

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0594.23

WARD: Upminster **Date Received:** 14th April 2023

ADDRESS: Assembly Rooms, St Lawrence Road
Upminster

PROPOSAL: Variation of Condition No. 2 (Approved Plans) of Planning Permission ref P2140.21 dated 18/02/2022 to allow retention of an existing side window with the addition of a roof lantern in the single storey flat roof and the addition of a single bedroom in Unit 2 roof space. (Conversion of single storey building into two self contained flats involving creation of second storey, habitable roof space, associated parking, cycle and bin storage, and associated amenity space.)

DRAWING NO(S): 1827/01
1827/05 Rev B

RECOMMENDATION: It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

Application site comprises of detached single storey building located on St Lawrence Road and is flanked by residential properties. It is neither nationally, nor locally listed and it is not within a Conservation Area.

The site once served as a mission room for Upminster United Reformed Church but has since been vacant and largely unused in the intervening period.

DESCRIPTION OF PROPOSAL

The Local Authority are in receipt of an application which seeks to vary Condition 2 of P2140.21 which alters the accommodation in the roof to show an increased floor area.

The changes shown are limited to the following:

- Formation of second bedroom in first floor/roof flat.
- Formation of window at ground floor level (in location similar to existing).
- Roof lantern to S/S projection

RELEVANT HISTORY

Q0167.22	Conversion of single storey building into two self contained flats involving creation of second storey, habitable roof space, associated parking, cycle and bin storage, and associated amenity space. (Revisions received 11-02-2022) P2140.21 Conditions(s) 3, 4, 5, 6, 8 ALL DECISIONS 15-08-2022 ISSUED
P2140.21	Conversion of single storey building into two self contained flats involving creation of second storey, habitable roof space, associated parking, cycle and bin storage, and associated amenity space. (Revisions received 11-02-2022) Apprv with cons 18-02-2022
P0462.21	Demolition of existing Assembly Rooms and construction of 2 No. maisonette style dwellings Refuse 11-05-2021
P1304.19	Demolition of the existing structure on site and construction of a pair of dwellings with communal amenity space, associated car parking, cycle and refuse storage. Refuse 27-11-2020

CONSULTATIONS/REPRESENTATIONS

PUBLIC CONSULTATION

Letters were sent to surrounding neighbouring occupiers with one letter of representation received. The comments are summarised below:

- Discrepancy with description, suggestion that works have already been commenced prior to consultation

OFFICER RESPONSE: The description of development replicated the description of P2140.21 for completeness and provided the date of determination.

RELEVANT POLICIES

Havering Local Plan 2016-2031 Policies 3, 7, 23, 24, 26 and 34
London Plan 2021, in particular Policies H1, D1, D4, D6, and T6.
NPPF

MAYORAL CIL IMPLICATIONS

Contributions would be required under CIL regulations. The proposals, disregarding existing floor-space would result in a net increase of 91m² having regard to the increased habitable area in the roof.

This would translate to a Mayoral CIL (MCIL2) contribution of £2275 (x £25 per sqm).

As of September 1st 2019, Havering adopted its on community infrastructure levy (HCIL) which has a chargeable rate of £125 per sqm in this location. This translates to a contribution of £11,375.

Each contribution would be subject to indexation.

STAFF COMMENTS

PRINCIPLE OF DEVELOPMENT

The principle of development has been established through the consented scheme under reference P2140.21 which remains capable of being implemented. The considerations for the current proposals relate solely to those departures specified in the description of development and no other.

The PPG states that a Section 73 application cannot be used to change the description of development. This is supported by the Court of Appeal judgement in *Finney v Welsh Ministers & Ors* (Rev 1) (2019) EWCA CIV 1868. It follows that where amending a condition would result in a conflict between the condition and the description of development that particular amendment is beyond the powers under Section 73.

Whilst the proposals would increase the level of prospective occupancy this would not materially change the description of development in this instance and therefore in the opinion of officers is not in conflict with the foregoing.

DENSITY/SITE LAYOUT

The proposals were considered to comply with Havering Local Plan 2016.2031 at Policy 7 which requires compliance with required space standards.

Having regard to the changes to the internal layout, these would not result in increased massing as such. On review the applicant has been able to increase the habitable area in the roof space by altering the internal layout and has still retained adequate headroom throughout having regard to the standards given at D6 of the London Plan.

Whilst it is observed that the new single bedroom would not have any means of direct outlook and would be reliant on roof-lights, on balance given that it is a second bedroom officers consider that it would be a matter of choice for prospective occupants rather than a failing of the scheme. An adequately sized terrace area would remain consistent with the increased occupancy when considering the minimum standards given.

