

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: J0003.24

WARD: St Andrew's **Date Received:** 25th January 2024

ADDRESS: 1-24 Neale Court
Upminster Road
Upminster

PROPOSAL: Application for prior notification of development of one additional storey above the existing building comprising 5 x 1 bedroom, 1 person self-contained residential flats (Class C3), parking and associated storage

DRAWING NO(S): 000 Revision 00
001 Revision 01
002 Revision 00
003 Revision 02
101 Revision 01
102 Revision 00
121 Revision 00
122 Revision 00
201 Revision 09
202 Revision 03
221 Revision 03
222 Revision 03
300 Revision 02
301 Revision 01
302 Revision 00
Neale Court/RM11-3XP Design & Access Document, 23/234-6001-R02
March 2024

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

SITE DESCRIPTION

The site comprises of No.'s 1-24 Neale Court, Upminster Road, Upminster, which is a three storey block of flats. There is a car park to the rear of the site. A two storey detached block of flats with accommodation in the roof space comprises of No.'s 1-7 Lees Manor Court, which is located to the north west of the site. There is a two storey semi-detached property at No. 59 Upminster Road, which is located to the south east of the site. Havering Sixth Form College is located to the north east of the site. There are residential properties in Wingletye Lane, which back onto the rear part of

the site.

There are two storey semi-detached residential dwellings located opposite the site. Ground levels slope downhill in Upminster Road on a north west to south east axis. There is a Tree Preservation Order- TPO 3-71 at Neale's Court, which is a group of Acer (Maple) and Lime Trees (T1-T7) located to the front of the site.

DESCRIPTION OF PROPOSAL

This is a Prior approval application under Class A, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the construction of one additional storey above the existing building comprising 5 x 1 bedroom, 1 person self-contained residential flats (Class C3), parking and associated storage.

RELEVANT HISTORY

ES/HOR/1120/56 - Petrol service station - Refused. Appeal refused.

A/HOR/38/59 - 2 advert boards - Approved.

L/HAV/1229/66 - Development of 30 flats - Refused.

1266/67 - Residential development 12 flats - Withdrawn.

545/67 - 3 storey block of 12 flats - Withdrawn.

3/68 - Block of 24 flats and 24 garages - Approved. Neale Court.

3/A/68 - Erection of car port - Approved. Neale Court.

ES/HOR/306/49 - Extension of furniture depository - Approved.

J0035.23	Application for prior notification of development for construction of one additional storey above the existing building to provide 6no. residential flats (Class C3), parking and associated storage Prior App COU Refuse 04-12-2023
W0223.22	Front Single storey extension and two-storey extension to rear, providing 10 new 1-bedroom apartments. Awaiting Decision
T0005.21	Front of property are located 6 lime trees with we believe they have TPO and we would like to pollard them. We would like to pollard or reduce by 30% all 6 lime trees. Photos and report would be provided with this application. Withdrawn 22-03-2021
T0028.19	T1 - T5 Lime trees - Reduce height and width of crown to previous points, as part of good tree practice and maintenance. Tree Work App + Cond 05-04-2019
T0108.15	The lime trees that are to the front of the flats are overhanging the street and warrant pruning to reduce the crowns by 2-3m. Tree Work Refused 02-02-2016
T0007.15	Lime Trees T1-T5 Reduce height to previous pruning points.

CONSULTATIONS/REPRESENTATIONS

The application has been advertised by means of a site notice and notification letters have been sent to 68 neighbouring occupiers. One letter of support has been received. 24 letters of representation have been received with detailed comments that have been summarised as follows:

