY**  
Address: **UNIT 3, 280 OXLOW LANE, DAGENHAM RM10 8LP.**

Purpose: **CHANGE OF USE OF FAMILY DWELLING TO NURSERY/DAY CARE CENTRE.**  
Application Site Address: **82 AMESBURY ROAD, DAGENHAM RM9 6AB.**

Agents Details: **KIRSTEN ASSOCIATES, 179 ROBIN HOOD LANE, WALDRSLADE, KENT ME5 9NJ.**  
tel/fax: 01634669473 M: 07954919572 email: kirstenassociates@hotmail.co.uk

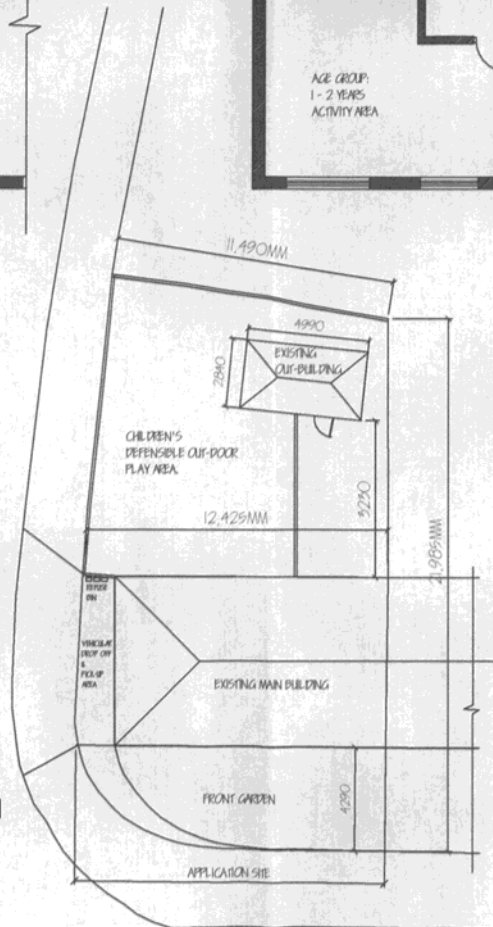


PROPOSED GROUND FLOOR LAYOUT



PROPOSED FIRST FLOOR LAYOUT

PROPOSED SITE PLAN (SCALE 1:200)



Revisions:


April 2014 Scale: 1:100  
 DWG No: Y2K14/RM96AB/AR02

Applicant: **HERITAGE DAY NURSERY**  
 Address: **UNIT 3, 280 OXLOW LANE, DAGENHAM RM10 BLP.**

Propose: **CHANGE OF USE OF FAMILY DWELLING TO NURSERY/DAY CARE CENTRE.**  
 Application Site Address: **Page 11 82 AMESBURY ROAD, DAGENHAM RM9 6AB.**

Agent's Details: **KIRSTEN ASSOCIATES, 179 ROBIN HOOD LANE, WALTERSLADE, KENT ME5 9NJ.**  
 tel/fax: 01634669473 M: 07956919572 email: [kirstenassociates@hotmail.co.uk](mailto:kirstenassociates@hotmail.co.uk)

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**Extract from the Development Control Board minutes of 8 September 2014**

**MINUTE 18**

**18. 82A Amesbury Road, Dagenham - 14/00510/FUL**

The Development Management Manager introduced the report relating to the proposal to change the use of the dwelling at 82 Amesbury Road, Dagenham to a nursery, day care, and after school club for children aged 5-8 years.

Following discussion, the Board **agreed** to direct the Development Control Board Visiting Group (DCBVG) to undertake an inspection of the site and subsequently make a recommendation to the Board. Officers will make arrangements to convene a site visit by the Visiting Group.

*In accordance with the Council Constitution (Part B, Article 1, paragraph 9.8) Councillor Fergus was not permitted to vote as she had not been present throughout the discussion on this item.*

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