

Notice of Meeting

THE DEVELOPMENT CONTROL BOARD VISITING SUB-COMMITTEE

Thursday, 5 January 2017 - 2:00 pm
Farmhouse Venue, Dagenham Road, Dagenham

Members: Cllr Sanchia Alasia (Chair); Cllr Faraaz Shaukat (Deputy Chair); Cllr Faruk Choudhury, Cllr Edna Fergus, Cllr Bill Turner and Cllr Jeff Wade

By Invitation: Cllrs Miick McCarthy and Tony Ramsay

Date of publication: 20 December 2016

Chris Naylor
Chief Executive

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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. Farmhouse Venue, Dagenham Road, Dagenham (Pages 3 - 9)**

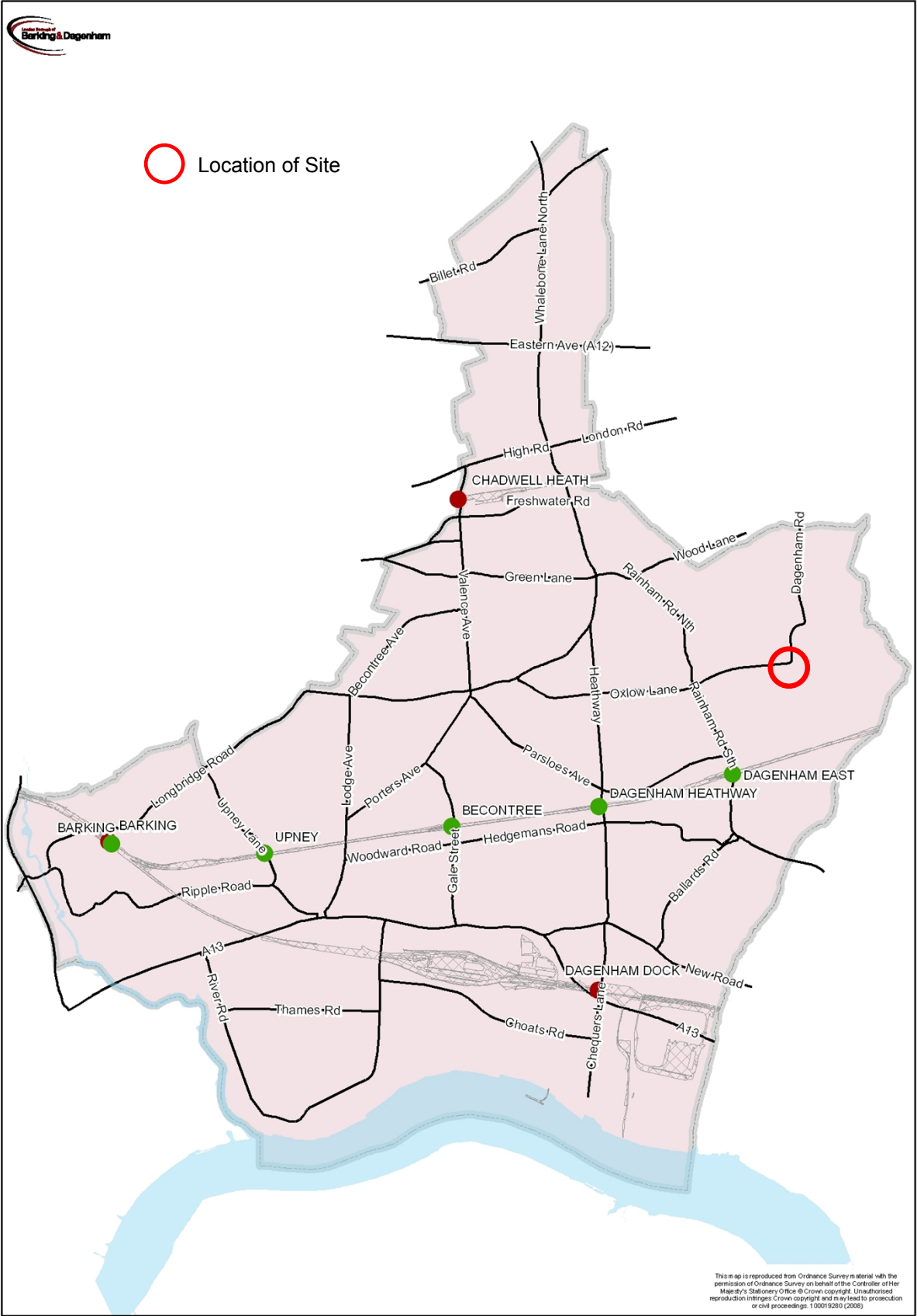
Members have requested a site visit in advance of the item being presented to the Development Control Board, to consider the site and its immediate surroundings.