- The exterior design of the proposed extension isn't in keeping with the original style of the building.
- Overdevelopment of the site and surrounding areas.
- The existing residents have allocated parking bays.
- Pressure on utilities.
- It is alleged that the proposed flats will be sold without allocated parking.
- Parking.
- The impact of building work and disruption on neighbouring amenity, including noise.
- Ageing drains, roofs, crumbling brickwork and render.
- Loss of privacy.
- Overlooking.
- Noise.
- There is no additional parking for extra cars.
- There is no provision for visitor parking.
- No work will be done to change the look of the existing flats.
- The parking bays located in front of the entrances are for emergency services, tradesmen, deliveries and visitors.
- The driveway should be kept clear for emergency services and to provide access for leaseholders.
- There is some asbestos in the communal areas and on the white panels on the outside of the building.
- Air pollution
- Loss of light/sunlight and overshadowing (including to neighbouring properties and their rear gardens).
- The height of the additional flats would be significantly out of place in the residential street.
- Object to the loss of six parking spaces for visitors in the communal area of Neale Court.
- The entrance and exit would be blocked due to no space for delivery drivers to park.
- Concerns regarding the lack of space for vehicles (including refuse collection vehicles and those larger than a standard van) to access, manoeuvre within and exit the site.
- Access for emergency vehicles.
- The visual impact, height, bulk, mass and density of the proposal would alter the character and appearance of the surrounding area and appear incongruous.
- The scale, bulk, mass, width and position of the proposed development would be an overbearing feature, result in a sense of enclosure and be detrimental to the site boundaries and neighbouring properties.
- Noise from additional vehicles.
- Traffic and congestion.
- Impact on residential amenity.
- Pedestrian safety.
- Concerns that the cycle storage will reduce the communal amenity space.
- The application would set an undesirable precedent.
- The proposal relocates a storage unit to the far left hand corner of the rear block of the building. This area is used as a narrow footpath, which connects the small rear lawn that houses 3 washing

lines to the car park. Concerns that the passes is not large enough to facilitate a bicycle store.

- The trees to the front of the site would have to be cut down too much.
- Damage to existing mature trees and shrubs.
- Impact on infrastructure.
- The proposed extension would not integrate with the streetscene contrary to Policies 7 and 26 of the Havering Local Plan.
- Structural support that will be required while the building is underpinned and systems such as drainage being connected would impact on the light and privacy of existing residents.
- Fire safety concerns.
- Health and safety issues.
- There are no plans for a second staircase to meet new fire regulations.
- The proposed provisions for storage and parking far exceed the reasonable development of the site.
- Drainage.
- The proposal would affect the quality of life of existing residents contrary to Policy 7 of the Havering Local Plan.
- Loss of views.
- Comprehensive community consultations should take place before approving this application.
- The weight of any building on top of the current roof and information on load bearing details.
- Concerns regarding accessibility, as the additional floor will create a 4-storey building without a lift contrary to Policy 26 of the Havering Local Plan.
- The layout and size of the proposed flats would provide poor quality living accommodation.
- It is alleged that there are four (not five) visitor car parking spaces. Increasing this to 5 parking spaces would make parking extremely tight/difficult.
- Impact on sewage pipes.
- Concerns that additional enhancement costs will be passed on to leaseholders.
- The visual impact of the cycle storage and the noise from people using it.
- The roof space has not be surveyed. The flats may be smaller than the required NPPF standards.
- The proposal fails to consider Policy 5 of the Havering Local Plan, which prioritises the provision of family housing.

In response to the above comments, the proposed site plan shows the provision of five car parking spaces. Comments regarding drains, sewage pipes, pressure on utilities, enhancement costs, loss of views and no work to the existing flats are not material planning considerations. Fire safety, drainage, asbestos and structural support are covered under Building Regulations. The proposal is a Prior Approval application and as such, there is no requirement to provide family housing. The application has been advertised by means of a site notice and notification letters have been sent to 68 neighbouring occupiers. Each prior approval/planning application is determined on its individual planning merits.

Anglian Water - The Planning and Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more.

Street naming and numbering - The application will require to be street named and numbered.

Thames Water - No comments.

London Fire Brigade - No further observations to make. No additional fire hydrants are required.

Streetcare Department - Please ensure that there is 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 Department provided the following comments:

Air Quality- It is recommended that the standard provision for EVC is secured by condition due to the additional off street parking provision. It is recommended that, in accordance with the Council's standard requirements for air quality neutral, the remaining spaces are provided with passive EVC provision.

