



REGULATORY SERVICES COMMITTEE

16 March 2017

REPORT

Subject Heading:

P1858.16 - Duryfalls, 35 Upminster Road,
Hornchurch

Conversion and extension of existing residential care home (C2) to form 8 No. self-contained dwellings (C3) (4No. x 1 bed & 4No. x 2 bed) with off street parking. Restoration of existing sash windows and replacement plain clay roof tiles to main house. (Received 16/11/16, revision received 28/02/17.

Ward:

St. Andrews

Lead Officer:

Helen Oakerbee
Planning Manager

Report Author and contact details:

Evert Grobbelaar
Senior Planner
evert.grobbelaar@havering.gov.uk
01708 432724

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 report considers an application for the conversion of the former Dury Falls Residential Care Home into 8 no. residential units. The project aims to restore the listed building which includes the 17th century Manor House..

The proposal raises considerations in relation to the loss of a care home, impact on the conservation area, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking.

Staff consider that, subject conditions on the planning permission the proposal is acceptable and it is recommended that planning permission is granted subject to conditions and completion of an agreement under s106 of the Town and Country Planning Act 1990 to secure planning obligations.

RECOMMENDATIONS

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 £48,000 to be used for educational purposes
- 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.
- The Developer/Owner 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.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Assistant Director 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. Parking Provision

No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that car parking 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.

4. External Materials

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

Reason: To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. 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 of hard and soft landscaping, 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.

6. 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.

7. 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.

8. 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.

9. Boundary treatment

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.

10. Preserved Trees

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order and in order that the development accords with the Development Control Policies Development Plan Document Policy DC60.

11. Listed Building consent

No building, engineering operations or other development on the site, shall be commenced until the Listed Building consent has been granted

Reason: To protect the Listed Building and in order that the development accords with the Development Control Policies Development Plan Document Policy DC67.

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 via email at various stages through the application process. The revisions involved a revision to the amenity space and parking provision. The amendments were subsequently submitted on 28 February 2017.
3. 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.
4. 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.
5. Before occupation of the residential units hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see: <https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 Drury Falls Care Home is located on the corner of Upminster Road and Wingletye Lane. The building is an early-17th century timber framed house with mid-17th century and later additions. The building has two storey with a

colour washed and render finish. All the windows have 19th century sashes with cambered heads. The roof is finished with old roof tiles.

- 1.2 The site is located in the St. Andrews Church Conservation Area and the building is a timber-framed house which has a Grade 2 listing.
- 1.3 The site's eastern boundary abuts a flatted development along Upminster Road and the northern boundary abuts a two-storey detached dwelling. The property also has the remains of a moat at the north-eastern corner, which is part of the listing description.

2. Description of Proposal

- 2.1. The report considers an application for the conversion of the former Dury Falls Residential Care Home into 8 no. residential units. The project aims to restore the 17th century Manor House with the aim of preventing it becoming a building at risk of deterioration. The proposal will provide a mix of 4 No. 1-bedroom and 4 No. 2-bedroom units.
- 2.2 The proposal would also include 2 No. small single storey additions on the western side of the building. No additions are proposed to the original 17th century building as the single storey additions will be added to a later extension.
- 2.3 The proposed internal changes will be kept to a minimum with only a small number of additional walls added and sections of existing walls removed.
- 2.4 The proposal will retain the existing access of Wingletye Lane and utilise the existing parking area which will be able to accommodate 9 No. spaces.

3. Relevant History

- 3.1 L0015.16 - Listed Building Consent Conversion and extension of existing residential care home (C2) to form 8 No. self-contained dwellings (C3) (4No. x 1 bed & 4No. x 2 bed) with off street parking. Restoration of existing sash windows and replacement plain clay roof tiles to main house – Still to be determined

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 20 properties and 1 letter of objection was received raising concerns that the proposal will add to the existing parking problem in Wingletye Lane.
- 4.2 The following consultation responses have been received:
 - The London Fire Brigade - no objection.
 - Highways - concerns raised regarding the amount of parking provided however consider it acceptable on balance given the proximity to the railway station.

