



REGULATORY SERVICES COMMITTEE

18 December 2014

REPORT

Subject Heading:

P1362.14 – Former Elm Park Hotel, St Nicholas Avenue, Elm Park - Extending the building by one level to accommodate 4No new self-contained flats (received 27/10/14)

Ward:

Elm Park

Report Author and contact details:

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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

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application proposes the erection of an additional floor above the former Stardust Dance Club to create 4 no. self-contained flats. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues. These issues are set out in detail in the report below.

Staff consider the proposal to be acceptable.

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 an internal gross floor area of 293.8m² and amounts to £5,876.

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 £24,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of the development in accordance with the Planning Obligations SPD.
- 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.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

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. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

4. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

5. 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.

6. Construction Method Statement: Before commencement of the proposed development, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

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

7. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

8. Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously

have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

9. Lifetime Homes: No development shall take place until the developer has submitted, for the approval in writing of the local planning authority, details to ensure that the proposed dwellings would be compliant with Lifetime Homes standards. The development shall thereafter be undertaken in accordance with the approved details and be retained as such.

Reason: To ensure the proposal is in accordance with Policy DC7 of the Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Following a change in government legislation 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. Planning Obligations

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.

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 £5,876 (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 applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
6. In aiming to satisfy condition 7 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
7. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the western side of St Nicholas Avenue opposite Elm Parade, Hornchurch within the built up area of Elm Park and is situated in an area within a main shopping street with typically small retail units on the ground floor and residential accommodation above.
- 1.2 The site is occupied by the former 'Elm Park' public house and also comprises the Stardust Dance Studio which is situated to the north of the former public house and is the subject of this application.
- 1.3 The subject building is single storey with a flat roof toward the front and increases to one and a half storey towards the rear.

2. Description of Proposal

- 2.1 The application seeks full planning approval for the construction of a first floor extension to the existing building in order to enable the creation of 2 no. two-bedroom and 2 no. three-bedroom self-contained flats.
- 2.2 Each flat would be accessed via a shared stairwell and external landing area. The flats would consist of a kitchen/living room, bedrooms and a bathroom. The 3-bed units would include a Juliette style balcony to the unit to the east and a balcony to the unit to the west.

3. History

- 3.1. P0861.13 - Retaining existing ground floor dance hall and extending the building up to construct 4 no. self-contained flats with pitched roof over - Withdrawn.
- 3.2 P0068.14 - Retaining existing ground floor dance hall and extending the building up to construct 4 no. self-contained flats at first floor level – Refused.
- 3.3 P0368.14 - Change of shop frontage on existing A4 unit - Approved

4. Consultation/Representations

- 4.1 Notification letters were sent to 68 neighbouring properties and no letters of objection were received
- 4.2 Thames Water raises no objections to the proposals.
- 4.3 The London Fire and Emergency Planning Authority raised no objection to the proposal.
- 4.4 The Highway Authority stated that the site has a good PTAL of 4 where a car-free development would be acceptable and raised no objection to the proposal.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are considered to be relevant. The Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8

(Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff comments

6.1 The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Background

6.2.1 A previous application under P0068.14 was refused planning permission for the following reasons

- The proposed development would, by reason of its design and poor relationship to the existing and adjacent building, appear as a 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.
- In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

6.2.2 Staff consider the current proposal to have sufficiently addressed the previous reason for refusal relating to the impact on the streetscene and the surrounding area by reducing the eaves height at first floor and providing a hipped roof to match that of the existing building. The acceptability of the current proposal will be assessed later in the report.

6.3 Principle of Development

6.3.1 Policy CP1 indicates that outside the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for the addition of a first floor to an existing building to provide residential flats. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space

standards. The Mayor has set these at 61m² for a 2-bed 3-person flat and 74 for a 3-bed 4-person flat. The proposed flats are in line with these minimum guidelines and considered acceptable.