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| Use Classes Order 1987 (as amended) | | |
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| Use Class | Use/Description of Development | Permitted Change |
| A1 Shops | 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 – see footnote 2 . Some temporary uses – see footnote 4 . A1 plus two flats above C3 residential use - see footnote 5 Bank, building society, credit union or friendly society (A2) but not for other purposes falling within A2 – see footnote 6 A2 A3 (up to 150 m2) see footnote 9 D2 (up to 200 m2) see footnote 10 |
| A2 Financial and professional services | Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies. | 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 – see footnote 2 . Some temporary uses – see footnote 4 . C3 residential use - see footnote 5 A3 (up to 150 m2) – see footnote 9 . D2 (up to 200 m2) see footnote 10 |
| A3 Restaurants and cafés | 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 – see footnote 2 . Some temporary uses – see footnote 4 . |
| A4 Drinking establishments | Public houses, wine bars or other drinking establishments (but not night clubs). | A1, A2 or A3 unless listed as an Asset of Community Value State funded school for single academic year – see footnote 2 . Some temporary uses – see footnote 4 . |
| A5 Hot food takeaways | For the sale of hot food for consumption off the premises. | A1, A2 or A3 State funded school for single academic year – see footnote 2 . Some temporary uses – see footnote 4 . |
| B1 Business | 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 - see footnote 1 . State funded school for single academic year – see footnote 2 . State funded school or registered nursery subject to prior approval - see footnote 3 Some temporary uses – see footnote 4 . |
| B2 General industrial | 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 – see footnote 2 . |
| B8 Storage and distribution | Storage or distribution centre. This class includes open air storage. | B1 (where no more than 500 sqm) State funded school for single academic year – see footnote 2 . C3 (where no more than 500 sqm) see footnote 7 . |
| C1 Hotels | Hotel, boarding house or guesthouse, where no significant element of care is provided. (Excludes hostels). | State funded school for single academic year – see footnote 2 . State funded school or registered nursery subject to prior approval - see footnote 3 |
| C2 Residential institutions | 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 – see footnote 2 . State funded school or registered nursery subject to prior approval - see footnote 3 |
| C2A Secure residential institution | Secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks. | State funded school for single academic year – see footnote 2 . State funded school or registered nursery subject to prior approval - see footnote 3 |
| C3 Dwelling houses | 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 C4 House in Multiple Occupation. State funded school for single academic year – see footnote 2 |

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| C4 Houses in multiple occupation | 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> |
| D1 Non-Residential Institutions | 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> . |
| D2 Assembly & Leisure | 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> . |
| Sui – Generis | A use on its own, for which any change of use will require planning permission. Includes, theatres, nightclubs, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, casinos, taxi businesses, waste management facilities, motor car showrooms, betting offices and pay day loan. | Casino to Class D2 Amusement arcades/centres and casinos to C3 (up to 150 m2) <u>See footnote 8</u> Betting offices and pay day loan to A1 and A2 plus two flats above Betting offices and pay day loan plus two flats above Betting offices, pay day loan and casinos to A3 (up to 150 m2) <u>See footnote 9</u> . Betting offices and pay day loan to D2 (up to 200m2) – <u>see footnote 10</u> . Betting offices and payday loan to C3 residential use - <u>see footnote 5</u> |

| Footnotes | |
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| 1 | 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. |
| 2 | 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. |
| 3 | 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. D2 uses that have changed use from A1 or A2 using permitted development right (see footnote 10) cannot then change use to state funded school or registered nursery under this permitted development right |
| 4 | 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 and notify Council before use begins. |
| 5 | 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. |
| 6 | Does apply in Conservation Areas but not to listed buildings. |
| 7 | B8 (storage of distribution) to C3 (residential). Prior approval required for transport and highways impact, air quality impacts on intended occupiers, noise impacts of the developments, risks of contamination, flooding and the impact the changer of use would have on existing industrial uses and or storage or distribution uses. Right only applies to buildings in B8 use on or before 19 March 2015 and development must be begun before 15 April 2018. Building must have been in B8 use for four years. |
| 8 | Prior approval required for transport and highways impact, flooding, contamination and where building works are to be carried out under the permitted development right, design. |
| 9 | A1 (shops), A2 (financial and professional services) and betting offices and pay day loans to A3 (restaurants and cafes). Prior approval required for noise, smell/odours, transport and highways, hours of opening as well as siting and design in relation to extraction, ventilation, waste management, storage and undesirable impacts on shopping facilities. |
| 10 | A1 (shops) and A2 (financial and professional services) can change to D2. Applies to premises in A1 or A2 use on 5 December 2013. Prior approval required for transport and highways impact, hours of opening, noise impacts of the development and undesirable impacts on shopping facilities. Does not apply to listed buildings. |



