

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: J0010.22

WARD : Upminster

Date Received: 20th May 2022

ADDRESS: 52 Station Road (1st Floor)
Upminster

PROPOSAL: Conversion of rear first floor offices from Use Class E (iii) to Class C3 to form part of existing 2 bedroom first floor flat to create a 3 bedroom self-contained residential unit with off street parking, refuse storage and cycle storage (PRIOR APPROVAL)
revised Description received 06.06.22

DRAWING NO(S): SRU-01B
STR-1

RECOMMENDATION : It is recommended that **Prior Approval is Given**

SITE DESCRIPTION

The application site lies to the eastern side of Station Road and forms part of the Primary Frontage of Upminster District Centre. The site comprises a mid-terrace two storey commercial building with a ground floor commercial unit and offices at first floor.

The rear of the site is accessed via a single track with vehicular access onto Howard Road.

DESCRIPTION OF PROPOSAL

This is a Prior Approval application for the conversion of first floor offices from Use Class (III) to Class C3 self-contained 3 bedroom first floor flat with off street parking, refuse storage and cycle storage under Class G, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

RELEVANT HISTORY

- J0041.21 - Conversion of first floor offices from Use Class (III) to Class C3 self-contained 3 bedroom first floor flat with off street parking, refuse storage and cycle storage (PRIOR APPROVAL).
Prior App COU 17-12-2021
Refuse
- Q0280.18 - Discharge of conditions 4 & 6 of planning application P1443.11
ALL DECISIONS 08-01-2019
ISSUED
- Q0104.18 - Change of use of ground floor to office A3/A5 (Restaurant, Take Away)
Conversion of first floor to a self-contained 2 bedroom flat,
minor external alterations and extract flue to rear P1443.11 Conditions(s) 4 & 6
DOC NO Discharge 21-06-2018
- Q0191.17 - Discharge of Condition 6 of P1443.11
Withdrawn - Invalid 18-10-2019
- Q0207.16 - Discharge of Condition 6 of P1443.11
DOC NO Discharge 25-01-2017

- Q0127.12 - Discharge of Conditions 5 & 7 of P1443.11
DOC Discharge 29-06-2012
PART
- A0017.12 - 1 x externally illuminated fascia sign and 1 x non-illuminated projecting sign
Apprv with cons 15-05-2012
- P0396.12 - New shopfront
Apprv with cons 15-05-2012
- Q0313.11 - Discharge of conditions 11, 12 and 13 of planning application P1443.11
DOC Discharge 23-02-2012
PART
- P1443.11 - Change of use of ground floor from office to A3/A5 (Restaurant/Takeaway), conversion of first floor to a self-contained 2 bedroom flat, minor external alterations and extract flue to rear
Apprv with cons 17-11-2011
- P0896.11 - Change of use of Ground floor from office to A3/A5 (restaurant/takeaway), conversion of first floor to a self contained 2 bedroom flat and minor external alterations.
Refuse 10-08-2011
- P2348.06 - A proposed change to the front and rear elevations and the creation of additional second floor office accommodation
Refuse 05-03-2007
- P0700.06 - External front & rear alterations at second floor & raising roof pitch for additional office space
Refuse 31-05-2006
- P1884.01 - First floor extension over existing ground floor and second floor extension by raising existing roof.
Apprv with cons 13-02-2002

CONSULTATIONS/REPRESENTATIONS

The application has been advertised by means of a site notice, and notification letters have been sent to 6 neighbouring occupiers. No letters of representation were received.

StreetCare Department - Please ensure that there are sufficient numbers of refuse and recycling bins at this site, suitable storage areas and that the collection crew access requirements are adhered to in particular with the distance to the bin store. Bins are not provided by Havering Council nor is Havering Council liable for them. Bins need to be purchased and maintained privately.

Public Protection- No objections in terms of contaminated land. Recommend one condition regarding sound insulation if minded to grant Prior Approval.

The Highway Authority was consulted but no response was received. For the previous application, J0041.21, the Highway Authority had no comments from a highways perspective.

The Council's Emergency Planning Department was consulted, but no response was received.

RELEVANT POLICIES

Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2015 (or any Order revoking and/or re-enacting that Order) (as amended).

MAYORAL CIL IMPLICATIONS

The proposal would not give rise to any payments under the Mayoral or Havering CIL regulations.

STAFF COMMENTS

This application is a resubmission of an earlier Prior Approval application, J0041.21, for the conversion of first floor offices from Use Class (III) to Class C3 self-contained 3 bedroom first floor flat with off street parking, refuse storage and cycle storage, which was refused for the following reason:

1. The proposed development does not comply with criteria 9A(b) of Class G, which states that "Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(1)". The front single bedroom has an internal floor space of 7.36 square metres, which does not meet the 7.5m² in line with the DCLG Technical Space Standards. The rear single bedroom has an internal floor space of 7 square metres, which does not meet the 7.5m² in line with the DCLG Technical Space Standards. Consequently, under the provisions of Town and Country Planning (General Permitted Development)(England) Order 2020 [as amended], the prior approval of the Local Planning Authority is refused.