It is recommended that the standard requirement for low Nox boilers should also be included, to ensure that the development complies with the air quality neutral requirements for the building emissions.

Officer response: Air quality is not covered under Prior Approval legislation.

Contaminated land - No issues here.

Noise - Recommend conditions regarding a road noise assessment and hours of construction if minded to grant Prior Approval.

Highway Authority - Following a careful review of the documents provided to the Highway Authority as part of the above planning application, no significant adverse effect upon the Public Highway should result from the proposal, should it gain benefit of planning permission.

RELEVANT POLICIES

Class A, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2015 (as amended).

MAYORAL CIL IMPLICATIONS

The proposal would be liable under the Mayoral and Havering CIL regulations for the creation of 270sq.m additional floor space.

MCIL - £6,750

HCIL - £33,750

Total = £40,500

STAFF COMMENTS

Staff comments:

This application is a resubmission of prior approval application J0035.23 for the construction of one additional storey above the existing building to provide 6no. residential flats (Class C3), parking and associated storage, which was refused on the following ground:

1)The cumulative impact of the proposed development would, by reason of its height, scale, bulk, mass, siting, materiality and fenestration, combined with the width of the building and the change in ground levels, appear incongruous, overbearing, dominant, visually intrusive and out of character in the streetscene and the surrounding area. Consequently, under the provisions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2021 , the prior approval of the Local Planning Authority is refused.

Prior Approval application J0035.23 is subject to an appeal, which has yet to be determined.

The issue in this case is whether the revised proposal overcomes previously stated concerns.

-The original set back of the additional storey from the front and side elevation of the building had been reduced from 1m to 0.5 metres.

-The fenestration has changed.

During the course of the application, negotiations took place with the agent and the plans were amended as follows:

-The number of flats was reduced from six to five.

-The proposal incorporates a full mansard roof that is set in 1m from the front, side and rear elevations of the building (with the exception of the rear stairwells).

-An existing second floor plan has been provided.

-The proposed third floor plan was amended to show showers, not baths.

-Relocate the shower room door from the bedroom to the living, kitchen & dining room for Units B & D.

-Reduce the size of the shower room to accommodate the storage 1m² for Units A & E.

-The internal layout of Unit C was amended to provide a single bedroom and the living room was enlarged.

-There are four car parking spaces for the proposed flats and one car parking space for visitors.

-The window frames should match the colour of the material of the mansard roof.

During the course of the application, the description of the proposal was amended to: "Application for prior notification of development of one additional storey above the existing building comprising 5 x 1 bedroom, 1 person self-contained residential flats (Class C3), parking and associated storage". It was not deemed necessary to re-consult neighbours regarding the revised description and plans, the changes have helped to reduce the bulk and mass of the proposal and the number of units has been reduced from six to five.

An in-person site visit was undertaken. Site photos were provided by the agent in support of the application. 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 A, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (or any Order revoking and/or re-enacting that Order for the construction of one additional storey above the existing building comprising 5 x 1 bedroom, 1 person self-contained residential flats (Class C3), parking and associated storage.

Class A - New dwellinghouses on detached blocks of flats

Permitted development

A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all - (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access and egress to access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

A.1. Development is not permitted by Class A if-

(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule;

(b) above ground level, the building is less than 3 storeys in height;

(c) the building was constructed before 1st July 1948, or after 5th March 2018;

(d) the additional storeys are constructed other than on the principal part of the building;

(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of-

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

(f) the new dwellinghouses are not flats;

(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;

(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to-

- (i) strengthen existing walls;
- (ii) strengthen existing foundations; or
- (iii) install or replace water, drainage, electricity, gas or other services;

(k) in the case of Class A.(b) development there is no existing plant on the building;

(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

(m) development under Class A.(c) would extend beyond the curtilage of the existing building;

(n) development under Class A.(d) would-

- (i) extend beyond the curtilage of the existing building;
- (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
- (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

(o) the land or site on which the building is located, is or forms part of-

- (i) article 2(3) land;
- (ii) a site of special scientific interest;
- (iii) a listed building or land within its curtilage;
- (iv) a scheduled monument or land within its curtilage;
- (v) a safety hazard area;
- (vi) a military explosives storage area; or
- (vii) land within 3 kilometres of the perimeter of an aerodrome.