- Streetcare - initial concerns relating the access door for refuse has been addressed by the applicant
- Thames Water - no objection
- Essex and Suffolk Water - no objection
- Historic England - no objection relating to archaeology, concerns raised regarding the changes to the listed building would be covered under the listed building application (L0015.16)
- Environmental Health raised no objection provided that a condition is added for new plant or machinery.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), CP18 (Heritage), DC2 (Housing Mix and Density), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC68 (Conservation Areas) 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, Heritage SPD and the 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), 7.8 (Heritage assets and archaeology), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 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 issues to be considered by Members in this case are the impact upon the character and appearance of the street scene and conservation area, impact upon neighbouring occupiers and highway/parking issues. Issues relating to the impact on the Listed Building will be considered as part of the listed building application.
- 6.2 *Principle of development*
- 6.2.1 Policy DC27 requires justification for the loss of a community facility. There is currently a sufficient supply of Care Homes within Havering and Staff therefore considers the change of use to be acceptable.

6.2.2 The subject Listed Building became vacant during May 2016 and could not be sold in its current use as it no longer met the care home regulations. The change of use to C3 will enable the Listed Building to be restored back to a landmark building of architectural and historical importance.

6.3 *Density Layout*

6.3.1 The proposal would provide 8 no. residential flats at a density equivalent to approximately 50 dwellings per hectare. This is within the aims of Policy DC2 which states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location.

6.3.2 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 prescribed minimum internal space standards.

6.3.3 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.

6.3.4 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.

6.3.5 The proposal is for the conversion of an existing building and is therefore limited in the amount of amenity space that it can provide and has to utilise existing garden areas for this purpose. The proposal will utilise the existing garden areas to the south and east of the building for the provision of a communal amenity area. This provision will amount to approximately 620m² of amenity space. Staff do acknowledge that part of the amenity area is situated on the corner of Wingletye Lane and Upminster Road and will be partly visible from these roads, however the applicant has proposed landscaping and fencing that would protect the amount of amenity afforded to future occupiers. Staff consider the amenity space provision to be acceptable for the future occupiers.

6.4 *Design/Impact on Streetscene*

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The only outside changes to the building would be the addition of two small additions to the western elevation. The proposed additions are modest and in keeping with the existing building. The additions will not have a harmful impact on the streetscene or conservation area.

6.5 *Impact on Listed Building*

6.5.1 The only changes to the external appearance of the Listed Building would be two small single storey additions to the western elevation. Staff do not consider these additions to have a harmful impact on the Listed Building as they would not form part of the original building but part of later additions. The proposed additions would be modest and will have a negligible impact on the surrounding area or listed building. The proposal will make some improvement to the car park, garden area and moat which will improve the setting of the Listed Building.

6.6 *Impact on Amenity*

6.6.1 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.

6.6.2 Staff do not consider the proposal to have an unacceptable impact on neighbouring residential occupiers. No additional fenestration is proposed and only small single storey additions are proposed to the western elevation abutting Wingletye Lane.

6.6.3 Any impact in terms of additional noise and disturbance are deemed acceptable given the nature of the use and the distance from neighbouring residential uses.

6.7 *Parking and Highway Issues*

6.7.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL of 4 and requires 1-1.5 parking spaces per unit for a development of this type. The development would provide a total of 9 parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect. The proposal would also be in keeping with the London Plan which requires up to 1.5 spaces per unit for a development in this locality. The Highways Authority has not raised an objection to the proposal given the relative close proximity to Upminster Bridge Station.

6.8 *Mayoral Community Infrastructure Levy*

6.8.1 The proposal is not CIL liable as it would only result in a small increase of approximately 6m² to the existing building.

6.9 *Infrastructure Impact of Development*

- 6.9.1 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.
- 6.9.2 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.
- 6.9.3 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.
- 6.9.4 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.
- 6.9.5 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.
- 6.9.6 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.

6.9.7 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 per dwelling 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.

6.9.8 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 £48,000 for educational purposes would be appropriate.

6.10 *Other*

6.10.1 There are protected trees on site. A condition will be added to ensure that a scheme for the protection of preserved trees on the site be submitted prior to commencement of any development.

6.10.2 Secure cycle storage will be provided in a shed to the front of the site. A condition will be added requesting details to be submitted prior to commencement of development in the event of an approval.

6.10.3 The applicant has stated that refuse storage and recycling capacity would be provided in accordance with the required standards. A condition will be added requesting details to be submitted prior to commencement of development in the event of an approval.

6.10.4 All matter relating to the internal changes to the Listed Building would be covered in detail within the listed building application (L0015.16)

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a legal agreement being completed.

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.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 21 November 2016, revision received on 07 December 2016.