The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:

- The internal layout of the flat has changed. The front and rear single bedrooms have an internal floor space of 8.3 and 8 square metres respectively.

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. Site photos were provided by the agent in support of the application. Reference has been given to the site photographs for planning application P1443.11. In determining this application, photos, Google Street View, aerial view images and submitted drawings were used to assess the site constraints.

This application seeks the Council's determination under Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order for the conversion of first floor offices from Use Class (III) to Class C3 self-contained 3 bedroom first floor flat with off street parking, refuse storage and cycle storage.

Class G - commercial, business and service or betting office or pay day loan shop to mixed use Permitted development

G. Development consisting of a change of use of a building- ٢٢

(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;

(b).....

(c)from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;

(d).....

(e)from a use [falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order] to a mixed use [F6falling within article 3(6)(n) (betting office) or 3(6)(o) (pay

day loan shop) of the Use Classes Order] and as up to 2 flats.

Conditions

G.1 Development permitted by Class G is subject to the following conditions-

- (a) some or all of the parts of the building used [for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to,] the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;
- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;
- (c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)-
 - (i) by a single person or by people living together as a family, or
 - (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents);
- (d) before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-
 - (i) contamination risks in relation to the building;
 - (ii) flooding risks in relation to the building;
 - (iii) impacts of noise from commercial premises on the intended occupiers of the development;
 - (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - (v) arrangements required for the storage and management of domestic waste.

Interpretation of Class G

G.2 For the purposes of Class G, "care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

The following criteria have been assessed as follows:

- (i) contamination risks in relation to the building;

The proposal would not involve any ground break, as it involves the conversion of first floor offices from Use Class (III) to Class C3 self-contained 3 bedroom first floor flat. The Public Protection Department has no objections in terms of contaminated land.

- (ii) flooding risks in relation to the building;

The site is located within Flood Zone 1 and it is not considered that the proposal presents any issues relating to flood risk.

- (iii) impacts of noise from commercial premises on the intended occupiers of the development;

The Council's Public Protection Department was consulted and recommends one condition regarding sound insulation. It is not deemed necessary to impose the sound insulation condition as this is covered under Building Regulations.

- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

The proposed flat would be dual aspect with an east and west orientation. It is considered that this proposed flat would have adequate natural light in all habitable rooms.

- (v) arrangements required for the storage and management of domestic waste.

The proposed plan shows 2 no. bin stores in brick with lockable timber doors, which is

acceptable. There are no scaled elevations of the bin and recycling stores or details of their capacity, therefore, details of a waste management scheme will be secured by condition in the event that Prior Approval is granted. The Council's StreetCare Department was consulted and has advised that there should be sufficient numbers of refuse and recycling bins at this site, suitable storage areas and that the collection crew access requirements are adhered to in particular with the distance to the bin store. Bins are not provided by Havering Council nor is Havering Council liable for them. Bins need to be purchased and maintained privately.

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse-

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(1).

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

Policy D6 of the London Plan states that the minimum internal space standards for new dwellings is 74m² for a 3-bed 4-person one storey dwelling. The proposed flat has a gross internal floor space of 78.32m² which adheres to guidance.

Policy D6 of the London Plan states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide. The front and rear single bedrooms have an internal floor space of 8.3 and 8 square metres respectively, which is acceptable. The size and width of the double and single bedrooms comply with Policy D6 of the London Plan.

The proposal meets the remaining criteria of Policy D6 of the London Plan.

Cycle storage

The plans show 2 no. bike stands that are referred to on Drawing No. SRU-01B as "secured/covered". It is considered that 2 bike stands would not provide sufficient protection in terms of security and weather and it would be preferable to have a fully enclosed cycle store. Therefore, details of cycle storage will be secured by condition in the event that Prior Approval is granted.

KEY ISSUES/CONCLUSIONS

It is considered that the application for prior approval is approved.

RECOMMENDATION

It is recommended that **Prior Approval is Given**

1. PRA COU Given Reason

Prior Approval is required (given) in accordance with the details as provided within the application.

2. PRC (JAG) Condition

No building shall be occupied or use commenced until details of a waste management scheme is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method and location of refuse and recycling storage, together with arrangements for refuse disposal. The scheme shall be implemented on site, in accordance with the approved details, prior to the first occupation or commencement of the use hereby approved and retained permanently

thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how waste 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 nearby premises, and ensure that the development accords with Policy 35 of the Havering Local Plan.

3. PRC (JAG) condition

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 implemented in accordance with the agreed details and 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.

INFORMATIVES

1 PRC (JAG) informative - free text

Drawing No.'s:
SRU-01B
STR-1

2 PRC (JAG) Given Informative commencement

The change of use as described in this Prior Approval notification must be commenced not later than three years from the date of this decision.

Authorising Officer: Raphael Adenegan
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20-07-2022
