



REPORT

REGULATORY SERVICES COMMITTEE

5 December 2013

Subject Heading:

P0988.13 – 3 Mountbatten House, Elvet Avenue

**Reconfiguration and refurbishment and creation of a new office, change of use from C3 to B1
(Application received 7th August 2013)**

Report Author and contact details:

Helen Oakerbee (Planning Manager, Regulatory Services) 01708 432800

Policy context:

**Local Development Framework, London Plan
National Planning Policy**

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhancing the lives of our residents	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application seeks for full planning permission for reconfiguration and refurbishment and creation of a new office involving a change of use from C3 to B1. This application is considered to be acceptable in all material respects and, it is recommended that planning permission is granted subject to conditions.

The application has been called in by Councillor Munday on the grounds that the proposal is contrary to the Council's Housing policy. The application site comprises Council owned land and the planning merits of the application are considered separately from the land interest.

This report was deferred from the Regulatory Services Committee meeting of 14th November 2013 in order to consider the application in greater detail and address the concerns of Members.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions:

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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the 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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. Hours of use

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 17:00 on Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Restriction of use

The occupation of the B1(a) use hereby permitted shall be carried on only by Delta TMO, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. Cease of permitted use

When the land ceases to be occupied by those named in condition 4 above the use hereby permitted shall cease and all structures, materials and equipment brought on to or erected on the site, or works authorised by the permission and undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. 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.
2. 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.

Report Detail

1. Site Description

- 1.1 The application site is No.3 Mountbatten House, which is a ground floor 2 bedroom flat to the north-west corner of the Mountbatten House block which is located directly east of Elvet Avenue.
- 1.2 The block is amongst a residential estate currently occupied by a cluster of

Other residential blocks, most notably to the east of Mountbatten House is Dreywood Court which was recently built (formerly Snowdon Court)

- 1.3 The immediate surrounding area is council owned land, it is not within a designated conservation area nor is the property listed.

2. Description of Proposal

This report was deferred from the Regulatory Services Committee meeting of 14th November 2013 in order to consider the application in greater detail and address the concerns of Members.

- 2.1 The application seeks a change of use of the said property above, from the present residential unit 'Use Class C3' to office accommodation 'Use Class B1'. The flat was last residentially occupied on 16/12/2012.
- 2.2 The Durham and Elvet Avenue Tenant Management Organisation (DELTA TMO) was formed in 2006 after residents voted for a tenant management group. It was formed primarily to help improve the lives of residents by offering services like day to day repairs and maintenance on behalf of the London Borough of Havering, which is why they are better located on site. DELTA TMO state they are committed to working for the people of Elvet and Durham Avenues in order to provide excellent services and improve the quality of life for the residents through tenant management and community empowerment.
- 2.3 Since 2006, DELTA TMO has operated from a portacabin on the DELTA estate, which provides limited office accommodation and does not have any meeting room facilities. They require a permanent unit to run their day to day business in managing the residential estate.
- 2.4 Other alterations include externally adapting the existing east elevation balcony serving the living room to be a Disability Discrimination Act (DDA) compliant entrance ramp with balcony hand railing to be renewed to become the entrance of the office.
- 2.5 Internal layout would be altered by converting the existing 2 bedrooms into 2 offices, changing the living room into the main reception, converting the bathroom into a shower room whilst the kitchen would remain as it is.

3. Relevant History

- 3.1 No particular relevant planning history on this unit, however there was a similar proposal on the estate at Victoria House, this was also for the conversion of a flat into a DELTA TMO office.;
- P1073.11 Change of use from C3 - Dwelling House to B1 - Office Ramp to new office access removal of porta cabin and container store. Refused, on the grounds of the loss of housing.

4. Consultations/Representations

4.1 249 neighbouring occupiers within Mountbatten House and other nearby residential blocks (including the new Dreywood Court) were notified of the proposal by individual letter.

4.2 4 objections letters in regards to;

- Lack of Car parking spaces
- Should be kept as residential accommodation
- Result in a loss of housing and therefore would leave restrictive choice for people as people are on the waiting list. Noise and disturbance from the propose use
- Detrimental to the appearance and design of this part of the property
- Raising potential security issues from the proposed development
- Similar application at Victoria House which was refused

The above points are addressed elsewhere in this report below.

- The proposal would be a waste of money
- DELTA TMO may not be elected again and therefore it would be cost to taxpayers to turn it back into housing
- Other alternatives such as another porta cabin should be used instead

The above points are considered to not be material to determining this particular planning application.

4.3 Site notice displayed and press notice published to advertise a departure from the Local Plan on 27 September 2013, consultation expiry 17 October 2013..

5. Relevant Policies

5.1 Policies CP17 (Design), DC1 (Loss of Housing), and DC61(Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document. In addition, Policy 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

6.1 The issues arising from this application are the principle of change of use, the impact on the streetscene, the impact on amenity and parking and highways considerations.

7. Principle of Development

7.1 Policy DC1 of the LDF Core Strategy and Development Control Policies DPD states that planning permission resulting in the net loss of existing housing will only be granted in exceptional circumstances where it involves the provision of

essential community facilities, for example health or education, which are necessary to meet the specific needs of the community; or the proposal is necessary to deliver mixed and balanced communities.