Conditions

A.2.- (1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to-

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012¹⁸⁹ issued by the Secretary of State, and
- (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) Any development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(3) Any development under Class A is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(5) The notification referred to in sub-paragraph (4) must be in writing and must include-

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(6) Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

The following criteria have been assessed as follows:

A.1. Development is not permitted by Class A if-

(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule;

(b) above ground level, the building is less than 3 storeys in height;

The building is three storey.

(c) the building was constructed before 1st July 1948, or after 5th March 2018;

According to planning records, planning permission was granted for a block of 24 flats and 24 garages under application 3/68.

(d) the additional storeys are constructed other than on the principal part of the building;

The additional storey will be constructed on the principal part of the building.

(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of-

- (i) 3 metres; or
- (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

The proposed flats would have an internal floor to ceiling height of 2.336 metres and would not exceed the lower of 3m or the floor to ceiling height measured internally of any storey of the

principal part of the existing building.

(f) the new dwellinghouses are not flats;

The dwellinghouses are flats.

(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

The height of the highest part of the roof of the extended building would not exceed 7 metres.

(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;

The height of the highest part of the roof of the extended building would not exceed 30 metres.

(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

The supporting statement states that the development complies with the above criteria.

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to-

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

The supporting statement states that the development complies with the above criteria.

(k) in the case of Class A.(b) development there is no existing plant on the building;

The supporting statement states that the proposal complies with the above criteria.

(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

The supporting statement states that the proposal complies with the above criteria.

(m) development under Class A.(c) would extend beyond the curtilage of the existing building;

The supporting statement states that the proposal complies with the above criteria.

(n) development under Class A.(d) would-

(i) extend beyond the curtilage of the existing building;

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the

existing building;

The supporting statement states that the proposal complies with the above criteria.

- (o) the land or site on which the building is located, is or forms part of-
- (i) article 2(3) land;
- (ii) a site of special scientific interest;
- (iii) a listed building or land within its curtilage;
- (iv) a scheduled monument or land within its curtilage;
- (v) a safety hazard area;
- (vi) a military explosives storage area; or
- (vii) land within 3 kilometres of the perimeter of an aerodrome.

The supporting statement states that the proposal complies with the above criteria.

Conditions

A.2.- (1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to-

- (a) transport and highways impacts of the development;

The Highway Authority was consulted and advised that no significant adverse effect upon the Public Highway should result from the proposal, should it gain benefit of planning permission.

The site has a PTAL of 3. Policy T6.1 of the London Plan has a maximum residential car parking standard of up to 0.75 spaces per 1-2 bedroom dwelling, which equates to 4 spaces. The proposal consists of five, one bedroom, 1 person units (Units A-E). Following negotiations with the agent, there are four car parking spaces for the proposed flats and one car parking space for visitors in the forecourt to the rear of the site, which complies with policy.

A Transport Statement has been submitted, which states that the forecourt to the rear (north) of the Neale Court building currently hosts 24 allocated spaces for the existing 24 flats on site. It is noted that the Transport Statement has not been updated for this application, as it refers to "The proposal involves a single storey upwards extension of part of the existing building, to contain six 1-bed flats" and "a maximum of 4.5 spaces allowed for 6 units", although this has not affected the determination of this application. A swept path analysis shows that drivers would be able to access all of the proposed car parking spaces. The Transport Statement states that "A trip generation assessment was undertaken, which shows a small increase in trips associated with the proposed development. This would result in a small number of additional vehicular trips to and from the site. The site is expected to have a minimal impact on the public highway network and the cumulative residual transport impacts of the proposal would be minimal". It is considered that the proposal would not create any parking or highway issues.

