Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution: The application is recommended for approval and over 35% of the frontage of the Neighbourhood Centre would be in non-retail use.

Address: 4 Farr Avenue, Barking, IG11 0NZ

Development: Use of shop as interpretation and translation service and for training purposes (retrospective).

Applicant: Mr Kolado Landoure

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Summary:

The application property is a ground floor commercial property located within the pedestrianised Farr Avenue neighbourhood shopping centre. The application proposes the use of the shop as an interpretation and translation service and for training purposes and is currently already operating.

The proposal would increase the amount of non-retail uses within the Farr Avenue Neighbourhood Centre (NC9) to 38% which is slightly above the 35% maximum set in the Local Plan. The Translating and Interpreting Service (TIS) has been established in the borough since 1994 and was recently relocated from the Gascoigne Estate to Farr Avenue.

The TIS has a charitable status and is the only one of its kind offering this service as a not-for-profit organisation within the UK. It employs approximately 100 interpreters with 60-70 used per month to provide translation services to the community. The interpreters visit places such as schools and hospitals both in the borough and in surrounding boroughs to provide help to those with language needs. They are also currently providing English as a Second Language (ESL) courses which will be run at the application site and further aid the language needs of residents and the community.

There is evidence showing that the unit has been in use for a period of at least 11 years prior to the current occupiers as offices for a charity (The Handicapped Children’s Action Group) although no permission was sought for the use. The unit has not therefore been in retail use for a very long period of time. It is understood that the current use by TIS, in particular its training activities, would be likely to encourage more footfall to the area than the previous use.

It is considered that the use provides a valuable community service and that the breach of policy is relatively minor. It is not considered that the proposal would have any significant
adverse affect on the vitality and viability of the shopping area. Moreover, it is also likely that the previous office use of the premises would have now been lawful due to the time that it was in operation.

**Recommendation:**

That planning permission be granted subject to the following condition:

1. The premises shall be used as a translation and interpretation service and for associated training and education purposes and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). The premises shall revert to Class A1 (retail) use upon the cessation of use by the Translation and Interpretation Service.

   Reason: To protect the locality by avoiding the introduction of a use detrimental to its amenities and in accordance with policy BP8 of the Borough Wide Development Policies DPD.

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1. **Introduction and Description of Development**

   1.1 The application site is a ground floor commercial property located within the pedestrianised Farr Avenue neighbourhood shopping centre. The application, which is retrospective, proposes the use of the shop as an interpretation and translation service for training purposes.

2. **Background**

   2.1 The application property was constructed as part of the Thames View development during the 1950s.

3. **Consultations**

   3.1 a) Neighbours/Publicity

      24 Neighbours were consulted on 14 November 2017. No responses were received.

      b) Transport Development Management Officer

      We do not foresee any adverse highway implication arising from this proposal.

4. **Local Finance Considerations**

   4.1 The application is not subject to any financial contributions.

5. **Equalities Considerations**

   5.1 The Equality Act 2010 requires the Council to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do
not share it in the exercise of its functions. The TIS provides the borough and wider community with services relating to languages to allow residents to communicate better within the communities they live in to allow them to share equal opportunities personally and professionally.

6. Analysis

6.1 Principle of Development

6.1.1 Policy BE1 of the Borough Wide DPD covers the protection of retail uses. The policy seeks to retain A1 retail as the predominant use in neighbourhood centres. A2-A5 uses are restricted to a maximum of 35% of the measured frontage of the neighbourhood centre. Although A2-A5 uses are the only uses specifically cited by the policy, uses which fall outside of these classes may also be considered acceptable if they would have a comparable material impact in terms of visual appearance and noticeable external impacts. In this instance, the proposed Class D1 use is considered to meet these criteria.

6.1.2 At present, 33.3% of the neighbourhood centre frontage is in use or has valid planning permission for non-A1 uses. Should the proposed use be granted, this would increase to 38% which would exceed the maximum 35% proportion sought by Policy BE1. This would be a marginal breach of the policy requirements and, due to the variety of shop frontage size, it is unlikely that the 35% figure would ever be precisely met. It is therefore considered that there should be a degree of flexibility in interpreting policy and that the overall intention of the policy to maintain a strong retail core would not be unduly harmed in this instance.

6.1.3 The Translating and Interpreting Service (TIS) has been active within the borough since 1994 and was previously located in a shop unit at St Marys on the Gascoigne Estate. They were required to move due to the estate’s redevelopment and were relocated to Farr Avenue. When the TIS took residency of 4 Farr Avenue, it was in a poor state of repair from the previous use resulting in the TIS investing in improvements to the unit using their own charitable finances. The TIS has a charitable status and is the only one of its kind offering this service as a not-for-profit organisation within the UK.

6.1.4 Prior to the TIS taking occupancy at the application site, the unit was occupied by another charitable organisation known as the ‘Handicapped Children’s Action Group’. They used the unit predominantly as an office and it is understood that visitors would buy small items or make donations within the unit, however it is not clear exactly how it ran. Property Services have stated that the previous charity use was active at the site from 2011 to 2016. However, aerial and street maps show that the unit was occupied by the Children’s Handicapped Action Group from at least 2008 and the applicant suggests that the use was in operation for at least 16 years.

6.1.5 Officers are confident that the unit was being used by the children’s charity for a period of at least 9 years prior to the current occupiers taking possession and, quite probably, some time before that. The unit has not therefore been in retail use for a very long period of time. It is understood that the current use by TIS, in particular its training activities, would be likely to encourage more footfall to the area than the previous use.
6.1.6 The TIS employs approximately 100 interpreters with 60-70 used per month to provide translation services to the community. A site visit confirmed that the interpreters visit places such as schools and hospitals both in the borough and in surrounding boroughs to provide help to those with language needs. This can range from assistance with forms, speaking with staff members, booking appointments and a number of other services.

6.1.7 Visitors to the TIS are also able to use a drop-in service to discuss small translation issues with a staff member. The TIS have recently started running English as a Second Language (ESL) courses at the application site and the applicant has stated that approximately 80% of the attendees are from Barking & Dagenham (predominantly Thames, Gascoigne and Abbey wards) and there is an estimated 45 learners per week attending the ESL courses which will run for a period of 20 weeks.

6.2 Residential Amenity

6.2.1 There are a number of residential properties close to the application site. However, it is considered that the training and educational nature of the activities at the premises would not generate a great deal of noise. No objections have been received from residents living in the flats on the upper floors of Farr Avenue above the premises, where it is likely the greatest impact would be felt.

6.2.2 It is considered that it would be prudent to restrict the use to that applied for in order that control can be exercised over other Class D1 uses which may have a greater impact on the area. Subject to an appropriate condition to secure this, it is considered that the proposed development would be acceptable in accordance with Policy BP8 of the Borough Wide DPD in terms of impact on residential amenity.

7. Conclusion

7.1 It is considered that the principle of using the shop as an interpretation and translation service for training purposes is acceptable and broadly in line with the relevant Local Plan policies. The use has been operating at the application site since the end of August 2017 following its relocation from the Gascoigne Estate and has provided a well-established charitable service for residents within the borough and in the nearby vicinity since 1994. The use would not substantially impact upon the vitality and viability of the Farr Avenue neighbourhood centre and would continue to provide a valuable community service for borough residents.

Background Papers

- Local Plan Policy

Borough Wide Development Policies DPD
Policy BE1 – Protection of Retail Uses
Policy BP8 – Protecting Residential Amenity

Farr Avenue Neighbourhood Centre (NC9)
• **National Policy**

National Planning Policy Framework

National Planning Practice Guidance