6.4 *Site Layout / Amenity Space*

6.4.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.4.2 The proposal would involve the addition of a first floor to accommodate 4 no. flats. The subject site has only limited space to the rear of the property. The space to the rear will be utilised by the adjacent retail unit at ground floor for parking, refuse storage and deliveries. It is therefore not possible to provide amenity space on site on the ground floor. It should however be noted that similar scenario's exist elsewhere in the borough in Town Centre locations, where there are flats situated above commercial premises with no amenity space provision. The applicant has provided 72m² of amenity space at first floor. Staff consider the amount of amenity space provision to be acceptable

6.4.3 The residential density range for this site is 50 - 80 units per hectare. The proposal would result in a density of approximately 133 units per hectare. Although this is in excess of the recommended range this is not necessarily grounds for refusal if the development is considered to be acceptable in all other material respects.

6.5 *Impact on Local Character and Street Scene*

6.5.1 The existing Stardust Dance Studio building is a simple single storey flat roof building typical of the 1930's period. Whilst the building is attached to the adjacent former public house, it is read in design terms as a separate building. The former public house is a grand and relatively imposing building with a central projecting gable feature and steep pitched roof. In contrast, the architecture of the existing dance studio building is very different with its design taking influence from the Art Deco style, which was in favour at the time of construction.

6.5.2 The most recent scheme was refused due to its design and poor relationship to the existing and adjacent building, appearing as a visually intrusive feature in the streetscene harmful to the surrounding area.

6.5.3 The current proposal has addressed the previous concerns by reducing the eaves height and raising the roof to match that of the existing building.

Staff consider the current proposal to have an acceptable relationship to the existing ground floor element and adjacent building. The proposed first floor addition would be finished with a hipped roof which is in keeping with the adjacent building and would be viewed as an extension of the existing hipped roof.

6.5.4 The overall design of the flank elevation (eastern) is for most part similar to the current elevation with the exception of an additional floor and hipped roof. Staff consider this elevation to relate satisfactorily to the existing building and would not result in visual harm to the streetscene.

6.5.4 Overall, the proposal is considered to be acceptable in terms of its design, scale, character and visual impact within this part of the street scene and therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

6.5 *Impact on Amenity*

6.5.1 Officers do not consider the addition of the first floor to result in an unacceptable impact on neighbouring amenity. The location of the proposed first floor extension is such that it would not have an adverse impact on nearby residential properties in Northwood Avenue. The proposal would be set approximately 10m from the nearest residential property at 14 Northwood Avenue and would therefore not be overbearing or result in loss of light. Although there would be 2 windows overlooking the rear garden of this property, Officers consider the separation distance, vegetation on the boundary and the fact that only the bottom part of the rear garden would be overlooked to sufficiently mitigate any harm that may occur.

6.5.2 Any impact in terms of noise associated with the ground floor use would be sufficiently mitigated by providing sound insulation. Details of sound insulation could be requested by planning condition in the event of an approval.

6.6 *Highways / Parking Issues*

6.6.1 No parking provision is made for the proposed residential development. Highways has not raised an objection.

6.6.2 Given the surrounding commercial area, good accessibility and that flatted development normally require less parking spaces, Staff consider the lack of parking spaces to be acceptable. However it is should be noted that the previous application was not refused on highway grounds.

6.6.3 The proposal does not include cycle storage provision. A condition will however be attached in the event of an approval to provide cycle 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. The applicable fee is based on an internal gross floor area of 293.8m² and amounts to £5,876.

6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £24,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

6.9 *Other Issues*

6.9.1 No details have been submitted regarding refuse storage. A condition will be added in the event of an approval to require details of refuse and recycling prior to the commencement of development on site.

7. **Conclusion**

7.1 It is considered that the proposed development by reason of its design, scale and siting, would result in an acceptable development within the street scene and that the proposals have overcome the previous grounds for refusal. It is not considered that the proposal would give rise to any overlooking or invasion of privacy and would further, due to its orientation in relation to other neighbouring properties, not result in any overshadowing. It is not considered that any harmful highway or parking issues would arise as a result of the proposal.

7.2 Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

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 27/10/14.