Farmhouse Venue, Dagenham Road, Dagenham

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| Development Control Board Visiting Group Site Visit | | Date: 5 January 2017 |
| Application No: | 16/01409/FUL | Ward: Eastbrook |
| Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution | The previously approved application to use the Farmhouse as an events venue was determined by Members. As such, any subsequent application to vary the conditions imposed by Members should be subject to their agreement. | |
| Address: | Farmhouse Venue, Dagenham Road, Dagenham | |
| Development: | Application for removal of conditions following grant of planning permission: Removal of conditions 9 and 11 of 14/01256/FUL to allow temporary buildings and structures e.g. marquees to be erected on site and to remove limit on number of attendees. | |
| Applicant: | Mr G A Chowdhury | |
| Contact Officer Simon Bullock | Title: Principal Development Management Officer | Contact Details: Tel: 020 8227 3803 E-mail: simin.bullock@lbbd.gov.uk |
| Summary: | | |
| <p>The Farmhouse Venue (formerly Farmhouse Tavern) has planning permission for use as an events venue subject to conditions restricting the number of guests attending seated events, and the erection of marquees or other structures within the curtilage of the building.</p> <p>The purpose of conditions 9 and 11 of the existing permission is to limit traffic generation in view of the access arrangements and limited on-site parking capacity, and to prevent harm to the visual amenity and openness of the Green Belt.</p> <p>The applicant seeks the deletion of these conditions in order to enable the operation of the venue without any restriction on the number of attendees and to enable the use of marquees.</p> <p>The capacity of the building alone is approximately 180 for seated events, and therefore the installation of a marquee within the curtilage of the site is required in order to provide sufficient seating capacity for larger events which the applicant wishes to accommodate.</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>Members agreed at the Board meeting held on 12 December 2016 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 a forthcoming Development</p> | | |

1. Introduction and Description of Development

- 1.1 The Farmhouse Venue, formerly the Farmhouse Tavern, is located at the junction of Dagenham Road and The Chase. It backs onto Eastbrookend Country Park and is situated within the Green Belt.
- 1.2 The building is a locally listed former public house and is now in use as a function venue following the grant of planning permission for this change of use by the Development Control Board in 2015.
- 1.3 Officers recommended refusal of the above application on the grounds of the loss of the public house, harm to highway safety due to concentrated traffic movements at the site entrance, and the impact of overspill parking.
- 1.4 Members considered that the development would be acceptable and therefore granted planning permission, but sought to limit the impact of the development by imposing conditions including conditions 9 and 11 which the current application seeks to delete.

- 1.5 Condition 9 states:

No temporary buildings, marquees, tents, other structures, or external seating shall be utilised at the site unless otherwise approved in writing by the Local Planning Authority.

Reason: In order prevent harm to visual amenity and the openness of the Green Belt and to prevent an increase in venue capacity resulting in additional traffic and parking demand and in accordance with policy CM3 of the Core Strategy and policies BR10 and BP11 of the Borough Wide Policies Development Plan Document.

- 1.6 Condition 11 states:

A maximum of 180 seats shall be in use by patrons of the venue at any one time.

Reason: In order to limit venue capacity in view of the limited parking availability and to minimise on street parking and in accordance with policy BR10 of the Borough Wide Policies Development Plan Document.

- 1.7 The effect of the proposed deletion of the conditions would be that there would be no restriction on the erection of temporary marquees or other structures within the curtilage of the site, and there would be no restriction on the number of guests attending.

2. Background

- 2.1 The following planning applications have been submitted since 2011 and are relevant to the current proposal.