- 7.2 At the heart of the NPPF is a presumption in favour of sustainable development. The presumption is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasizes the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.
- 7.3 The proposal is to change the application site from C3 to B1 use. In this instance, the principle of the change of use is contrary to Policy DC1, although it is deemed to be acceptable as there are exceptional circumstances in this case which warrant a departure from policy.
- 7.4 It is considered there is an exceptional circumstance in this case as it is considered that the presence of the tenant management organisation on site is important and assists with improving living conditions for residents on the site. Use of a residential unit on the estate as an office would therefore represent special circumstances to depart from planning policy. It is important that any permission be personal so that the unit can return to residential should circumstances change in the future.
- 7.5 In considering exceptional circumstances the applicant has stated the following to why the conversion is required and why the existing porta cabin accommodation is not sufficient;
- The council has to provide suitable local office premises to the TMO so that it can effectively carry out its functions and provide a quality service to tenants and leaseholders.
 - There is no fire exit as highlighted by a Retired Fire Service Inspecting Officer whilst conducting a FRA on behalf of Homes in Havering in July 2012.
 - There are no alternative means of escape or evasion when confronted in difficult situations or emergencies
 - Residents currently access through the only door – if someone is already in the reception area seeking advice they are automatically interrupted and their privacy is compromised.
 - The Manager's Office is not sound-proofed; residents are therefore unable to discuss private issues as all conversations can be heard throughout the porta cabin.
 - The unit is not adequately insulated leading to excessive heat in summer and cold in winter.

- The DELTA Board cannot hold their meetings in the office as there is neither the space nor the privacy. These meetings have to be held in the Chair's residence and any paperwork required has to be taken out of the office giving rise to potential data protection issues.
- The DELTA is unable to host any estate/resident meetings – i.e. Annual General Meeting /Homes in Housing meetings with the other TMOs and officers. They currently have to pay to transport their residents to an outer venue.
- Unable to fix anything to walls such as dry wipe boards, notices and other associated fixtures.
- There is limited space to display leaflets for residents use. (i.e. Benefits/Age Concern).

7.6 These circumstances are considered to add weight to the applicant's case.

7.7 Whilst it is noted that a similar proposals were refused elsewhere on the estate at Victoria House, each applications is considered on its own merits.

8. Design, scale and impact on street/Garden scene

8.1 The application site measures at 66.7 square metres floor area and this would not be altered.

8.2 Council policy DC61 and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.

8.3 The existing ramp measures 600mm depth, 3000mm width and 1300mm in height to the eastern elevation of the application, this would be changed to a ramp which measures at 1900mm depth, 3700mm width and 1300mm (maximum) height above the ground level.

8.4 The ramp would be constructed in materials of glazing and metal to exactly match those of the existing balconies on the block.

8.5 The other external change would be to alter the existing east elevation glazed door to a 1000mm wide opening to be DDA compliant, the materials would be in matching materials to the existing doors and windows.

8.6 It is considered that the external alterations to similarly match the style of the existing property appearance is of such that it would not detract from the character of the local area and would therefore be acceptable in this instance. It is therefore considered that the development would safeguard and preserve the character and appearance of the surrounding area. The proposal is therefore acceptable in accordance with Policy DC61 and advice contained within the NPPF.

9. Impact on amenity

- 9.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties. It is considered that the change of use would not result in a significant loss of amenity to neighbouring occupiers, given the intended use of the premises as an office for two employees. When reviewing the merits of this application, consideration was given to the fact that the flat would be used as office accommodation for the local tenant management organisation, DELTA, which would be beneficial to the residents of the residential estate.
- 9.2 Opening hours for the office will be 9.00 to 17.00 hours Monday to Friday and not at all during the weekends and bank holidays. It is considered that the opening hours should not result in a significant loss of amenity to neighbouring occupiers given that the ground floor of the building would be used as an office.
- 9.3 The minor external changes as detailed above would not be within closer distance to the adjoining neighbours nearest window to the southern side. The proposed new ramp and fenestration changes are considered not materially harmful to the adjoining neighbours.
- 9.4 The permission would contain a specific personal condition for DELTA TMO only to ensure that no other use or other operations other than DELTA are allowed to use it in the future.

10. Highway/parking issues

- 10.1 The proposal would be convert a 2 bedroom flat to an office of the same size with two employees. Although the number of visitors may be more than a residential property, it is considered that the nature of visits to the office would be for the residents that live on site and therefore they would not require necessarily a vehicle to visit the offices. There would be some meeting space for external visitors, but considering the nature of a small 2 office room unit, it is considered that the volume of visitors would not be materially more than from the operation from the portacabin.
- 10.2 With the above in mind, it is considered that the proposal would not create any highway or parking issues. There are parking bays in close proximity to the site in Durham Avenue and Elvet Avenue.

11. Mayoral CIL implications

- 11.1 The change of use of the existing floor space is exempt from CIL payments as there would not be any additional enclosed floor space. As such the CIL liability would be zero.

12. Conclusion

- 12.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations. The proposed change of use is considered to be acceptable in principle, as there are exceptional circumstances in this case. Staff are of the view that the proposal would not adversely affect the streetscene or residential amenity. It is considered that the proposal would not create any highway or parking issues. It is recommended that planning permission is granted, subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

The application site comprises Council owned land and the planning merits of the application are considered separately from the land interest.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal includes adaption of the front balcony to create a new DDA compliant ramped entrance.

BACKGROUND PAPERS

The plan, application form and supporting documents were received on 7th August 2013.