



<b>Application Reference:</b>	<b>P0147.18</b>
<b>Location:</b>	<b>183 Cherry Tree Lane</b>
<b>Ward:</b>	<b>South Hornchurch</b>
<b>Description:</b>	<b>Proposed side and rear extension with roof alterations. Change of use to form mixed use of A2 (Office) and A1 (Retail) at ground floor. Formation of 6no. bedroom HMO over first and second floors</b>
<b>Case Officer:</b>	<b>Cole Hodder</b>
<b>Reason for Report to Committee:</b>	<b>It was deferred from a previous planning committee meeting.</b>

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## **1. BACKGROUND**

1.1 The application was considered at the Planning Committee meeting 2 August 2018 where it was deferred to enable the applicant to address concerns that has been expressed regarding the following:

- Discussion with agent to see if undercroft parking area can be enclosed and side access relocated to existing position.
- Scheme of external lighting for 183 Cherry Tree Lane to be secured by condition.
- Consideration of whether justification could be made for restricting parking permits for future occupiers to be secured via legal agreement

The report is now brought back to Members, updated with further information on the above matters. Given the change to reporting format, the previous report has been transferred across to the new template and reproduced below from section 4 onwards for completeness.

## **1.2 Summary of changes**

- 1.2.1 The applicant in response to the concerns expressed by members has provided a revised drawing, no.BAB.17.02 rev C which shows two amendments. The first shows the parking for the HMO to incorporate roller shutter doors to give secure, lockable parking. Reference is made also to external security lighting which the applicant advises would be activated by a PIR sensor, detecting any motion. In the event of approval, a condition would be imposed requiring the application to provide a detailed scheme of external lighting throughout the proposals.
- 1.2.2 Members requested that consideration be given to repositioning the access to the residential accommodation. As it had been shown it would have been set deeper into the plot, where currently it is located relatively centrally on the flank wall of the building. There was concern over the suitability of such an arrangement in terms of safety/security for future residents. Members will note that the layout plan provided by the applicant does not relocate the side access however shows a lockable access gate adjacent to the principal elevation to improve security. A scheme of boundary treatment is to be secured by condition which would further improve the quality this area which at the time of site inspection was observed to be poorly maintained and relatively open. The current proposals would improve upon the existing arrangement.
- 1.2.3 Waste for the commercial unit at ground floor level is to be stored at the rear of the building and access is therefore retained for the use of those premises and not restricted solely to residential occupiers. Whilst other options had been discussed including a permanent addition to the side of the building to enclose the side access, with relocation of the entrance to the HMO extensive alterations to the internal layout would have been needed. The changes would have had a material impact on the size of rooms and first and second floors of the building and accordingly the quality of the living environment for future occupiers. Members will wish to weigh up the standard of living provided by the proposals in view of the changes that have been incorporated by the applicant.
- 1.2.4 Whilst the Highway Authority had not requested a restriction on future occupiers obtaining parking permits and had not expressed an objection to the proposals as presented to members 2 August 2018, in view of members concerns regarding the intensification of the residential use and the potential impact on surrounding roads, staff queried the acceptability of an arrangement whereby future residents would be restricted from obtaining residents parking permits. The applicant indicated in writing 20-08-2018 that such an arrangement would be acceptable. A restriction on future occupiers obtaining residents parking permits will therefore be secured by legal agreement in the event of an approval.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The mass and siting of the extensions, which have been revised since originally submitted, would not give rise to any material harm to the residential amenity enjoyed by neighbouring properties, nor give rise to any adverse impact upon street-scene/local character. The quality of the living environment for future occupiers is judged acceptable, following a reduction in the number of bedrooms from nine to six. The proposed development would make provision for an adequate provision of off-street parking to serve the building and its mixed use. The proposals are therefore considered acceptable.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to:

The prior completion of a legal agreement to secure the following planning obligations:

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
  - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
  - That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

1. Time Limit 3 years - Development must be commenced no later than three years from the date of this permission.
2. Accordance with plans - The development must not deviate from the approved plans.
3. Materials - Details/samples of all materials to be used in the external construction of the building.