- 2.2 11/00966/FUL - Erection of pavilion within public house garden and erection of ramp to front entrance and side staircase extension to the Farmhouse Tavern in connection with use of the premises for wedding and other events, and associated car parking and boundary fencing and gates; REFUSED AND DISMISSED ON APPEAL.
- 2.3 The above application followed the unauthorised erection of the pavilion though the use did not commence. An enforcement notice was issued and a subsequent appeal was dismissed. The notice requiring removal of the pavilion and associated fencing was then complied with.
- 2.4 13/00333/FUL - Change of use to function venue with ancillary restaurant use; REFUSED.
- 2.5 14/01256/FUL - Change of use to function venue with ancillary restaurant use and associated erection of single storey side extension and ramp to provide wheelchair access and accessible toilet; PERMITTED.
- 2.6 The latter case is the planning permission referred to above under which the business is now operating.

3. Consultations

Adjoining occupiers

- 3.1 Consultation letters were sent to 11 local residents. The site has no immediate neighbours but letters were sent to those who had submitted comments in respect of the previous planning application that granted consent for the use.
- 3.2 In response four letters were received objecting to the proposal on the following grounds:
- Insufficient parking onsite has resulted in overspill parking on pavements during events
 - On 11 June 2016 cars parked on The Chase restricted two way traffic movements resulting in vehicles needing to reverse in order to pass oncoming traffic
 - If restrictions are removed it could result in a marquee at the site becoming a permanent feature (the marquees already take two to three days to erect and two days to dismantle)
 - The original application proposed an ancillary restaurant that has never materialised so the site does not serve local residents other than those wishing to book private parties
 - There have been no changes in the circumstances that resulted in the restrictions being imposed
 - Use of marquees may result in additional noise nuisance to users of the Country Park and would harm its tranquillity
 - A marquee is large and visually intrusive
 - The proposal would reverse the reasonable restrictions that were imposed by the Council following a public debate

3.3 Councillor McCarthy a ward Member for Eastbrook also submitted comments on the application.

3.4 He states that he opposes the application, and that previous events have caused traffic congestion in The Chase causing inconvenience to users of the Country Park and anglers using White Hart Lakes adjacent to The Chase. He also states that there have been incidents of conflicts arising between guests at the Farmhouse Venue and regular users of the park and angling facilities.

4. Local Finance Considerations

4.1 None.

5. Further information

5.1 The purpose of this report is not to set out a recommendation or provide an analysis of the proposed development but to provide Members with information about the proposal.

5.2 The key issues are considered to be the impacts on the Green Belt, the locally listed Farmhouse building, the quiet enjoyment of the Country Park by visitors and on highway safety.

5.3 The proposed removal of the condition restricting marquees has the potential to result in the semi-permanent retention of marquees within the grounds of the site. It is, however, considered that a permanent structure would require a separate grant of planning permission as it would constitute new development. The applicant has previously applied on a number of occasions for consent to erect a marquee for individual events under the current condition.

5.4 The retention of a marquee at the site would take on the character of a permanent development if it is not periodically dismantled. Even if marquees are only erected occasionally when they are up they will have an impact on the openness of the Green Belt for the period of installation.

5.5 The National Planning Policy Framework defines such development within the Green Belt as inappropriate, and states that such proposals should be refused permission unless there are very special circumstances where the harm caused by inappropriateness together with any other harm is clearly outweighed by other circumstances.

5.6 With regard to transport considerations since the submission of the application the applicant has submitted some additional information in support in the form of some travel surveys of guests attending the venue.

5.7 These relate to four marquee events that took place at the venue between April and June 2016 and record all vehicles arriving at the site including those dropping off passengers, and the number of guests arriving within each vehicle.