Policy T6 (Car parking) of the London Plan states that: "Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with Policy T6.1 Residential parking". A condition will be imposed stating that: "All residential parking spaces within the development hereby approved shall include provision of infrastructure for electric or Ultra-Low Emission vehicles, of which a minimum of 2 spaces shall have

active charging facilities, with passive provision for all remaining spaces. Such provision is to be made prior to the first occupation of the dwellings hereby permitted.

Reason: Provision prior to first occupation of the proposed dwellings hereby permitted will ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with Policy T6.1 of the London Plan" if minded to grant prior approval.

The Transport Statement states that waste/refuse collection will continue to be collected as per the existing arrangements for the site, with bins brought kerbside for collection. The site's refuse store is located within the car park to the north of the site. Details of refuse storage will be secured by condition if minded to grant prior approval.

Policy T5 (Cycling) of the London Plan has a long-stay standard of 1 space per studio or 1 person, 1 bedroom dwelling and 1.5 spaces per 2 person, 1 bedroom dwelling and 2 spaces per all other dwellings. Policy T5 has a short-stay standard of 2 spaces for 5 to 40 dwellings. A total of 5 long-stay and 2 no. short-stay cycle parking spaces are proposed, which is acceptable. The cycle store is proposed to be located to the rear of the site, adjacent to the communal amenity space. The Transport Statement states that all cycle parking for the development will be covered, secure and safely accessible. Details of cycle storage will be secured by condition if minded to grant prior approval.

(b) air traffic and defence asset impacts of the development;

It is considered that the development would not impact on any air traffic and defence assets.

(c) contamination risks in relation to the building;

The Council's Public Protection Department has no comments to make regarding contaminated land. The proposal would not result in any ground break, as the proposal involves the construction of one additional storey above the existing building comprising 5 x 1 bedroom, 1 person self-contained residential flats (Class C3), parking and associated storage.

(d) flooding risks in relation to the building;

The site is located in Flood Zone 1, land and property in flood zone 1 have a low probability of flooding and the sleeping accommodation is located on the upper floors of the building. The Environmental Agency guidance states that a flood risk assessment is not required if development is in flood zone 1, smaller than 1 hectare and is not affected by sources or flooding other than rivers and the sea, for example surface water drains. As such the proposal complies with this aspect of permitted development.

(e) the external appearance of the building;

The previous Prior Approval application, J0035.23 was refused on the grounds that: "The cumulative impact of the proposed development would, by reason of its height, scale, bulk, mass, siting, materiality and fenestration, combined with the width of the building and the change in ground levels, appear incongruous, overbearing, dominant, visually intrusive and out of character in the streetscene and the surrounding area".

In comparison with J0035.23, the original set back of the additional storey from the front and side elevation of the building had been reduced from 1m to 0.5 metres and the fenestration had changed. During the course of the application, negotiations took place with the agent and the plans were amended as follows: The number of flats was reduced from six to five. The window frames should match the colour of the material of the mansard roof. The proposal incorporates a full mansard roof that is set in 1m from the front, side and rear elevations of the building (with the exception of the rear stairwells). It is considered that the mansard roof and the 1m set in from the front, side and rear elevations of the building has helped to reduce the scale, bulk and mass of the proposal. It is considered that the cumulative impact of the above changes has brought the proposal within the realms of acceptability and would integrate satisfactorily with the character and appearance of the streetscene and the surrounding area.

The plans, Planning Statement and Design and Access statement state that the external elevations comprise a light-grey zinc cladding framed dormer windows. A condition will be imposed stating that "Notwithstanding the details shown on the submitted plans, Planning Statement and Design and Access statement and prior to above ground works, a written specification of external walls and roof materials to be used in the 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: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification prior to above ground works will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area".

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

In comparison with Prior Approval application J0035.23, the internal layout of the flats has changed. All of the flats include an open plan living, kitchen and dining room. It is considered that the habitable rooms of the new dwellinghouses would have adequate natural light taking into account the size and depth of the rooms and the size and number windows and openings for each habitable room.

