



REGULATORY SERVICES COMMITTEE

31 March 2016

REPORT

Subject Heading:

P1670.15 – 67 Butts Green Road,
Hornchurch

Proposed rear extension at 4m to both ground and first floor, with conversion of the existing building into three separate self-contained apartments with associated amenity and parking. (Received 02/12/15 and revisions received on 11/01/16)

Ward:

Emerson Park

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

- | | |
|--|-----|
| Havering will be clean and its environment will be cared for | [] |
| People will be safe, in their homes and in the community | [X] |
| Residents will be proud to live in Havering | [X] |

SUMMARY

The proposal is for the erection of a 4m rear extension to the existing office building at both ground and first floor, with conversion of the existing building into three separate self-contained apartments with associated amenity and parking.

The proposal raises considerations in relation to the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on the additional internal gross floor area of 66m² and amounts to £1,320.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. Time Limit

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. External Materials

All new external finishes shall be carried out in materials to match those of the existing building to the satisfaction of the Local Planning Authority.

Reason: In order to safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

4. Landscaping

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme for replacement planting, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will

also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

5. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

7. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Pedestrian Visibility Splay

Prior to the first residential occupation of the development, the proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the

proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

9. Parking provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 5 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

10. Boundary Screening/Fencing

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Noise Insulation (Flats)

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

13. Noise Impact Assessment

Before any development is commenced, an assessment shall be undertaken of the impact of noise upon the site and a scheme for protecting the proposed dwellings from noise shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before

any of the permitted dwellings are occupied. Particular reference shall be given to noise arising from the adjacent substation.

Reason: Insufficient information has been supplied with the application to judge the impact of noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of noise, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed..
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent by email on 21/12/15. The revisions involved changing the rear extension from a flat roof to a pitched roof. The amendments were subsequently submitted on 11/01/16.
3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,320.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
5. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or

0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the junction of Wykeham Avenue and Butts Green Road, Hornchurch. There is an existing two storey detached vacant office building on the site with accommodation in the roof space.
- 1.2 The application site is loosely a rectangular shape and measures approximately 0.046 hectares. There is an electrical substation adjacent to the southern boundary of the application site. There are two storey detached and semi-detached dwellings located west of the site. A single storey car sales building is located to the north of the site. There are some single storey buildings at 65 and 65A Butts Green Road (south of the site), which are in commercial use by Watson Moore Independent Financial Advisors. There is an existing vehicular crossover giving access to the rear of the site from Wykeham Avenue.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of a 4m deep two storey rear extension to the existing office building and to convert the existing building into three self-contained apartments. The existing garage outbuilding will be demolished.
- 2.2 The rear extension will measure 4m in depth and 9.4m in width. The rear addition will be finished with a dual pitched roof measuring 2.6m in height to eaves and 7m to the ridge.
- 2.3 The proposal would result in the creation of a 2-bed apartment at ground and first floor and a one bedroom apartment on the second floor. Amenity space would be provided in the form of a balcony to the first floor flat, 17m² of private amenity to the ground floor flat and 45m² of shared amenity space.
- 2.4 On-site parking will be provided for 5 no. vehicles to the rear of the building. Access to the property would be gained via an existing dropped kerb off from Butts Green Road.

3. History

- 3.1 J0012.15 - Prior Approval application for the Change of Use from vacant office building to 1No residential family dwelling (C3) - Prior approval given

- 3.2 P0133.15 - Proposed demolition of existing dormant (derelict building) and replacement with 5 two bed new build flats with associated parking, boundary treatment and amenity area - Refused
- 3.3 P1282.14 - Demolition of existing dormant office building and replacement with six new build self-contained two bed flats with off street parking and boundary treatment - Refused
- 3.4 P1188.12 - Change of use of ground floor from B1 (office) to D1 doctor's surgery with ground floor rear extension with balcony over, extension to front porch and provision of separate entrance to retained offices on upper floors - Approved with conditions

4. Consultation/Representations

- 4.1 Notification letters have been sent to 91 neighbouring addresses and no letters of objection were received.
- 4.2 The Highway Authority has raised no objection to the proposal however has requested a condition for pedestrian visibility splays.
- 4.3 Environmental Health has raised no objection to the proposal however has requested noise insulation condition to be added in the event of an approval.
- 4.4 Historic England has not raised an objection to the proposal.
- 4.5 UK Power networks was consulted however the consultation period has not expired at the time of writing this report.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, and Planning Obligations SPD (Technical Appendices)
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality) and 8.2 (planning obligations) of the London Plan, are material considerations.