5.8 The events took place on 2 April, 10 April, 7 May, and 11 June.

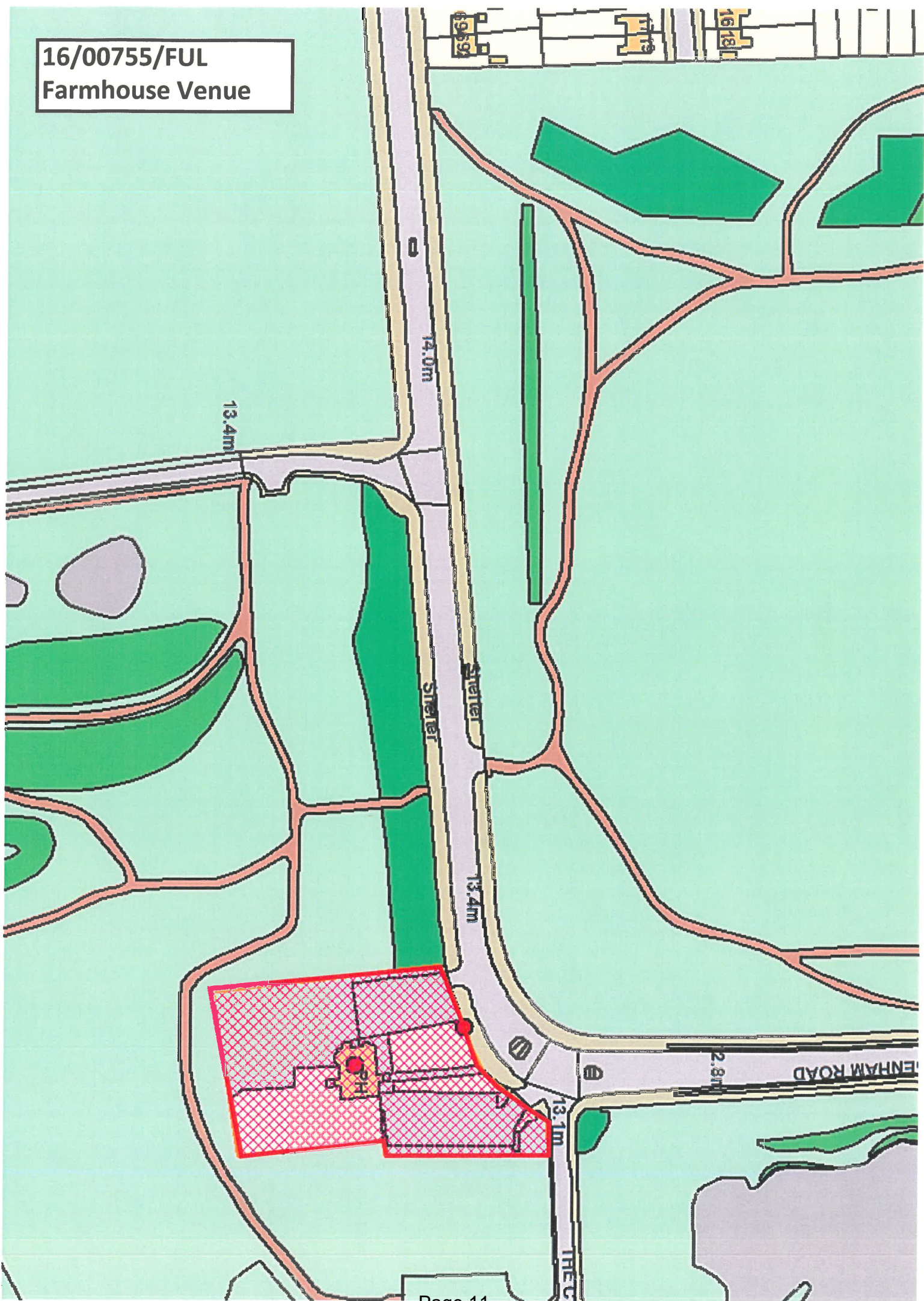
- 5.9 The result in order of the scale of the events starting with the smallest are as follows.
- 5.10 At a 248 guest event 51 cars or minibuses were parked at the site.
- 5.11 During a 334 guest event 77 cars or minibuses were parked at the site.
- 5.12 At an event attending by 335 guests 50 cars were parked on site.
- 5.13 At the largest event with 384 guests attending 18 cars and minibuses, 2 motorcycles and 5 coaches were parked on site.
- 5.14 The applicant has stated that the latter event was a community celebration of the Queen's 90th birthday and was attended by many residents living within walking distance of the site, plus several groups arriving by coach, resulting in a different travel pattern to the other events which it is understood were weddings.
- 5.15 Whilst the majority of guests arrive in family groups by car, a proportion arrive by minicab thereby not contributing to parking demand.
- 5.16 The number of parking spaces on site is 59 therefore if this data is accepted only one of the events has resulted in an overflow of parking from the site. In addition, the applicant has stated that it is possible to double park cars on site, since for most events the majority of attendees will be departing at approximately the same time. This has the effect of boosting the parking capacity of the site whilst such double parking takes place.

Conclusion

- 5.17 Members agreed at the Board meeting held on 12 December 2016 that it would be beneficial, before reaching a decision on the proposal, for the Visiting Panel to attend the site in order to view the access and parking arrangements and to view the site from the adjoining Country Park in order to better appreciate the highway, heritage and Green Belt considerations.

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16/00755/FUL
Farmhouse Venue



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