4. Landscaping - Details of any/all hard and soft landscaping within the site including any proposed planting
5. Boundary Treatment - Details of all proposed walls, fences and boundary treatment
6. The use of the building shall be as a House in Multiple Occupation (HMO) as defined in the Housing Act (2004), and by Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and shall not be occupied by more than six persons at any time.
7. Compliance with Part M4(2) of the Building Regulations - The dwelling shall comply with Part M4(2) of the Building Regulations
8. Compliance with (Reg 36 (2)(b) / Part G2 of the Building Regulations) - The building shall comply with Part G2 of the Building Regulations.
9. Construction Hours - All building operations in connection with the development shall take place only between 8.00am and 6.00pm Monday to Friday and 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
10. Noise Insulation - The dwellings shall be constructed to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise
11. Cycle Storage - Details of cycle storage provision
12. Refuse and recycling - Details of refuse storage
13. Construction Methodology - The applicant is required to provide a detailed Construction Method Statement.
14. Balcony Condition - The roof area of the rear projection shall not be used as a balcony, roof garden or similar amenity area without separate planning consent.
15. Flank window condition - No window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank wall (s) of the building(s) unless permission is sought.
16. Removal of permitted development rights - other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwelling hereby permitted, or any detached building erected without permission having first been sought.
17. Restricted use – to ensure that the commercial element hereby permitted remains in A1/A2 use only as described by the applicant and for no other unless otherwise agreed in writing

18. Parking standards – to ensure that the parking areas shown remain permanently available to occupiers of the residential and commercial elements hereby permitted and allocated as shown.

19. External Lighting – Detailed scheme of external lighting for the site to be provided prior to occupation and agreed in writing by the LPA.

## **Informatives**

1. Approval following revisions
2. Approval and CIL
3. Street name and numbering – Prior to occupation the dwellings hereby permitted must be Street Named and/or Numbered by LB Havering's Street Naming and Numbering team

## **4 PROPOSAL AND LOCATION DETAILS**

### **4.1 Proposal**

- This application seeks permission for a proposed side and rear extension to the main building in addition to roof alterations to facilitate a change of use from a mixed use as C3(a) (Dwelling house)/A1(retail) to a use comprising a mixed use of A1/A2 (retail and office) at ground floor with a six bedroom C4 HMO on the first and second floors.

### **4.2 Site and Surroundings**

- The application plot comprises of a detached building located on a site of some 580m<sup>2</sup>. Part of the building has historically been used for A1 (Retail) however at the time of site inspection was no longer observed to be trading. An existing long standing residential use exists at the premises also.
- The LDF designates the site as being within the Cherry Tree Lane Minor Local Centre and accordingly commercial premises flank the property at ground floor.
- Beyond the immediate surroundings of the site, which are acknowledged to be in mixed use, the surrounding area is predominantly residential. There does not appear to be any uniformity in terms of built form, with the surrounding area varied in character and inconsistent in terms of height and massing of built form.

### **4.3 Planning History**

The following planning decisions are relevant to the application:

P1062.16 Full demolition of existing commercial building 183a Cherry Tree Lane and part demolition of 183 Cherry Tree Lane, change of use to provide a new building for a Community Inclusion Centre. The proposal would also include a change of use of the outbuilding to a garden office – WITHDRAWN.

P1617.17 Demolition of Existing Building and New Build to form A2-Office, A1-Retail Shop on Ground Floor & Four Residential Flats (C3) on First & Second Floors – REFUSED

1. The proposed development would, by reason of its external appearance, height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. The proposal would, by reason of its layout and scale result in an unsatisfactory relationship between the proposed development and neighbouring housing leading to a loss of outlook and sense of enclosure for existing residents contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
3. The proposed development would result in a sub-standard level of accommodation, with units having no access to individual private amenity space, to the detriment of the amenity of future occupiers contrary to Policies CP2, DC2, DC61 of the LDF Core Strategy and Development Control Policies DPD, the Residential Design SPD and policy 3.5 of the London Plan 2016.
4. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD

## **5 LOCAL REPRESENTATION**

5.1 A total of twenty seven neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: One, one objection.

The following Councillor made representations:

- Councillor Michael Deon Burton is concerned by the scale of development and considers that the final decision should be made by the Planning Committee due to the property appearing overcrowded and a lack of parking provision.

It is acknowledged that the comments made by Councillor Burton were made prior to revisions being secured by planning staff as negotiations at that point were ongoing.

## **Representations**

- 5.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

### Objections

- Impact on parking and the increased competition for spaces. Additional commercial use unwanted.
- Increased litter

A condition requiring a comprehensive scheme for waste and recycling to be provided and implemented would reasonably overcome any potential for increased litter and nuisance arising from the proposals.

In terms of concerns regarding existing parking stress, it is unclear as to whether those comments were the result of the application premises and its existing use or other historic commercial uses within the vicinity. In any event, the intensification of the use of the application building would bring with it additional requirements in parking terms. Those matters will be fully addressed in the material planning considerations section of this report below.

- 5.4 Highway Authority: Objection to the proposals made initially. Site has a PTAL of 2 (Poor) and insufficient provision of parking is shown on layout plans. Following receipt of revised drawings which reduced the size of the HMO and made provision for greater provision of off-street parking the objection was withdrawn.

## **6 MATERIAL PLANNING CONSIDERATIONS**

- 6.1 The main planning issues raised by the application that the committee must consider are:
- Principle of development
  - Impact of the extensions/additions on the street-scene and local character.