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

It is noted that the Daylight, Sunlight and Overshadowing Assessment numbers the windows of the neighbouring properties (on pages 10-14) and shows them on Figures 8-10 (the 'window arrangement with VSC results'), but it is not known what rooms these windows serve and if they are primary light sources to habitable rooms. For application J0035.23, the Case Officer contacted the agent and raised concerns regarding the impact of the proposal on the flank windows of Flats 1-7 at Lees Manor Court and requested further information regarding the windows of the neighbouring properties and what rooms these serve. The agent advised via email that: "The Daylight and Sunlight Report confirms that the flank windows located on Lee Manor Court would all comply with the BRE Standards, the scheme would impact one window. This means that the proposed development would not result in an impact on the adjacent occupiers, again with the exception of one window. With windows that pass the testing, it is not necessary to further interrogate the status of the rooms, we have reviewed the status of the window which fails as set out below. In terms of window 9 of Flat 7, the room affected is a small non-dining kitchen which is non-habitable in planning terms, it would still pass the VSC test. The remainder of the flat and habitable rooms experience good levels of light in excess of the BRE Guidelines, as such the scheme would not

result in a negative impact on the living accommodation of Flat 7. On this basis, the proposed development would not result in harmful impact on Lee Manor Court or any other occupiers".

The site is located adjacent to a two storey detached block of flats with accommodation in the roof space comprising of No.'s 1-7 Lees Manor Court, which is located to the north west of the site.

A Daylight, Sunlight and Overshadowing Assessment has been submitted, which shows states that the analysed windows of properties at 59 Upminster Road, 10 Wingletye Lane, existing units at Neale Court (to the front and rear of the building) and Lees Manor Court meet the BRE criteria, with the exception of window 9, which doesn't meet the BRE criteria - this is a first floor flank window located to the rear of Lees Manor Court. The Daylight, Sunlight and Overshadowing Assessment states that "The room which window No. 9 serves is a non-dining kitchen which would be a non-habitable room in planning terms. As shown the other rooms in the flat would achieve high levels of daylight and sunlight, this would not be affected by the development proposal."

For J0035.23, the Case Officer referred to the original microfiche records to obtain the floor plans for 1-7 Lees Manor Court, 51 Upminster Road (which was formerly entitled Dury Falls), which show that the first floor flank window serves a kitchen and is a secondary light source with a window on the rear elevation of this flat. Taking into account the Sunlight, Daylight and Overshadowing Assessment and the floor plans, it is considered that the proposal would not be materially harmful to the flats at 1-7 Lees Manor Court.

There is a two storey semi-detached property at No. 59 Upminster Road, which is located to the south east of the site. Planning permission was granted for a kitchen/lounge extension under L/HAV/447/71, a two storey rear extension under 1656/75 and a first floor extension under application 1108/80 at No. 59 Upminster Road. No. 59 Upminster Road has one small ground floor flank window. It is considered that the extensions to No. 59 Upminster Road combined with the separation distance between No. 59 Upminster Road and No. 1-24 Neale Court would help to mitigate the impact of the proposal.

Given the separation distances between the application building and neighbouring properties, it is considered that the proposal would not be materially harmful to the amenity of neighbouring properties, including overlooking and loss of privacy.

A condition will be imposed to ensure that the proposed windows on the sides (West and East elevations) and rear (North elevation) of the stairwells to Units A-E as shown on Drawing No.'s 201 Revision 09, 221 Revision 03 and 222 Revision 03 shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained in the interests of privacy and to protect the amenity of neighbouring properties.

In comparison with application J0035.23, a second floor plan has been provided and it is considered that the stacking arrangement is acceptable.

The Public Protection Department was consulted and recommend conditions regarding a road noise assessment and hours of construction if minded to grant Prior Approval. A condition will be imposed regarding a road noise assessment to protect the amenity of future occupiers of the flats.

(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012¹⁸⁹ issued by the

Secretary of State, and

It is considered that the development would not impact on a protected view.

(i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

The existing building is 8 metres in height.

(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.