5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff comments

6.1 The main considerations in this case are the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

6.2 Principle of Development

6.2.1 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

6.2.2 The proposal is for the redevelopment of the existing site. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan.

6.2.3 On this basis the proposal is considered to be policy compliant in land use terms and its use for residential purposes is therefore regarded as being acceptable in principle.

6.3 Density/ Layout

6.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

6.3.2 The proposal would provide 3 no. residential flats at a density equivalent to approximately 65 dwellings per hectare. This is in keeping with the range anticipated by Policy DC2 which states that a dwelling density of between 30-65 dwellings per hectare would be appropriate in this location. The number of units per hectare is therefore in keeping the recommended range and considered acceptable.

6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.

6.3.4 The proposal would provide residential units with varying floor space sizes all of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.

6.3.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.

6.3.6 Amenity space would be provided in the form of a balcony to the first floor flat, 17m² of private amenity to the ground floor flat and 45m² of shared amenity space to the rear of the building.

6.3.7 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of the flats. All of the proposed flats would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.

6.4 *Design/Impact on Streetscene*

6.4.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

6.4.2 The proposed addition would be situated to the rear of the existing building, is modest in size and height and finished with a dual pitched roof which is in keeping with the existing building. Staff therefore do not consider the rear addition to have an unacceptable impact on the streetscene or surrounding area.

6.5 *Impact on Amenity*

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The proposed rear addition and conversion is not considered to have an unacceptable impact on the amenity of the property to the rear at No. 1 Wykeham Avenue as a separation distance of approximately 24m would remain between the proposed rear addition and the eastern flank of this neighbouring occupier.

6.5.3 It is considered that the proposal would not result in a significant loss of amenity (including overlooking) to a series of single storey buildings at 65 and 65a Butts Green Road, as they are in commercial use by Watson Moore Independent Financial Advisors and the site is located to the north of them. Staff consider that the proposal would not result in a significant loss of amenity to the single storey 'Imperials' car sales building in Wykeham Avenue given its commercial use.

6.5.4 It should also be noted that no additional windows would be added to the existing building. It is not considered that the existing flank windows would cause harm over and above that which exists on site presently.

6.5.4 It is therefore considered that the layout, siting and design of the proposed extension and the change of use to residential flats would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

6.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 1.5 to 2 spaces per unit. The proposal provides a maximum of 1.6 car parking space per dwelling which is in line with policy guidelines.

6.6.2 A condition will be added to provide details of cycle provision and storage.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on additional internal gross floor area of 66m² and amounts to £1,320.

6.8. *Planning Obligations*

6.8.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

6.8.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

6.8.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 6.8.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.8.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.8.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.8.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £18000 for educational purposes would be appropriate.
- 6.9 Environmental Issues
- 6.9.1 The proposal is not considered to give rise to any significant noise issues. It is however recognised that the development would lie within close proximity to an electricity substation. As such it is recommended that a condition requiring a full noise impact assessment is undertaken prior to commencement in order to ensure that suitable noise insulation measures are incorporated into the development

6.10 *Other issues*

6.10.1 With regards to refuse collection, a condition would be added to require details of the refuse storage arrangements prior to the commencement of the development.

7. **Conclusion**

7.1 Staff do not consider that the proposed development raises concerns in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. The proposal is considered to be acceptable in all material respects.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. Application forms and plans received 07/07/15 and revisions received on 11/01/16.