- Impact on amenity of surrounding residential properties and quality of living environment for future occupiers and;
- Implications for highways, pedestrian access and parking.

## **6.2 Principle of Development**

- The premises benefits from an historic commercial use and is located within an area designated as a Minor Local Centre by the LDF. Accordingly there is no in principle objection to the mixed use sought, subject to other policy considerations.
- Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria. Policy DC4 concerns the conversion to a residential use and requires, amongst other things that the property is detached and well separated from neighbouring dwellings, and that the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining residential occupiers should be no greater than that of an ordinary single family dwelling.
- Subject to meeting these criteria the partial use of the building as an HMO would be in accordance with the Council's policies.

## **6.3 Impact of the extensions/additions on the street-scene, local character and neighbouring amenity.**

- The surrounding area is not characterised by its uniformity or consistency in terms of scale and massing. When viewed from the street, the extensions shown to the application property, whilst prominent, would not be to the detriment of local character and would improve the appearance of a tired and poorly maintained building.
- It is accepted that the overall ridge height of the application building as a result of the proposals would be greater than that of adjacent premises, however this would not represent an especially jarring or obtrusive feature within the street-scene given the inconsistent ridge heights observed elsewhere within the immediate vicinity. It must be noted also that the ridge height shown on current plans is a reduction over the initial submission.
- Revised plans were received which reduced the depth and extent of the addition to the rear. Although extensive, it is noted that there are properties nearby of substantial depth and, as such, the scale and bulk of the extensions does not appear materially out of scale and character with its surroundings.
- Owing to the commercial uses that flank the application property, the impact of the development is concentrated to first floor flank and rear



windows. The only windows in flank elevations do not serve primary rooms and accordingly residential amenity would not be prejudiced from a loss of aspect and daylight in terms of this relationship.

- Previously the depth of the rearward projection had formed grounds for refusal and accordingly the reduced depth negotiated with the applicant is such that outlook and aspect from adjacent premises would not be unduly harmed. The host building is adequately separated from 179/181 Cherry Tree Lane so as to largely negate the difference in rear building line, whilst it would at first floor level, occupy a comparable building line to the rear of the Cherry Tree Post Office (no.185).
- In view of the revisions made to the proposals, it is not considered that there are sufficient grounds to substantiate a refusal on that basis.

#### **6.4 Impact on amenity of surrounding residential properties and quality of living environment for future occupiers**

- The activities arising from the commercial use at ground floor are unlikely to result in any undue harm to the amenity of surrounding residents. The closest neighbouring occupiers are at first floor level of adjacent premises. Residents within mixed use environments are not expected to benefit from the same level of amenity as those within predominantly residential settings. The site has an existing commercial use and is located within an area designated as a Minor Local Centre where such uses are deemed appropriate.
- In terms of the amenity of future occupants of the proposed HMO: each of the bedrooms would demonstrate a reasonable outlook and aspect following receipt of revisions which reduced the number of bed-spaces from nine to six. Each room would include an en-suite bathroom. It is considered that the shared kitchen would be adequate in terms of size and sufficiently spacious to accommodate a dining table for six people. Future residents would also benefit from a large communal garden area to the rear and the use of existing outbuildings for storage. The house would be set out to ensure safe and secure access from the street and generally, the layout and functionality of the dwelling would appear to be to a high standard.
- The proposed HMO would be restricted by condition to accommodate up to 6 persons (one per bedroom if all of the rooms are fully occupied). Whilst the occupation of the building could not reasonably be likened to a single family dwelling, it is not considered to be inappropriate having regard to the mixed use environment within which it would be situated. It is not considered that the intensification of the existing residential use would cause harm to neighbouring occupiers to such a degree so as to justify a refusal in view of the Minor Local Centre designation.

- On balance, the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for future occupants. The proposal is therefore in accordance with Policy DC61 and the guidance contained within the Framework.

## 6.5 Vehicle parking

- A total of six spaces will be provided, with parking for the HMO to be located to the rear of the site, with parking retained at the site frontage for the commercial use. The site has a PTAL of 2 (poor).
- For HMO use the maximum parking standard is one space per two rooms. Following the reduction in the number of bedrooms from nine to six the proposals comply with this requirement. Three parking spaces are shown on the forecourt to the site frontage to accommodate the mixed use at ground floor which is considered to be an acceptable arrangement.
- Following receipt of the above revisions, the initial objection made by LB Havering's Highway Authority was withdrawn.
- On that basis, it is not considered that there are sufficient grounds to substantiate a refusal on the basis of vehicle parking.

## Local Financial Considerations

6.6 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

- £2,900 Mayoral CIL towards Crossrail

## Conclusions

6.7 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.