No objections are held.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The scheme on the whole was not considered to present any demonstrable visual or design impacts. The development was considered to align with the objectives of the Havering Local Plan 2016-2031, the NPPF and the London Plan 2021.

The external changes are limited to the provision of a window at ground floor level in a location where a window existed in the original building. The changes proposed viewed in the round are not considered to be objectionable and would be consistent with earlier decision making.

IMPACT ON AMENITY

Policy 7 of the Havering Local Plan 2016-2031 (HLP) states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents. This policy is to be read in conjunction with Policy 26 however the objectives are reflected in Policy 34 also which states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.

The matter of increased occupancy (one person) is not material in the context of the earlier approval. The main impacts are limited to the alterations to the openings at ground floor level and other design features as the massing would remain consistent with the earlier approval, which was itself subject to several revisions to make it acceptable. The provision of a roof-lantern in the flat roofed projection would not present as overbearing or unacceptably increase bulk and the window at ground floor level in the flank replicates broadly the location of an existing opening. It would give rise to a similar relationship as observed in the opposing flank. It is not considered reasonable to require that it is obscurely glazed.

An additional condition will be imposed removing the provision of additional openings as it was noted that this was absent from earlier decision making. This is considered to meet with the tests of the Framework.

HIGHWAY/PARKING

The proposals do not raise any new considerations in terms of parking/highway safety.

KEY ISSUES/CONCLUSIONS

For the reasons above and within this report and after having regard to all relevant policy and material considerations APPROVAL is recommended accordingly.

RECOMMENDATION:

It is recommended that **planning permission be GRANTED** subject to the following condition(s)

1 Time limit 3yrs

The development to which this permission relates must be commenced not later than May 11 2024.

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 set out on page one 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

External materials/finishes and detailing shall be carried out strictly in accordance with the details outlined and approved under ref Q0167.22 unless otherwise agreed in writing with the Local Planning Authority

Reason:-

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area..

4 Landscaping

Hard soft landscaping shall be carried out strictly in accordance with measures agreed under Q0167.22. 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:-

To ensure that the development achieves a satisfactory level of landscape quality.

5 Refuse and recycling

Prior to first occupation of the dwellings hereby permitted refuse and recycling facilities agreed under ref Q0167.22 shall be implemented and shall be permanently retained thereafter.

Reason:-

To protect the amenity of occupiers of the development and also the locality generally.

6 Cycle Storage

Prior to first occupation of the dwellings hereby permitted cycle storage facilities agreed under ref Q0167.22 shall be implemented and shall be permanently retained thereafter.

Reason:-

In the interests of providing a wide range of facilities for non-motor car residents and sustainability.

7 Non Standard Condition 1

Hard surface porous/run-off - application site - All hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.

Reason: In order to ensure no water run-off from the hard surface which would contribute to risk of flooding.

8 Non Standard Condition 2

Prior to first occupation of the dwellings hereby permitted boundary treatment as agreed under ref Q0167.22 shall be installed and maintained thereafter permanently to the satisfaction of the Local Planning Authority.

Reason:

To protect the visual amenities of the development and prevent undue overlooking of adjoining property.

9 Non Standard Condition 3

Hours of construction: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; 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.

10 Non Standard Condition 4

Car parking: Prior to the first occupation of the proposed dwelling hereby approved, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation 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 Policy 24 of the Havering Local Plan.

11 Non Standard Condition 5

Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy SI 5 of the London Plan..

12 Non Standard Condition 6

The proposed window located in the western elevation at first floor level shall be permanently glazed with obscure glass not less than Level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut and thereafter maintained, with the exception of any top hung fanlights.

Reason:-

In the interests of privacy.

13 Non Standard Condition 7

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future.

INFORMATIVES

1 Approval - No negotiation required

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework.

2 Approval and CIL

Contributions would be required under CIL regulations. The proposals, disregarding existing floor-space would result in a net increase of 91m² having regard to the increased habitable area in the roof (+9 sqm over original).

This would translate to a Mayoral CIL (MCIL2) contribution of £2275 (x £25 per sqm).

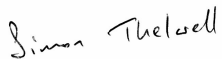
As of September 1st 2019, Havering adopted its on community infrastructure levy (HCIL) which has a chargeable rate of £125 per sqm in this location. This translates to a contribution of £11,375.

Each contribution would be subject to indexation.

These charges are levied under s.206 of the Planning Act 2008. 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. You are also advised to visit the planning portal website where you can download the appropriate document templates at

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Authorising Officer:



Simon Thelwell

9th June 2023