In comparison with Prior Approval application J0035.23, the internal layout of the flats has changed. Following negotiations with the agent, the proposed third floor plan was amended to show showers, not baths to comply with the internal space standards in the London Plan. The shower room door was relocated from the bedroom to the living, kitchen & dining room for Units B & D. The size of the shower room was reduced to accommodate the storage 1m² for Units A & E. The internal layout of Unit C was amended to provide a single bedroom and the living room was enlarged.

The DCLG Technical Space Standards state that the minimum internal space standards for new dwellings is 37m² for a one single bedroom, one person, one storey dwelling with a shower room.

Flats A-E have a gross internal floor space of between 37 and 41.2m², which adheres to the DCLG Technical Space Standard for one single bedroom, one person units. The size and width of the bedrooms of the proposed flats comply with the DCLG Technical Space Standards.

The DCLG Technical Space Standard states that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. The internal floor to ceiling height of the proposed flats is 2.3m and complies with guidance.

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

Notwithstanding the details shown on the submitted plans, Planning Statement dated March 2024 Ref: P1116 and Design and Access Document (Design doc 23/234-6001-R02 March 2024) and prior to above ground works, a written specification of external walls and roof materials to be used in the 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: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification prior to above ground works will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3 PRC (JAG) condition

Notwithstanding the details on the approved plans and prior to the occupation of the development with respect to this prior approval, the details of the refuse and recycling storage as well as cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities and cycle storage shall then be implemented in accordance to the approved details and shall be retained as such thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling and cycle storage 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 the development and also the locality generally.

4 PRC (JAG) condition

No works shall take place in relation to any of the development hereby approved until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed.

Reason: Insufficient information has been supplied with the application to demonstrate how the preserved trees on site will be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust.

5 PRC (JAG) condition

Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out in accordance with Drawing No. 003 Revision 02 and retained permanently thereafter, with four car parking spaces for the residents of the development and one car parking space for visitors 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.

6 PRC (JAG) condition

All residential parking spaces within the development hereby approved shall include provision of infrastructure for electric or Ultra-Low Emission vehicles, of which a minimum of 2 spaces shall have active charging facilities, with passive provision for all remaining spaces. Such provision is to be made prior to the first occupation of the dwellings hereby permitted.

Reason: Provision prior to first occupation of the proposed dwellings hereby permitted will ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with Policy T6.1 of the London Plan.

7 PRC (JAG) condition

Prior to the commencement of any development, an assessment shall be undertaken of the impact of noise emanating from Upminster Road upon the development. Reference should be made to the "good" standard to be found in the World Health Organisation Guidelines for Community Noise 1999 and BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. Reference should also be made to the Acoustics Ventilation & Overheating Residential Design Guide 2020. Following this, a scheme detailing measures, which are to protect occupants from transport noise shall be submitted to and approved in writing by the Local Planning Authority. It shall be implemented and validated prior to occupation.

Reason: Insufficient information has been supplied with the application to assess the impact of noise emanating from Upminster Road upon the development. Submission of this detail prior to commencement of any development will protect residents against the impact of noise emanating from Upminster Road and ensure that the development accords with Policies 7 and 34 of the Havering Local Plan.

8 PRC (JAG) condition

Before beginning the development, the developer must provide the Local Planning Authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity.

9 PRC (JAG) condition

The proposed windows on the sides (West and East elevations) and rear (North elevation) of the stairwells to Units A-E as shown on Drawing No.'s 201 Revision 09, 221 Revision 03 and 222 Revision 03 shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained.

Reason: In the interests of privacy and to protect the amenity of neighbouring properties.

INFORMATIVES

1 PRC (JAG) informative - free text

Drawing & document numbers:

000 Revision 00

001 Revision 01

002 Revision 00

003 Revision 02

101 Revision 01

102 Revision 00

121 Revision 00

122 Revision 00

201 Revision 09

202 Revision 03

221 Revision 03

222 Revision 03

300 Revision 02

301 Revision 01

302 Revision 00

Neale Court/RM11-3XP Design & Access Document, 23/234-6001-R02 March 2024

2 PRC (JAG) informative - free text

The addition 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

24th April 2024